

29<sup>th</sup> August 2014

End-of-waste Review  
Department of Environment Regulation  
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**SUBMISSION TO THE DRAFT GUIDANCE STATEMENT: REGULATING THE USE OF WASTE-DERIVED MATERIALS  
CONSULTATION PAPER**

The Urban Development Institute of Australia (WA) is pleased to make this submission to the Department of Environmental Regulation in relation to the Draft guidance statement: Regulating the use of waste-derived materials consultation paper.

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 and includes all the major land development companies, both public and private, and specialist consultancy firms.

***General Comments***

UDIA supports the Department of Environment Regulation's efforts in seeking to define waste and provide greater clarity as to the status of materials in an attempt to encourage the reuse of waste derived materials. It is essential that "fit-for-purpose" materials are not penalised simply because they have been used previously, stored in a certain manner or are a bi-product of another process. The proposal by DER to use an administrative approach and not to regulate waste-derived material which falls into the Material Guidelines is welcomed as a way of reducing red tape without compromising environmental outcomes. The Institute's responses to the specific questions are in the attached paper.

Thank you for the opportunity to provide these comments.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debra Goostrey', with a stylized flourish at the end.

Debra Goostrey  
Chief Executive Officer

## **Response to consultation questions**

### **Question 1**

#### **a) Which waste streams should DER develop material guidelines for?**

- C&D waste, green waste, heavy chained hydrocarbon affected soils, fly-ash.

The most relevant in the context of urban development is the opportunity to divert Construction and Demolition waste from landfill and provide opportunities for the effective re-use of waste derived fill for the purposes of fill material and construction products.

Access to clean fill is a priority for government and industry and we need to ensure that, as far as practicable, there are no policy or process barriers to the use and reuse of fit-for-purpose materials. Industry remains concerned that there is unnecessary bias against previously used fill which does not have contamination. This process should be clarified in the guidelines to maximise re-use of materials.

Further, the use of manufactured sand, which is a bi-product of other processes, should not be considered as a waste with the associated limitations and red tape. It would be helpful if the process for use is clarified in guidelines.

There may also be benefit for the DER to develop guidelines for soil conditioners, treated acid sulphate soils and waste-derived fuel.

#### **b) What do you think the priority order for the development of the material guidelines should be and why?**

- The re-use of fill is the priority due to the limited resource available for clean fill.
- Building products are also a priority as it provides an opportunity for landfills to derive an income whilst achieving the objective of diverting C&D waste from landfill.

### **Question 2**

#### **a) Are you willing to participate in workshops to help inform the development of material guidelines?**

UDIA welcomes the opportunity to be a part of the consultation and development of material guidelines. We believe it is fundamentally important that the development of guidelines take a practical approach which considers the operational needs of the associated industries and does not constrain the ability of industry to innovate to meet challenges.

#### **b) If so, which waste streams would you like to be involved with?**

- The Institute's primary interest is C&D waste with priority given to asbestos containing materials, recycled sand and acid sulphate soils.
- Due to our wide ranging member interests it is likely that UDIA would seek representation at more than one workshop.

### Question 3

How should DER's costs associated with regulating waste-derived materials be recouped from industry?

- Flat fee per application;
- Sliding fees based on the degree of work involved; or
- Some other mechanism (please specify).

Prior to answering this question we need to be very clear about the difference between a fee for a service and a tax.

UDIA strongly opposes the imposition of taxation on the industry for the delivery of services which should be routinely provided by the Government. This should be seen as those services that are of broad community benefit, which encompasses the regulation of waste derived materials. Where fees are being applied, detailed assessment needs to be undertaken of the time and resources that are directly applied to the service being delivered.

The number of projects that are captured in a fee for service model will also depend upon the effectiveness of the Guidelines. The existing legislation (EP Act and WARR Act) does not have clear definitions for waste derived material or end-of-waste processes which mean that more matters are captured than necessary. The DER proposed limitation of matters for consideration, to those which fall outside of the materials guidelines is a positive step in both limiting the work load of the agency and any fees and charges that may then be applied.

It is also important to understand the role that waste management has in the broader government agenda, especially for urban density. Many infill sites are contaminated and need to be remediated. Should the price signals for this process push developers away from infill projects, it could work against other government investment and priorities.

UDIA suggests that the materials guidelines should be developed and assessed against the range of projects considered by DER to ensure that, as far as practicable, the guidelines cover the major activities undertaken by the industry. This should dramatically reduce workloads. At that time, an assessment can be made about the cost of assessment of projects (not the full process of regulation) and the nature of those projects.

Consideration can then be given to any fees that may potentially be considered in light of the number of projects requiring formal assessment, the location and purpose of the matters as well as other government policies such as housing affordability and urban infill. Further, pricing signals should favour the reuse of materials where the alternative is to extract raw materials. Until costings for the direct services are identified and the number and typologies of projects are identified, it is impossible to respond to the mechanism to be used, or even the assumption that one is required. In the interim, costs should be recovered from landfill levies given that the guidance will help the reuse of waste diverting it from landfill and the state budget saw an unprecedented lift in cost for inert materials.