

16 November 2017

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Department of Water and Environmental Regulation
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Via email: warr_reform@dwer.wa.gov.au

To whom it may concern,

Discussion Paper – Waste Levy and Waste Management: Proposed Approaches for Legislative Reform

Thank you for the opportunity to provide feedback in relation to the above Discussion Paper. The Urban Development Institute of Australia (UDIA) WA is the peak body representing the urban development industry in Western Australia. UDIA is a membership organisation with members drawn from the development, planning, valuation, engineering, environmental, market research and urban design professions. Our membership also includes a number of key State Government agencies and Local Government Authorities from across the state. Nationally, UDIA represents the interests of thousands of members, including all of the major land and built-form development companies, and consultancy firms.

UDIA welcomes the Government's commitment to reforming the waste management legislation and the waste levy. Waste management requirements have a significant impact upon development outcomes which means that waste management is a particularly important consideration for the development industry. Therefore, it is imperative that waste management legislation is contemporary and supports best practice to enable the delivery of the best possible environmental, social and economic outcomes.

The Discussion Paper examines a variety of issues relating to waste management and provides a compressive summary of comparable legislation across other jurisdictions. However, the Institute is concerned that the Discussion Paper does not clearly articulate the aims, objectives, or outcomes that the legislative reform is seeking to achieve. Rather, the focus of the reform is upon improving the legislative relationship and connection between the *Environmental Protection Act and Waste Avoidance and Resource Recovery Act* instead of identifying the actual outcomes that the reform is intending to deliver. As such, it is difficult to fully understand the likely implications of the proposed reforms. Similarly, although the Paper sets out a series of longer and shorter-term recommendations, these are not preceded with findings to help explain why these recommendations have been arrived at. To better communicate the waste reform intentions, the Institute recommends that a working group, with representatives from all relevant industries, including the development industry, be

established. Such a working group would assist the progression of the waste management legislation and help to ensure that the legislative reforms are fit for purpose, supporting the delivery of practicable waste management solutions that appropriately balance environmental, social and economic objectives.

UDIA is disappointed that the Paper does not discuss the ambiguous definition of waste currently provided by the *Environmental Protection Act and Waste Avoidance and Resource Recovery Act*. As such, given the lack of clarity regarding the aims and objectives of the legislation coupled with the failure to provide a clear definition of waste, the Institute is concerned by the proposed broadening of the definition of disposal premises in order to expand the capture of the waste levy. Section 6.3 identifies amending the proposed landfill category descriptions to include amongst others, the placing of waste on land, filling, raising or contouring the land. This implies that development sites are likely to be treated as landfill premises. However, UDIA also acknowledges the very recent release of a second consultation paper which discusses amendments to Environmental Protection Regulations 1987. This second paper seeks to provide for the use of clean fill and uncontaminated fill without attracting the waste levy. Whilst the development industry takes some comfort in the proposed amendments to Environmental Protection Regulations, the inconsistencies between the two consultation documents and the different release dates, has led to industry concerns. To offer greater comfort to the development industry, in addition to clearly setting out the aims and objectives of wider waste reform program, a schedule of all the proposed legislative amendments should be made available.

The Discussion Paper is also silent on how the recycling and reuse of material will be governed and in particular, how the reuse of material will be managed onsite, and between different development sites. If any such regulations are to be established, UDIA strongly recommends that these be done in full consultation with industry to ensure that any requirements are not onerous or impartible and therefore despite the best of intentions, prohibitive of good environmental outcomes.

Should the Department require any assistance or further information regarding this matter, the UDIA would be delighted to assist. Please do hesitate to contact me at ahailles@udiawa.com.au or 9215 3400.

Yours sincerely



Allison Hailes
Chief Executive Office