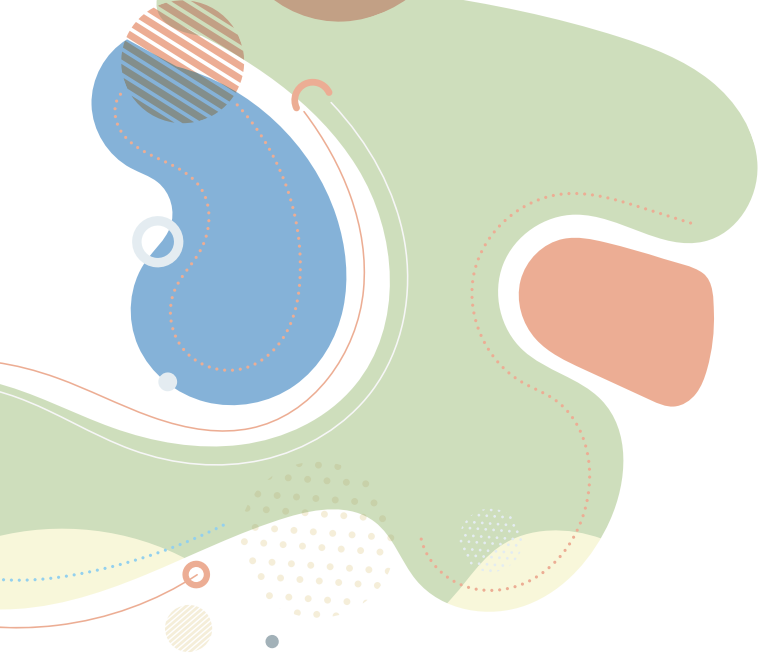




Discussion paper:

# Environmental regulation reform

• A strategic review of regulatory delivery  
and fees for industry regulation



We acknowledge the Traditional Custodians of the land upon which we live and work, and pay our respects to their Elders past and present. We recognise the practice of intergenerational care for Country and its relevance to our work.

We seek to listen, learn and build strong partnerships. We aim to provide genuine opportunities for Aboriginal people within our workforce and through our business.

### Department of Water and Environmental Regulation

Prime House, 8 Davidson Terrace  
Joondalup Western Australia 6027  
Locked Bag 10 Joondalup DC WA 6919

Phone: 08 6364 7000  
Fax: 08 6364 7001  
National Relay Service 13 36 77

[dwer.wa.gov.au](http://dwer.wa.gov.au)

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September 2022

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# 1. Our opportunity

The effective regulation of emissions and discharges is fundamental to ensuring Western Australia has a healthy environment and secure water resources for future generations.

Effective regulation can be described as ensuring the correct level of regulatory intervention relative to potential harm it is seeking to control. A clear understanding of the potential environmental impacts of a proposed activity is required to ensure those impacts are managed appropriately.

The *Environmental Protection Act 1986* (EP Act) and associated regulations provide the legislative framework for how emissions and discharges from certain activities are considered and controlled.

The reform of Schedule 1 (Schedule 1) of the *Environmental Protection Regulations 1987* (EP Regulations) provides a fantastic opportunity not only to consider the scope of activities that require regulation because of their emissions and discharges but also how best to regulate those emissions and discharges.

We recognise that ineffective regulation can increase costs and create difficulties in doing business. Ineffective regulation can also direct resources to low environmental risk activities, leaving higher environmental risk inadequately addressed. Ensuring regulatory interventions are proportionate to risk will enable regulation that is both effective and efficient.

Our vision for a regulatory framework for emissions and discharges is one whereby the level of regulatory intervention is proportionate to risk, and the way we regulate activities is fit for purpose, streamlined and effective. It is serviced by a spectrum of interventions from general regulations for those activities where risks are known and well understood, to case-by-case assessment of impacts for larger or complex projects.

Environment Online will transform how we deliver our regulatory services, and we want to ensure we also transform how we regulate.

We are seeking to work collectively with our stakeholders to not only reflect on our previous approach but to look forwards to ensure we achieve our vision for our future regulatory model.

We invite you to come on this journey with us.



## 2. Introduction

The passing of the *Environmental Protection Amendment Act 2020* (EP Amendment Act) in November 2020 resulted in the most significant reform of Western Australia's environmental legislation in 30 years.

The amendments improve regulatory efficiency and effectiveness and facilitate the implementation of the bilateral agreements under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* to deliver better environmental protection and sustainable development outcomes.

The amendments are being implemented in stages. Provisions for compliance and enforcement started in February 2021, while changes to environmental impact assessment and the clearing provisions started in October 2021.

The third stage to be proclaimed includes the regulation of emissions and discharges under Part V Division 3 of the EP Act.

The three main reforms resulting from the amendments to Part V Division 3 are:

- regulation of prescribed activities rather than prescribed premises under a licence
- removal of the requirement for a separate works approval
- removal of the registration of premises regime.

These reforms require amendment of Schedule 1 of the EP Regulations to replace prescribed premises with prescribed activities and creation of a new fees framework to support these changes. It is intended that draft regulations will be prepared for further consultation during 2023 and finalisation in December 2023.

To ensure that the benefits of the legislative amendments are realised in a timely way, and to support a strategic overhaul of our regulatory approach, this discussion paper will seek to capture views and ideas that will support changes in the short term and in the longer term.

This paper identifies the changes necessary to bring the third stage of the EP Amendment Act provisions into force by the end of 2023, along with opportunities for reforming change that can be implemented in the future. It foreshadows and seeks stakeholder views on further improvements that could be implemented through a program of regulatory reform that would extend beyond 2023.

The State Government's Streamline WA initiative is aimed at ensuring a culture of continuous improvement in regulatory practice is fostered. The EP Act reform and the approach of this paper is consistent with the direction of Streamline WA.

This review provides an opportunity to reflect on our current approach, review approaches taken in other jurisdictions and ensure that:

- our future regulatory scope and regulatory mechanisms are risk-based, protect the environment and public health, support innovation and make it easier to do business
- our future Part V fees model provides income to support an effective pollution prevention and licensing service that meets the needs of our stakeholders and protects the environment and public health.

## 3. Reform context

The State Government is committed to making it easier to do business in Western Australia and improving environmental outcomes through better regulation, facilitating Environmental, Social and Governance (ESG) initiatives, driving the digital transformation of regulatory agencies, regulating to better practice and increasing cost recovery of services so that taxpayers do not bear the costs.

### 3.1 More effective regulation

Streamline WA is a whole-of-government initiative to make it easier to do business in Western Australia by improving regulation and regulatory practice.

The State Government aims to build a 'one sector' mindset and improve service delivery to ensure that:

- Western Australians are confident that risks are well managed
- regulatory requirements are clear and easy to understand
- our decision-making addresses risks and focuses on outcomes
- our decision-making is timely and transparent
- we apply regulation consistently, and reduce overlap and duplication
- we adopt a customer-focused approach to service delivery

- government information, applications and processes are available online for maximum efficiency.

The Council of Regulators was established by the Premier in May 2021 and works closely with the Streamline WA Steering Committee to oversee State Government investment in regulation and in improving collaboration across government and with industry.


### 3.2 Digital transformation

*The Digital Strategy for the Western Australian Government 2021-2025* aims to change the way our community interacts with government.

Environment Online is one of the Department of Water and Environmental Regulation's (the department) initiatives under the Digital Strategy and over time will provide a single online platform bringing together all aspects of water and environmental assessments, approvals and compliance.







This one stop shop will allow users to submit, monitor and review submissions and approvals related to native vegetation clearing, industry licences, water licences and permits, waste, and environmental impact assessments.

The development and implementation of Environment Online will be rolled out over the next three years.

The department is committed to ensuring that regulations support doing business in an online environment.

The regulations will facilitate online advertising of applications and decisions, and online consultation processes.

Regulations will also provide for online public registers and online payment and management of fees.

### 3.3 Fees and charges

In line with Premier's Circular 2007/11, 2004/05 and Public Sector Commissioner's Circular 2009-12, public sector agencies are required to accurately determine the cost of their services. Treasurer's instruction 810 'Review of Fees and Charges' requires agencies to conduct regular reviews of fees and charges to ensure fees are not being over-recovered.

The Government's *Costing and Pricing Government Services: Guidelines for Use by Agencies in the Western Australian Public Sector* in June 2015 provides guidance to agencies to assist in the determination of the costs of their services and setting of fees and charges. The guideline specifies that in general, fees and charges should be set at a level that reflects the full costs of providing the services. In line with this guideline, the full cost of a service must be determined by considering all of its components, i.e. its direct and indirect costs.

A significant component of this regulatory reform involves the restructure of the fee model currently found at Schedule 3 and 4 of the EP Regulations (Part V Fee Model). Sections 6.3 and 6.4 of this paper discuss options for reform of the Part V Fee Model.

### 3.4 Stakeholder feedback

The department engages with its key stakeholders through peak body meetings and through stakeholder groups and through our annual customer survey.

Key feedback reflected from stakeholders includes a focus on:

- a streamlined, efficient and effective regulatory approvals process
- reduced regulatory burden
- removal of regulatory duplication
- clarity of regulatory requirements
- effective control of risks to the environment and public health.

## 4. Reform roadmap

### 4.1 Future-focused regulation

This reform program will enable the department to focus on how best to manage environmental risks into the future. The changes proposed in this paper can all be enacted via changes to regulation or the creation of new regulations.

We are committed to promulgating the amendments to the EP Regulations, publishing the framework and supporting documentation, and clearly implementing the new regulatory framework.

The department intends to undertake the reforms envisaged in this paper in phases, with Phase 1 being delivered by December 2023. Each phase will incorporate meaningful engagement with industry stakeholders.

Section 5.3 of this paper sets out nine proposals, in respect of which the department seeks stakeholder feedback.

### 4.2 Levers for environmental regulation

The EP Act provides mechanisms and tools to regulate activities to prevent pollution and environmental harm. These include:

- licensing under Part V Division 3; licensing provides a high level of regulatory oversight and control through the assessment of applications and the imposition of licence conditions to prevent, control, abate or mitigate pollution and environmental harm
- implementation of standard risk assessments and licenses for activities which are undertaken consistent with established practices and have well characterised risks associated with their emissions and discharges (Standardised Licences)
- development of general emissions regulations to require authorisation for conduct that might cause pollution or environmental harm and potential removal of further low-medium risk activities that can be effectively regulated under these new regulations (General Emissions Regulations).
- industry specific regulations made under Schedule 2 of the EP Act, which sets out matters in respect of which regulations may be made (Industry Specific Regulations)
- a new capability under the New Part V Division 3 to prescribe sets of standard conditions that may be applied to all licences or specific kinds of licences (Standard Prescribed Conditions Regulations)
- the general offence provisions in the EP Act for pollution, unreasonable emissions, dumping and discharging of waste, and causing serious or material environmental harm (General Offence Provisions).



### 4.3 Initial reforms

It is anticipated that an initial level of the reform will be delivered by December 2023 and will comprise:

- replacing provisions of Part V Division 3 with the provisions of section 61 of the EP Amendment Act (New Part V Division 3)
- removing the current requirement for premises listed in Part 2 of Schedule 1 to apply for a registration. On commencement of the amendments to Part V Division 3 this requirement will be removed. There will be an investigation into whether any of those matters currently requiring registration should be regulated through other levers
- consulting with stakeholders on the proposed restructure of Schedule 1 and proposed reformation of the Part V Fee Model
- restructuring Schedule 1 to move to prescribed activities and to regroup industries in a more cohesive and logical manner; the activity groupings in Appendix

1 provide a conceptual outline of the proposed new structure of Schedule 1 (Proposal 1, 2 and 3)

- removing the requirement for separate works approvals and reforming the licensing regime so that controlled works and prescribed activities are regulated under a single licence
- restructuring the Part V Fee Model in line with the Schedule 1 restructure.
- removing low-risk activities from Schedule 1 where those activities can be effectively regulated under the General Offence Provisions (Proposals 1, 2 and 3)
- developing General Emissions Regulations and removing activities covered by the General Emissions Regulations from the licensing regime (Proposals 1, 2 and 3)
- developing Environmental Performance Objectives (Proposal 4).

### 4.4 Mid-term reforms

Some of the following work may be undertaken before December 2023. However, some of this work will be undertaken in the future phases of the broader reform program outlined in this paper:

- developing Standardised Licences (Proposals 1, 2 and 3)
- driving adoption of Environmental Performance Objectives through development of appropriate guidelines (Proposal 5)
- removing of waste derived material activities from Schedule 1; these activities can only be removed from Schedule 1 once the new waste derived material framework is in place (Proposal 9)
- developing a suite of guidance documents that will evolve over the life of the broader reform program.

## 4.5 Future reform initiatives

Future reform initiatives will include:

- developing Industry Specific Regulations for certain activities and removal of those activities from Schedule 1 (Proposals 1, 2 and 3)
- streamlining regulation of activities across agencies to avoid duplication and support the principles of Streamline WA (Proposals 6 and 7)
- introduction of new activities into Schedule 1 to canvas emerging risks (Proposal 8)
- finalising the suite of guidance documents that cover the broader reform program
- further refinement and restructure of the Part V Fee Model.

We are committed to the continual improvement of our regulatory framework and view the development of varied and fit-for-purpose regulations as an appropriate tool.

## 4.6 Prescribed activities and framework

The department intends to take a consultative approach towards reform. The figure below maps out an indication of the anticipated activities and consultation touchpoints. Future reform will follow a similar trajectory with consultation being highlighted as an important part of the process (see next page).

## 4.7 Fee model

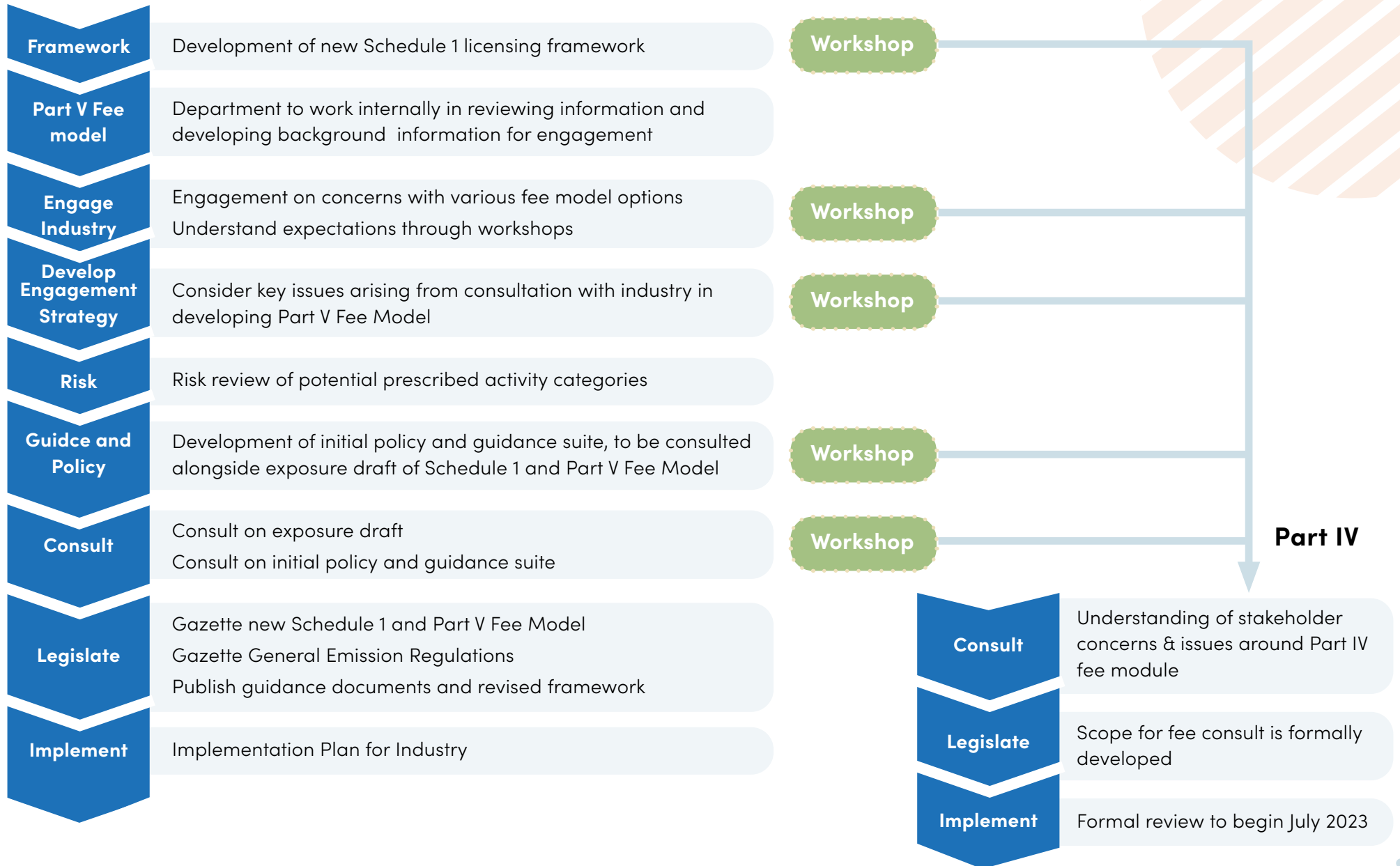
The Part V Fee Model will be developed alongside the reform of our regulatory framework. In building the Part V Fee Model, the department is aware of industry's desire for greater transparency and consultation, and plans to engage closely with industry to understand stakeholder issues regarding the department's recent restructure of the Part IV EP Act fee model.

While the Part IV EP Act fee model and the Part V fee model are separate legislative processes, the department intends to develop strategies to ensure feedback can pass freely between the two fee structures.

The department would propose the approach on page 12.



## Part V



# 5. Review of regulatory delivery

## 5.1 Guiding principles

The department has developed a series of guiding principles to provide structure and direction to our strategic review and decision making for regulatory delivery. The guiding principles are intended to ensure that the outcomes of this strategic review align with the State Government's key reform priorities and initiatives and are integrated across our business.

**Feedback invited!**



- Q1. Do you have any feedback on the outcomes being sought through our regulatory delivery review?
- Q2. Do you support the guiding principles proposed? Please include supporting comments to explain your response.
- Q3. Are there any additional or alternative principles that should guide our review?

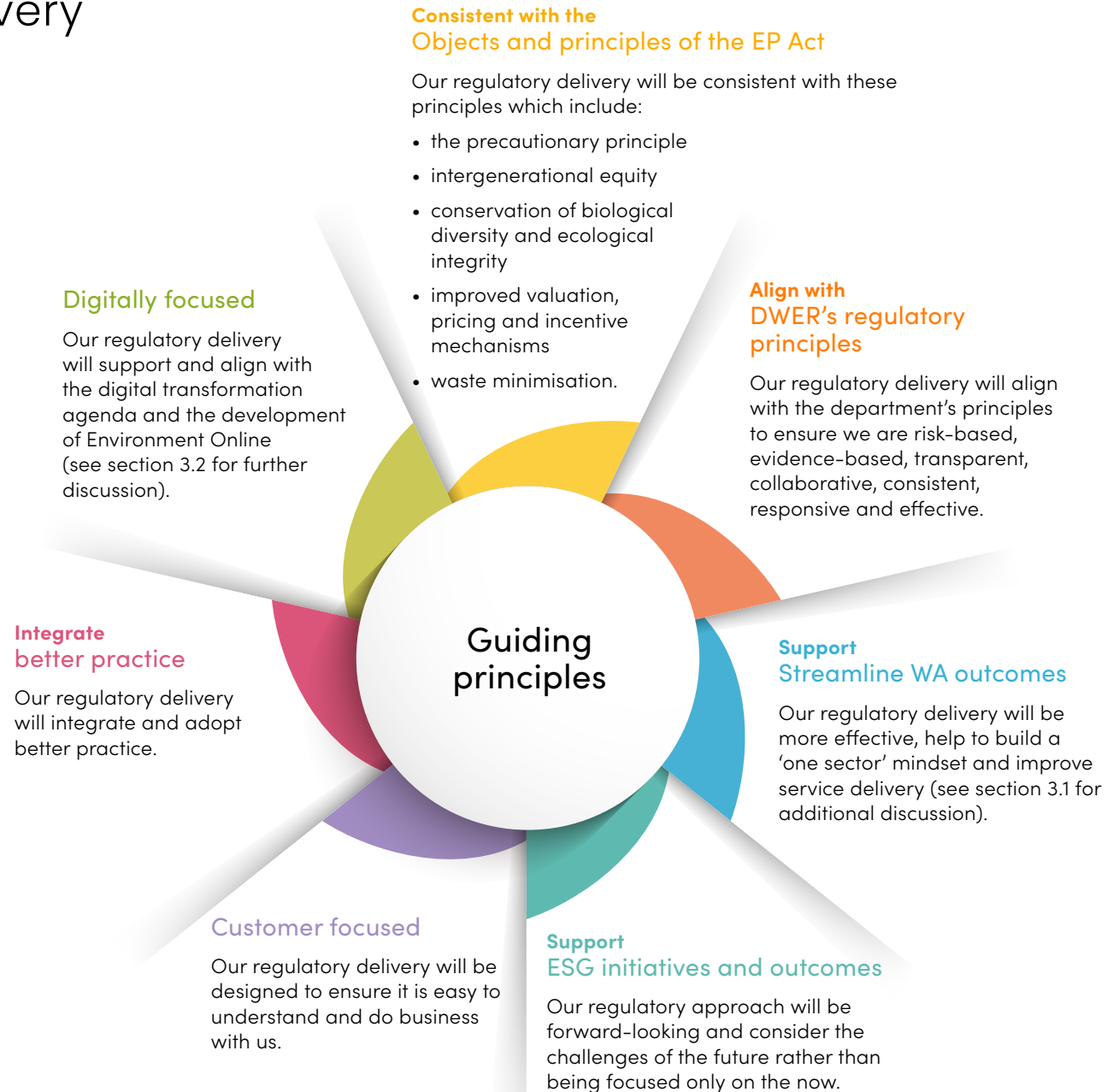


Figure 1: Integrated guiding principles

## 5.2 Current approach

Our current approach focuses on licensing of prescribed premises, including site specific assessments for each premises. This is resource- and time-intensive. There are currently 93 categories of prescribed premises in Schedule 1.

There are few regulations which prescribe standards for specific activities or emissions and limited guidance on how industry is expected to design, construct, operate and maintain activities to prevent pollution and environmental harm. This lack of standards and guidance may lead to rework during the application process, with consequential extended assessment timeframes.

## 5.3 New proposed approach

The department will rationalise the specific prescribed activity categories by reviewing the scope and breadth of each current category and target significant reductions in licensing transactions.

The department recognises the large scale of change and support required for the development of a new regulatory framework.

**Feedback invited!**



Q4. Please provide information on any aspects of our current regulatory approach that you support, and feel should be carried over into our future delivery model.

Q5. Please provide information on any aspects of our current regulatory approach that you do not wish to see carried over into our future delivery model.

5-10%  
reduction  
in licensing  
transactions

Can specific emissions or entire industries within the specific category be regulated under the General Offence Provisions or deferred to other legislation?

- Identify low-risk activities
- Regulate under General Offence Provisions
- Other legislation

Further  
10-15%  
reduction in  
licensing  
transactions

Can emissions or entire industries within the specific category be regulated with General Emissions Regulations?

- Introduce new regulations to require Environmental Management Plans
- Meet certain criteria

Further  
10-15%  
reduction in  
licensing  
transactions

Can the activities within the specific category be regulated with Industry Specific Regulations?

- Further reduction in licensing load
- Introduce new Industry Specific Regulations

Final prescribed activity

- Guidance documents, providing clear direction on what is regulated
- Thresholds confirmed, linked to specific emissions or capacities
- Transition plan to enable the regulatory changes



1  
Proposal

A hierarchy of regulatory control and oversight will be adopted for activities regulated under Part V of the EP Act.

2  
Proposal

The level of regulatory control and oversight will be commensurate to the complexity and potential risk posed by an activity.

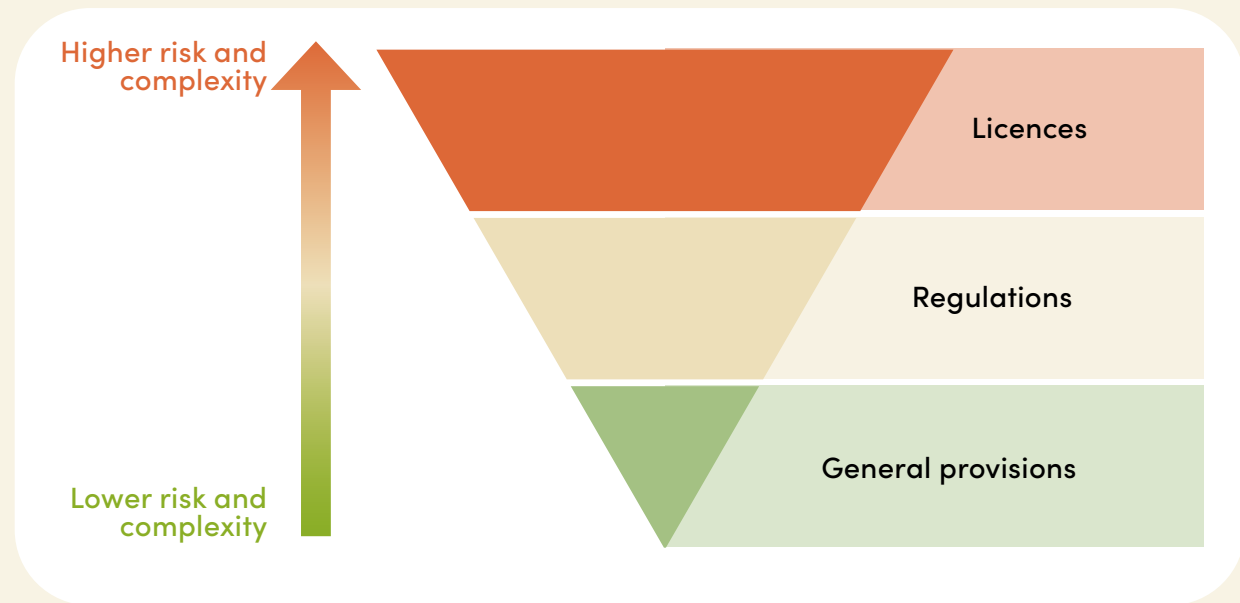
3  
Proposal

The greater use of regulations to prescribe approaches on an activity basis or set prescribed standards or conditions.

## Discussion

The available regulatory mechanisms in the EP Act should be seen as a hierarchy of control as shown in Figure 2.

Activities that give rise to emissions and discharges should be regulated using the mechanism most proportionate to prevent pollution and environmental harm and therefore risks to the environment and public health.



**Figure 2: Hierarchy of regulatory mechanisms**

The department has considered each of the regulatory mechanisms and has proposed criteria for when it may be relevant to use each mechanism.



## Licensing of prescribed activities

Relevant where:

- a high level of regulatory oversight is required, such as moderate to high risk and high-complexity, large-scale or integrated activities
- a site-specific assessment of risk associated with emissions and discharges is required
- site specific emission limits are required to manage risks
- activities require critical containment infrastructure to be validated as it cannot be retrospectively improved to mitigate emissions and discharges once the prescribed activity has commenced
- licence controls are required to achieve policy outcomes.

The Schedule 1 reform includes a change from prescribed premises to prescribed activities. Thresholds that trigger the requirement for a licence for prescribed activities may need to be changed to ensure regulatory control is commensurate with potential risks to the environment, public health and amenity.

The department is considering grouping activities into six main industry categories with associated prescribed activities as follows:

1. **Energy and combustion activities** such as fuel burning; electric power generation; and oil and gas production.

2. **Intensive livestock keeping, animal and plant product processing** such as animal feed and skin processing; beverage manufacturing; food processing; intensive animal keeping; livestock processing; and wool-scouring.
3. **Manufacturing activities** such as asphalt and bituminous product manufacturing; cement, ceramic, chemical or metallurgical works; char manufacturing; textile, timber and paper processing and manufacturing.
4. **Mineral production and processing** such as mine dewatering; mineral sands, rare earths, gold, copper, iron ore, or coal mining or processing; ore processing; physical processing of material; reprocessing of tailings; and salt manufacturing.
5. **Resource recovery, waste treatment and disposal** such as disposal of liquid and solid waste to land or water; fly-ash disposal; liquid and sludge waste storage and treatment; organic material/waste processing; scrap metal processing; solid waste processing and storage; and thermal treatment or incineration of waste.
6. **Transport and maritime services** such as bulk granular material loading or unloading; vessel building and maintenance.

Details of the proposed prescribed activities are set out at Appendix 1.



## Standardised Licences

Another potential lever of regulatory control is the implementation of a standard approval licensing option.

The intent of this approach would be for the department to prepare standard risk assessments and Standardised Licences for activities which are undertaken consistent with established practices and have well-characterised risks associated with their emissions and discharges.

In preparing the standard risk assessment and issuing Standardised Licences the department would set application criteria which may include limits on scale, inputs/waste types and constraints on location.

Applications for Standardised Licences would still need to be made. The scope of assessment by the department would be standardised so that timescales could be reduced.

The efficient use of this approach would depend on the development of standard approval packages for different types and scales of activities.

The department is working on standard approval packages and intends to deliver some Standardised Licences through Environment Online.



## Regulations under the EP Act

We have identified the following types of regulations that could be leveraged to regulate environmental impacts of certain activities. These include:

- General Emissions Regulations
- Industry Specific Regulations
- Standard Prescribed Conditions Regulations.

The use of these various types of regulations is relevant where:

- activities are typically small to medium-scale
- a low-moderate level of regulatory oversight of an activity and its associated emissions and discharges is necessary
- generic emission limits can be applied
- generic better practice requirements can be applied to specific activities or emissions
- the requirements of international conventions such as the Basel and Stockholm Conventions need to be implemented across a range of activities
- a site-specific assessment of risks associated with emissions and discharges is not required
- where critical containment infrastructure is not required or if required, it can be retrospectively improved, e.g. lined ponds
- a standard set of requirements specified in regulations for all occurrences of the activity will provide sufficient management of potential environmental harm without the need for a licence.

The greater use of regulations would allow the department to focus the licensing regime on the larger, high-risk, high-complexity activities and site-specific assessments.

Regulations provide an opportunity to deliver consistent better practice requirements and therefore a level playing field across regulated activities.

Regulations made under the EP Act can include offence provisions and require payment of fees.

### General Emissions Regulations

The General Emissions Regulations would prescribe certain activities or classes of activities and require preparation of an environmental management plan (EMP) before the activity can be carried out. Periodic reporting to ensure adherence to the EMP may be required.

### Industry Specific Regulations

Management of certain industries may be better achieved by Industry Specific Regulations. Among other things, Industry Specific Regulations could:

- regulate conduct, operation or activity that is capable of causing pollution or environmental harm
- require the installation and use of equipment to prevent pollution or environmental harm or prevent the use of specified equipment to prevent pollution and environmental harm.

Examples of Industry Specific Regulations include the *Environmental Protection (Rural Landfill) Regulations 2002* and the *Environmental Protection (Abattoirs) Regulations 2001*.



## General Offence Provisions

### Standardised Prescribed Conditions Regulations

Establishing the Standard Prescribed Conditions Regulations would provide opportunities for the department to use its resources more efficiently and increase its focus on higher-risk activities.

Opportunities exist for Standard Prescribed Conditions Regulations to be used to:

- prescribe better practice standards for some waste activities to meet the objectives of the *Waste Avoidance and Resource Recovery Strategy 2030*
- prescribe better practice standards and emission limits for the construction and operation of activities including sewage treatment plants and re-use schemes, asphalt manufacturing and the screening of material
- support the State Government's commitment to ban e-waste disposal to landfill by 2024
- undertake global licence amendments to support a reduced reporting burden as part of the Streamline WA reforms
- impose standard conditions for matters such as standard infrastructure design, construction and maintenance, drainage systems, pollution and emergency response plans, recordkeeping, reporting and environmental management systems.

Relevant where:

- activities pose a very low risk and have limited emissions and discharges
- limited regulatory oversight of an activity is necessary
- specific regulatory controls are not required to manage risks.

**Feedback invited!**

Please provide your feedback on Proposals 1–3.

- Q6. Do you support the proposed hierarchy and regulatory mechanisms?
- Q7. In what circumstances would you support the development of Standard Licences packages?
- Q8. Are there any activities (including their design, construction and operation) that you believe should be managed under regulations rather than licensing?
- Q9. Are there circumstances in which you consider Standardised Prescribed Conditions Regulations may be an appropriate lever for regulation?
- Q10. Are there any activities currently regulated under the EP Act (licence or regulations) that you consider able to be adequately regulated under the General Offence Provisions?



4  
Proposal

Environmental Performance Objectives will be adopted

5  
Proposal

Driving Environmental Performance Objectives adoption through development of appropriate guidelines

## Discussion

The department is developing Environmental Performance Objectives (EPOs) for the key emissions and discharges and activities regulated under Part V Division 3 which have the potential to cause pollution and environmental harm.

EPOs are similar to the Environmental Protection Authority's environmental factors and objectives but are more focused on emissions and discharges and industry-specific matters. They will set the performance standard that must be achieved at premises through the prevention, control, abatement or mitigation of pollution or environmental harm.

The department considers that guidelines setting out generic and industry-specific EPOs would be helpful to provide clarity on regulatory objectives.

To support the adoption of EPOs, Proposal 5 involves the development of appropriate guidelines which have been identified based on evidence and benchmarking against comparable jurisdictions. The aim of these guidelines is to drive industry adoption of the EPOs.

Better practice could be defined through guidelines. An example of this type of guideline is the Organics Recycling Guidelines.

*Feedback invited!*



Please provide your feedback on Proposals 4 and 5.

- Q11. Do you support the introduction of generic and industry-specific EPOs?
- Q12. Do you support the adoption of EPOs and the application of better practice for activities regulated under Part V Division 3?

## 6 Proposal

Activities are regulated by the most appropriate agency.

## 7 Proposal

Support common application and supporting information across regulatory agencies.

Feedback invited!



Q13. Please provide your feedback on Proposals 6 and 7.

## Discussion

Some activities currently regulated under Part V Division 3 may also be regulated under other legislation.

There is an opportunity to consider whether streamlining of regulatory requirements across government could be achieved, and in what circumstances regulation under Part V Division 3 of the EP Act is appropriate. It is suggested that some relevant considerations include:

- the existing regulatory remit of an agency
- the knowledge and expertise of an agency
- opportunities for reducing regulatory duplication
- the complexity and risks associated with the activity
- any regulatory efficiencies that can be gained by an agency being the primary regulator for a specific activity.

This would support the 'one sector' mindset sought by Streamline WA.

There is also scope to reduce regulatory burden through the standardisation of application and supporting information across relevant regulatory agencies.

The department is already seeking to maximise opportunities to streamline application processes with common application and supporting information across Part IV (environmental impact assessment) and Part V Division 3 processes through Environment Online.

Such initiatives would support parallel processing of applications across regulatory agencies, improve collaboration between regulators and assist in reducing application assessment timelines.

An existing example of how this may apply is in mining activities which are currently regulated through Ministerial Statements, licences issued by the department and mining proposals approved by the Department of Mines, Industry Regulation and Safety (DMIRS).

DMIRS regulates tailings storage facilities to ensure their structural stability. The department regulates the same infrastructure for environmental risk associated with emissions and discharges. Environmental risk from emissions and discharges is related to the structural stability of the infrastructure and the department has to therefore engage with

DMIRS. Conversely, emissions and discharges can impact structural integrity.

Another example is the regulation of sewage treatment plants and the application of treated wastewater to land (re-use schemes) by the department and the Department of Health (DoH).

The department assesses environmental risk associated with emissions and discharges and in doing so considers the design, construction, operation and maintenance of sewage treatment plants and re-use schemes. In assessing environmental risk, the department considers the impact of emissions and discharges on public health.

DoH considers the protection and enhancement of the health and wellbeing of the community and regulates the design, construction, connection, operation (including emissions and discharges) and maintenance of sewage treatment and re-use systems in accordance with the *Health (Miscellaneous Provisions) Act 1911*.



## 8 Proposal

Activities not currently subject to direct regulatory control under the EP Act will be subject to control where the risk warrants it

*Feedback invited!*



Please provide your feedback on Proposal 8.

Q14. Please provide details of any additional existing, new or emerging activities that may warrant inclusion in a new Schedule 1 in the future. What risks do you believe these activities present?

## Discussion

To ensure it remains responsive to the changes in industry and technological developments, the department will determine whether existing, new and emerging activities require regulation under Part V Division 3 of the EP Act.

### **Battery technologies and manufacturing**

Battery technologies and manufacturing are forecast to play a role in supporting the transition away from carbon-based fuels to renewable energy sources and lower emissions. Western Australia has significant reserves of most of the components needed for modern battery technology and has established capabilities for mining and mineral processing.

The State Government is aiming to grow Western Australia's future battery industry and transform it into an important source of economic development, diversification, jobs and skills, and so the prevalence of premises manufacturing and reprocessing batteries is predicted to increase.

The manufacture and reprocessing of batteries give rise to emissions and discharges to air, land and water that can compromise air and water quality objectives in receiving environments. Battery reprocessors are also known to present a high fire risk.

### **Intensive animal industries**

Schedule 1 does not currently address changes and growth in the intensive animal keeping industry. These changes include an increase in the number and scale of free-range poultry farms; diversification in the types of animal accommodation used in the breeding or housing of pigs; more intensive animal grazing and production systems in the sheep, beef and dairy industries; and increasing diversification to include a number of other species.

### **Greenhouse gas emissions**

The emission of greenhouse gases to the atmosphere is currently assessed and conditioned under Part IV but there are instances where Part IV does not apply and the activity is not otherwise licensed under Schedule 1.

Greenhouse gas emissions from prescribed premises have not been regulated to date under Part V of the EP Act. Part V Division 3 could regulate greenhouse gas emissions where Part IV has not applied conditions and otherwise circumstances relating to the emissions are the same as are covered by Part IV.

While greenhouse gas emissions are an important consideration for the future, the department acknowledges that this issue will require further consultation once the regulatory landscape is more certain.



9  
Proposal

The use of approved waste-derived products will be removed from the scope of Schedule 1.

Discussion

The consultation paper *Waste not want not: Valuing waste as a resource* (September 2020) sought feedback on a legislative framework for waste-derived materials. Most respondents supported a legislative framework that provides certainty about when material ceases to be waste and supports investment and the move towards a circular economy.

The proposal would result in an approval process for waste-derived materials. These approved materials would not require regulation as a prescribed activity or be liable for the waste levy. Once this framework is in place, there will be no requirement to include approved waste-derived materials in Schedule 1.



Feedback invited!



Q15. Please provide your feedback on Proposal 9.



## 5.4 Industry guidance

The department acknowledges that industry requires policy, process and guidance on the legislative and regulatory reforms to be published in advance of implementation. This allows industry to be prepared for the changes.

The department is committed to preparing relevant policy, process and guidance before the legislative and regulatory reforms taking effect. The department proposes to develop policy, process and/or guidance on:

- the application processes for controlled works and licences
- the licensing of an activity, which occurs at multiple premises under one licence
- the approach to regulating multiple activities in the same area
- how to determine the licence holder
- the mobile plant licensing process
- updates to the Landfill Waste Classification and Waste Definitions where new terminology is incorporated into Schedule 1.

It is envisaged that the guidance framework will take the following format, consistent with the approach taken by the EPA under Part IV of the EP Act:

*Feedback invited!*

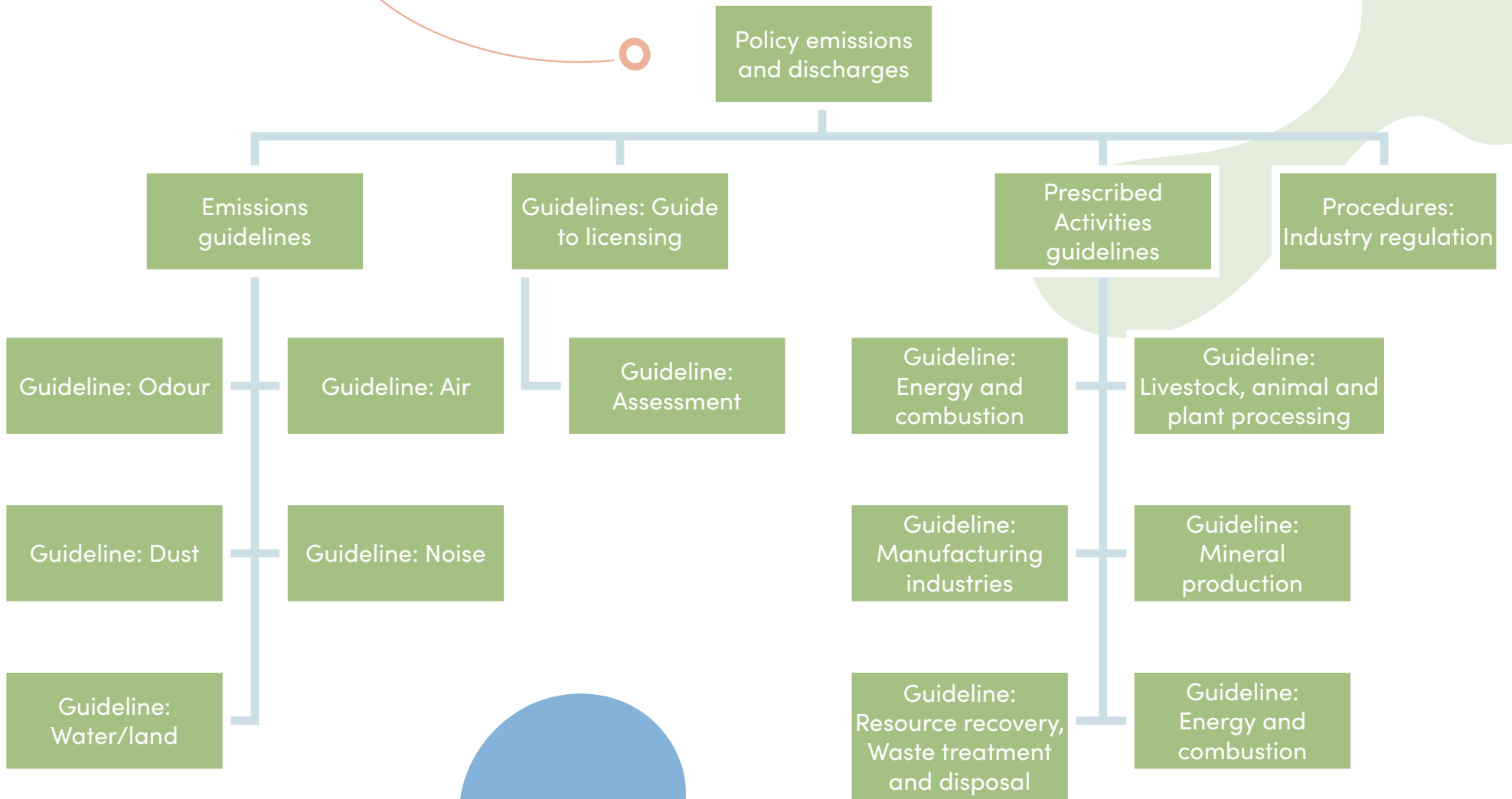


Q16. Are there any policy, process or guidance documents required to support the implementation of the EP Act amendments?

## 5.5 Implementation and transitional arrangements

The department will develop arrangements to transition existing works approvals and licences in order to minimise impacts on businesses and licensees. The department will include adequate notice of any changes.





# 6. Review of fees

## 6.1 Outcomes

The Part V Fee Model needs to support an effective pollution prevention and licensing service that meets the needs of our stakeholders and protects the environment and public health.

It is recognised that the consult process used in the Part IV fee model could be improved and the department wishes to continue to provide time and space to understand industry perspectives.

The process of designing the Part V Fee Model needs to be cognisant of our stakeholders' desire for transparency and consultation. On this basis, engagement on the reformed Schedule 1 framework will include engagement on the various options for the Part V Fee Model and an open discussion on how the process and methodology for the Part V Fee Model may incorporate industry perspectives on the Part IV fee model.

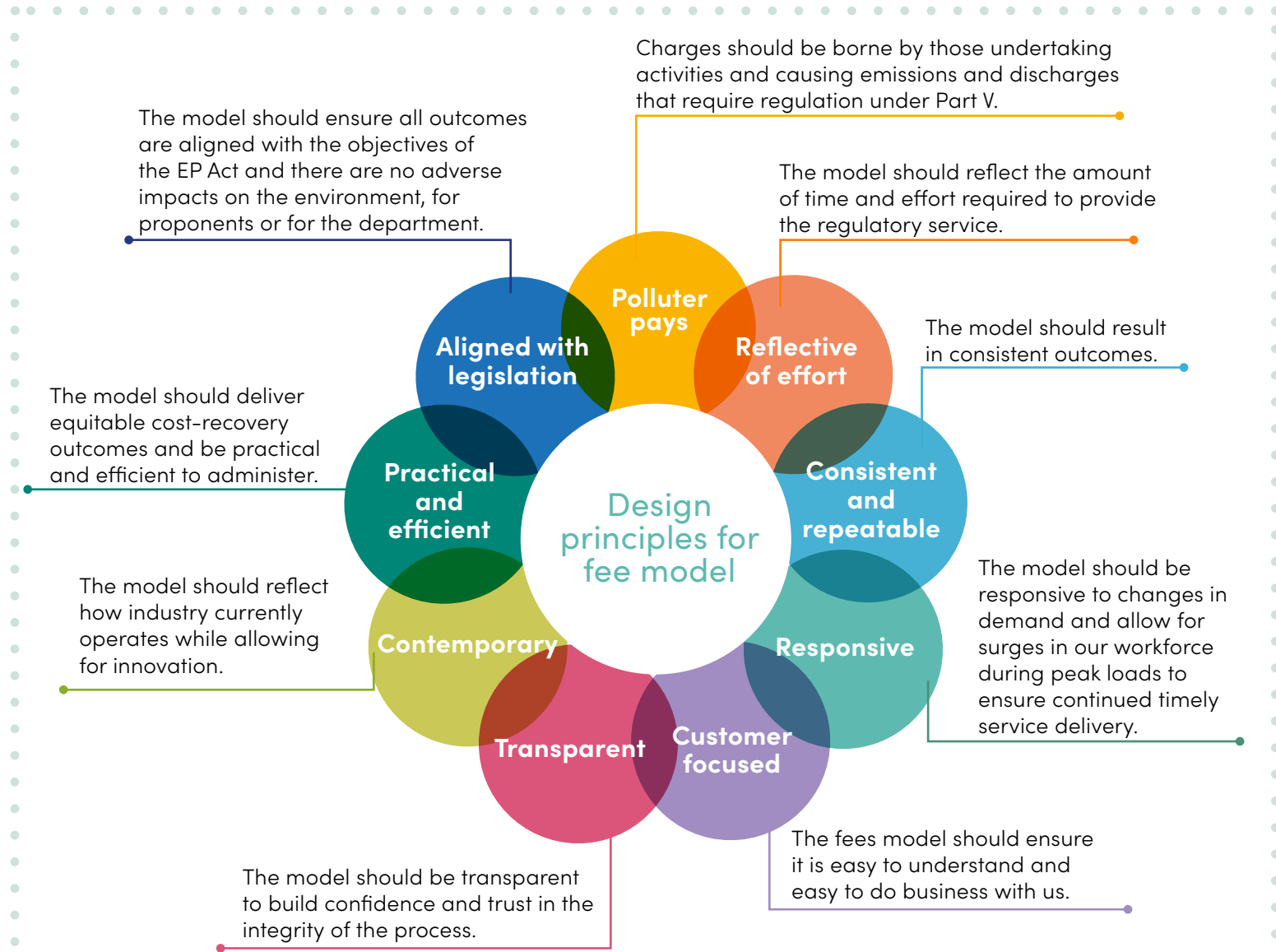
**Feedback invited!**



- Q17. Do you support the proposed Part V Fee Model design principles?
- Q18. Are there any additional or alternative design principles that should guide our Part V Fee Model?

## 6.2 Design principles for fee model

Design principles as outlined below have been used to guide the development of the Part V Fee Model.





### 6.3 Current fee model

Works approval application fees are determined from the cost of the works, including all costs associated with the construction and establishment of the prescribed premises infrastructure but excluding the cost of land, the cost of buildings to be used for purposes unrelated to the prescribed premises, and consultancy fees.

Licence application and annual fees for prescribed premises are the sum of:

- a premises component fee
- the sum of
  - any applicable waste components, and
  - any applicable discharge components.

Premises component fees are based on the production or design capacity of the category specified on the licence. For licences with multiple categories, the fee from the category with the highest amount payable must be applied.

Waste fees apply to specific categories of premises and where tailings, bitterns, water to allow mining of ore (dewatering effluent), flyash, and wastewater from a desalination plant (brine) are discharged. Fees are calculated based on the quantity of waste discharged.

Discharge component fees apply to emissions of substances to air, land and water. Fees are based on emissions over the year with a separate discharge fee payable for every discharge that poses a different risk to the environment.

The current fee model for Part V provides for lower fees for lower discharge quantities to provide a financial incentive to reduce discharge quantities.

The current fee model does not reflect the effort involved in assessing a new, renewal or amendment of a licence or the effort involved in assessing the annual compliance with a licence.

The current fee model is focused on discharges of waste and point source emissions to the environment. It does not reflect the significant regulatory effort employed by the department in its regulation of fugitive emissions such as odour and dust.



## 6.4 Fee proposals



### Fee model similar to current approach

*Feedback invited!*



Q19. Please provide your feedback on Fee Proposal 1.

General proposals for the Part V Fee Model options are set out below. Further consultation will be undertaken on the model through the release of exposure draft regulations.

The current fee structure is discussed above and details on its calculation are provided in the table below:

Fee type	Description	
Premises fee	Schedule 4 Part 1	an annual premises fee is paid by licensees in units for one category (the largest category) regardless of how many categories apply against the relevant threshold limit.
Waste fee	Schedule 4 Part 2	only licensees falling within nominated categories in Schedule 1 attract fees under Part 2. Waste types are defined and rate is units determined by the range of tonnes discharged.
Emissions fee	Schedule 4 Part 3	only licensees falling within nominated categories in Schedule 1 attract fees under Part 3. Extensive tables determine fee units.
Controlled Works	Schedule 4	the capital value of the Controlled Works determines the units.
Amendments		Units are derived by using the current highest value premises category (regardless if amendment is adding higher-value category)

The revenue distribution does not match the work effort involved against the various activities, nor does it reflect the complexity, resources and time required to assess a multi-category application or undertake compliance on a multi-category facility.

The current EP Regulations relate to prescribed premises and would require amendment to refer to prescribed activities.

2  
Fee proposal

**Pure cost recovery model**

Under a cost recovery model, the relevant fee represents the cost of the work effort to deliver the service.

Following this model strictly has the potential to result in adverse business and environmental outcomes, and result in substantially higher fees for some licences, particularly smaller operations. It would also not provide any incentive to reduce emissions.

*Feedback invited!*



Q20. Please provide your feedback on Fee Proposal 2.

3  
Fee proposal

**Cost recovery/  
'polluter pays' hybrid model**

Under this model fees achieve the target cost base. While cost recovery is achieved overall, this model also includes an element in which licensees with high and/or harmful emissions pay a higher fee rate.

This approach is based on:

- the legitimacy of a 'polluter pays' fee structure to reflect the environmental harm caused by the licence holders, consistent with the EP Act
- consistency with other jurisdictions
- community expectations of those creating emissions.

This model allows for the fee model to assist in altering emission behaviours.

*Feedback invited!*

Q21. Please provide your feedback on Fee Proposal 3.

4  
Fee proposal

**Cost recovery model –  
deferring assessment costs**

Under this model the assessment cost related to a new licence or renewal, controlled works or amendment is spread over the life of the licence. Under this model, a portion of the assessment cost is recovered at the assessment stage and the cost of annual activities such as compliance is greater over the licence period to recover the initial assessment cost.

This model is administratively and legally more complex for both the department and licensees. The deferral of costs will also result in complexities in accounting treatment and complexities in recovery for licences that end before the expiration of their term.

This model would not include an emissions revenue component and therefore is not consistent with the 'polluter pays' principle.

*Feedback invited!*

Q22. Please provide your feedback on Fee Proposal 4.

# 7. Implementing the change

## 7.1 Stakeholder engagement

The department will look to engage openly with all sectors on the development of the reformed regulatory framework. To facilitate this engagement, the department has identified the following forums to be used for workshop requirements:

- internal government working groups to specifically review areas of possible regulatory duplication
- external working group formed from nominated representatives of the department's Stakeholder Reference Group
- industry-based working groups for the development of industry-specific regulations.

The department has identified appropriate timeframes and content in its approach below for these workshops to be enabled.

Workshops will be facilitated for the purposes of understanding external perspectives and informing the best frameworks to deliver the various regulatory reforms outlined in this paper.

## 7.2 Change management

Once the changes begin to take effect, the department will undertake a change-management process to embed the processes and systems within its functional deliveries. Frontline licensing services will evolve from the current assessment service, to encompass a broader and more contemporary approach to regulation.

Teams will be established to periodically review and update regulations, based on continual feedback from our Compliance area. Reviews will take place in an open manner, allowing for engagement with industry and community to evaluate the appropriate level of regulation.

A renewed focus on compliance with regulations will be fundamental to the department's evolution as a contemporary regulator.

Assessment services within the department will shift to focus on higher-risk licensing activities. Stronger alignment and engagement with processes delivered under Part IV of the EP Act will be pursued to minimise duplication and increase efficiency.

Areas of particular focus will be the support to the Environmental Protection Authority in its consideration of other Decision Making Authorities (s38G) and withdrawal of Ministerial Statements (47A) with a view to regulation under Part V of the EP Act.

These functions will become 'business as usual' functions under a renewed approach to the regulation of emissions and discharges.



## 7.3 Repurposing resources

The department has identified that the efficiencies gained from the reduction of licensing processes may be repurposed in a number of priority areas:

- **High-risk licensing activities:** The department currently has a large backlog of applications that require assessment. The intent of changing the regulatory pathway for lower-risk activities is to enable the department to rightly prioritise its higher-risk applications.
- **Integrated assessment program:** With the intent of improving efficiency within the Part V process, efficiency dividends will be repurposed into various programs reducing the duplication across Part IV and V of the EP Act.
- **Contemporary guidance and regulation:** In adopting an approach which enables the increased use of regulations, the Department needs to restructure its business to enable the review and update of these documents to ensure they are contemporary.

- **Compliance support:** While a regulatory approach under regulations and the General Offence Provisions reduces licensing transactions, there will be an increased requirement to ensure that regulations are adhered to. An expanded compliance support program will be required to ensure impacts to the environment are being effectively managed by all regulatory mechanisms.
- **Business model that supports a dynamic and flexible regulatory model:** The nature of the Western Australian economy dictates that there will be peaks and troughs of industry activity. Being able to scale when needed is critical to the ability to respond and staff across our compliance and regulatory development functions will need to be adaptable.

### Consultative approach to developing a new future

The department is looking to develop its new framework around principles of consultation and engagement.

*Feedback invited!*

- Q23. Have we identified the right approach to develop our new framework?
- Q24. Do you have any feedback on our new approach to regulation under Part V of the EP Act?
- Q25. Can we improve our engagement or refine it to achieve better outcomes?

## 8. Have your say



### 8.1 How to provide feedback

The department is seeking your input on the proposed approach to regulating activities and charging fees under Part V of the EP Act.

You are invited to share your views by making a submission to the department. To make sure your submission is effective:

- clearly state your views and explain the reasons behind your suggestions
- if possible, include evidence to support your views
- suggest alternatives to address any issues that you believe will result in a better outcome.

Copies of the current EP Act, the EP Amendment Act and EP Regulations are available on the Parliamentary Counsel's Office website at [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au).

A series of online information sessions will be offered to stakeholders after the first four weeks of the commencement of the public consultation period. This will provide the opportunity to directly discuss the issues raised in this discussion paper with department representatives.

Notification of these sessions will be provided by local media advertisements, Twitter and LinkedIn, and attendees are encouraged to register to secure a place at the relevant information session. Attendees will be invited to provide feedback and to share their views by making a submission to the department.



### 8.2 How to make a submission

The consultation period will be **12 weeks**. Written submissions must be received by 5 pm (WST) on **Tuesday, 13 December 2022**. No late submissions will be considered.

Written submissions can be made online through the department's [Consultation Hub](#) (preferred).

You can also send hard copy submissions to:

Industry Regulation Reform Discussion Paper  
Department of Water and Environmental Regulation  
Locked Bag 10  
Joondalup DC, WA 6919



### 8.3 Your legal rights and responsibilities

If you make a submission, please be aware that in doing so, you are consenting to it being treated as a part of a public document. Your name will be published; however, your contact address will be withheld for privacy.

If you do not consent to your submission being treated as part of a public document, you should either mark it as confidential, or specifically identify what information you consider to be confidential and include an explanation.

Please note that even if your submission is treated as confidential by the department, it may still be disclosed in accordance with the requirements of the *Freedom of Information Act 1992*, or any other applicable written law.

The department reserves the right before publishing a submission to delete any content that could be regarded as racially vilifying, derogatory or defamatory to an individual or an organisation.



# Appendix 1 – Proposed regulated activities

Under the new framework, prescribed premises will be replaced with prescribed activities. It is proposed to group these activities into six main industry categories:

1. Energy and combustion activities.
2. Intensive livestock keeping, animal and plant product processing.
3. Manufacturing activities.
4. Mineral production and processing.
5. Resource recovery, waste treatment and disposal.
6. Transport and maritime services.

The prescribed activity categories to be transitioned are set out below.

- Thresholds for each activity will be determined based on the risk to the environment, human health and amenity and the feedback received on the concepts outlined in this discussion paper. There will also be further opportunity to comment on prescribed activity descriptions and thresholds in the exposure draft regulations and accompanying discussion paper for consultation in the first half of 2023.



## 1. Energy and combustion activities

### Fuel burning/electric power generation

This activity would be based on existing prescribed premises categories 38, 52, 67, 84 and 87. It would apply to the burning of gaseous, liquid or solid fuel for the generation of electrical power or in a boiler for the supply of steam. It is proposed that this activity would exclude emergency or standby power generation; wind, solar, wave or tidal power generation; and thermal treatment of waste.

### Oil and gas production

This activity would be based on existing prescribed premises categories 10, 11 and 34. It would apply to the separation, refining, treatment, processing or reforming crude oil, natural gas or condensate to produce stabilised crude oil, purified natural gas or liquefied hydrocarbon gases.



## 2. Intensive livestock keeping, animal and plant product processing

### Animal feed processing

This activity would be based on existing prescribed premises category 23 and would apply to animal feed processing.

### Animal skin processing

This activity would be based on existing prescribed premises categories 50 and 83. It would apply to the processing of animal skins or hides by tanning (including fish skins), dressing, finishing, dyeing, and drying or curing in abattoirs, tanneries or fellmongeries.

### Beverage manufacturing

This activity would be based on existing prescribed premises categories 24 and 25 and would apply to the manufacturing of non-alcoholic and alcoholic beverages.



## Food processing

This activity would be based on prescribed premises categories 17, 18, 19, 20, 21 and 22. It would apply to:

- processing of dairy products as part of the production of milk, evaporated or condensed milk, butter, ice-cream, cheese and any other dairy product
- processing of food products (fish, seafood, vegetables, seed, other plant material, fruit, meat, vegetable oil, oil seed or animal fat) by preserving, cooking, drying, canning, bottling or by any other means
- processing of sugar cane by crushing or grinding or by any other means or refining or manufacturing of sugar or other sugarcane products.

This activity would not apply to:

- processing milk on a farm in the course of normal dairy farm operations
- processing of fish at a fish wholesaler
- animal feed made from 'livestock processing'
- packaging and/or labelling of animal food manufactured or processed at another location
- producing raw materials used in the manufacturing or processing of animal feed, such as cereal crop production
- where the premises discharges wastewater to reticulated sewer

## Intensive animal keeping

This activity would be based on existing prescribed premises categories 1, 2, 55, 68 and 69. It would apply to the concentrated raising or temporary holding of livestock animals for the purpose of food production. This activity would

exclude saleyards that have a maximum of two livestock events (sales) in any calendar month and stock awaiting sale or dispatch are held for a maximum duration of 48 hours per livestock event.

## Intensive animal keeping

This would include intensive animal activity equivalent to the existing prescribed premises categories but not currently regulated.

## Livestock processing

This activity would be based on existing prescribed premises categories 15 and 16 and would apply to:

- slaughtering of animal species at an abattoir for human and animal consumption, including temporary holding of animals before slaughter (lairage).
- extraction or processing of substances from animal-derived material to produce tallow, fat or their derivatives or proteinaceous material (rendering).

## Wool-scouring

This activity would be based on existing prescribed premises category 27 and apply to the cleaning or scouring of wool.





### 3. Manufacturing activities

#### Asphalt and bituminous product manufacturing

This activity would be based on existing prescribed premises categories 35 and 36 and would apply to the manufacturing and production of asphalt or bituminous product.

#### Cement works

This activity would be based on existing prescribed premises categories 43, 77 and 78. It would apply to:

- use of clay, lime sand or limestone material in a furnace or kiln for the production of cement clinker or lime
- grinding of cement clinker, clay, limestone or similar material
- production or batching and loading for transport of concrete
- manufacturing of products in which cement or concrete is the principal ingredient
- manufacturing of plaster, plasterboard, gyprock or other products comprised wholly or primarily of gypsum.

It would not include:

- where cement products manufacturing does not involve the production or batching of concrete as part of the activity
- where the sole purpose is the repackaging or bagging of dry cement mixes.

#### Ceramic works

This activity would be based on existing prescribed premises categories 40, 41, 42 and 76. It would apply to the manufacturing of glass or glass fibre; mineral wool or ceramic fibre; clay or ceramic goods (such as tiles, pipes, pottery, ceramics, refractory and non-refractory products).

#### Char manufacturing

This activity would be based on existing prescribed premises category 37. It would apply to charring of wood, coal or carbon-based material to produce a fuel or material of a carbonaceous nature or enriched carbon content.

#### Chemical works

This activity would be based on existing prescribed premises categories 31, 32, 33, 39, 51, 72, 73, 74 and 75. It would apply to:

- manufacturing of chemical or plastic products using a chemical process and/or polymerisation or polycondensation
- manufacturing of foam or plastic foam products using resin from MDI (diphenylmethane di-iso-cyanate) or TDI (toluene-2, 4-di-iso-cyanate)
- mixing, blending or packaging chemicals or chemical products
- refining, purifying, reforming, separating or processing waste liquid hydrocarbons or chemicals.

#### Metallurgical works

This activity would be based on existing prescribed premises categories 44, 45, 46, 47, 48, 48A, 81 and 88. It would apply to:

- smelting, fusing, roasting, refining or processing by any other means of metal ore, metal ore concentrate or metal waste to produce metallic or chemical products, including the production of metallurgical coal and coke



## 4. Mineral production and processing

- melting or casting of metal or scrap metal in furnaces
- metal finishing (excludes spray painting, powder coating or enamelling) where:
  - metals are chemically cleaned
  - metals, plastics or metal or plastic products are plated, electroplated, anodised, coloured or otherwise coated or finished.

It would not apply to:

- reprocessing of tailings
- spray painting (this activity is covered by the *Environmental Protection (Metal Coating) Regulations 2011*).

### Textile processing and manufacturing

This activity would be based on existing prescribed premises category 26. It would apply to manufacturing of carpet or yarn; ginning or milling of cotton; and bleaching, dyeing or finishing of textiles.

### Timber and paper processing and manufacturing

This activity would be based on prescribed premises categories 28, 29 and 30. It would apply to treatment and preserving of timber using chemicals; manufacturing or fabrication of laminated or reconstituted timber products; and manufacturing of pulp paper or paperboard.

### Mine dewatering

This activity would be based on existing prescribed premises categories 6 and 9(a) and would apply to the discharge of extracted water to the environment to allow mining.

### Mineral sands, rare earths or coal mining or processing

This activity would be based on existing prescribed premises categories 8, 9(b) and 80. It would apply to:

- mining, screening, separating, or otherwise processing of mineral sands, rare earths or coal
- storage or discharge of mineral sands, rare earths or coal tailings, and processing waste or residue into the environment, including containment cells or dams.

### Ore processing

This activity would be based on existing prescribed premises categories 5(a) & (c), 7, and 79. It would apply to:

- crushing, screening, grinding, milling, separating, beneficiation or otherwise processing of ore or ore concentrate
- extracting of metal or mineral from ore with a chemical treatment







## 5. Resource recovery, waste treatment and disposal

- reprocessing of carbon granules from gold or silver or other metal extraction
- storage or discharge of ore tailings into the environment, including containment cells or dams.

### Ore processing

This could include ore-processing activity equivalent to the existing prescribed premises categories but not currently regulated, e.g. the inclusion of silver and other metal extraction.

### Physical processing of material

The activity would be based on existing prescribed premises categories 12 and 70. It would apply to processing by crushing, screening, washing, grinding, milling, sizing or separating of material extracted from the ground. It would exclude ore processing or mineral sands, rare earths or coal mining or processing activities.

### Reprocessing of tailings

The activity would be based on existing prescribed premises categories 5(b) and 9(b). It would apply to reprocessing of tailings from ore, mineral sands, rare earths or coal. It would exclude re-use and deposition to ground of tailings for mine stabilisation (paste fill).

### Salt manufacturing

This activity would be based on existing prescribed premises category 14. It would apply to producing salt by solar evaporation and further processing.

### Disposal of liquid waste to land or water

This activity would be based on existing prescribed premises categories 54, 54A, 61, 85, 85A and 85B. It would apply to disposal of liquid waste, treated liquid waste or treated sewage to land or water by discharge, irrigation, infiltration or injection. It would not include discharge of effluent treated via disinfection, pumping of sewage into on-site domestic wastewater systems, and discharge under a trade waste permit.

### Disposal of liquid waste to land or water

This could include disposal of liquid waste to land or water based on the existing prescribed premises categories but include activities that are not currently regulated and also take into account waste reforms, including waste-derived materials.

### Disposal of solid waste to land

This activity would be based on existing prescribed premises categories 61A, 63, 64, 65, 66 and 89. It would apply to disposal of solid waste or treated solid waste to land by spreading, ploughing, injection, blending with in-situ soil, filling, raising, contouring, reclaiming and/or burial. It would not include:

- disposal of clean fill or uncontaminated fill only, as determined by reference to the Landfill Waste Classification and Waste Definitions 1996
- disposal of mining wastes (e.g. waste rock, tailings, metallic, non-metallic ore residue) where the activity is regulated under other legislation
- depositing of less than 20 tonnes per annum of only putrescible waste outside of a PDWSA or other designated area.

### Disposal of solid waste to land

This could include disposal of solid waste to land based on the existing prescribed premises categories but include activities that are not currently regulated and also take into account waste reforms, including waste-derived materials.

### Flyash disposal, treatment and reprocessing

This activity would be based on existing prescribed premises category 53. It would apply to disposal of flyash to land and recovery, re-processing and treatment of flyash.

### Liquid and sludge waste storage and treatment

This activity would be based on existing prescribed premises categories 54(a), 61 and 85(a). It would apply to:

- storage of liquid and sludge waste, including decanting, consolidating liquid and sludge waste; treatment and dewatering of sewage sludge waste; and storage and cleaning of containers with residual liquid hazardous waste
- treatment and blending of liquid waste, sewage and sludge waste including biological, chemical or physical treatment.

It would not include:

- storage and treatment via on-site domestic wastewater systems
- blending of stormwater with treated sewage
- storage of treated sewage
- treatment of treated sewage by disinfection only.

### Liquid and sludge waste storage and treatment

This could include liquid and sludge waste storage and treatment based on the existing prescribed premises categories but include activities that are not currently regulated and also take into account waste reforms, including waste-derived materials.

### Organic material and organic waste processing

This activity would be based on existing prescribed premises category 67A. It would apply to processing, treatment, blending and/or recycling and related storage of organic material, or organic waste. It would not apply to:

- silage waste (option to exclude in definition of 'organic waste')
- shredding and mulching as a result of vegetation clearing and forestry management activities where the organic material is vegetative from a single source and the output is re-used on site for revegetation/direct land application
- processing of manure and animal bedding where the activity is licensed under 'intensive animal keeping'.

### Scrap metal and processing

This activity is based on existing prescribed premises category 47. It would apply to sorting, cutting, fragmenting, separating, grading, recycling, processing and related storage of scrap metal.

### Scrap metal and processing

This could include scrap metal and processing based on the existing prescribed premises categories but include activities that are not currently regulated.

### Solid waste processing

This activity would be based on existing prescribed premises categories 13 and 61A. It would apply to sorting, recycling, crushing, cleaning, reprocessing, treating and related storage of solid waste and containers with residual solid hazardous waste, received from other premises. It would not include:

- processing of clean fill or uncontaminated fill only, as determined by reference to the Landfill Waste Classification and Waste Definitions 1996
- processing of mining wastes (e.g. waste rock, tailings, metallic, non-metallic ore residue) where the activity is regulated under other legislation

- processing of clean fill or uncontaminated fill only, as determined by reference to the Landfill Waste Classification and Waste Definitions 1996.

### Solid waste processing

This could include solid waste processing based on the existing prescribed premises categories but include activities that are not currently regulated and also take into account waste reforms.

### Solid waste storage

This activity would be based on existing prescribed premises categories 56, 57, 61A and 62. It would apply to storage, sorting, baling, and aggregating of solid waste received from other premises, pending removal. It would not include:

- storage of approved containers under the container deposit scheme refund points and aggregation points (as defined in the *Waste Avoidance and Resource Recovery Act 2007*)
- storage of clean fill or uncontaminated fill only, as determined by reference to the Landfill Waste Classification and Waste Definitions 1996.

### Solid waste storage

This could include solid waste storage based on the existing prescribed premises categories but also include activities that are not currently regulated and take into account waste reforms.

### Thermal treatment or incineration of waste

This activity would be based on existing prescribed premises categories 59 and 60. It would apply to the incineration or thermal treatment of solid, liquid or gaseous waste for the purposes of destruction, decomposition and/or energy recovery. It would not include incineration exclusively for human or non-biosecurity animal mortality cremation and incineration of clean paper or cardboard.

### Thermal treatment or incineration of waste

This could include thermal treatment or incineration of waste based on the existing prescribed premises categories and include activities such as waste to energy plants.



## 6. Transport and maritime services

### Bulk granular material loading or unloading

This activity would be based on existing prescribed premises categories 58, 58A and 86. It would apply to loading into or unloading from vessels of bulk granular material, including ore, ore concentrate, clinker, coal, salt and bulk organic matter (e.g. woodchips, grain, biomass). It would not include fully enclosed loading/unloading methods/container transfer and different regulatory requirements for open and closed materials loading/unloading systems would be removed.

### Vessel building and maintenance

This activity would be based on existing premises categories 49 and 82. It would apply to the construction, maintenance and repair of vessels. This activity would:

- not be restricted to commercial operations
- not include routine cleaning of vessels, yacht clubs or community slipways
- only capture larger industrial facilities and ports – smaller facilities, such as boating clubs etc, would be excluded.



**Department of Water and Environmental Regulation**

8 Davidson Terrace JOONDALUP WA 6027

Locked Bag 10 Joondalup DC JOONDALUP WA 6919

Phone: +61 8 6364 7000 | [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)

email: [epactamendments@dwer.wa.gov.au](mailto:epactamendments@dwer.wa.gov.au)

