



# *Review of Waste Avoidance and Resource Recovery Act 2007*

*Submission by the Waste Authority  
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Contact details:  
Marcus Geisler, Chairman Waste Authority  
[Chairman@wasteauthority.wa.gov.au](mailto:Chairman@wasteauthority.wa.gov.au)





# 1 Executive Summary

The Waste Authority broadly supports the Discussion Paper's comments and proposals. In particular, the Waste Authority:

## Waste groups

- 1 Supports the establishment of statutory waste group(s) with compulsory local government membership.
- 2 Supports the role of a waste group being the procurement of waste processing services (and collection of MSW if requested by its members).
- 3 Supports requiring a waste group to develop a waste management plan and operate in a manner that is consistent with the statutory State waste infrastructure plan and support achievement of Waste Strategy targets.
- 4 Submits it would be preferable for there to be a single waste group for the Perth metropolitan and Peel regions. This would be preferable for economies of scale and to best geographically serve the metropolitan and Peel regions. The Waste Authority acknowledges there might be a preference for 3 waste groups reducing to 1 over a defined time period.
- 5 Supports the future extension of the waste group approach outside of the Perth metropolitan and Peel regions when appropriate to most effectively manage regional waste flows.

## Waste planning

- 6 Supports amending the WARR Act to provide for a statutory State waste infrastructure plan, to which waste group plans and local government waste plans are linked, including determining the requirements for landfilling of wastes.
- 7 Supports amendments to the WARR Act to require a waste group and local governments to prepare plans which align the waste services that they provide and the contracts that they enter into with a State waste infrastructure plan, Waste Strategy targets or codes of practice.
- 8 Supports having a State entity develop the State waste infrastructure plan and approve waste plans produced by local governments and waste groups. The Waste Authority should be responsible for developing the State waste infrastructure plan and approving local government plan. Waste group plans should be submitted to the Waste Authority for review and recommendation to the Minister for approval every five years, or sooner, if directed by the Waste Authority,



- 9 Proposes that waste considerations be more directly integrated into the State's statutory land use planning and environmental impact assessment processes, to achieve the Waste Strategy targets and the objectives of the WARR Act, in the following 3 key ways:
- WAPC and local governments give due regard to the State waste infrastructure plan and consult with the Waste Authority in respect of waste issues for the development of all regional and local planning schemes and any planning policy documents with waste issues or impacts;
  - the authority responsible for making the planning approval decision should consult with the Waste Authority for any waste processing project development approval applications; and
  - a new State Planning Policy be prepared by the WAPC regarding waste management in consultation, with the Waste Authority to ensure alignment with the Waste Strategy and State waste infrastructure plan.

## 2 Introduction

The Waste Authority provides this submission in response to the Review of Waste Avoidance and Resource Recovery Act 2007 (WARR Act) Discussion Paper (Discussion Paper).

The Waste Authority's primary roles include providing strategic and policy advice to the Government of Western Australia, preparing the Waste Strategy and implementing policies, plans and programs consistent with the Strategy, and applying funding from the Waste and Resource Recovery Account to strategic initiatives.

The Western Australian Waste Strategy: Creating the right environment was published in March 2012. It set strategic objectives and targets for resource recovery.

The Waste Authority is broadly supportive of the Discussion Paper's comments and proposals, to assist the implementation of the WARR Act's objectives and the Waste Strategy.

In particular the Waste Authority supports:

- the establishment of statutory waste group(s) with compulsory local government membership;
- a State waste infrastructure plan and submits that the State waste infrastructure plan should be prepared by the Waste Authority; and
- mandatory waste group and local government waste plans, aligning with the Waste Strategy and State waste infrastructure plan.



These reforms are of fundamental importance to assist the implementation of the WARR Act's objectives and the Waste Strategy.

The Waste Authority sees its role under the WARR Act as a key advisor on waste strategic planning and acting as an enabler for the waste group(s) and local governments to implement the various plans. This submission sets out in more detail how the Waste Authority envisages its role.

## 3 Response to Part 3: WARR Act reform proposals

### 3.1 Local government waste operations

#### (a) Waste groups

The Waste Authority supports:

- the establishment of statutory waste group(s) with compulsory local government membership;
- the role of a waste group being the procurement of waste processing services (and collection if requested by its members to do so). The role of the waste group is commented on further in section 3.1(d) below; and
- the requirement for a waste group to develop a waste management plan and operate in a manner that is consistent with the statutory State waste infrastructure plan and support achievement of Waste Strategy targets. Failure to achieve the targets should have a meaningful consequence.

#### (b) Number and location of waste groups

##### (1) Perth metropolitan and Peel regions

The Waste Authority considers that the establishment of waste groups, with the ability to direct the processing of MSW, will achieve better outcomes for the planning of waste infrastructure. The better outcomes available include alignment of governance and planning, economies of scale (commercially and geographically), improved environmental outcomes (reduced facility impact and great sustainability through better waste management) and greater flexibility.

The waste groups should be formally established as statutory authorities, separate from local governments. The formal establishment, independent of the Local Government Act, will assist in specifically describing their objectives and powers.





The Waste Authority submits that there should be a single waste group for the Perth metropolitan and Peel regions. This would be preferable for economies of scale as larger guaranteed volumes will increase competition in the available technologies and contractors tendering, leading to, more competitive pricing. It would also facilitate a unified approach to strategic planning for waste infrastructure across the metropolitan and Peel regions, similar to the delivery of other utilities.

As a transitional arrangement, the Waste Authority acknowledges that it may be necessary that the establishment of 3 waste groups for the Perth metropolitan and Peel regions, reducing to 1 over a defined time period. If there are multiple waste groups, they must act in a consistent manner (in accordance with the Waste Strategy and State waste infrastructure plan). Further, their functions must be clearly defined, such that they work to support each other and the achievement of the objectives of the Waste Strategy.

The Waste Authority considers that the most important outcome of the waste groups is that they ensure a unified waste collection and processing approach across the entire Perth metropolitan and Peel regions. The Waste Authority submits that this could be co-ordinated through the Waste Planning Group described in section 3.1(e)(8) below. Consistent with the Peel region being included in the waste group system, the landfill levy should also extend to waste received at landfills in or waste collected from the Peel region.

## (2) Outside the Perth metropolitan and Peel regions

The Waste Authority supports the future extension of the waste group approach outside of the Perth metropolitan and Peel regions when appropriate to most effectively manage regional waste flows.

Initially this would be to the major regional centres of:

- the South West, including the City of Bunbury and City of Busselton;
- Kalgoorlie and Coolgardie;
- the Pilbara;
- Albany and surrounds; and
- Geraldton and surrounds.

## (c) Waste collection

The Waste Authority supports local governments remaining responsible for MSW collection in their areas, with the option for the local government to divest responsibility for collection to a waste group. However, the local government's collection methodology must be consistent with and support the aims of the Waste Strategy, as well as being aligned to support the feedstock requirements for planned infrastructure in the region.

To achieve a consistent approach, collection methods of local governments will need to be overseen. This would include initially the requirement to implement the Better Bin system, including complying with the required colour coding and implementing source separation where practicable. Consistency and regulation can be achieved through mandatory local government waste plans, approved by the Waste Authority to ensure alignment with the Waste Strategy. Waste planning is commented on further in section 3.2 below.



#### (d) Waste processing

The Waste Authority supports the role of the waste groups being to co-ordinate and manage the procurement of waste processing services for their region. All MSW waste collected within a region should be owned by the relevant waste group for that region.

The waste group must be able to mix and match waste streams for the most efficient processing, to meet the requirements of the Waste Strategy. In addition, the waste group should be encouraged to attract C&D and C&I waste into the waste stream, and could be offered incentives based on its success of diverting these waste streams from landfill. The waste group is then responsible for the procurement of waste processing services, in a manner consistent with its approved waste management plan. Its contractual arrangements for processing should not preclude the flexibility to direct waste streams to be processed in the most efficient manner over time having regard to the Waste Hierarchy.

The Waste Authority acknowledges that private sector processing services will be fundamentally important and should be the norm. There should be a plan to transition out of existing local or regional government operated facilities. However, the Waste Authority also acknowledges that processing services could be provided by a local government, a waste group itself or potentially other non-private sources where it is impractical for the private sector to do so.

The procurement of processing services must be undertaken in accordance with the mandatory waste group waste management plan, approved by the Waste Authority to achieve alignment with the Waste Strategy and State waste infrastructure plan (as further considered in section 3.2 below).

The Waste Authority envisages that it could have a role to facilitate the procurement of waste processing services from the private sector, similar to the Victorian model. The Waste Authority's role would be to run a procurement process on behalf of a waste group, with the contract ultimately being entered into by the waste group or the participating local governments. This would deliver the benefit of centralised procurement expertise for waste processing services, consistent with and delivering to the objectives of the Waste Strategy developed by the Waste Authority.

#### (e) Waste group governance

The Waste Authority submits that the WARR Act should provide that:

- (1) Focus: a waste group has an overriding obligation to act to implement the Waste Strategy and achieve its targets;
- (2) Board: a waste group be governed by a board. The appointment process should operate similar to the Victorian model discussed below. In particular:
  - (A) representatives need not be elected members of the local government, which is also consistent with the regional subsidiaries model proposed by the Local Government Legislation Amendment Bill 2014. This would assist to ensure the waste group board has waste focused expertise; and
  - (B) board member nominations by local governments should be considered by the Minister on recommendation from the Waste Authority;



- (3) Chair: the board be chaired by a member of the Waste Authority, who would not have voting rights. This would assist the waste group to align with the Waste Strategy and State waste infrastructure plan;
- (4) Waste management plan: a waste group must prepare a waste management plan:
  - (A) every five years; or
  - (B) sooner, if directed by the Waste Authority,

identifying waste diversion targets and actions to achieve those targets, consistent with the Waste Strategy and State waste infrastructure plan. The plan would be approved by the Minister after review and recommendation by the Waste Authority to ensure alignment with the Waste Strategy and the State waste infrastructure plan;

- (5) Business plan: a waste group must prepare a business plan for every coming year, for approval by the Waste Authority to ensure alignment with the waste management plan, establishing priorities for the year to implement the waste management plan and identifying budget requirements (funding is further considered in section 3.1(f) below);
- (6) Annual report: a waste group must submit an annual report to the Waste Authority, providing relevant statistics for the year and reporting on implementation of the business plan and waste management plan;
- (7) Annual meeting with Waste Authority: a waste group must meet with the Waste Authority every year, to discuss the annual report and business plan; and
- (8) Waste Planning Group: waste groups, together with representatives from the Waste Authority and industry, meet on a periodic basis for input into the strategic planning requirements for waste management. The input would inform the development of the Waste Strategy and the State waste infrastructure plan by the Waste Authority, as described in more detail in section 3.2 below. This Waste Planning Group could be convened under section 18 of the WARR Act.

The Victorian model provides a useful guide for the establishment of the WA waste groups, including that:

- Victorian waste management groups have a board consisting of 8 representatives, with:
- 4 nominated by the local governments through a local government waste forum to the Minister who considers the nominations for a recommendation to the Governor; and
- 4 recommended by the Minister, focusing on the skills, experience and knowledge of the people recommended.

The board members need not be elected members of the local government; and

- limited tendering restrictions apply, compared to the current restrictions on WA local and regional governments.





The waste planning process is further considered in section 3.2 below.

**(f) Waste group funding**

A waste group would be funded by the local government members. The Waste Authority may use the WARR Account to give grants and incentive payments for achieving waste management plan targets. The Waste Authority proposes to have a Waste Sector Development division, which will manage the Waste Authority's grants program.

To further assist with the management of one-off costs often associated with the procurement of waste processing facilities and enable the strategic procurement of infrastructure, the Waste Authority proposes to provide waste processing procurement services, which a waste group may utilise. The above services may be funded by the Waste Authority through its allocation of the waste levy.

## 3.2 Waste planning

**(a) Response to Discussion Paper proposals**

The Waste Authority supports the proposals to:

- amend the WARR Act to provide for a statutory State waste infrastructure plan, to which waste group plans and local government waste plans are linked, including determining the requirements for landfilling of wastes;
- amend the WARR Act to require a waste group and local governments to prepare plans which align the waste services they provide and contracts that they enter into with a State waste infrastructure plan, Waste Strategy targets or codes of practice. The Waste Authority considers codes of practice should only be relevant to the extent they are referenced in the State waste infrastructure plan or Waste Strategy; and
- have a State entity develop the State waste infrastructure plan and approve waste plans produced by local governments and waste groups. The Waste Authority should be responsible for developing the State waste infrastructure plan and approving local government plans, given that it is responsible for development and implementation of the Waste Strategy. Waste group plans should be submitted to the Waste Authority for review and recommendation to the Minister for approval, with:
- incentives or penalties if a plan is not submitted or implemented; and
- the Waste Authority to prepare a waste group's plan (for Ministerial approval) if the waste group does not do so, with cost recovery from the waste group.

The Waste Authority broadly agrees with the Discussion Paper's observations about waste planning and infrastructure issues.



## (b) Preparation of plans

### (1) Summary

The Waste Authority submits that the plans be prepared as follows:

Plan	In accordance with	Timing	Prepared by:	Approved by:
State waste infrastructure plan	Waste Strategy	At the same time as Waste Strategy revisions: <ul style="list-style-type: none"><li>• whenever directed by the Minister; or</li><li>• otherwise, every 5 years.</li></ul>	Waste Authority	The Minister
Waste group management plan	Waste Strategy and State waste infrastructure plan	Whenever directed by the Waste Authority; or  otherwise, every 5 years,  following revisions of the Waste Strategy and State waste infrastructure plan.	Waste group	The Minister
Waste group business plan	Waste group waste management plan	Annually	Waste group	Waste Authority
Local government waste plan	Waste Strategy, State waste infrastructure plan and waste group waste management plan	Whenever directed by the Waste Authority; or  otherwise, every 5 years,  following revisions of the waste group waste management plan.	Local government	Waste Authority

### (2) State waste infrastructure plan

The Waste Authority is the most appropriate State entity to prepare the State waste infrastructure plan, within the Waste Authority's functions under the WARR Act. In particular, it will be essential to ensure the State waste infrastructure plan is prepared in accordance with and to support the Waste Strategy.

It would be most efficient if the timing of the State waste infrastructure plan coincided with the Waste Strategy revision timing.

### (3) Waste group waste management plan

Waste group waste management plans should be submitted to the Waste Authority for review and recommendation to the Minister for approval.

The Waste Authority is the most appropriate State entity to review the plans, within the Waste Authority's functions under the WARR Act, including to ensure consistency with the Waste Strategy and State waste infrastructure plan.

It would be most efficient if the timing of the waste group waste management plans followed the Waste Strategy and State waste infrastructure plan revision timing.



#### (4) Waste group business plans

These plans should be prepared annually by a waste group and submitted to the Waste Authority for approval. The plans would establish priorities for the year to implement the waste management plan and identifying budget requirements (funding is further considered in section 3.1(f) above). This function is similar to the Waste Authority business plans currently required under the WARR Act.

The Waste Authority is the most appropriate State entity to approve these business plans, within the Waste Authority's functions under the WARR Act.

#### (5) Local government waste plans

Local government waste plans should be submitted to the Waste Authority for review and approval.

Currently the WARR Act provides for local government waste plans to be prepared on a voluntary basis, or required by notice from the CEO of the department principally assisting in the administration of the WARR Act. The Waste Authority considers this role would best sit with the Waste Authority, which it could delegate if appropriate.

It would be most efficient if the timing of the local government waste plans followed the waste group waste management plan revision timing.

### (c) Content of plans

#### (1) State waste infrastructure plan

The State waste infrastructure plan should implement Strategic objective 1 of the Waste Strategy, to initiate and maintain long-term planning for waste and recycling processing, and enable access to suitably located land with buffers sufficient to cater for the State's waste management needs. In particular the plan will focus on determining the waste management infrastructure required to meet the needs of the Perth and Peel '3.5 million city' and to assist in achieving the targets of the Waste Strategy. The plan should be forward looking and overcome a reactive approach to planning for waste infrastructure.

To achieve these aims, the plan should provide a short, medium and long-term (30 to 50 years into the future) plan for waste management infrastructure in Western Australia. It should include:

- consideration of State-wide waste infrastructure (including additional supporting infrastructure) requirements, to manage forecast waste volumes and achieve the Waste Strategy targets;
- identification of potential and preferred sites for development of new waste facilities, including opportunities for co-location, waste precincts and industrial ecology. These should be designated in a map for the Perth metropolitan and Peel regions and supported through the planning process described in section 3.2(d)(1) below by reservations of the relevant land for waste processing purposes (together with the preservation of required buffers). Plans may be outlined for the State to facilitate strategic locations;





- identification of waste processing minimum requirements relevant to waste processing infrastructure – which waste group waste management plans and processing arrangements must align with; and
- identification of waste collection service requirements relevant to waste processing infrastructure, for example source separation – which Local government waste plans and collection services must align with.

This plan and the Perth metropolitan and Peel infrastructure map will complement the statutory land use planning system, as considered in section 3.2(d) below.

## (2) Waste group waste management plans

These plans must align with the Waste Strategy and State waste infrastructure plan. They must include short, medium and long term planning to achieve the Waste Strategy targets, in consideration of the State waste infrastructure plan, for waste managed by the waste group.

The plans must set waste diversion targets and actions to achieve those targets, consistent with the Waste Strategy and State waste infrastructure plan. The Discussion Paper suggested that a waste group plan should include planning for landfill capacity in the waste group's region. However, that may not be possible given the policy prohibiting new putrescible landfills on the Swan Coastal Plain. Instead a waste group should be required to plan for its long term access to future waste processing facilities, including landfill capacity for its forecast future residual waste stream. This will necessarily require planning beyond the metropolitan and Peel regions.

## (3) Local government waste plans

These plans must align with the Waste Strategy, State waste infrastructure plan and waste group waste management plans.

They must include short, medium and long term planning for waste collection services, including for meeting the requirements set by the State waste infrastructure plan.

## (d) Waste consideration in land use planning and environmental impact assessment processes

Waste considerations should be more directly integrated into the State's statutory land use planning and environmental impact assessment processes, to achieve the Waste Strategy targets and the objectives of the WARR Act.

The Waste Authority proposes the following three key ways for this to occur:

### (1) Strategic waste infrastructure planning

The Waste Authority proposes that the Western Australian Planning Commission (WAPC) and local governments refer to the State waste infrastructure plan and consult with the Waste Authority in respect of waste issues for the preparation of regional and local planning schemes and other planning studies and policies. In particular the Metropolitan Region Scheme and Peel Region Scheme and the State waste infrastructure plan map for the Perth metropolitan and Peel regions should be consistent.



The Waste Authority should also be consulted about waste issues by:

- the WAPC or other relevant planning agencies for the development of any planning policy documents; and
- by the Environmental Protection Authority (EPA) and Department of Environment Regulation (DER) for any environmental policy documents.

A key objective of identifying waste processing locations would be to streamline the development approval process for those locations, where relevant requirements have been identified (including buffers and transport connectivity for those sites).

## (2) Waste processing project development approval applications

The responsible authority should consult with the Waste Authority for any waste processing project development approval applications. The Waste Authority will consider and provide advice on the proposed development, in consideration of the Waste Strategy, State waste infrastructure plan and relevant waste group waste management plans. One matter this would also consider would be the proper geographic spread of waste processing facilities.

The Waste Authority should also be consulted by the EPA where a waste processing project is subject to Environmental Protection Act 1986 Part IV assessment and by the DER where subject to Part V prescribed premises assessment.

## (3) Waste management for new developments

Consideration of developments, for example new large residential, office and commercial developments with material waste flows and commonly constrained areas. In particular the focus has been on the interface with waste collection, especially for source separation. There has been a trend of development approval conditions requiring proponents to prepare waste management plans.

The Waste Authority suggests that a State Planning Policy be prepared by the WAPC regarding waste management for new developments. The Waste Authority should be involved in this policy formulation, including to ensure alignment with the Waste Strategy and State waste infrastructure plan.

Responsible authorities should then consider these policies and plans, and particularly that a new development is consistent with the relevant local government waste plan in respect of the collection interface.