



Fact sheet

Waste levy exemption 5(3) - Exemption from the requirement to conduct a quarterly survey

Overview

The Waste Avoidance and Resource Recovery Levy Regulations 2008 (WARR Levy Regulations) provides for a levy to be applied to all waste (waste levy) collected within the metropolitan region and received for burial at any landfill. The waste levy is intended to discourage waste disposal to landfill and to encourage resource recovery.

Under regulation 10(5) of the WARR Levy Regulations, after the end of a return period, the licensee of a category 63 licensed landfill in the metropolitan region must cause a survey of the landfill premises to be conducted by an appropriately qualified surveyor for the purpose of calculating the volume of waste disposed of to landfill during a return period. Regulation 10(6) stipulates that a report on the quarterly survey, prepared by the surveyor, must be lodged along with a levy return submitted pursuant to regulation 18 of the Waste Avoidance and Resource Recovery Regulations 2008.

Regulation 5(3) of the WARR Levy Regulations allows licensees of category 63 licensed landfills in the metropolitan region to claim, by application, an exemption from the requirement to conduct and lodge a survey as required under regulations 10(5) and (6) in respect of a return period if no waste has been disposed of at the licensed landfill.

Exemption from undertaking a quarterly survey

The WARR Levy Regulations, under regulation 5(3), provide licensees of category 63 landfills in the metropolitan region the ability to claim, by application, an exemption from the requirement to undertake and lodge a quarterly survey if no waste has been disposed at the landfill during the return period.

To apply for this exemption, the licensee must complete and submit to the Department of Water and Environmental Regulation (the department) the [approved form](#) and provide the information referred to in that form.

What is a quarterly survey?

The licensee of a category 63 inert landfill in the metropolitan region must arrange for a survey of the landfill premises to be conducted by a surveyor (as defined in regulation 10(1) of the WARR Levy Regulations) at the end of each return period. This is called a quarterly survey and is used to calculate the volume of waste disposed of to the landfill during the return period.

Furthermore, the licensee is required to submit the quarterly survey with their levy return for that period. There is a significant penalty for failure to comply with this requirement.

Who can apply for this exemption?

Regulation 5(3) specifies that a licensee of a category 63 landfill in the metropolitan region may apply for an exemption from the requirement to conduct and lodge a quarterly survey.

This exemption and the requirement to undertake quarterly surveys does not apply to category 64 and category 65 landfills or category 63 landfills located outside the metropolitan region.

What is the metropolitan region?

The metropolitan region is defined in the WARR Levy Regulations as having the meaning given in section 4(1) of the [Planning and Development Act 2005](#).

What if I have disposed of only a small volume of waste?

This exemption is restricted to category 63 landfills that have not disposed of any waste during the return period. If any waste has been disposed of during the return period, even a small amount, this exemption cannot be granted and a survey of the landfill premises must be conducted and lodged with the department pursuant to regulations 10(5) and (6) of the WARR Levy Regulations.

What if I have accepted waste but not disposed of it?

If a landfill has received waste during the return period but not disposed of it to landfill, an application for exemption under regulation 5(3) can still be made. This exemption specifically relates to landfills where no waste was disposed to landfill.

How do I prove no waste has been disposed of?

When the licensee completes the approved [application form](#) they will be required to confirm that no waste subject to the levy has been disposed of to landfill during the return period.

The department undertakes regular inspections to assess compliance with exemptions and verify claims.

Do I need to submit a levy return form when I have not disposed of any waste?

Yes, there are no exemptions from the requirement to complete and lodge a levy return.

In accordance with the WARR Levy Regulations, licensees must prepare and lodge a return using the approved form each return period.

An exemption from undertaking a quarterly survey does not affect the requirement to submit a levy return.

When should I apply for this exemption?

The department recommends that applications for exemptions under 5(3) are submitted as soon as possible after the conclusion of the applicable return period.

How do I apply for this exemption?

The licensee of a category 63 landfill can apply to the department for an exemption under regulation 5(3) by completing the approved [application form](#) and submitting to wastelevy@dwer.wa.gov.au.

How is an exemption application assessed?

The Chief Executive Officer (CEO) of the department, or their delegate, will assess the information provided in the approved form to determine if it meets the requirements of the exemption under the WARR Levy Regulations. Following this assessment, the CEO will grant or refuse an exemption.

Conditions of exemptions

If an exemption application is granted, the licensee will be issued with an exemption notice. The exemption may be subject to conditions, or limited to circumstances set out in the notice. Regulation 5(5A) of the WARR Levy Regulations specifies examples of conditions that may be imposed.

What happens if a condition of an exemption is breached?

Under regulation 5(6) of the WARR Levy Regulations, the exemption ceases to have effect if any condition of an exemption notice is breached.

The department conducts regular checks of licensed landfills to assess compliance with the WARR Levy Regulations and exemption conditions.

Will I be notified of the outcome of my application?

If the CEO decides to approve an exemption application, the licensee will receive a written notice of this decision.

If the CEO intends to refuse an exemption application, the licensee will be provided with a draft decision document outlining the reasons why the CEO intends to refuse the application. The licensee will generally have 21 business days to respond to the draft decision document before the CEO makes a final decision.

While the time required to assess an exemption application varies, generally a decision will be made within 30 business days following the receipt of a complete application.

Can I appeal an exemption decision?

If the CEO refuses an exemption application or imposes conditions or limitations that the licensee does not agree with, the licensee may apply to the State Administrative Tribunal (Tribunal) for a review of the decision.

An application for review of the CEO's decision is made to the Tribunal directly. Information about applying to the Tribunal is available [online](#).

How long does an exemption last?

All exemption notices will specify the period for which the exemption is valid. The validity period specified in the exemption notice will vary depending upon the circumstances of the exemption.

An exemption ceases to have effect at the conclusion of the validity period or immediately if an exemption condition is breached.

More information

Please contact the department on 6364 6963 for further advice on waste levy exemptions or related matters.

This document is available in alternative formats and other languages on request.

Effective February 2021.

Related documents (if applicable)

Additional publications about waste levy exemptions are available [online](#).

Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. Please refer to Western Australian Legislation for copies of the relevant legislation, available electronically from the Parliamentary Counsel's Office [website](#).

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Legal advice

The information provided to you by the department in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, the department recommends that you obtain independent legal advice.