



Waste Authority

## MINUTES OF THE SPECIAL MEETING OF THE WASTE AUTHORITY

held on Wednesday 22 October 2008  
Ecology Centre of Western Australia  
12.15 pm – 3.30 pm

*Meeting No. 07/2008*

### 1. WELCOME & APOLOGIES

#### MEMBERS PRESENT

Mr Barry Carbon	Chairman
Ms Jan Grimoldby	Deputy Chair
Ms Carolyn Jakobsen	
Mr Marcus Geisler	

#### ATTENDEES

Mr Michael Kerr	Manager, Waste Management Branch, DEC
Mr Bernard Ryan	Manager, Policy and Evaluation, DEC
Mr Tony Beeson	Manager, Waste Avoidance and Resource Recovery Account, DEC
Ms Diane McKinnon	Executive Officer

Minutes/Actions

#### APOLOGIES

Prof Paul Hardisty

The Chairman declared the meeting open at 12.15 pm and welcomed members present. The Chairman noted that Professor Hardisty had tendered his apology for the meeting.

The Chairman advised members on the outcome of his recent meeting with the Minister for Environment. He advised that the meeting provided an opportunity to discuss the Authority's 2008/09 work plan, the landfill levy review, the approach in developing the Memorandum of Understanding between the Authority and DEC and the establishment of regular meetings between himself and the Minister. He advised that the Minister is keen to meet with members of the Authority soon. He added that the Minister requested to receive briefings from the Authority, formally requesting approval to contract a consultant to undertake the Strategic Plan and contract the services of a journalist/consultant to assist the Authority.

In relation to the special meeting of the Waste Authority, members agreed that decisions of the meeting be withheld from public release until such time that specific actions have occurred. It was noted that the process of proceeding with drafting instructions for changes to the WARR Levy Act 2008 requires the appropriate approval of the Minister prior to recommendations of the Authority being made publicly available. Members therefore agreed that due to machinery of government timelines, the minutes of the meeting be held confidential until the Minister is advised of the meeting decisions and has had the opportunity to authorise the drafting.

## RESOLUTIONS OF DISCUSSION:

### The Authority:

- 1.1 **Agreed that decisions of the meeting be withheld from public release until such time that specific actions have occurred.**
- 1.2 **Agreed that the minutes of the meeting be held confidential until the Minister for Environment is advised of the meeting decisions and has had an opportunity to authorise drafting instructions.**

**Moved:** Jan Grimoldby  
**Seconded:** Carolyn Jakobsen

## 2. DECLARATIONS OF INTEREST

No conflicts of interest were declared by members during the meeting.

## 3. ITEMS FOR DECISION

### 3.1 Landfill Levy Review – Waste Authority 2008

**This is an amended and corrected version of the minutes; the previous version on this website had an error relating to resolutions for category 63 levies for out-years.**

The Authority noted the summary of submissions on the landfill levy Category 63 (inert waste) and suggested responses as provided at attachment 3.1.1 of the briefing. The Authority noted key decision points in relation to the landfill levy as provided at attachments 3.1.2 of the briefing. Copies of all submissions on the landfill levy Category 63 issue and relevant background information were also noted by the Authority.

The Authority agreed that the summary of submissions on the landfill levy Category 63 be available as an attachment to the minutes maintained in DEC's public library. The Authority requested that DEC edit the summary in accordance with the discussion at the meeting and contact relevant stakeholders as a courtesy prior to releasing the information. The Authority noted that it provides a summary of views put forward by various stakeholders. The Authority agreed that all stakeholders that provided a submission receive a letter of acknowledgement and department officer's feedback on comments provided.

The Authority considered varying the existing regulation under the Waste Avoidance and Resource Recovery Act 2007 relating to the levy payable on waste disposed of at Category 63 (inert waste) landfills. The Authority agreed that the following schedule of minimum rates for the landfill levy, to commence on 1 January 2009, be as follows:

- Category 63 landfills – \$5 in 1 January 2009, on or after 1 July 2009 and before 1 July 2010 \$7, and on or after 1 July 2010 \$9 (per cubic metre)

In deciding the above schedule, the Authority requested that the wording of the schedule be consistent with that of the current regulations in relation to defining specific timeframes that schedules come into play (currently under WARR Levy Regulations 2008 - Part 2, (12) Amount of Levy (1) R is ...). For Category 63 landfills, the WARR Levy Regulations 2008 should be amended to read:

... where R is, if the first day of the return period is:

- (a) before 1 July 2009, \$5; or
- (b) on or after 1 July 2009 and before 1 July 2010, \$7, or

(c) on or after 1 July 2010, \$9.

The Authority noted that on 1 July 2010, the levies become the same in quantum, but under Category 63, the mechanism of calculation is based on volume, rather than Categories 64 and 65 being based on weight.

In relation to Part 1 (4) (1) – Application of the WARR Act 2007, the Authority requested DEC to review definitions of waste under the Environmental Protection (EP) Act, to ensure the WARR Act specifically addresses what waste means and is consistent with the EP Act.

The Authority agreed that within the 'Terms used in the WARR Levy Regulations' whereby "licensee" currently reads as "*means the holder of a licence in respect of a licensed landfill*", that the definition should clearly reflect that the new levy is not just about landfills.

The Authority discussed the possibility of requiring (mandatory) weighbridges at Category 63 landfill sites to ensure accurate data can be collected, similar to the requirement for Category 64 landfills. Members noted that it had been claimed that these weighbridges would also rectify the alleged practice of charging customers the levy for airspace in their truck compared to the levy paid to the WARR Levy Account based on surveyed compacted in situ volumes airspace consumed. It had been alleged that currently up to 30% of levy collected (depending on at gate truck size estimates and compaction technology in the landfill) is never paid to the Levy Account, but collected on the Authority's behalf. The Authority did not pursue this matter in detail, but agreed to ask the Department to consider any merits of mandatory weighbridges.

The Authority discussed and recognised that two categories of clean fill did not have a potential to cause pollution, and therefore were not required under the Environmental Protection Act to be disposed within a licensed landfill. These were:

- VENM (Virgin Excavated Natural Material) excepting natural soils that may leach acid materials.
- Non-natural materials that did not have a potential to leach such that investigation levels under the Contaminated Sites Act were not triggered. These could be determined by test or by consultation with the parts of DEC responsible for the Environmental Protection Act.

The Authority decided that where such materials were mixed with waste and disposed within a landfill, they would be levied as waste.

The Authority agreed that either the section within the WARR Levy Regulations 2008 that defines waste, or an accompanying half page document be included with the amended Regulations that describes the subtlety of what waste is, and isn't, for the purpose of attracting the levy.

The Chairman advised that he would like to discuss with the Minister, the State Government's involvement in assisting Main Roads and Local Government in the setting of public targets for the use of recycled roadbase materials, and sought members feedback and approval. Members agreed that phased-in targets over a defined period had merit and should be explored. Members agreed that the Chairman commence discussions with the Minister and the Commissioner of Main Roads regarding the incorporation of recycled materials in roadbase and the possibility of the setting of phased-in targets.

## **RESOLUTIONS OF DISCUSSION:**

### **The Authority:**

- 3.1.1 Noted the summary of submissions received on the landfill levy Category 63 and suggested responses as provided at attachment 3.1.1 of the briefing.**

- 3.1.2** Agreed to attach to the minutes of the meeting maintained in DEC's public library, a copy of the summary of submissions received on the landfill levy Category 63 subject to minor amendments by DEC and the contacting of relevant organisations that provided a submission prior to release as a courtesy.
- 3.1.3** Noted the key decision points in relation to the landfill levy as provided at attachment 3.1.2 of the briefing.
- 3.1.4** Noted the submissions received as provided at attachment 3.1.3 of the briefing and agreed that all organisations that provided a submission, receive a letter of acknowledgement and summarised departmental feedback on comments on their submission.
- 3.1.5** Noted the background information provided in attachments 3.14 to 3.1.7.
- 3.1.6** Recommended the following schedule of rates for the landfill levy, to commence on 1 January 2009, as:
- Category 63 landfills – before 1 July 2009, \$5; on or after 1 July 2009 and before 1 July 2010, \$7; and on or after 1 July 2010, \$9 (per cubic metre).**
- 3.1.7** Noted that, as soon as it is available, the draft WARR Regulations incorporating the recommended landfill levy schedule will be provided to members for endorsement.
- 3.1.8** Resolved to recommend that the Department consider if the installation of weighbridges at Category 63 Landfills would assist the alleged disparity of the WARR Levy and the Truck Levy.
- 3.1.9** Noted other views of the briefing officer.
- 3.1.10** Agreed that there would not be the engagement of persons to assist in the development of a mechanism for setting the rate(s) of the landfill levy until and unless this was decided as part of the State Waste Strategy.
- 3.1.11** Noted that the use of clean fill in land reclamations where an Environmental Protection licence has not been required, is regulated by Local Government.
- 3.1.12** Noted there will be the development of contiguous strategies for diversion of C&D waste in partnership with Local Government.
- 3.1.13** Agreed that either the section within the WARR Levy Regulations 2008 that defines waste, or an accompanying half page document be included with the amended Regulations that describes the subtlety of what waste is, and isn't, for the purpose of attracting the levy.
- 3.1.14** Agreed that the definition of 'licensee' currently within the terms used in the WARR Levy Regulations, be amended to clearly reflect that the new levy is not just about landfills.
- 3.1.15** Agreed that the Chairman discuss with the Minister, the State Government's involvement in assisting Main Roads and Local Government in the setting of public targets for the use of recycled roadbase materials and the incorporation of recycled materials in roadbase.
- 3.1.16** Requested that officers investigate existing Local Government Laws/Models regarding the requirement of demolition contractors to have in place a waste management plan. Officers to consider if appropriate, the development of a template for Local Government to introduce into their policies/plans – the requirement for demolition contractors to produce a waste management plan.

### **3.2 Local Government - Regional Funding Model**

The Chairman advised that he and the Deputy had met with WALGA President, Cr Bill Mitchell, Chief Executive Officer, Ms Ricky Burges and MWAC Manager, Ms Rebecca Brown to discuss WALGA's revised proposal to administer the Regional Funding Model on 7 October 2008. WALGA subsequently confirmed their position outlined during the meeting, in a letter to the Waste Authority dated 9 October (a copy of the letter was provided to members with their meeting papers).

The Authority considered WALGA's revised proposal of a flat 8% administration charge on top of the total funding provided for the program.

The Authority noted that \$2.5 million over the next 18 months has been budgeted for this part of the program and that any amount above \$200,000 extra off the top could not be supported. Based on projected projects funded by the Waste Authority which had envisaged Local Government as a partner, this formulaic approach would be equivalent to a half a million dollars each year off the top. This was more like a fee for service than a partnership, and could not be supported. Members noted that the Authority currently has 3-4 DEC officers working full-time in support of the Regional Funding program.

Members expressed their disappointment in the approach taken by WALGA in this regard. As a consequence, the Authority explored alternative options for delivering the Regional Funding Program.

To avoid over-expenditure on overheads to support the program, the Authority concluded that for the time being, it would administer the Regional Funding Model itself, utilising the 3-4 staff positions already dedicated to the program. The Authority agreed that the Chairman convey the outcomes of the discussion to WALGA as soon as possible, expressing the Authority's disappointment that a partnership arrangement with WALGA, although highly regarded, could not be achieved in this regard.

Members agreed that a presentation by DEC Regional Coordinators on the role they play in assisting in the development of business plans, outlining what has been achieved to date, targets etc be provided at the next Authority meeting.

#### **RESOLUTIONS OF DISCUSSION:**

##### **The Authority:**

- 3.2.1 Considered a revised proposal by WALGA in relation to administration costs to administer the Regional Funding Model. The Authority agreed that any cost associated with administration of the program, on top of the \$2.5 million already provided, could not be supported.**
- 3.2.2 Agreed that for the time being, the Authority would administer the Regional Funding Model utilising the 3-4 staff positions (Regional Coordinators) already dedicated to the program.**
- 3.2.3 Agreed that prior to implementing 3.2.2, the Chairman outline in a letter to WALGA, the Authority's decision in this regard, expressing the Authority's disappointment that a partnership arrangement with WALGA could not be achieved.**
- 3.2.4 Agreed that a presentation by DEC Regional Coordinators be provided at the Authority's November meeting.**

### **3.3 Proposed Meeting with the Shire of Gingin**

The Chairman was absent for this item which was Chaired by the Deputy Chair. The Deputy Chair advised members of an invitation extended by the Shire of Gingin to the Waste Authority, to visit the Shire to discuss its Strategic Direction for Waste Management and Landfill Site Selection – Fatal Flaw Analysis. A tentative date of 11 February 2009 was proposed.

A copy of a letter from the Shire of Gingin, dated 15 October 2008 was circulated to members during the meeting, along with a copy of Council Minutes referencing Council's Strategic Direction for Waste Management within the Shire of Gingin. A copy of the Landfill Site Selection – Fatal Flaw Analysis was also sighted by members.

The Authority agreed that a meeting be held with the Shire of Gingin on 11 February 2009, to coincide with the February meeting of the Authority. Particulars for the meeting to be coordinated between the Executive Officer, Deputy Chair and the Chairman. Ms Grimoldby agreed to inform the Shire of Gingin of the Authority's decision in this regard.

#### **RESOLUTIONS OF DISCUSSION:**

##### **The Authority:**

- 3.3.1 Agreed to accept an invitation extended by the Shire of Gingin to meet with the Shire on 11 February 2009 to discuss its Strategic Direction for Waste Management and Landfill Site Selection – Fatal Flaw Analysis and agreed that this meeting coincide with the February meeting of the Authority.**
- 3.3.2 Particulars for the meeting to be coordinated between the Executive Officer, Deputy Chair and the Chairman.**
- 3.2.3 DEC to provide a copy of the Shire of Gingin's Landfill Site Selection – Fatal Flaw Analysis to members.**

### **4. Other Business**

#### **4.1 Implementation of Recommendations from the Hazardous/Industrial Waste Precinct Coordinating Group for the Siting of Hazardous Waste Precincts in WA**

The Chairman advised that he had recently received a copy of the Hazardous/Industrial Waste Precinct Coordinating Group's draft report on the recommendations of the former Core Consultative Committee on Waste (3C). He advised that the Authority has been asked to provide any comment on the report, prior to it being finalised.

#### **RESOLUTIONS OF DISCUSSION:**

##### **The Authority:**

- 4.1.1 Agreed that no formal response by the Authority would be made on the draft report of the Hazardous/Industrial Waste Precinct Coordinating Group.**
- 4.1.2 Agreed that Mr Geisler would review the report for any information relevant to the Authority.**

#### **4.2 Australasian Resource Recovery 08 Conference – Sustainability in Industrial Material & Fuel Recycling – Sydney - 13-14 November 2008**

The Chairman advised members of a *Sustainability in Industrial Material and Fuel Recycling Conference* in Sydney between 13-14 November 2008.

The Chairman advised that the conference aims to provide a forum for the exchange of ideas and approaches to industrial resource recovery in Australia with a key focus on alternative raw materials and fuel sustainability.

**RESOLUTION OF DISCUSSION:**

**The Authority:**

**4.2.1 Noted that the Chairman would inform relevant persons within Government, such as Main Roads, regarding the conference should they be interested in attending.**

**4.3 Environment Protection and Heritage Council (EPHC) Meeting – 7 November 2008**

The Chairman advised that the Waste Authority has been invited to provide comments and advice on seven waste agenda papers for the EPHC meeting on 7 November. He advised that the Authority's response would be incorporated into the advice to be provided to the Minister by DEC. The Chairman advised that he had received three of the agenda papers so far, on the National Packaging Covenant, Litter Management in Australia and the Management of Australia's Waste Streams. The final four agenda items were to be provided for comment as soon as possible. A copy of the EPHC agenda papers were circulated to members during the meeting.

The Authority noted the extremely tight turnaround time in providing comment, with papers due by 23 October.

**RESOLUTION OF DISCUSSION:**

**The Authority:**

**4.3.1 Agreed that the Chairman would provide comments on the EPHC agenda items forwarded to the Authority, with priority focus on the National Packaging Covenant to DEC as soon as possible, for incorporation into the response by the department to the Minister.**

**4.4 Upcoming Meetings - Chairman**

The Chairman advised members that he would be meeting with Ms Jenny Pickles, General Manager of the Packaging Stewardship Forum Australian Food and Grocery Council on Wednesday 12 November at his Allendale office between 9.30am – 10.30am. He extended an invitation to members to participate in the meeting if they were interested.

Members noted that it was resolved at the Authority's October meeting, that the Chairman would meet with Ms Pickles, in the absence of the Authority being able to receive a presentation from her until early in the new year, due to urgent priorities.

The Chairman also advised that he would be meeting with representatives from the Australian Information Industry Association (AIIA) on sustainable programs being introduced by the IT industry (the ByteBack Program).

**5. CLOSE**

The meeting closed at 3.30 pm.

APPROVED / APPROVED WITH AMENDMENT

A handwritten signature in cursive script, appearing to read 'Barry Carbon', is positioned above a horizontal line.

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Barry Carbon, Chairman  
**WASTE AUTHORITY**

23 February 2009