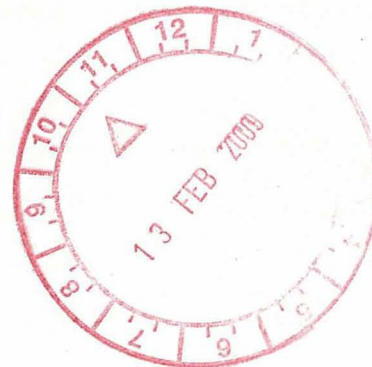




Waste Authority

81  
**PUBLIC**



YOUR REF:  
OUR REF: DEC7158/3

Hon Sheila Mills MLC  
Chair  
Standing Committee on Environment and Public Affairs  
Inquiry into Municipal Waste Management in Western Australia  
Parliament House  
PERTH WA 6000

Dear Minister

**SUBMISSION INTO THE INQUIRY INTO MUNICIPAL WASTE MANAGEMENT IN  
WESTERN AUSTRALIA – WASTE AUTHORITY**

I refer to your letter of 28 November 2008, inviting comment from the Waste Authority into the Standing Committee on Environment and Public Affairs *Inquiry into Municipal Waste Management in Western Australia*.

In accordance with the terms of reference for the Inquiry, please find enclosed a submission from the Waste Authority. The submission covers three main areas:

- Waste Management in Western Australia;
- The Southern Metropolitan Regional Council; and
- The Waste Authority and the Waste Avoidance and Resource Recovery Act 2007

I would also appreciate an opportunity of appearing before the Committee to provide oral evidence.

Yours sincerely

Barry Carbon  
**CHAIRMAN**

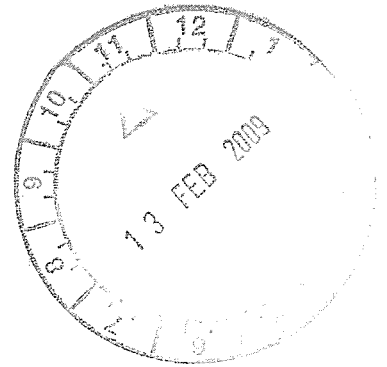
13 February 2009

Att – Waste Authority submission to the Inquiry into Municipal Waste Management in WA

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Waste Authority



**Submission to the  
Standing Committee on Environment and Public Affairs  
*Inquiry into  
Municipal Waste Management in Western Australia***

- The Waste Authority would like to present oral advice to the Inquiry.
- This written submission has 5 parts:
  1. An Over view of Waste Management in Western Australia
  2. The role of local government in Waste Management
  3. The Southern Metropolitan Regional Council
  4. The Waste Authority and the Waste Avoidance and Resource Recovery Act (WARR Act) 2007; and
  5. Relevant Appendices

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# 1 INTRODUCTION

This submission has been prepared by the Waste Authority. Data relevant to waste collection, resource recovery and waste disposal has been gathered on behalf of the Waste Authority by officers within the Department of Environment and Conservation, utilising historical data collected under the resource recovery scheme which was in operation for approximately 8 years, using funds generated by the Waste Levy.

The submission identifies the important role played by local governments, in particular, regional local governments which have formed in metropolitan Perth, with a specific focus on effective waste management, and those non-metropolitan regional councils which have been formed to primarily effectively manage non-metropolitan major refuse sites.

It considers the role of state government policy on influencing effective waste management and acknowledges the high cost of ensuring that waste management, including resource recovery and effective and safe disposal is achieved.

It outlines the strategic approach taken by the Waste Authority in its role as an independent statutory agent responsible for setting direction for waste management and resource recovery in Western Australia and in its capacity as the legal manager of the funds generated through the Waste Levy, as provided in the Waste Avoidance and Resource Recovery Levy Act 2007. (WARR Levy Act 2007)

## 1.1 The Journey to 2009

It is 14 years since the noteworthy report of the Select Committee on Recycling and Waste Management was tabled in Parliament by the Hon Dr Kim Hames. There has been significant progress in some areas, and little in others. And the passing of 14 years is accompanied by a change in settings and expectations.

Most of the significant progress in that time has been accomplished by Local Government with the support of industry and the community. The then fledgling Regional Councils have been able to bring regional scale approaches to landfills and to resource recovery. The metropolitan landfills that accept mixed waste are designed and operated to be protective of the environment, be that groundwater, soil, atmosphere or greenhouse gases. The move towards secondary management of metropolitan mixed waste is established and growing. The previous dumping of large amounts of greenwaste into constructed landfills is now under management and constrained. We are doing well with the organic component of our waste stream.

There are management constraints in place to deal with some of the troublesome wastes. There is a scheme for waste oil, but that needs refinement and bedding down. There are controls on the dumping of used tyres into landfills, but we have not done as well as other places in finding uses for this product. We do quite well in the recycling of metals (especially aluminium) and paper, and even our performance with plastic is improving.

Western Australia's performance with glass packaging is very poor compared to other comparable societies. And we have a long way to go with electronic waste.

A significant change is that we have a waste levy with funds that go into the WARR Account, a WARR Act, and a Waste Authority. One major function of the Authority is to administer the waste levy and the fund that is collected. The WARR Account held about \$13 million at the end of 2008, and has an ongoing annual income of about \$15 million each year. Our philosophy is to apply about half of the incoming expenditures to annual operational matters (grants, support for Local Government programs etc), with the other about half being available for major initiatives. It was the ambition of the previous Waste Board (which was replaced by the Authority) to have sufficient working capital from the Waste Levy to make significant investment in programs that make a difference, like infrastructure. The fund seems now to have enough funds to achieve that. An important component of this strategy is to guard against day-to-day frittering of savings as 'easy money', or to have the levy monies used as a replacement for State Government expenditure on waste.

There are important questions that need consideration following the learnings since the 1995 Select Committee report. For example, we have learned that much of the issue of excess packaging, or of packaging that is not re-used or recycled, comes with imported products. States are quite weak in their capacity to act here, and the Commonwealth which has some power has not made a serious engagement. Likewise we are only on the first faltering steps for extended producer responsibility.

We accept and are not threatened by the reality that there will always be issues to manage, and that solutions that are in place may not be continue to be solutions as circumstances change. Likewise, and with optimism, we see this time of the new and supposedly empowering WARR Act, and the strategy and powers that it could enable, as a time for a fresh look at managing the directions and issues of today and tomorrow.

The outstanding issue for the Waste Authority is that the fine print of the WARR Act has created confusion and a blurring of the roles and responsibilities of DEC and the Authority. If the Waste Authority is to deliver on the expectations that were claimed with the introduction and passage of the WARR Bill, there must be changes to both the administration and possibly the Act. At present there is a wide gulf between what people were told about and therefore expect of the Waste Authority, and what the Authority is able to deliver.

## **1.2 Role of the Waste Authority**

The Waste Authority is established under the Waste Avoidance and Resources Recovery Act of 2007 (WARR Act). The Authority has several functions, but the key, relevant ones are:

- The Waste Avoidance and Resource Recovery Account is to be administered by the Waste Authority.
- To act as an advocate for the objectives of waste avoidance and resource recovery.
- To advise and make recommendations to the Minister on matters relating to waste avoidance and resource recovery.

- To advise and make recommendations to the CEO (of DEC) on the regulation of waste services.

It is important to note that the Waste Authority has no direct role in coercive activities under the WARR Act or other Act.

In its first six months of operation, the waste Authority adopted a strategic plan which identified its key role and the manner in which it would implement that role. (See Appendix 5.1)

As part of its responsibilities as far as the administration of the WARR Levy was concerned, it established a program which was, in large part, driven by the advice of the department regarding existing commitments. The 2008-2009 project plan may be found at Appendix 5.2.

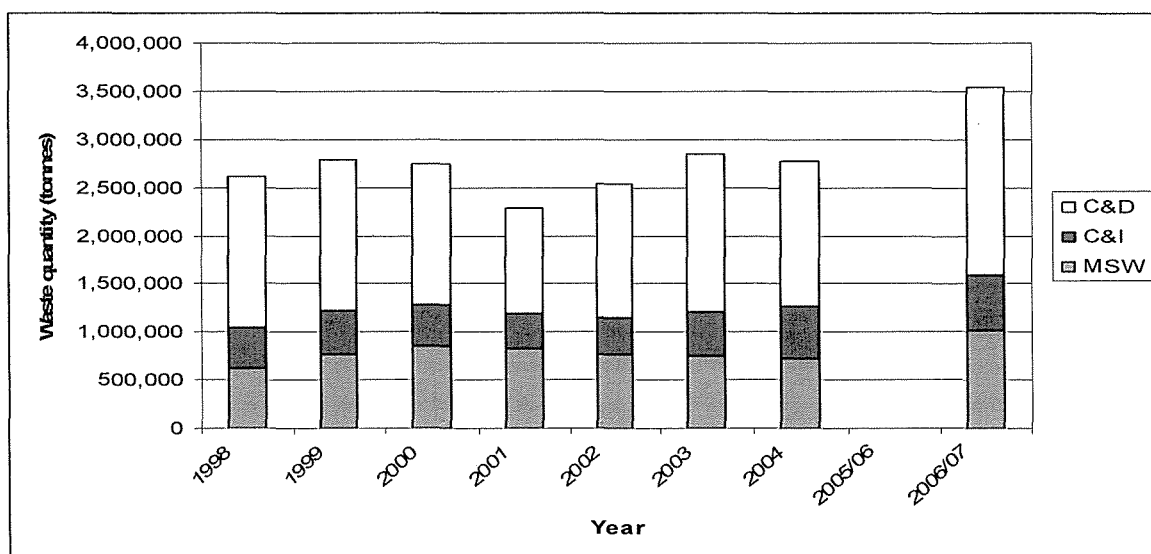
## 2 OVER VIEW OF WASTE AND RECYCLING IN WESTERN AUSTRALIA

The following information on Waste in Western Australia is provided from a number of reports commissioned by the Waste Authority. The major used in the preparation of this section are:

- Hyder Consulting, November 2008, *Waste and Recycling in Australia*, prepared for the Department of Environment, Water, Heritage and the Arts.
- Cardno (WA) Pty Ltd, December 2008, *Assessment of waste disposal and material recovery infrastructure for Perth Towards 2020*, prepared for the Waste Authority.
- Cardno (WA) Pty Ltd, June 2008, *Review of total recycling activity in Western Australia 2006/07*, prepared for the Department of Environment and Conservation.

### 2.1 Waste And Recycling Across The State

Estimates of annual levels of waste disposed to landfill in Western Australia, broken down into the Construction and Demolition (C&D), Commercial and Industrial (C&I) and Municipal Solid Waste (MSW) sectors, are provided in Figure 1.



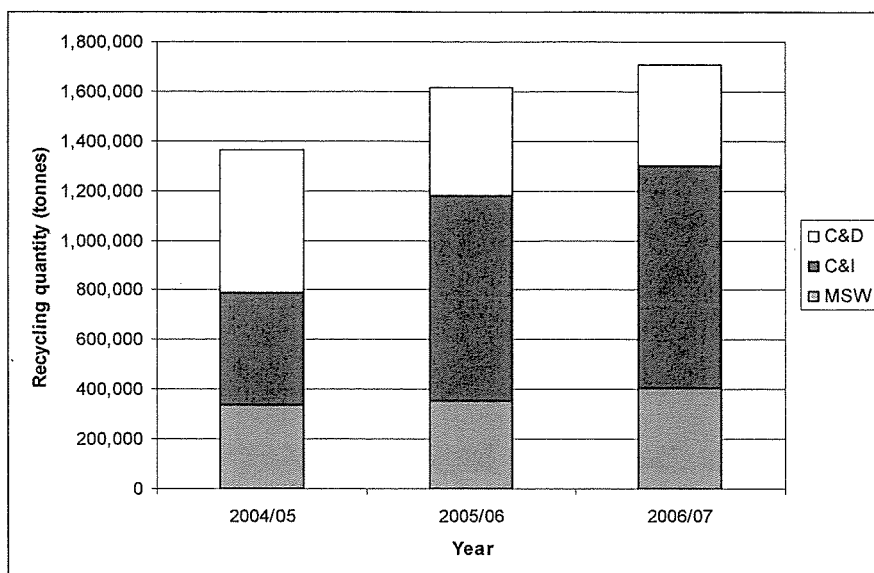
**Figure 1** Total waste to landfill in Western Australia, 1998 to 2006/07

Sources:

- Landfill disposal for the municipal sector was taken from the WA DEC (Department of Environment and Conservation) (2007) 'Zero Waste Plan Development Scheme (ZWPDS) Phase 1 Report 2006-07'. The average percentage split between the municipal, C&I and C&D landfill streams during the period 1998-2004 was calculated from landfill data published on [www.zerowastewa.com.au](http://www.zerowastewa.com.au). This percentage split was used to extrapolate the municipal landfill figure to provide overall waste to landfill and tonnes for each waste sector.
- Data for 2006/07 has been extrapolated from landfill data, applying the average proportional sector breakdown of the 1998 to 2004 data
- Data for 2005/06 is as follows; MSW 754,479t; C&I 698,198t; C&D 1,713,773t; total 3,166,450t

These data suggest that the quantity of waste is growing. The high levels of variability indicate potential weaknesses in the data system.

Total recycling activity in Western Australia is presented in Figure 2.



**Figure 2 Recycling in Western Australia, 2004/05 to 2006/07**

Data sourced from *Review of total recycling activity in Western Australia* reports

The chart indicates that the quantities of waste recovered for recycling is growing rapidly, especially in the C&I sector. This remarkable growth rate could be linked to the recent boom in commodity prices but could equally suggest data weaknesses.

Waste diversion by sector is presented in Table 1. Diversion is low compared with other states, particularly in the C&D sector. This may reflect the relatively low rates of landfill levies paid in respect of inert waste landfilled in Western Australian compared with other states. It may also reflect the relatively high distances that recycle must be transported.

**Table 1 Waste diversion by sector, 2006/07\**

Sector	Diversion rate (% by weight)
Municipal	29%
C&I	60%
C&D	17%
<b>Total</b>	<b>33%</b>

Source: Waste and Recycling in Australia



## **2.2 Per Capita Waste Generation and Recycling**

Per capita waste generation across Australia was presented in the *Waste and Recycling in Australia* report. Per capita waste generation, disposal and diversion across Western Australia for 2006/07 are provided in Table 2.

Table 2 Per capita waste generation and diversion for Western Australia, 2006-07

Population	2.1 million
Disposed	1.7 tonnes
Recycled	0.8 tonnes
Total generated	2.5 tonnes
Diversion rate	33%

Based on the findings of the *Waste and Recycling in Australia* report, Western Australia had the highest level of landfill disposal in Australia with 1.7 tonnes of waste per capita in 2006/07. NSW had the second highest level, at 1 tonne per capita. The ACT had the lowest amount at 0.6 tonnes per capita.

WA's recycling level was amongst the lowest in the country, at 811 kilograms per capita in 2006/07. Queensland's recycling level was slightly lower while the ACT had the highest level at 1.7 tonnes per capita in 2006/07.

Western Australia's diversion rate of 33% was the lowest in the country. Queensland had the second lowest diversion rate at 44%. The ACT had the highest diversion rate, at 74%.

## **2.3 Waste And Recycling By Material**

Estimates of waste generation, disposal and recycling by materials in Western Australia for 2006/07 is presented in Table 3. The data were sourced from *Waste and Recycling in Australia 2008*.

**Table 3 Disposal, recycling, generation and diversion rate by material, WA 2006/07**

Material	Disposed	Recycled	Generated	Diversion Rate
	Kilotonnes			% by weight
Paper & Cardboard	261	228	489	47%
Plastic	87	18	105	17%
Glass	68	21	89	23%
Metals	75	498	573	87%
Organics	679	535	1,214	44%
Timber	120	10	130	8%
Concrete, sand, brick and rubble	1,833	387	2,220	17%
Rubber	3	5	8	63%
Textiles	19	2	20	9%
Other Waste	395	4	399	1%
<b>Total</b>	<b>3,539</b>	<b>1,708</b>	<b>5,247</b>	<b>33%</b>
Minor discrepancies may occur between the stated totals and the sums of the component items, as totals are calculated using the component item values prior to rounding.				

The recovery rates for metals and rubber were the highest, while paper and organics rates were also substantial. The largest tonnages were of organics, metals, concrete, sand, brick and rubble and paper. Compared with other states for which estimates were available (ACT, Victoria and South Australia), the recycling rates for paper, plastic, glass and (especially) concrete are low. The rate of organics recovery is similar to that of Victoria.

## **2.4 Trends in Recycling**

The recycling trends for key materials were determined by Cardno in their review of total recycling activity in Western Australia 2006/07. Overall the detected trend was for increased recycling of material in Western Australia. This was mostly being driven by increases in population, economic activity, commodity prices and awareness about recycling. *Hyder suggests that the recent economic downturn and collapse in commodity prices is likely to undermine this trend.*

## **2.5 The State Of Waste In Perth**

According to data presented in Cardno's *Assessment of Waste Disposal and Material Recovery Infrastructure for Perth*, the amount of waste generated in the Perth Metropolitan Region increased between 2004/05 and 2006/07. This was mainly attributable to increased waste generation in the C&I and C&D sectors, which in turn can be attributed to the recent strong economic growth in Western Australia. The data are presented as Table 4.

Table 4 Summary of total generation of waste (by waste stream) and destination (landfill or recycled) between 2004/05 and 2006/07 in tonnes

Waste Stream	2004/05		2005/06		2006/07	
	Landfill	Recycled	Landfill	Recycled	Landfill	Recycled
MSW	720,220	343,150	698,240	403,520	714,090	388,600
C&I	539,270	800,000	668,430	881,340	830,380	890,560
C&D	1,586,600	300,000	1,709,690	331,610	2,096,960	409,350
<b>Total</b>	<b>2,846,090</b>	<b>1,443,150</b>	<b>3,076,360</b>	<b>1,616,470</b>	<b>3,641,430</b>	<b>1,688,510</b>

Source: - Hyder Consulting 2006,  
- Cardno BSD 2007, 2008

Note: - DEC Landfill Levy Data 2004/05, 2005/06, 2006/07  
- Due to different assumptions being used for sources of C&D and C&I in the Hyder Consulting 2006 report (2004/05 figures), an approximate value has been set based on projected growth in recycling

Source: Cardno, December 2008, pii

## 2.6 Municipal Solid Waste

1.1 million tonnes of municipal solid waste (MSW) was generated in the Perth Metropolitan Region in 2006/07. Approximately 390,000 tonnes of this was recycled.

There has been a general decline in MSW to landfill from approximately 850,000 tonnes in 1999/2000 to 715,000 tonnes in 2006/07. It could reasonably be assumed that this corresponds with an increase in MSW recycled. This is consistent with the trend from 2004/05 to 2006/07, when MSW recycling data has been available.

According to Cardno's *Assessment of waste disposal and material recovery infrastructure for Perth*, total MSW generated should slowly increase until 2020. Over this time, the proportion disposed to landfill is predicted to steadily decline, accompanied by a corresponding increase in recycling levels (Cardno, December 2008, pii).

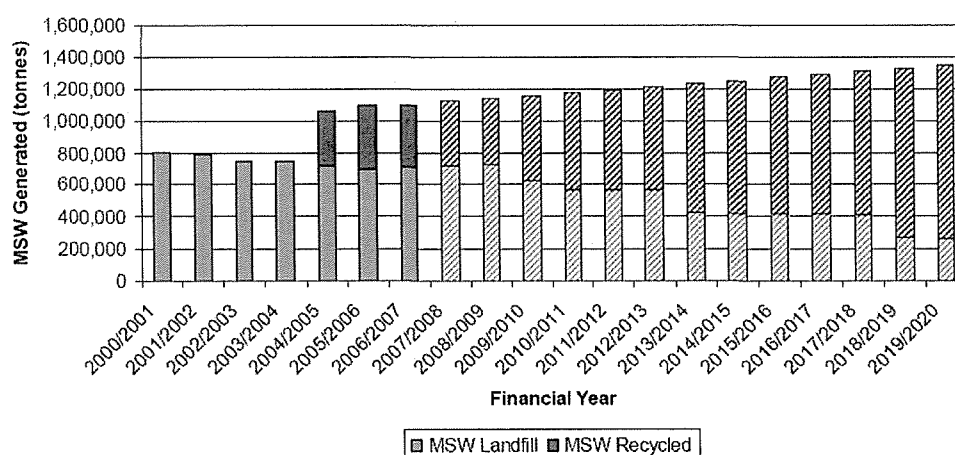


Figure 3 Past and future MSW projections for the Perth Metropolitan Region

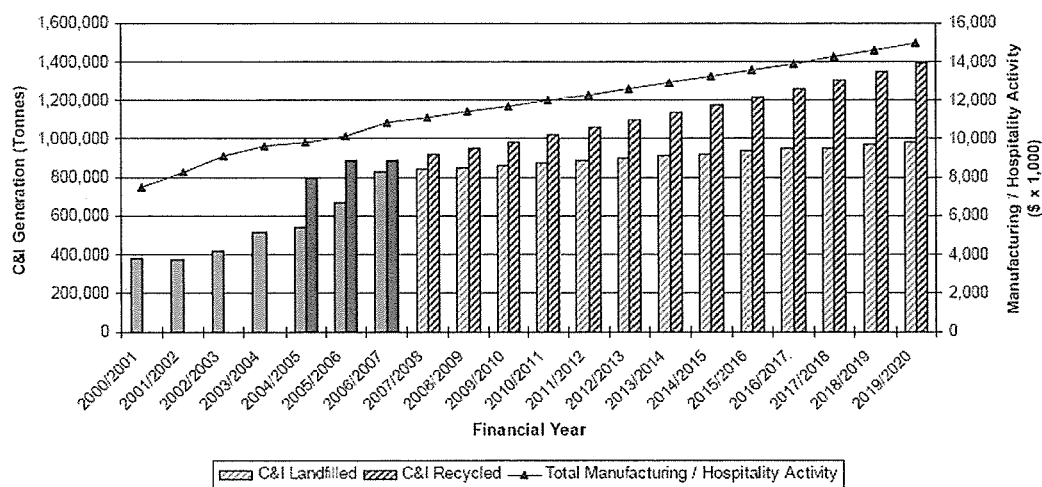
Source: Cardno, December 2008, pii

## **2.7 Commercial and Industrial Waste**

Between 1998/99 and 2001/02 C&I waste to landfill steadily declined, but between 2001/02 and 2006/07 it grew by approximately 14% per annum, corresponding with the economic boom.

In 2006/07 about 830,000 tonnes of C&I waste was landfilled in Perth Metropolitan landfills and about 890,000 tonnes was recycled. In the three years that recycling data was collected, C&I activity grew approximately 5%. Cardno's infrastructure report states that this was largely driven by the diversion of scrap metals from landfill (Cardno, December 2008, p6).

Cardno projected that C&I waste to landfill in the Perth Metropolitan Region will increase by approximately 19% (or 147,000 tonnes) by 2019/20. This is based on the assumption that growth in waste generation will follow the projected GDP growth (2.5%) estimated by the Reserve Bank (2008) until 2019/20 (Cardno, December 2008, p10).



**Figure 4 Past and projected C&I waste generation**

Source: Cardno, December 2008, p10

## **2.8 Construction and Demolition Waste (C&D)**

Overall the Perth Metropolitan Region generated approximately 2.5 million tonnes of C&D waste in 2006/07. Approximately 2.1 million tonnes of this was disposed to landfill and 410,000 tonnes was recycled.

C&D waste to landfill declined between 1999/2000 and 2001/02 and then experienced growth to 2006/07 (Figure 3.3). The growth rate on average has been approximately 13% per year since 2002/03.

C&D recycling activity also showed growth of approximately 15% per annum between 2004/05 and 2006/07.

The amount of C&D waste generated is set to fluctuate over the next few years with construction activity expected to peak in 2008/09 and slow until 2010/11 and then remain relatively static.

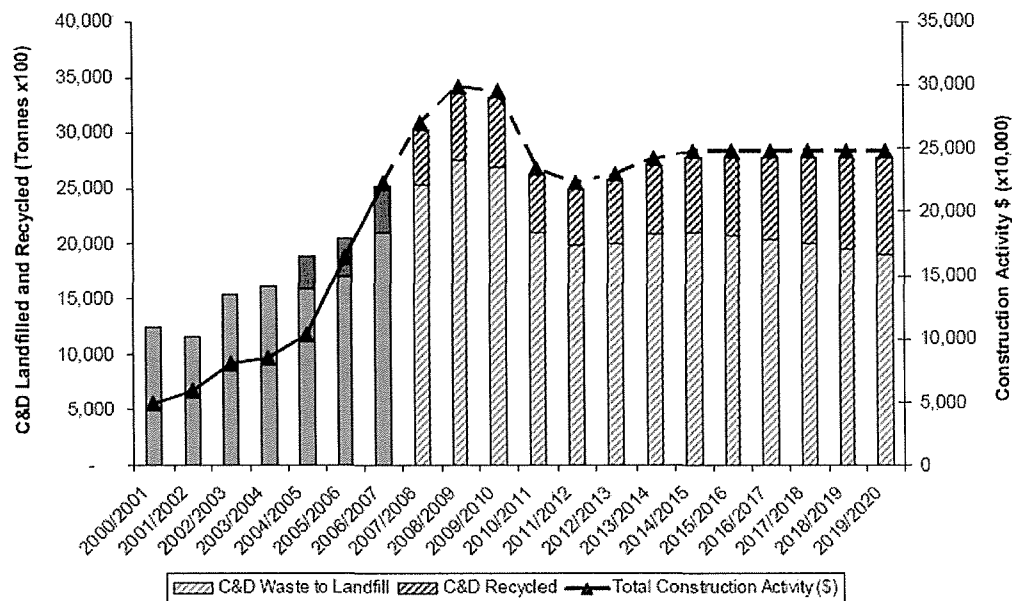


Figure 5 Past and projected C&D waste generation

Source: Cardno, December 2008, pv

## 2.9 Waste infrastructure in Western Australia

### 2.9.1 Perth

Waste infrastructure that is currently operating or under construction in the Perth Metropolitan area is presented in Table 5.

Table 5 Waste infrastructure servicing the Perth Metropolitan Region

Type of Facility	Number
Class I (inert) landfills	12
Class II / III (putrescible) landfills	7
Class IV (hazardous) landfills	1
Inert "recyclers"	2
Inert "transfer / recycling" stations	3
Inert "transfer" stations	3
Putrescible transfer stations	9
Municipal MRFs	7
Major commercial MRFs	2
Municipal RRFs	2 (2 under construction)
Greenwaste processors	15

Source: Cardno, December 2008, pvi)

NB: Acronyms used above include MRFs (Materials Recovery facilities) and RRFs (Resource Recovery Facilities)

The infrastructure assessment found that overall, current waste infrastructure in Perth has adequate capacity towards 2020; however potential strains on waste infrastructure will become apparent in certain geographic areas over the next 10 years unless there is planning or efforts to increase the rate of recovery above current levels. Improvements in waste policy and the use of market instruments to encourage diversion from landfill may be required (Cardno, December 2008, page x).

Six putrescible landfills in the Perth area accept about 750,000 tonnes of MSW annually. An additional two million tonnes of construction, demolition, commercial and industrial waste is landfilled each year (BSD / Meinhardt, February 2005, p21).

### **2.9.2 Regional WA**

A 2005 study found that over half of the 110 Local Governments in regional WA recover traditional recyclable materials. Kerbside collection services were provided in 25 of these municipalities, while 49 municipalities had drop-off recycling facilities; and some Local Governments provide both kinds of services (BSD / Meinhardt, February 2005, p1). Most kerbside recycling occurs in the south-west of the State where higher population densities and proximity to markets in Perth improve commercial viability (BSD / Meinhardt, February 2005, p14).

Sorting infrastructure outside of the Perth metropolitan area was found to be sparse, with only 3 material recovery facilities (MRFs) in regional WA (at Albany, Bunbury and Mandurah). There are a few small-scale sorting facilities (at Broome, Esperance, Newman and Wickpin). The majority of regional Councils transport their recyclables to facilities in the Perth metropolitan area (BSD / Meinhardt, February 2005, p1). Hyder Consulting is also informed that the City of Geraldton-Greenough is planning to build another regional MRF soon.

In rural areas material sorting is often basic, manual and reliant on volunteer labour, although some larger centres incorporate automated elements. In Broome, for example, manual sorting was found to be undertaken on an automated conveyor. Where transport distances are large, compaction equipment is generally required for aluminium, paper, cardboard and plastics. Smaller facilities tend to use low cost 'wool bales' and frames with manual compaction.

Almost every small town in WA had its own landfill, mostly operated by the local Council. Some regional landfills have introduced separation of recyclables, but this is still not the norm (BSD / Meinhardt, February 2005, p21).

## **2.10 Regional Councils In Western Australia**

*The historical information relevant to the formation of regional councils in Western Australia found in this section and Appendix 5.3 was kindly collected by staff of the Department of Environment and Conservation on request from the Waste Authority.*

Local Government, including Regional Councils, are the part of our governance system that has key responsibility for managing municipal waste. It has undertaken this role since the inception of local government. Waste Management is consistently identified through community satisfaction surveys as the area where residents are most satisfied with the service provided.

The first priority for municipal waste management is that people and the environment are protected. Certainly this priority is achieved for urban areas of Western Australia. Waste collection in urban areas is seamlessly excellent, so much so that it can be taken for granted.

### **2.10.1 Background/History**

Over the past twenty-five years a majority of Western Australia's Local Governments have formed constituted Regional Councils. Under the *Local Government Act 1995*, constituted Regional Councils have the same general functions of a local government including its legislative and executive functions, except as stated in section 3.66 of the *Local Government Act 1995* (as amended).

The impetus to develop regional councils was, in large part, the recognition by individual local governments that the core service of effective waste collection and disposal was a standard service which offered substantial opportunities to achieve economies of scale through sharing effort. This was reinforced through the Legislative Assembly's Select Committee on Recycling and Waste management held in 1995.<sup>1</sup>

With the exception of the City of Nedlands, all metropolitan local governments are members of regional councils which initially had a special focus on waste management.

As the Regional Councils have matured, they have incorporated other functions within their brief. As well as offering economies of scale and effective business regimes, the Regional Councils now manage other joint environmental, social and economic programs. They act as a service provider for administrative and operational services required by their member local governments and for other local governments on a fee for service basis. They also liaise with local, state and federal government on the development of policies and legislation.

---

<sup>1</sup> Presented by: Dr Kim Hames, MLA, Laid on the Table of the Legislative Assembly on 7 December 1995

There are eight Regional Councils in Western Australia, seven of which provide waste management functions. These are:

- Bunbury-Harvey Regional Council (BHRC)
- Eastern Metropolitan Regional Council (EMRC)
- Mandarie Regional Council (MRC)
- Pilbara Regional Council (PRC)
- Rivers Regional Council (RRC)
- Southern Metropolitan Regional Council (SMRC), and
- Western Metropolitan Regional Council (WMRC)

The Mid West Regional Council (MWRC) does not currently undertake a waste management role; however it will be submitting a strategic waste management plan, but it is not yet clear whether the regional council will be assuming an operational role for itself.

The detail of the operations of the regional councils may be found in Appendix One

#### **2.10.2 Regional Co-operation and Waste Authority Strategic Intervention**

The Waste Authority sees a role for itself sometimes for leadership, often for partnership, and occasionally for intervention where it may help to fix things that break. In the case of local government and strategic waste management, the role the Authority has currently adopted is that of strategic partnership.

In consultation with local government, through the agency of the Western Australian Local Government Association's (WALGA) standing committee on waste, known as the Municipal Waste Advisory Council (MWAC), the Waste Authority has established a mechanism to encourage metropolitan, rural and urban regional local governments to work together to develop a strategic approach to effective waste management and resource recovery. During 2008/09 the Waste Authority provided approximately \$2.25 million to local governments to develop strategic waste management plans (SWMPs). These have had a dual effect. While the plans have ensured that local government works towards developing an appropriate manner of managing waste generated within their community, they have also the potential to encourage local governments to work collaboratively on other ventures. This has supported the government's recent announcement regarding local government reforms.

*Mr Castrilli, who announced the strategies at a combined local government ward meeting in Exmouth, said he hoped future merged councils would also reduce their total number of elected members to between six and nine.*

*"I am inviting each of the 139 councils within Western Australia to embrace this opportunity to voluntarily amalgamate and to voluntarily reduce the total number of elected members for each council," he said.*



*The Minister considers that a period of six months from the date of this announcement would be enough time for each council to advise him of its clear intentions for amalgamations and reductions in the total number of elected members.*

*He also requested all local governments to form appropriate regional groupings of councils to assist with the efficient delivery of their services. This would be in line with proposed grants to local government, under the recently announced Country Local Government Fund which services individual councils and their regional organisations<sup>2</sup>.*

Following the approval of the approximately 36 waste plans which have now been prepared across the state, further funds will be made available to local governments to support the implementation of the plans, with a particular focus on the development of regional infrastructure. This approach has been embraced by local governments and recognised as an effective mechanism to support the delivery of the WA State waste Strategy.

## **2.11 Metropolitan Putrescible Land Fills**

In the metropolitan area, waste disposal to landfill is excellent, and a far cry from former times. The Select Committee report of 1995 and government response was one of a number of drivers in ensuring that in the intervening fourteen years, landfill management has changed significantly.

There are 7 landfills for putrescible waste, meaning the material that includes household organics and mixed waste, in the metropolitan area. Five of these are managed by local government, with two being in the hands of a private company. The landfills are well managed; they are lined to prevent the leaching of contaminants which used to happen, they have methane collection systems to prevent methane emissions which historically used to cause odours and excessive greenhouse gases, and are controlled by individual licence requirements.

Table 6 Putrescible landfills servicing the Perth Metropolitan Region

Facility Name	ADDRESS2	Category	Class
Hopkinson Road	Armadale	64	2
Henderson**	Henderson	63,64	1,2
Millar Road	Rockingham	64	3
Red Hill	Red Hill	64,65	3,4
Mindarie	Tamala Park	64	2
South Cardup	South Cardup	64	2
Alcoa Refinery Kwinana Landfill*	Hope Valley	64	2

\* Landfill does not accept external waste

\*\* Henderson facility operates class 63 and 64 cells and is featured on both Inert and Putrescible lists

<sup>2</sup> Minister John Castrilli, Press Release, 5<sup>th</sup> February 2009

Metropolitan Perth has currently between 10 and 15 years of landfill life left at the current rate of disposal. It is very difficult to obtain permission for new landfills. Furthermore long distance travel for disposal has environmental and economic costs. It is also important that landfill capacity is preserved as far as it is possible to do so. Also it is important that there be contingency plans to cope with disposal emergencies, and that there be considered planning for future landfill sites.

In Minister Foss' 1996 Government Response to the 1995 *Select Committee Report on Recycling and Waste Management* there was a commitment to phase out the disposal of green waste to landfill. In fact there has been significant investment by local government towards diverting not only green waste but organic waste away from disposal in landfill. For example, the 2006 figures for local government greenwaste recycling showed 135,000 tonnes processed and marketed, and this figure continues to grow. This is a great success in terms of resource recovery, prevention of greenhouse gas emissions, and saving of valuable, constructed landfill space.

### **2.12 Metropolitan Inert Land Fills**

There are 12 category 63 landfills for inert (non-putrescible) waste in the Metropolitan Area. Typically these are in large unlined holes left from previous excavation for basic raw materials (sand, stone). The material that is disposed here comes mostly from construction and demolition, from other earthworks, or from commercial and industrial sources. In theory this material is inert and can neither cause leaching of contaminants nor emissions of methane. Historically there is evidence that this was not well policed, and some contamination occurred. It is quite noticeable that policing practices, and management practices and performances have improved in recent times and there is not a significant concern for pollution from new metropolitan landfills of this type.

### **2.13 Waste Management Is An Essential Service**

It is the view of the Waste Authority that waste management is an essential service. In the same way that power, water supply, sewerage management, health management, maintenance of law and order are considered essential service, so too is waste management.

It is important that this is recognised in law. It is the essential service that is the responsibility of local government, and therefore may be more vulnerable to devaluation by state government entities than the other essential services that are under State or Commonwealth responsibility.

One consequence of being deemed essential would be that there would be proper consideration given by the whole government system to provision of services. At present for example it could be argued that there is insufficient attention beyond local government to planning for future activities and facilities.

Another consequence of being deemed essential would be appropriate protection for waste management from unreasonable actions that would cause the activity to cease on a short or long term basis. At present there are examples of cessation being brought by actions without appropriate checks and balances. This does not mean that the Waste Authority argues against coercive action against waste facilities; it does mean that there should be appropriate independent checks like prosecution through courts, and that orders to cease should be last resorts subject to scrutiny by the judicial system.

Yet another consequence of being deemed essential is that it would provide recognition to parts of WA where there is not a waste service, such as some remote indigenous communities. Such recognition would provide incentive to manage issues like who pays, and who provides the waste service.

### **2.14 Planning For Future Disposal**

We have suggested above that there be both planning for contingencies for ongoing waste disposal, and strategic planning for future disposal infrastructure. This requires a consideration of broader issues. Obvious amongst this is the desirability of the grouping together of waste management activities, and the provision of buffers with security. There is an ongoing resistance to the concept of buffers from state planning agencies. For example, the review of the Bellevue Fire recommended that consideration be given to better security for buffer areas, but the response from the State Planning agencies was not supportive of this recommendation. This is a matter that should be addressed. A direct response from legislators would be to place legal rights for waste managers (and indeed other approved developments) that were approved with a 'protective' buffer to claim compensation from planning agencies that make decisions that allow non-compatible development within zones previously for exclusion recognised by superior decision. This issue is a generality that goes beyond waste management and includes most industry with the need for exclusion, separation or buffer zones around their boundaries.

### **2.15 Recommendations**

The Waste Authority recommends that:

- 1) The Inquiry specifically recognises and endorses the pre-eminent role of Local Government in the management of waste;**
- 2) The Inquiry finds that waste management should be recognised in law as an essential service.**
- 3) The Inquiry acknowledges and supports the Waste Authority's encouragement of regional councils to provide for effective management of waste throughout urban and rural Western Australia**

- 4) The Inquiry recognises that modern large landfills for mixed waste are and should be properly engineered facilities that prevent leaching of contaminants and have the capacity to collect methane to minimise greenhouse gas emissions;
- 5) The Inquiry recognises that Modern landfill design, construction and management have significantly advanced since the 1995 Select Committee Inquiry;
- 6) The Inquiry considers whether or not there should be a prescribed minimum standard for all landfills of a certain size that accept mixed waste.
- 7) The Inquiry finds that there should be appropriate legislated protection including penalty and/or compensation for non-compliance by planning agencies of exclusion or buffer zones.
- 8) The Inquiry recognises and commends the significant success in diversion of greenwaste away from landfill

### **3. THE SOUTHERN METROPOLITAN REGIONAL COUNCIL REGIONAL RESOURCE RECOVERY CENTRE**

#### **3.1 SMRC Background**

The Southern Metropolitan Regional Council (SMRC) is constituted as a regional local government and covers 7 cities and towns (City of Canning, City of Cockburn, Town of East Fremantle, City of Fremantle, Town of Kwinana, City of Melville and City of Rockingham).

In the late 1990's, the SMRC resolved to construct a Regional Resource Recovery Centre (RRRC) at the site of the old Ranford Road (Canning) landfill. The proposal was assessed through the EPA and was approved for construction and operation on 30 July 1999 by Environment Minister Cheryl Edwardes in Ministerial Statement 517. The RRRC deals with the following wastes:

- Canning, Cockburn, East Fremantle, Fremantle & Melville – green top bins (municipal waste); yellow-top bins (municipal recycling); and verge collections (green waste)
- Kwinana & Rockingham - yellow-top bins (municipal recycling); and verge collections (green waste)
- In addition, the RRRC takes some biosolids from the Water Corporation and other miscellaneous wastes suitable for converting from waste to compost.

In all, the RRRC provides a waste service which processes approximately 200,000 tonnes of municipal waste per annum, collecting, processing, separating and treating waste from approximately 10 million wheelie bin collections per annum.

#### **3.2 Role of DEC**

The WARR Act has particular provision for the CEO of the Department to monitor and evaluate waste services. The Regional Resource Recovery Centre of SMRC clearly fits the definitions of 'waste services', as described in the WARR Act.

Under the WARR Act S 53. (3) the CEO is required to seek and have regard to the advice of the Waste Authority as to the appropriate performance of a waste service, and any other matters proposed to be evaluated before carrying out a performance evaluation. It is of note that no such advice has been sought of the Waste Authority by the CEO or Department.

It appears, to the Waste Authority, that the CEO has relied on powers under the Environmental Protection Act for his interactions with SMRC, rather than those of the WARR Act.

#### **3.3 Matters of Complaint**

The Chief Executive of the Department of Environment and Conservation took action in December 2006 and January 2007 to curtail the activities of the RRRC by serving a

Pollution Prevention Notice that prohibited the receiving of waste at the resource recovery centre. These matters were resolved in February 2008.

Again on Friday 31<sup>st</sup> October 2008 the Department issued a Notice on the SMRC, requiring the SMRC to prepare an Odour Abatement Plan, after 21 days an Environmental Protection Notice will be served. The Department would also amend the licence to enable prompt enforcement action. The public statement issued with the notice indicated '*...that the SMRC needs to reduce odour emissions to ensure its continued operation...*'

It should be noted that the Waste Authority is of the view that any complaint regarding odour is a matter of dispute between the Department, the Minister and the SMRC and in general is of the view that this is a matter to be determined by a fair and equitable process.

The Waste Authority recognises that the RRRC has replaced an unsatisfactory landfill on the same site, and is but one of several industries appropriately aggregated on the overall site because of their potentially offensive nature. The Waste Authority also recognises that given different history it may have been wiser to have better managed buffer or exclusion areas around the aggregated industries. **Nonetheless, the Waste Authority makes the clear and unequivocal statement that any facility, including the RRRC, that is proven in a court to cause pollution should be properly considered for prosecution before such courts. Such a process is established as fair to both society and to operators.**

### 3.4 Issues

#### 3.4.1 Investment Confidence

The SMRC has been an Australian leader in developing and implementing new technologies to treat municipal waste. Its \$90 million investment in the plant has encouraged the other metropolitan regional councils to invest in similar technologies at an estimated infrastructure investment of \$500 million over the next five years. On completion, this will potentially reduce the waste to landfill by approximately 40%. Western Australia is leading Australia in this objective identified by previous Minister Foss and the 1995 Select Committee Report on Recycling and Waste Management

*The Mandarie Regional Council (MRC)* is constructing a waste composting facility, similar to the RRRC's waste composting facility, at a site in Neerabup In the northern portion of Wanneroo.

*The City of Stirling* has access to Atlas' waste processing facility which combines a traditional materials recovery facility with a waste composting system.

*The Western Metropolitan Regional Council (WMRC)* has the brand new Di-Com facility which is a smaller scale waste-to-compost facility.

*The Rivers Regional Council (RRC)* is currently investigating technology for waste-to-compost process at its selected location in Wattleup.

*The Eastern Metropolitan Regional Council (EMRC)* is undertaking community consultation, site selection and establishing technology selection principles for a future alternative waste treatment facility, possibly to be located at Hazelmere.

The metropolitan regional councils are closely following the disputes between the Department of Environment and Conservation and the SMRC, bearing in mind the level of investment they are proposing to make on similar technological solutions. A repeated area of concern is the erosion of buffer zones which has been permitted at existing landfill operations. For example, the Hopkinson Rd landfill site in Armadale now has housing subdivisions approved by the WAPC within 200 metres of its open face. Local Government is concerned that having identified isolated locations for resource recovery facilities the planned buffers will be eroded in a similar vein to that which appears to have occurred at the SMRC.

#### **3.4.2 Strategic Matters**

In the Waste Authority's view, there are a number of important strategic issues which require a whole of government approach to waste avoidance and resource recovery. To date, Local Government has been proactive in planning and implementing the development of strategic approaches to minimising waste recovery and waste to landfill. It is the view of the Waste Authority that this should be recognised in strategic planning matters, and buffers for resource recovery sites should be preserved.

Regional Resource Recovery facilities play an important role in reassuring the community that much is being done to reduce the level of waste going to landfill.

Where the product produced through composting technology is used it has the capacity to significantly improve our sandy soils. Already it is in significant use. Work is under way on experiments on further utilising the compost product for road-side beautification on our major highways, and Main Roads is indicating that it can consume substantial quantities of compost produced from domestic rubbish for this purpose.

#### **3.4.3 Separation of Powers and Appropriate Use of Powers**

Western Australia has an environmental decision-making system for proposals that is sound in principle but has become tattered in operation as the various legislations have become modified or where jurisdictions overlap. The need for a comprehensive review of the Act and its administration is beyond the scope of this submission.

The Environmental Protection Act provides that a new proposal that has the potential for a significant environmental impact is assessed by the Environmental Protection Authority. These people are independent individuals appointed on the basis of their specific expertise and experience. After appropriate public processes the Environmental Protection Authority makes recommendations to the Minister for the Environment. After due consideration, and aided by an appeals process, the Minister for Environment decides on

approval for the project (or not), and sets legally binding environmental conditions.

Following the decision by the Minister, the Department of Environment and Conservation, the same department that is charged with coercive controls of proponents, does its own assessment for a works approval (details of how to build) and operating licence (details of how to operate). Licences are reviewed regularly, say every 5 years.

There is a failing in the Act. The department may unilaterally over-ride the decisions of the Minister, or even of its own works approval (especially after the expiry of a time-constrained works approval and set licence conditions that frustrate the original approval, or serve environmental protection notices that constrain activities beyond the decisions of the Minister or the Works approval.

There is no external system of checks and balances that first require the demonstration of an emergency, nor evidence of successful prosecution before courts. There is an avenue of appeal (to the Minister through the Appeals Convenor), but this lengthy process does not prevent the constrained conditions during the length of that appeal.

#### **3.4.4 SMRC Licence Approval**

The SMRC's Regional Resource Recovery Centre is approved under the Environmental Protection Act by the Minister for Environment with conditions determined by the Minister. It is only the Minister who can, quite properly, change those actual conditions. The RRRC approved by the Minister puts in place mechanisms for the Minister and the EPA to deal with ongoing issues beyond day-to-day decisions like prosecution. It is for the Minister on the advice of the EPA to determine questions like the ongoing approval of the RRRC.

Hence there are at least three mechanisms available for a review or change of the environmental conditions of the RRRC:

- Under the WARR Act (S53), the CEO may monitor and evaluate waste services (and seek the advice of the Waste Authority). This has not occurred.
- Under the Ministerial Condition 517 set under Part IV of the Environmental Protection Act (Minister Cheryl Edwardes 30 July 1999) :
  1. The proponent (SMRC) is required to operate according to an environmental management system approved by the EPA after advice from the Department
  2. The proponent (SMRC) is required to undergo 5-yearly performance reviews to the requirements of the EPA on advice of the Department (note that the EPA may recommend changes and actions to the Minister following consideration of the performance review)
  3. The proponent (SMRC) is required to conduct periodic compliance auditing in accordance with an audit programme prepared in consultation



between the proponent and the Department. Where the compliance ... is in dispute, the matter will be determined by the Minister for the Environment.

There is no external evidence that that these requirements have been adhered to by the Department or the EPA.

There are mechanisms under part V of the Environmental Protection Act, including licences and environmental protection notices (discussed above) that empower the CEO of the Department to take action itself without recourse to higher authorities. The Department has chosen this route in its recent dealings over the SMRC Regional Resource Recovery Centre.

There is no legislative guidance as to which mechanism is appropriate for use according to what circumstances. It is the opinion of the Waste Authority that this is a failing in the current system.

#### **3.4.5 Transparency of Decision-Making**

When in October 2008 the Department released its new reports and orders on the SMRC, it also released public statements that included consideration of future curtailment of the activities of the RRRC.

The Waste Authority reiterates its clear and unequivocal statement that any facility which causes pollution that can be proven to a court, including the RRRC, should be properly considered for prosecution before such courts. Beyond that, it is the view of the Waste Authority that any consideration to close or otherwise curtail the operations of the RRRC of the SMRC, has to be made by a higher authority than a Department charged with prosecutorial responsibilities, and needs to be made within a strategic context and with consideration of wider issues of long term sustainability of waste management.

If there is an odour issue, and if the Department is so convinced, it is for the Department alone to consider prosecution. This would ensure that an independent court would consider the evidence, and if appropriate, set an appropriate penalty. It is however beyond reasonable process that the Department consider that it is empowered to change the licence to facilitate prompt enforcement action, collect the information, consider the information, make a decision on guilt or innocence, and consider the penalty including the possibility of closing operations. Under such a regime not only all waste facilities but any industrial activity in WA is threatened. This has significant ramifications for investment in waste recovery systems.

### **3.5 Recommendations**

The Waste Authority recommends that:

- 9) The Inquiry considers further the matter of guidance on which powers are applied in which circumstances, and the need to use an appropriate system of checks and balances provided by legislation.
- 10) The Inquiry recognises and acknowledges the ongoing efforts of local government led by Regional Councils to design, build, fund and operate alternative waste treatment facilities consistent with the expectations of government and the community.
- 11) The Inquiry considers the establishment of appropriate security for buffer and/or separation zones for waste management facilities.
- 12) The Inquiry finds that there should be legislative amendments to the Environmental Protection Act, including:
  - The provision of an appropriate and timely set of checks and balances that maintain the integrity and intent of Ministerial Approvals or Works Approvals against departmental setting or changing of licence conditions.
  - The need to demonstrate urgency to an external body such as a court or a demonstration of ongoing inadequate performance through successful prosecution (through a court) before the Department applies mechanisms that constrain activity below original approvals.
  - in the absence of such demonstration, any proposal for significant change to the actual or the intent of the original approval should be submitted to the EPA for consideration of a change to proposal, and the appropriate and established mechanisms followed.
- 13) The Inquiry finds that there should be further legislative guidance into which form of environmental decision making, including the review and changing of conditions or the taking of coercive action, is appropriate to be applied to what set of circumstances. (Whilst this may well apply for all developments, the Waste Authority makes the point in relation to waste management.)
- 14) The Inquiry finds that there needs to be consideration and amendment of the coercive and review powers under the Environmental Protection Act such that there are clear rules about the appropriate use of powers according to the circumstance.

#### 4. THE WASTE AUTHORITY AND THE WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007

In mid 2008, the five members of the Waste Authority were appointed to be an independent statutory authority to progress waste policy and program delivery, within a broader sustainability context in Western Australia. This function was to provide proper separation from the regulatory functions of the Department of Environment and Conservation. The ambitious expectations of the WARR Act require substantial development of strategic policy, the role of the Waste Authority, coupled with an effective regulatory body, the role of the department.

The Waste Authority, consisting of two appointees from the previous non-statutory Waste Board and three new appointees, had expected to administer the Waste Avoidance and Resource Recovery Act as was described in Parliament and in the Act. Instead the Authority has no staff, struggles to spend money despite the significant income from the waste levy, can make no contracts, and can not even accomplish drafting of the regulations it is accountable for providing to the Governor.

##### 4.1 The WARR Account

The “headlines” of the WARR Act, and the objectives of the Act described to Parliament are significantly subverted by the management of the fine print of the Act.

The explanatory memorandum to Parliament for the Waste Avoidance and Resource Recovery Bill 2007 stated:

*The Waste Authority will administer the Waste Management and Recycling Fund (WMRF). The Waste Authority will have the power to enter into contracts, disburse WMRF funds, and provide grants and subsidies.*

*The Act says WARR (79 (2)) the WARR Account is to be administered by the Waste Authority.*

*While this seems clear, S 81(2) the Act says the administration of the WARR Account is for the purposes of the Financial Management Act 2006 section 52 to be regarded as a service of the Department.*

In effect, this means that the Waste Authority can authorise a person under the direction of the Chief Executive to spend money from the Waste Account, but can not itself spend money. Nor can it enter into contracts or hire services, or disburse WMRF funds.

The WARR Account has been established pursuant to section 79(1) of the WARR Act. Section 79(2) provides that the WARR Account is to be administered by the Waste Authority. Pursuant to section 80(1), the Waste Authority is empowered to apply the moneys held in the WARR Account within the limits of paragraphs (a)-(c) of that section, provided that the expenditure is consistent with the Authority's current

business plan (which is subject to the approval of the Minister) or is otherwise approved by the Minister.

The present uncertainty surrounding the capacity of the Waste Authority to apply the moneys in the WARR Account “of its own accord” appears to have arisen, at least in part, from the presence of section 81 of the WARR Act, which provides as follows:

*The provisions of the Financial Management Act 2006 regulating the financial administration, audit and reporting of departments apply to and in relation to the WARR Account.*

*The administration of the WARR Account is for the purposes of the Financial Management Act 2006 section 52 to be regarded as a service of the Department”.*

An important question is if, as a result of section 81, the actual expenditure of money from the WARR Account must be done by persons with delegated authority from the CEO of DEC and subject to the direction of the CEO.

The *Financial Management Act 2006* (“the FM Act”) generally provides for the management, administration and reporting of the public finances of the State. Relevantly for present purposes, the effect of section 81 of the WARR Act, when read together with the FM Act (and bearing in mind section 16 of the WARR Act), is essentially to:

- provide for DEC to carry out the actual expenditure of moneys in the WARR Account on behalf of the Waste Authority in the exercise of its powers under section 80 of the WARR Act (ie to physically make payments out of the WARR Account);
- require DEC, and the CEO as the “accountable authority” of the department, to comply with the requirements of the FM Act and the Treasurer’s instructions issued under section 78 of the FM Act with respect to the application of moneys in the WARR Account on behalf of the Waste Authority; and
- make the CEO, as the “accountable authority” of DEC, generally responsible to the Minister for the Environment for DEC’s actions with respect to the application of moneys in the WARR Account and its compliance with the provisions of the FM Act and the Treasurer’s instructions issued under the Act.

However, in accordance with section 80(1) of the WARR Act, it is the Waste Authority which is empowered to determine how moneys held in the WARR Account are to be spent (ie to whom/what the moneys should go) within the limits of paragraphs (a)-(c) of that section, and subject to Ministerial control. Nothing in section 81 of the WARR Act or the FM Act gives the CEO of DEC the power to direct the Authority, or those DEC officers carrying out the actual expenditure of moneys on its behalf, how the moneys are to be spent.

It is the view of the Waste Authority that this separation of responsibilities can be workable, on the basis that the Waste Authority cannot provide a direction to staff regarding any activity or expenditure which does not comply with the provisions of the Financial Management Act. The Waste Authority recognises that the CEO, as the

accountable authority of DEC, does have the power to direct officers to the extent necessary to ensure compliance with relevant requirements of the FM Act and the Treasurer's instructions. For example, it is within the power of the CEO to ensure that payments out of the WARR Account are not made until they have been authorised by a "certifying officer" and that records of such payments are kept in accordance with the Treasurer's instructions. Moreover, pursuant to section 19 of the FM Act, it is within the power of the CEO to ensure that DEC officers do not overdraw the WARR Account without the prior approval of the Treasurer.

Except in respect of those matters regulated by the FM Act and the Treasurer's instructions (which are primarily administrative/procedural in nature), it follows from the fact that the application of moneys in the WARR Account is a statutory function of the Waste Authority under section 80 of the WARR Act, that DEC officers are subject to the direction of the Waste Authority in relation to the expenditure of moneys in the WARR Account.

#### **4.2 Staffing Matters**

The explanatory memorandum to Parliament for the Waste Avoidance and Resource Recovery Bill 2007 said:

*Establishing an independent statutory authority to progress waste policy and program delivery, within a broader sustainability context, is considered to be Australian best practice governance. It allows clear separation of waste policy and program delivery from the functions undertaken by the Department of Environment and Conservation: waste regulation and related compliance and enforcement functions. And The Bill establishes the clear separation of regulatory, compliance and enforcement functions to be undertaken by the Department of Environment and Conservation, and policy and program delivery functions, to be undertaken by the Waste Authority.*

In section 22 the Act describes staff that service the Authority and allow delivery of the expectations above and as described in sections 16(1) and 17(1) as 'officers of the Waste Authority'.

However, the Act lacks the clauses that entitle the Waste Authority to employ people. (Many Acts have these clauses: part V of the Zoological Parks Authority Act 2001 is a clear example). Hence all staff that service the Authority do so as a secondary function; secondary to servicing and representing DEC.

As a result, while the Department does the compliance and enforcement functions, the Waste Authority has no staff to undertake any effective policy and program delivery. Under these circumstances, the "Australian best practice governance" described in the explanatory memorandum to the Bill cannot succeed.

The Waste Authority has no person other than its part time members to represent it at senior levels of discussion or negotiation, has no-one to implement its operational responsibilities, and has no way of meeting most of the expectations of the Act.

When the WARR Act was developed, following an intensive program of community and stakeholder consultation, the key points were the requirement for a separation between DEC's regulatory activities and Waste Authority's policy and program activities, and the establishment of an independent Waste Authority, which provided for transparency in its decision-making and particularly in its expenditure of the WARR Account. When the Waste Authority came into being in July 2008 there were 50 staff employed by DEC whose expenses were debited to the WARR Account. The practice of using levy funds for all waste activities of the Department is in direct conflict with commitments given by Ministers in second reading speeches since the levy was first introduced:

Minister Cheryl Edwardes introducing the levy in 1997:

*...ensuring funds will not be used to fund the ongoing usual activities of the Department of Environmental Protection, with the exception that the administration of the levy which will be funded by the levy itself. (In fact the actual administration of the fund is conducted by 5 people including an inspector and they do an excellent job).*

This commitment to not fund the normal staffing operations at DEC has carried right through to the 2007 second reading speech of Minister Templeman for the WARR Bill including: *The levy is not to be used to fund other normal operations of DEC. And the second reading for the accompanying WARR Levy Bill: A levy has been in place since 1998...and the effect of the Bill is essentially unchanged, but the name has been changed to reflect the companion Bill...*

The WARR Act says

**16. Provision of services and facilities**

- (1) The Minister must ensure that the Waste Authority is provided with such services and facilities as are reasonable necessary to enable it to perform its functions.
- (2) Without limiting subsection (1), the Minister may, by arrangement with the Department, and on such terms and conditions as may be mutually arranged with the Waste Authority, allow the Waste Authority to make use, either full-time or part-time, of –
  - (a) the services of any officer or employee employed in the Department; and
  - (b) any services or facilities of the Department.
- (3) This section does not limit section 17.

**17. Use of staff and facilities of other departments, agencies and instrumentalities**

- (1) Without limiting section 16, the Minister may, by arrangement with the relevant employing authority, allow the Waste Authority to make use, either full-time or part-time of the services of any officer or employee –

- (a) in the Public Service; or
  - (b) in a State agency or instrumentality; or
  - (c) otherwise in service of the Crown in right of the State.
- (2) Without limiting section 16, the Minister may, by arrangement with –
- (a) a department of the Public Service; or
  - (b) a State agency or instrumentality,
- make use of any facilities of the department, agency or instrumentality.
- (3) An Arrangement under subsection (1) or (2) must be made on terms agreed to by the parties.

Given that the Waste Authority does not have the capacity to enter into contracts on its own behalf and in its own name, and given that section 16(1) of the WARR Act expressly provides that the Minister is to ensure that the Authority is provided with such services (including staff services) as it needs to perform its functions, it is clear that the Authority does not have the power to directly employ its own staff.

Sections 16(2) and 17 of the WARR Act provide for two broad options with respect to staff services for the Waste Authority: (1) the services of officers or employees of DEC; and (2) the services of officers or employees in the Public Service, a State agency or instrumentality, or otherwise in the service of the Crown in right of the State (“other government employees”).

Accordingly the two broad options provided for in sections 16(2) and 17 are currently the only options available with respect to staff services for the Waste Authority. Moreover, the effect of section 81 of the WARR Act is to provide for DEC to assist the Waste Authority in respect of its function of administering the WARR Account. That is, in respect of that particular function of the Waste Authority, the second option for staff support provided for by section 17 is not available.

The only “mechanism” available to enable the Waste Authority to directly employ its own staff, or to enable the Minister or some other person to employ or appoint persons to work directly for the Authority is legislative amendment. Any changes to the WARR Act in this regard, however, would need to be carefully considered. For example, it would be necessary to give careful consideration to any policy and legal implications of the Waste Authority being assisted by non-DEC officers in applying the moneys in the WARR Account given that:

- there are both legal and policy reasons for ensuring that the WARR Account is subject to the financial administration, audit and reporting requirements in the FM Act – which relate to both the collection and application of moneys;
- responsibility for collecting the levies payable to the Minister and credited to the WARR Account is allocated to the CEO of DEC under the WARR Regulations;
- there may be policy and legal imperatives for the WARR Account to be regarded as under the control of only one agency (ie DEC) for the purposes of the FM Act as it presently is pursuant to section 81 of the WARR Act.

The Waste Authority is of the view that the DEC officers referred to in section 16 as an example, while assisting/servicing the Waste Authority (whether full-time or part-time), these officers:

- may well remain subject to certain general departmental policies created by or under the authority of the CEO, eg human resources policies, information technology etc;
- to the extent they service the Authority in DEC premises and using DEC facilities, remain subject to any general directions issued by the CEO with respect to those premises and facilities;
- remain subject to the direction of the CEO with respect to the matters regulated by the FM Act and the Treasurer's Instructions.

However, beyond the above matters (which are more administrative/procedural in nature), in respect of the substantive tasks allocated to them by the Waste Authority in the performance of its functions, the DEC officers referred to in section **16 act on behalf of the Waste Authority and are subject to its direction**. For example, in the performance of its function of advising the Minister on matters relating to the WARR Act, the Waste Authority could use a DEC officer in accordance with arrangements made under section 16 of the Act to assist in the preparation of the advice. That DEC officer would be subject to the direction of the Authority with respect to the preparation of the advice and the advice would not need to go "through" the CEO of DEC.

The situation would be similar in respect of any other government employees who assisted the Waste Authority in accordance with arrangements made under section 17 of the WARR Act.

The DEC staff made available for the Waste Authority to use from time to time have been put in an untenable position. While paid for by the WARR Levy, they are instructed that they are DEC staff, that they are always to represent themselves as DEC staff and that they do not take instruction from the Waste Authority and do not represent the Waste Authority. When asked by the Authority they do provide their best advice to the Authority. They are in the invidious position of deciding on a case by case basis which activities are for the Authority and which are for the Department. They conduct the key policy tasks that the Authority can't do because the Authority has no staff.

For example, advice that the Waste Authority may wish to provide to the Minister is first reviewed by the DEC CEO as it is prepared by DEC staff. If the Authority wishes to have a Press release prepared, it appears that such a release requires signing off by not the Waste Authority Chairman but the DEC CEO or his representative.

For example, all of the work and representation for Western Australia towards national positions on waste management, extended producer responsibility, national packaging covenant etc is beyond the capacity of the Authority to engage in as the Authority has no resources to utilise for these important matters.

One significant effect on the outputs of the Waste Authority is that the Authority members are consumed with the minutiae that should be led for them by Authority staff. The big picture activities that are the proper province of an Authority are suffering.



Another significant effect is the conflict of interest that occurs when the DEC that is responsible for waste regulation and related compliance and enforcement functions also controls by default the policy and program delivery functions. The current case of the SMRC is such an example, where there is no doubt that the SMRC has made a substantial contribution to recycling and to greenhouse gas abatement in Western Australia but because of the regulatory matters between the DEC and SMRC, it has been impossible for the Authority to provide recognition or public communication about the RRRC's achievements.

#### **4.3 Waste Authority and the WARR Levy Act**

The WARR levy Act says:

##### **4. Levy may be prescribed**

*(1) The Governor may, on the recommendation of the Waste Authority, make regulations under the Waste Avoidance and Resource Recovery Act 2007 prescribing an amount by way of levy that is to be payable in respect of waste received at disposal premises.*

On the face of it this would presume that the Authority (which is directable by the Minister) would go through the prescribed processes, and decide on regulations for waste levies. Then the decisions for those regulations would be drafted into regulations, and presented to the Governor. There are specific examples of where this has been frustrated.

In fact the only way that a regulation can get to the Governor is after drafting by the Parliamentary Counsel's Office. The PCO however will not accept drafting instructions from the Authority, instead only accepting instructions from the Chief Executive of DEC. The explanation from the Parliamentary Counsel PCO is thus:

*It is clear from the provisions of the WARR Act that the role of assisting the Minister in the administration of the Act rests with a department of the Public Service. The definition of CEO in section 3 recognises this (that definition says: CEO means chief executive of the department of the Public Service principally assisting in the administration of this Act). That means that responsibility for instructing this Office as to the preparation of subsidiary legislation lies with the CEO and the department.*

The ramifications of the Parliamentary Counsel's interpretation of the WARR Act, if correct, is significant for the role of the Waste Authority.

The WARR Act says that the Waste Authority is a statutory authority (Section 8 of WARR Act), and an agent of the state (Section 9 of WARR Act), and has all of the powers it needs to perform its functions (section 20 of WARR Act). (This latter term is well studied, especially in the United States where Section 8 of their Constitution says: *Congress shall have power to make all laws which shall be necessary and proper for...*).

There are multiple examples where agencies have been set up where the details of the drafting and enacted legislation match the claim of the head powers. The WARR Act is not one of them. The difficulties with the Act and with its administration have disempowered the Authority which was established to provide advice to the Minister, to set policy and to deliver programs which would achieve best practice in waste avoidance and resource recovery in Australia.

The explanation that accompanied the WARR Bill promised a Waste Authority that progressed waste policy and programme delivery, and kept these functions separate from the regulatory controls of DEC. The fine print of the WARR Act has meant that this is extremely difficult to deliver.

#### **4.4 Recommendations**

The Waste Authority recommends that the Inquiry

- 15) Finds that the Waste Authority has the powers and responsibility, subject to the Minister, to make decisions on expenditure from the Waste Account.**
- 16) Finds that DEC officers can be and should be nominated as Officers of the Waste Authority, directable by the Authority, able to represent the Waste Authority, and paid for by the Waste Levy, while remaining public servants accountable to the administrative processes relevant to the department.**
- 17) Determines which model of Authority it will recommend and makes clear the expectations and powers that suit that model.**

## 5. APPENDICES

### 5.1 Waste Authority Strategic Plan

The Waste Authority has determined and published the expectations that it has of itself in a statement of strategic direction which it has made public. The statement follows:

#### Strategic Direction 2008

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**Mission** – To advise on, promote and provide support for waste avoidance and resource recovery consistent with the Waste Avoidance and Resource Recovery Act 2007.

**Vision** – Towards a zero waste environment.

#### Leadership

***The Waste Authority will provide leadership where required, including setting a clear direction for the management and avoidance of waste and for resource recovery in WA.***

- 1.1 **Strategy** - The Authority will develop, review and communicate a Waste Strategy for the State, that sets out ambitious yet achievable targets and timeframes for delivery, and focussed support programs based on robust consultation and research.
- 1.2 **Policy** - The Waste Authority will develop and review positions on existing or emerging opportunities, problems, structures and processes to better guide appropriate interventions.

#### Partnership

***The Waste Authority will work with others through partnerships and support programs.***

- 2.1 **Strategic partners** - The Waste Authority will partner with major stakeholder groups responsible for collection, processing or disposal of waste in order to extend its influence on the management of waste streams and processes in WA.
- 2.2 **Grant funding** - The Waste Authority will develop funding partnerships, including with major stakeholder groups.

#### Interventions

***The Waste Authority will initiate interventions that deliver sustainable outcomes.***

- 3.1 **Opportunities** - The Waste Authority will identify opportunities and priorities for interventions, including through Product Stewardship Plans and Extended Producer Responsibility schemes, in consultation with industry and other stakeholders, and will assess their risks and scope approaches for implementation.
- 3.2 **Critical interventions** - The Waste Authority will develop targeted approaches and either engage appropriate parties to implement necessary works.
- 3.3 **Security** – The Waste Authority will ensure an approach that is secure from the point of view of health, the environment and wise resource use.

## Governance

***The Waste Authority will operate within a feasible, transparent framework which has in place appropriate processes and systems to ensure effective delivery and accountability.***

- 4.1- **Authority support** – The Waste Authority will apply appropriate protocols, develop service and staffing agreements and approve budgets which ensure it is able to meet its legislative requirements.
- 4.2 **Decision making** - The Waste Authority will cause appropriate agendas and minutes for all meetings to be prepared and communicated to stakeholders, and will engage with stakeholders through forums and meetings to adequately inform decision making processes.
- 4.3 **Reporting** - The Waste Authority will cause regular reports on performance to be prepared so as to allow appropriate communication of progress against financial, administrative and strategic targets.
- 4.4 **Transparency** – The Waste Authority will ensure that its decision making process is transparent; and that outcomes of public funding are accessible to the community.

## Values

***The Authority will apply the following values (not in priority order) in assessing particular areas of activity.***

Overarching Values (i.e. does it target this..)

- A. Sustainability – does the proposed approach reflect an appropriate balance between social, environmental and financial considerations or does it contribute to a reduction in the net burden from an activity?
- B. Resource efficiency – does the proposed action increase the unit output from resources such as water or energy or does it reduce waste?
- C. Community empowerment – does the proposed action provide the community with an active role to play in purchasing, using or disposing of a material?
- D. Innovation – is this a better approach for Australia/WA and what potential does it have for further adaptation?
- E. Community acceptance – does the proposed action have community support / is it likely to be supported by the WA community?
- F. Simplicity – does the proposed action represent a relatively simple way to approach to the issue and is it simple to implement and measure?

Characteristics of approach (i.e. how does it impact on this...)

- G. Overall system resilience – how will the proposed action improve robustness in waste management systems in WA?
- H. Local investment – how has the proposed action been appropriately structured to maximise certainty, longevity or security in a local (WA) investment context?
- I. Certainty of direction/acceptance – how is the proposed action consistent with or part of an expected and understood and communicated method for addressing the issue?
- J. Value for money – how will the direct benefit of the proposed action be measured in dollar terms? (eg \$ per tonne)

- K. KPIs , targets and reporting – how does the proposed action incorporate appropriately transparent means for measuring/reporting internal performance and performance with respect to the targets in the Waste Strategy?
- L. Enhancing knowledge – how will the proposed action improve overall knowledge that is of benefit to others?
- M. Communication strategy – how will the proposed action ensure a clear self contained method for communicating its benefits to stakeholders of interest?

In future years the Waste Authority will have the guidance of a waste strategy for the whole of the state, and a business plan that sits under that strategy to guide expenditure. In this first year the waste strategy does not exist (it won't exist until about the end of the first quarter 2009/10), so the Authority has submitted various versions of a work plan to respective ministers in order to achieve activities and expenditures from the WARR Account in this year.

The work plan that the Authority is operating under for this year is presented here. All expenditure will be paid for by the WARR account funded from waste levies.

## **5.2 Waste Authority Expenditure Program 2008 -2009**

### **GRANTS**

**TOTAL:    \$2,370,000**

These are grants made by the Waste Authority. The costs do not include staff costs for administration by DEC officers.

<b>Project Title</b>	<b>Project Description</b>	<b>Budget \$</b>
Strategic Waste Initiatives Scheme & Community Grants Scheme	The Strategic Waste Initiatives Scheme (SWIS) is a broad support scheme, with incentive funding as the element of the potential support and assistance provided. The Community Grants Scheme (CGS) has been established to support local, community-scale projects that improve the management of waste in Western Australia. There is a twice per year call for proposals under the SWIS and CGS. The program involves management of grant advertising, assessment and approval process, and contract management of grant-funded projects.	1,750,000
Sponsorship	Sponsorship is provided for major events that include a significant focus on waste management. The sponsored events are required to incorporate actual waste reduction activities. Currents events sponsored are the Waste & Recycle Conference, and WA Environment Awards	25,000
Partnership funding	Partnership funding agreements enable external organisations to work with the Waste Authority on specific policy or program development and/or implementation. Current partnerships are with Green Stamp Program; Centre for Excellence in Cleaner Production; WA Local Government Association; Conservation Council of WA.	420,000
Waste Wise Schools Grants	Financial support for grants to schools participating in the Waste Wise Schools program to assist schools in reducing waste to landfill and in educating the school community about sustainable waste practices. There are three consecutive grants available of \$2,000, \$5,000 and \$10,000.	175,000

## EXPENDITURE BY THE WASTE AUTHORITY

**TOTAL: \$720,000 PLUS**

Project Title	Project Description	Budget \$
Waste Strategy and Business Plan	The <i>Waste Avoidance and Resource Recovery Act 2007</i> requires the Waste Authority to prepare a Waste Strategy as soon as practicable after the relevant section in the Act comes into force (1 July 2008) and to prepare an annual business plan, commencing with the 2009/10 year, with a 5-year outlook.	300,000
Major new initiatives	The Waste Authority will engage with the community to determine priorities for major projects. Possible funding could include for infrastructure, product stewardship, and construction and demolition projects.	Any activity and amount for year not yet determined.
Waste Authority Website	The 'Towards Zero Waste' website provides a major access point for waste management initiatives, news and other relevant information from WA and elsewhere as well as providing information on the Waste Authority's activities and meeting outcomes.	25,000
Policy and Issue advice for Government	Provision of external policy advice to supplement Waste Authority / DEC policy development resources.	50,000
Consultation on landfill levy (workshop at W&R Conference 2008)	Undertaking consultation with industry stakeholders regarding appropriate levels for the landfill levy, particularly with respect to the inert waste landfill levy.	10,000
Governance and Operations	Provision of members' sitting fees and operational costs associated with the Waste Authority.	230,000
Executive Support to Waste Authority	Provision of executive and administrative support to the Waste Authority.	20,000
Infrastructure planning	Working in close consultation with industry stakeholders on broad planning for waste and resource recovery infrastructure needs across WA.	85,000

**SUPPORT FOR PROJECTS WITH LOCAL GOVERNMENT****TOTAL: \$4,440,000 PLUS**

<b>Project title</b>	<b>Project Description</b>	<b>Budget \$</b>
Zero Waste Plan Development Scheme	The Zero Waste Plan Development Scheme aims to encourage and assist local governments to work collaboratively to deal with waste management in their individual and collective jurisdictions. Phase 2 of the Scheme, which is currently underway, involves development by local governments of Strategic Waste Management Plans. The allocated funding is to be provided to local government to assist in Plan development.	2,250,000
Household Hazardous Waste	The Household Hazardous Waste program consists of one-off collection days as well as permanent drop-off and storage facilities; and development of a long-term contract for disposal of materials collected. WALGA will hold the contracts with the collection and disposal contractors.	1,020,000
Used oil management	The project aims to provide financial support to local government in contracting the collection and management of used oil across WA.	170,000
Promotion of recycling with local government	Major, joint State and local government campaign that aims to raise the community's awareness of the environmental, social and economic benefits of recycling; and to increase participation in household recycling across WA.	Any activity and amount for year not yet determined.
Regional Funding program	Funding to be provided to local government to assist in the implementation of Strategic Waste Management Plans, which have been developed with assistance under the Zero Waste Plan Development Scheme.	1,000,000



**EXPENDITURES BY DEC****TOTAL:    \$2,375,000<sup>3</sup>**

Unless otherwise stated, the amounts do not include staff costs.

<b>Project title</b>	<b>Project Description</b>	<b>Budget \$</b>
Environment Protection & Heritage Council	Provision of advice to the Minister for Environment as a member of the Environment Protection and Heritage Council on waste related matters; and participating in EPHC projects of particular significance for WA. Also, providing advice to the DEC Director General as a member of the EPH Standing Committee.	20,000
Data program	Completion of a local government waste and recycling survey for 2007/08. Development and implementation of data collection projects including Annual Review of Recycling Activity across WA.	Any activity and amount for year not yet determined.
National Packaging Covenant	Implementation of National Packaging Covenant including operation of grant scheme, support for the WA Jurisdictional Projects Group, ongoing compliance activity, participation in inter-jurisdictional meetings, annual revision of State Government's action plan.	1,000,000
Litter Prevention Strategy through Keep Australia Beautiful Council	Financial support for the three-year Litter Prevention Strategy, which sets out a framework for litter and illegal dumping prevention and management, and provides strategic direction for the efforts of community, industry and government throughout the state. Staff costs included.	640,000
Levy collection & compliance	Collection of the Landfill Levy and administration of the Waste Avoidance and Resource Recovery Account. Monitoring and enforcement of compliance with levy regulations at landfill sites.	45,000
Waste Wise Schools	Financial support for the Waste Wise Schools Program, which offers resources and support to schools to plan, implement and maintain waste minimising projects. Staff costs included.	400,000
Recycled Organics market development	Financial support for development and implementation of projects that demonstrate / assess the benefits of using compost on land.	120,000
Organics communication & industry support	Financial support for local initiatives and development of local information materials on use of organics materials. Majority of delivery is through Compost Australia in accordance with its 3-year strategy.	150,000
Staffing costs	Claim by DEC for salaries and on-costs for other DEC staff of \$2.48m not yet determined.	

<sup>3</sup> This figure currently excludes DEC salaries, which are estimated to be in the region of \$3 - \$4 million

### **5.3 Regional Councils - Background**

#### **5.3.1 Bunbury-Harvey Regional Council (BHRC)**

The BHRC was established in 1990 to manage the waste disposal requirements of the:

- City of Bunbury, and
- Shire the Harvey.

The BHRC covers an area of 1,827 sq km with a population of 48,953 and over 22,600 dwellings.

The BHRC currently operates a licensed and registered landfill located at Stanley Road, Wellesley. Stanley Road separates its waste operations into the following categories:

- General Waste – landfilled
- Steel Waste (white goods) – recycled
- Green Waste – burnt.

The estimated lifespan of the Stanley Road Landfill using current methods is 3-4 years.

The development of the strategic waste management plan has resulted in the participation of the Shires of Capel and Dardanup. This regional group received \$60,000 from the Waste Authority for the zerowaste plan development scheme.

#### **5.3.2 Eastern Metropolitan Regional Council (EMRC)**

The EMRC was established in 1983 with six member councils:

- Town of Bassendean
- City of Bayswater
- City of Belmont
- Shire of Kalamunda
- Shire of Mundaring, and
- City of Swan

The EMRC covers an area of 2,100 sq km with a population of 300,000 and over 116,000 dwellings.

The EMRC was established in November 1983 and its sole function was to handle waste management on behalf of its members. The Council now delivers services in the areas of waste management, environmental services, regional development, risk management, resource recovery and corporate services/governance.

The EMRC owns and operates the Red Hill Waste Management Facility. Red Hill commenced operating in 1981 and is approved to accept

Asbestos, Class III waste and Quarantine waste. Red Hill is also the only landfill in WA licensed to accept Class IV waste, and has a transfer station for general public access.

In 1999 the EMRC commenced composting operations at Red Hill diverting greenwaste from landfill. The facility accepts greenwaste from local council vergeside collections, greenwaste bins and commercial landscaping operators. The composted product is available for sale to the public.

In March 2008 the EMRC opened the Hazelmere Timber Recycling Centre. The centre recovers and processes industrial timber waste so that it can be diverted from landfill and recycled as reusable woodchip. The product is used in the manufacture of particleboard, as animal bedding and in coloured surface mulch.

EMRC also operates the following recycling programs:

- A mattress recycling service available at the Hazelmere Centre. Metal, timber, foam, fabric and coir are recovered from the mattresses and reused in the manufacture of new products.
- Monthly household hazardous waste disposal days.
- A Fluorescent Tube Collection Program.
- A Dry-Cell Battery Collection Program.
- An Electronic Waste Collection Program.
- Generation of electricity from landfill gas.

The EMRC operates the Lawnbrook Road Transfer Station at Walliston on behalf of the Shire of Kalamunda, along with the Coppin Road, Mundaring and Mathieson Road, Chidlow Transfer Stations on behalf of the Shire of Mundaring.

In 2007/08 the EMRC received the following grants from the Waste Authority:

- \$297,000 from the Strategic Waste Initiative Scheme funding program for the Hazelmere Timber Recycling Centre to purchase equipment and expand the current hardstand.
- \$44,000 from the Strategic Waste Initiative Scheme funding program to develop markets in the table grape growing and viticulture industries for recycled organics produced at the Red Hill Waste Management Facility.

EMRC received \$148,819 from the Waste Authority for the zerowaste plan development scheme.

The EMRC received \$98,000 from the Strategic Waste Initiative Scheme in 2008/2009 for a trial of household organics bins in the region. The information gained will be used in the planning of EMRC's Resource Recovery Facility which is in the planning stage with Expressions of

Interest expected to be called in the first half of 2009. Planning for a Resource Recovery Park at Hazelmere is in the development stage.

#### **5.3.3 Mid West Regional Council (MWRC)**

The Mid West Regional Council was established in July 2006 and its current members are:

- Shire of Carnamah
- Shire of Coorow
- Shire of Mingenew
- Shire of Morawa
- Shire of Mullewa
- Shire of Perenjori
- Shire of Three Springs

The MWRC covers an area of 34,321 sq km with a population of 5,343 and 20,210 dwellings.

Currently, responsibility for the waste management function resides with the individual shires. However, MWRC is developing a strategic waste management plan, for the region, due for completion at the end of March 2009.

The Mid West Regional Council received \$105,000 from the Waste Authority for the zerowaste plan development scheme.

#### **5.3.4 Mindarie Regional Council (MRC)**

The MRC was established in December 1987 and its current membership is:

- Town of Cambridge
- City Joondalup
- City Perth
- City Stirling
- Town of Victoria Park
- Town of Vincent
- City of Wanneroo

The MRC covers an area of 953 sq km with a population of 527,000 and over 225,000 dwellings.

The MRC's mission as stated in their strategic plan is as follows: " *...to provide effective, cost-efficient and environmentally sound waste and other resource management services for the benefit of the region*". The MRC operates the Tamala Park Landfill located in Mindarie. Tamala Park was jointly acquired in 1981 by the Cities of Perth, Stirling and Wanneroo. Tamala Park is a Class II landfill.

Tamala Park also provides the general public with a recycling centre and shop, free firewood and a receival area for unwanted electrical items such as computers, keyboards and mobile phones and a household hazardous waste drop-off facility.

Landfill Gas and Power are currently producing electricity on-site by extracting the landfill gas.

Stage 1 of Tamala Park has been filled and closed and revegetation is under way. Stage 2 is currently open.

The MRC is in the process of establishing its first Resource Recovery Facility with an expected start-up date of mid 2009.

The provision of waste management and recycling functions are the responsibility of each member of the MRC.

Individual members also provide:

- Transfer stations –e.g. the Balcatta Recycling Centre (MRC and Stirling)
- Materials Recovery Facility – Badgerup (Joondalup and Swan)
- Recycling/reuse drop-off facilities – e.g. Balcatta and Badgerup (MRC, Stirling and Wanneroo)
- Household Hazardous Waste – e.g. Balcatta (MRC and Stirling)

The MRC received \$217,546 from the Waste Authority for the Zerowaste Plan Development Scheme.

#### **5.3.5 Pilbara Regional Council (PRC)**

The PRC was established in May 2000 and its current members are:

- Shire of Ashburton
- Shire of East Pilbara
- Shire of Port Hedland
- Shire of Roebourne

The Pilbara region covers an area of 505,378 sq km with an understated 2006 population of 41,000 and approximately 17,000 dwellings.<sup>4</sup> The actual number of fly-in/fly-out workers currently operating in the Pilbara is unknown but was estimated to be between 20,000 and 30,000 workers in 2008.

The PRC provides support to the four Pilbara local governments by facilitating productivity improvements to benefit the people of the Pilbara, liaison with local, State and Commonwealth Governments in the development of policies and legislation that affect the Pilbara region, and the provision of secretariat services to the WALGA Pilbara Country Zone.

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<sup>4</sup> Understated because it is accepted that an ABS undercount of population occurred in the 2006 census and that the above population figure does not take into account the quasi-residential numbers associated with fly-in/fly-out workers being employed in the region.

The WALGA Pilbara Country Zone includes the four Member Councils of the PRC and the Shire of Cocos (Keeling) Islands.

The Establishment Agreement for the PRC provides for a broad scope of responsibilities; however, the PRC did not concern itself with matters relating to waste management until November 2006 when it resolved to develop a Regional Waste Management Plan. This Plan is currently being rolled out.

Within the context of regional councils or other regional arrangements, the regional body is responsible for managing and operating one or two landfills within their respective regional area.

The four Pilbara local governments have responsibility for managing and operating eight (8) municipal landfills; however, there are a further twenty-five (25) registered landfills operated by private businesses that manage the waste generated by the petroleum and mining companies located in the Pilbara. And, there are an unknown number of landfills belonging to indigenous communities scattered throughout the Pilbara.

The PRC aims to have a greater role in the coordination of the management and operations of all landfills registered in the Pilbara as recommended in its Regional Waste Management Plan.

The Pilbara Regional Council received \$60,000 from the Waste Authority for the Zerowaste Plan Development Scheme.

#### **5.3.6 Rivers Regional Council (RRC )**

The Rivers Regional Council (as SEMRC) was established in November 1993. Its current members are:

- City of Armadale
- City of Gosnells
- City of South Perth
- City of Mandurah
- Shire of Serpentine-Jarrahdale
- Shire of Murray
- Shire of Waroona (joined during the development of the SWMP)

The RRC covers an area of 692 sq km with a population of 284,000 and 113,063 dwellings.

The RRC is responsible for planning long-term waste management strategy, identifying issues associated with waste management and lobbying on behalf of its member councils in the general field of waste management. It is also taking some responsibility for waste education across the region.

The RRC commenced a Feasibility Study for a Resource Recovery Facility in late 2005 and is presently at the environmental approvals and tender preparation stage. Anticipated operational date is early 2011.

Current waste management services are run by the members and private industry. These include:

- 2 x Class I Landfills (Mandurah and Murray)
- 3 x Class II Landfills (Armadale, Serpentine-Jarrahdale, Waroona)
- 6 x Transfer Stations (Armadale, Gosnells, Mandurah, Murray [2], South Perth)
- 2 x Materials Recovery Facilities (Gosnells, Mandurah)
- 8 x Greenwaste Facilities (Armadale [2], Gosnells, Mandurah, Murray [2], South Perth, Waroona)

The Rivers Regional Council (plus the Shire of Waroona) received \$171,217 from the Waste Authority for the Zerowaste Plan Development Scheme.

#### **5.3.7 Southern Metropolitan Regional Council (SMRC)**

The SMRC was established in 1991 and has seven member councils:

- City of Canning
- City of Cockburn
- Town of East Fremantle
- City of Fremantle
- Town of Kwinana
- City of Melville
- City of Rockingham

The SMRC covers an area of 656Km<sup>2</sup> within Perth's southern metropolitan area, with a population of 384,000 and approximately 160,000 dwellings.

The SMRC's role is to plan, develop, coordinate and implement sustainable waste management including resource recovery and greenhouse gas abatement.

In 1998, the SMRC adopted a Regional Waste Management Strategy that led to the development and implementation of a regional waste collection system and a Regional Resource Recovery Centre (RRRC), designed to recover 85% of all household waste generated within its boundaries.

The RRRC commenced operations in 2005. The SMRC owns and operates the Regional Resource Recovery Centre (RRRC) in Canning Vale. The Regional Resource Recovery Centre (RRRC) is home to three separate facilities for organic waste processing, sorting and recovery of recyclable materials and green waste mulching:

- Waste Composting Facility
- Materials Recovery Facility
- Green Waste Processing Facility

There are two landfill sites operated by individual members at:

- Rockingham Road, Henderson (Cockburn), and
- Millar Road, Rockingham (Rockingham)

There are also a number of privately operated landfills in the region.

The Southern Metropolitan Regional Council (minus the City of Canning) received \$161,786 from the Waste Authority for the Zerowaste Plan Development Scheme.

#### **5.3.8 Western Metropolitan Regional Council (WMRC)**

The WMRC was established in 1989 and its current members are:

- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park
- Shire of Peppermint Grove
- City of Subiaco

The WMRC covers an area of 21.8 sq m with a population of over 42,697 and 20,210 dwellings.

The main role of the WMRC is to undertake waste management functions on behalf of its members. The principal activity is the operation of the Brockway Transfer Station. The transfer station opened in February 1991, around the time that the Mt Claremont landfill closed, leaving Perth's Western Suburbs without a local landfill facility. The bulk of the waste is transported to landfill sites located in the outer Perth metropolitan area.

The WMRC has established a greenwaste recycling operation at the Brockway Transfer Station where readily separable greenwaste is diverted from the waste stream, ground up into mulch and sold to the horticultural industry. The enterprise currently diverts some 8,000 tonnes annually.

An E-Waste Recycling Program is also operating out of the Brockway Transfer Station. Residents of member councils have free access to this drop-off facility; others will have access on a fee for service basis.

The WMRC also runs household hazardous waste collection days and the Earth Carers education program.

The City of Nedlands is not a member of the WMRC, but is a participating council of the region associated with the preparation of the Strategic Waste Management Plan. The WMRC plus the City of Nedlands received \$105,300 from the Waste Authority for the Zerowaste Plan Development Scheme.



## **5.4 Strategic Planning**

This section provides a summary of the strategic plans and strategic waste management plans of both the metropolitan and non-metropolitan regional councils. In most cases, the strategic plans are limited in nature and solely provide an outline of future plans. The strategic plans tend to deal with more than waste, owing to the nature of activities undertaken by the regional council. In contrast, the Strategic Waste Management Plans deal solely with waste and on the whole are very detailed in composition.

### **5.4.1 Eastern Metropolitan Regional Council**

EMRC's strategic plan for the future 2008/9-2013/14 was adopted by council on 21 August 2008. The plan is a living document which is to be reviewed biennially. It will guide EMRC operations for the next five years. The plan was developed through a series of workshops in early 2008. The key result areas are Environmental Sustainability, Social Opportunities, Economic Development and Good Governance. The majority of objectives covered under environmental sustainability are waste related, with points 1.3 and 1.4 specifically related to Resource Recovery.

- 1.3 To provide resource recovery and recycling solutions in partnership with member councils.
- 1.4 To investigate leading edge waste management practices.

The Strategic Plan is a general outlining document which provides an overview of future plans but does not provide depth of detail.

EMRC's SWMP is significantly more comprehensive than their Strategic Plan outlining a number of potential resource recovery proposals;

- Establish a Resource Recovery Facility (RRF) by 2013/14
- Establish a transfer station at Hazelmere.
- Establish a re-use centre (landfill shop) within the design of the Hazelmere Transfer Station.
- Establish an organic processing facility at Chidlow.
- Scoping out a glass beneficiation plant for Hazelmere.
- Designing a catalytic depolymerisation plant for converting plastic back into its base oil and refining it into diesel.

### **5.4.2 Mindarie Regional Council (MRC)**

Mindarie Regional Council has a strategic plan outlining operations from 2004-2009. The current plan is a revised version of an earlier strategic plan. It is intended to provide a blueprint for implementation of planned and focussed activities over a five year period. MRC has approved a new strategic plan for commencement 1 July 2009. The strategic plan is a reference point to the strategic waste management plan.

MRC is currently building a 'BioVision' Alternative Waste Treatment Facility at Neerabup, scheduled for commencement of operations 1 July 2009

MRC has provided an Operations/Tamala Park and a Mindarie Regional Council SWMP which together form their Strategic Waste Management Plan. The MRC SWMP discusses waste at the local level and the Operations/Tamala Park SWMP enhances this by specifically discussing plans for Tamala Park. The SWMP includes the development of a comprehensive Materials Recovery Facility at Tamala Park, as well as identifying and introducing best practice design for Balcatta Recycling Centre and the Tamala Park Transfer Station.

MRC has been progressing plans to build a resource recovery facility for 7 to 8 years. The Regional Council started the process of investigating and then developing the alternatives to landfill because of the interest and support for this direction among member local governments and their constituents.

#### **5.4.3 Rivers Regional Council (RRC)**

The RRC's Strategic Plan for Waste Minimisation and Resource Recovery 1 July 2006-30 June 2008 identifies four key result areas. Key result area 2 is resource recovery, specifically RRC want to develop a regional plan for resource recovery. The feasibility study for a resource recovery facility commenced in September 2005 and is ongoing with council having determined a preferred site and looking into preferred technology. The strategic plan is to be reviewed in 2009.

The SWMP includes the resource recovery facility as well as undertaking an extensive investigation process and feasibility study into other waste management infrastructure that could be developed as part of a resource recovery park at the preferred site mentioned above. The plan also includes the investigation of potential sites for further waste transfer stations; drop off facilities and charity shops throughout the region.

#### **5.4.4 Southern Metropolitan Regional Council (SMRC)**

THE SMRC's Strategic Plan 2007-2012 identifies 4 key focus areas for the Regional Council: resource recover; greenhouse gas abatement; community; and organisational excellence. In 1998 the SMRC developed a Regional Waste Management Strategy that led to the development and implementation of a regional waste collection system and the Regional Resource Recovery Centre (RRRC) in Canning Vale. In 2007-2008 the SMRC diverted 65.2% of household waste from landfill via the Regional Resource Recovery Centre.

The SMRC is currently developing its Plan for the Future which will combine the Strategic Plan 2007-2012 with the Strategic Waste Management Plan.

SMRC have commenced investigations into a second Regional Resource Recovery Centre in order to service its local government southern members.

Other infrastructure proposals include:

- An investigation into a Bio-char green waste processing facility
- The Town of Kwinana highlights the need for an investigation into providing an industrial recovery park as a result of the proposed relocation of port facilities and the expected production of large quantities of packaging and timber.
- The City of Melville is proposing new drop off facilities.
- The City of Cockburn has plans for a new waste transfer station.

#### **5.4.5 Western Metropolitan Regional Council (WMRC)**

In May 2004 the Regional Council considered it appropriate to adopt a future directions plan. Subsequently a plan for the years 2005-2009 was developed. The current plan is a reviewed version of the previous plan, extended to 2011.

The plan lists broadly what its objectives are for the current period. Goal number 1 of the plan is to minimise the amount of waste going to landfill by maximising resource recovery. This will be achieved by;

- Completing the DiCom Prototype Trial
- Investigating provision for a Materials Recovery Facility
- Investigate markets for waste and recycled products
- Manage the green waste operations on site
- Monitor and review secondary treatment options

The DiCom Alternative Waste treatment facility is currently being commissioned. This will be an WMRC owned and operated facility. It is expected to divert 75% of municipal solid waste generated in the region, from landfill.

A significant problem for WMRC is available space for expansion into other areas of recycling. The plan has highlighted the opportunity to acquire Commonwealth land adjacent to the Brockway site.

#### **5.4.6 Non-Metropolitan Regional Councils**

##### **Pilbara Regional Council –2008-2011 Strategic Plan**

This strategic plan covers all aspects of PRC Operations. It is divided into key result areas. Waste Management is located in key result area 3. A regional waste management coordinator has been employed to facilitate and coordinate the implementation of waste minimisation practices throughout the Pilbara. One of the roles of the waste coordinator is to explore the practicality of kerbside recycling collections for Port Hedland, Karratha, Tom Price and surrounding areas.

The PRC resolved in November 2006 to develop a Regional Waste Management Plan for the Pilbara. The Plan was to identify landfill best practices, opportunities for resource sharing and joint procurements by Member Councils, and whether or not domestic recycling was viable for the Pilbara. Development of the Plan was initially funded by the PRC, Pilbara Development Commission, BHP Billiton, Rio Tinto and Woodside; however, DEC also funded the Plan's development once the scope of the Plan was broadened to meet the requirements of it being a Strategic Waste Management Plan.

The Regional Waste Management Plan was developed during 2007 and endorsed as the State's first Strategic Waste Management Plan in March 2008.

The Pilbara's Goals are:

- **Goal 1:** Develop a Strategic Waste Management Plan that outlines the actions necessary to be taken to minimise the direct and indirect environmental impacts of waste and its management on the Pilbara over the next ten years.
- **Goal 2:** Manage waste in a sustainable manner, through the use of:
  - Best Practice,
  - Technology, and
  - Minimisation of Waste Disposal.
- **Goal 3:** Increase awareness of the impact of waste on the environment by the whole community.

The PRC has submitted application to the Waste Authority for financial support under the Regional Funding Program for Local Government to:

- migrate the management and operation of the Pilbara landfills into the Pilbara local governments' asset management systems, which will include capture of waste stream data;
- develop a business case for using closed system gasification technology based on consuming landfill waste to generate electricity that can be sold back into the local electricity grids; and
- develop a business case for using closed system pyrolysis technology based on consuming tyres to generate petroleum products that can be combined with traditional and bio-fuel petroleum products, and reused.

The PRC has recently released an Expression of Interest for undertaking domestic recycling in the Pilbara. At this time the PRC is fully funding this activity.

### **Bunbury-Harvey Regional Council – Strategic Waste Management Plan**

BHRC operates a landfill located at Stanley Road, Wellesley. It currently receives approximately 70 000 tonnes of waste per year. Their SWMP includes the following items;

- Electronic Waste recycling drop off facility
- Wood waste recycling
- Tyre recycling
- Green Waste recycling
- Construction and Demolition Waste recycling – to use the product as a cover and road base.

The Strategic Waste Management Plan is not very detailed and solely provides an overview of what projects they would like to occur and a rough estimate of timing and cost.

## **5.5 REFERENCES**

The following provides a list of references used in the development of this report,

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