



Strategic Waste Infrastructure Planning Working Group

Planning and Approvals Background paper

Waste Facilities and the Western Australian Planning System

The purpose of this document is to provide an update on the work undertaken by the Strategic Waste Infrastructure Planning Working Group on the Planning and Approvals component of the *Waste and Recycling Infrastructure Plan for the Perth Metropolitan and Peel Region*, due to be completed in June 2014. Please note that this is an ongoing project, and components of the Plan will change and develop over time.

Providing Feedback: The SWIPWG would welcome your input. Please email comments or feedback to swipwg@dec.wa.gov.au

The *Western Australian Waste Strategy: "Creating the Right Environment"* was released by the Waste Authority in March 2012. The Strategy aims to engage the Western Australian community over the next decade in moving to a low-waste society by providing the required knowledge, infrastructure and incentives to change behaviour.

In the Waste Strategy, among other major initiatives, the Waste Authority committed to developing a ***Waste and Recycling Infrastructure Plan for the Perth Metropolitan and Peel Region***. A Strategic Waste Infrastructure Planning Working Group has been set up to assist with the development of the Plan.

The aim of the Plan is to determine the waste management infrastructure required to meet the needs of the Perth and Peel '3.5 million city' and to assist in achieving the targets of the Waste Strategy. The Plan will also set out the planning, governance and funding instruments required to establish the infrastructure required.

The ***Waste and Recycling Infrastructure Plan for the Perth Metropolitan and Peel Region*** has four interrelated parts:

Planning and Approvals

The purpose of this section is to provide information and recommendations on:

- The land use planning system in WA, as it relates to waste facilities
- Environmental and planning opportunities and constraints for waste facilities in the Perth metropolitan and Peel regions, and how these may be increased or minimised respectively
- Existing land use planning mechanisms which may be used to integrate waste management issues into the WA planning framework, and secure sites for waste facilities.

Facilities and Sites

The purpose of this section is to provide information and recommendations on:

- The existing capacity of waste facilities in the Perth metropolitan and Peel regions, and likely waste infrastructure needs for 2015, 2020 and the 3.5 million city
- Potential and preferred sites for development of new waste facilities, including opportunities for co-location, waste precincts, and industrial ecology.

Technology

The purpose of this section is to provide information and recommendations on suitable waste management facilities and technologies for the Perth metropolitan and Peel regions, and assess their potential contribution to achieving the targets of the Waste Strategy.

Governance and Funding

The purpose of this section is to provide information and recommendations on:

- The settings that influence waste management in the Perth metropolitan and Peel regions
- Potential changes to current governance arrangements which may be required to meet the infrastructure needs of the region and contribute to achieving the Waste Strategy targets
- Potential changes to current funding arrangements which may be required to deliver the required infrastructure and contribute towards achieving the Waste Strategy targets.

Contents

Waste Facilities and the WA Planning System	1
1.0 Defining Waste Facilities in Western Australian Legislation	1
1.1 What is a Waste Facility?	1
1.2 What Type of Land Use is a Waste Facility?	2
1.2.1 Western Australian Planning Commission (WAPC)	2
1.2.2 Environmental Protection Authority (EPA)	4
1.2.3 Local Planning Schemes	4
2.0 Land Use Planning Legislation and Policies in WA.....	8
2.1 Commonwealth Government.....	8
2.1.1 COAG National Reform Agenda.....	8
2.1.2 Strategic Assessment of Perth Metropolitan and Peel Regions	8
2.2 State Government.....	10
2.2.1 State Planning Policies.....	11
2.2.2 State Planning Strategy.....	12
2.2.3 Directions 2031 and Beyond.....	13
2.2.4 Central and Outer Metropolitan Sub-Regional Strategies	13
2.2.5 Sub-Regional Structure Plans for Perth and Peel	15
2.2.6 Region Planning Schemes	15
2.2.7 Structure Plans.....	15
2.2.8 Economic and Employment Lands Strategy	16
2.2.9 Urban Development Program	16
2.3 Local Government.....	16
2.3.1 Local Planning Schemes	16
2.3.2 Local Planning Strategies	17
3.0 Approval Process	18
3.1 Planning Approvals	18
3.1.1 WAPC and Local Government.....	18
3.1.2 Development Assessment Panels	19
3.1.2 Legislation Impacting Approvals for Development and Subdivision	19
3.2 Environmental Approvals.....	20
3.2.1 Commonwealth Government.....	20
3.2.2 Environmental Protection Authority.....	20
3.2.3 DER Licencing for Prescribed Premises	21
3.3 Public Health Assessment.....	21
3.4 Approvals for Waste Facilities	22
References	24
Appendix 1: COAG Communiqué 7/12/2009 Attachment B.....	26
Appendix 2: Planning and Development Act Development Approval Process	27
Appendix 3: Extract from Schedule 1, <i>Environmental Protection Regulations 1987</i>	28

Waste Facilities and the WA Planning System

1.0 Defining Waste Facilities in Western Australian Legislation

Under WA planning and environmental protection legislation waste facilities are not generally well defined. They are often considered to be industry and/or essential infrastructure, however most planning and environmental legislation and policies at both state and local government level lack explicit reference to, or definition of, waste facilities.

1.1 What is a Waste Facility?

The *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) defines “waste” and “waste facility”:

Waste includes matter —

- a) *whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or*
- b) *prescribed by the regulations to be waste.*

Waste facility means *premises used for the storage, treatment, processing, sorting, recycling or disposal of waste.*

For the purposes of the work of the SWIPWG a narrower definition of waste and waste facilities is used. The focus of the *Western Australian Waste Strategy: “Creating the Right Environment”* (Waste Authority 2012) and the Waste Authority’s *Waste and Recycling Infrastructure Plan for the Perth Metropolitan and Peel Region* (currently under development) is the management of municipal solid waste, commercial and industrial waste and construction and demolition waste.

Therefore, for the purposes of this document:

Waste means *solid waste from municipal, commercial and industrial, or construction and demolition sources.*

Waste facility means *a premises used for the storage, treatment, processing, sorting, recycling or disposal of solid waste from municipal, commercial and industrial, or construction and demolition sources.*

This does not include types of waste which may require specialised treatment and disposal, or the facilities where this waste is treated. For example:

- **Sewage:** Sewage is managed by the WA Water Corporation. It is treated and discharged through waste water treatment plants into the ocean
- **Liquid waste:** Depending on the type of waste, this may be treated and discharged through waste water treatment plants into the ocean, or may be recycled (e.g. liquid organic waste may be processed to create compost)
- **Clinical waste:** This includes wastes that have the potential to cause disease, sharps injury or public offence including sharps, human tissue waste, laboratory waste and animal waste resulting from medical or veterinary research or treatment. Some types may be disposed of in landfills, but high risk waste must be incinerated

- **Hazardous waste:** Depending on the waste type, hazardous waste may be disposed of in a Class IV secure landfill or Class V intractable landfill. WA has one Class IV landfill at Red Hill (owned by the Eastern Metropolitan Regional Council), and one Class V landfill Mount Walton, 480km northeast of Perth. The Waste Authority also funds the Household Hazardous Waste Program, which collects and recycles or disposes of relatively small quantities of hazardous waste from domestic sources
- **Radioactive waste:** Managed by the Commonwealth Department of Resources, Energy and Tourism under the *Radioactive Waste Management Act 2012*. Radioactive waste is held a various facilities around Australia (none in WA).

Waste facilities may be prescribed premises (as described in Schedule 1 of the *Environmental Protection Regulations 1987*) as well as unlicensed facilities. The types of facilities considered by the SWIPWG include:

- Landfills (inert and putrescible)
- Alternative Waste Treatment (AWT) facilities including waste-to-energy, mechanical biological treatment
- Materials Recovery Facilities (MRFs) – ‘clean’ (processing mixed, source separated recyclable material) and ‘dirty’ (processing mixed waste to extract the recyclables)
- Composting facilities (mixed organic and/or green waste)
- Construction and demolition (C&D) material processors
- Recyclers (including facilities which sort, dismantle, decontaminate and/or aggregate recyclable materials for transport to recycling facilities) – e-waste, scrap metal, paper, glass, timber, plastic
- Transfer stations (putrescible, inert, or mixed inert/recyclable)
- Drop-off facilities.

1.2 What Type of Land Use is a Waste Facility?

1.2.1 Western Australian Planning Commission (WAPC)

Under WA planning legislation and policies (some of which are listed below) different types of waste facilities are not specifically addressed, but are covered in a general way under definitions of “industry” or “essential services”.

Economic and Employment Lands Strategy:

The Western Australian Planning Commission’s *Economic and Employment Lands Strategy: non-heavy industrial* (EELS) (WAPC 2012a) lists “disposal, recycling” under activities which are considered to be General Industry (Table 2).

Statement of Planning Policy 4.1 State Industrial Buffer Policy:

Statement of Planning Policy 4.1 State Industrial Buffer Policy (WAPC 1997b) includes “solid waste disposal sites” under the definition of infrastructure, along with ports, major freight terminals, water and waste water treatment plants, power generation facilities, distribution terminals and substations, airports, and gas/petroleum pipelines. Other waste facility types are not specifically mentioned. Similarly, the revised *Statement of Planning Policy 4.1 State Industrial Buffer Policy (Amended)* (WAPC 2009c), which is currently in draft form, lists “waste disposal sites” as essential infrastructure, and also considers waste facilities under the definition for “industry” (Table 2). Consideration of adequate buffers is always required whether waste facilities are considered to be industry or essential services (or both).

Region Planning Schemes:

There are three Region Planning Schemes operating in WA: the Metropolitan Region Scheme (MRS), Peel Region Scheme (PRS), and Greater Bunbury Region Scheme (GBRS) (see section 2.2.6). The MRS and PRS divide land in the Perth metropolitan and Peel regions into zones and reservations, according to the land uses undertaken in each area.

Waste management activities are not specifically included in the descriptions of MRS/PRS zones, however if waste facilities are generally considered to be “industry” and/or “essential services” they are best suited to Industrial zoned areas (or potentially Urban zoned areas, if the waste facility is considered to be light industry):

- **Urban zone:** Areas in which a range of activities are undertaken, including residential, commercial recreational and light industry
- **Industrial (MRS/PRS) and Special Industrial (MRS only) zones:** Land in which manufacture, processing, warehousing and related activities are undertaken.

Land may also be reserved for community purposes, to protect a resource or to provide areas for infrastructure:

- **Public Purposes:** Land for public facilities such as hospitals, high schools, universities, car parks, and prisons, utilities (electricity, water and treatment of waste water), Commonwealth Government and other special uses.

In the MRS there is no public purpose (PP) reservation specifically for waste facilities as exists for other public utilities (such as ‘PP – State Energy Commission’ and ‘PP – Water Authority of WA’). The PRS has a more general ‘PP – Public Utilities’ reservation, however only one waste facility (the City of Mandurah/TPI Tim’s Thicket Septage and Inert Waste Disposal Facility) is located within this reservation. It is not currently used as a mechanism for securing waste facility sites, and waste facilities are not restricted to development in areas with this reservation.

It is important to note that industrial-type activities are not restricted to land which has been zoned Industrial under a Scheme (WAPC 2012a). For example, an area of light industry in the City of Belmont is located in an area zoned as Urban under the MRS. There are many existing waste facilities which, though industrial in nature, operate in areas zoned Parks and Recreation, Rural, Urban or State Forests, or reserved for Public Purpose (Table 3). Industrial zoned sites are the most common setting for waste facilities in the Perth metropolitan and Peel regions however, with around half located in Industrial zones.

Model Scheme Text:

The Model Scheme Text (MST) forms Appendix B of the *Town Planning Regulations 1967*. Gazetted in 1999, the MST is a template for local governments to use when developing or reviewing Local Planning Schemes. It provides standard clauses, terms and provisions, with the aim of creating greater consistency in the basic legal and administrative provisions of local planning schemes, while allowing local governments the flexibility to suit local circumstances. Local governments are required to comply with the MST except where the Minister approves any variation or exclusion (WAPC 2007).

Schedule 1 of the MST gives standard land use definitions. Significantly, there are no definitions given for waste or waste facilities. Waste facilities may be interpreted to fit within “industry” or “industry – general” land uses but the lack of definition for waste facilities means that they are generally not specifically considered in Local Planning Schemes. Some local governments have created their own definitions for waste facilities, but there are significant inconsistencies between LPSs in relation to the way waste facilities are defined and incorporated.

1.2.2 Environmental Protection Authority (EPA)

Similarly to planning legislation and policies, waste facilities are generally not specifically addressed in WA environmental legislation and policies, but are covered in a general way under definitions of “industry” or “essential services”.

EPA *Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses* (2005) details industry types, their potential impacts and recommended buffer distances. The term “industrial land use” is used in a general way to encompass a range of industrial, commercial and rural activities, and infrastructure, associated with off-site emissions that may adversely affect sensitive land uses. Many types of waste facilities are specifically mentioned in this Guidance Statement (Table 1), including:

- Composting facility
- Crushing of building material, screening works (these processes may be undertaken by construction and demolition (C&D) material processors or inert landfills)
- Scrap metal recycling works
- Used tyre storage – general, recycling
- Waste disposal
 - Class I landfill (inert)
 - Class II and III landfill (putrescible)
 - waste depot (drop-off facility or transfer station)
 - resource recovery plant (AWT facility, recycler).

This Guidance Statement only covers prescribed premises however, so waste facilities without a DER Licence (i.e. ‘clean’ MRFs and unlicensed recyclers) are not covered.

There are also waste facility types that have not yet been developed in WA (e.g. ‘dirty’ MRFs, waste-to-energy facilities) that are not specifically included (these may fit within the established industrial land use categories, or the Guidance Statement may require amendment to include them).

1.2.3 Local Planning Schemes

There are 34 local governments in the Perth metropolitan (30 local governments) and Peel (four local governments) regions (WALGA 2013). Between local governments there are with inconsistencies in the way land uses are defined in Local Planning Schemes (see section 1.2.1). Waste facilities in Perth and Peel are found in a range of different Local Planning Scheme zones, the most common being industrial-type and rural-types zones (Table 3).

Table 1: Industry types described in *Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses* (EPA 2005), with their associated risks and buffer distances, and their relationship to waste facilities.

Industry (as described in EPA <i>Guidance for the Assessment of Environmental Factors 2005</i>)	DEC Licence No.	Impacts					Buffer distance to sensitive land uses	Waste facility types where these licences are typically held (NOTE: some facilities may hold more than once licence)*
		Gaseous	Noise	Dust	Odour	Risk		
Composting facility	67A		X	X	X		150m-1000m depending on type of facility and organic waste	Composting facilities AWT: mechanical biological treatment
Crushing of building material	13		X	X			1000m	C&D material processors Landfill (inert)
Scrap metal recycling works	45, 47		X	X	X		300-500m	Licensed e-waste and scrap metal recyclers
Screening works	12, 70		X	X			500m	C&D material processors Landfill (inert)
Used tyre storage – general, recycling	56, 57	X	X	X	X	X	100-200m if stored 500-1000m if crumbed, granulated or shredded	Drop-off facilities (if tyres are accepted) Tyre recyclers
Waste disposal – Class I landfill	63		X	X			150m	Landfill (inert)
Waste disposal – Class II and III landfill	64, 89	X	X	X	X		500m OR 150m depending on sensitive land use	Landfill (putrescible)
Waste disposal – waste depot	62		X	X	X		200m	Transfer stations Drop-off facilities C&D material processors Landfill (inert) Licensed e-waste and scrap metal recyclers
Waste disposal – resource recovery plant	60, 61A, 67	X	X		X	X	case by case	Composting facilities AWT: mechanical biological treatment

* Please note that only the types of facilities which currently exist in Perth and Peel are included in this table. New types of facilities (e.g. waste-to-energy facilities, 'dirty' MRF's) are not included.

Table 2: Definitions of industry and essential services used in WAPC policies/strategies and legislation, and how waste facilities may be considered under these definitions.

Definition	Source	Comment
<p>Industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for -</p> <ul style="list-style-type: none"> (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; or (d) the provision of amenities for employees, incidental to any of those industrial operations. 	<p><i>Economic and Employment Lands Strategy: non-heavy industrial</i> (WAPC 2012a)</p> <p>Model Scheme Text (Appendix B, <i>Town Planning</i></p>	<p>Waste facilities could be considered industry, as they may dismantle, process, treat, and/or store materials or substances (i.e. waste).</p>
<p>General Industry: An industry other than cottage, extractive, light, mining, rural or service industry. This is the main zone that applies to most industrial areas. It provides for manufacturing industry, the storage and distribution of goods and associated uses which by the nature of their operations should be separated from residential areas.</p>	<p><i>Regulations 1967</i> as referenced in <i>Statement of Planning Policy 4.1 State Industrial Buffer Policy</i></p>	<p>The EELS (WAPC 2012a) lists “disposal, recycling” under activities which are included within the definition of general industry.</p>
<p>Light Industry: An industry:</p> <ul style="list-style-type: none"> a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; and b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services. 	<p><i>(Amended)</i> (WAPC 2009c)</p>	<p>Waste facilities could potentially be considered light industry if it could be demonstrated that they did not emit noise, dust, odour etc. that could adversely affect the amenity of the locality.</p>
<p>Heavy Industry: This land use category is only denoted by State government policy and expressed through its agencies. It does not appear as a specific zone in either the MRS or local government zoning regimes. Currently Perth’s only heavy industry site described through planning and economic development policy is the Kwinana industrial area, which is split for the purposes of analysis into three complexes: Naval Base, Kwinana Beach and East Rockingham.</p>	<p><i>Economic and Employment Lands Strategy: non-heavy industrial</i> (WAPC 2012a)</p>	<p>Waste facilities are not considered land uses which require a Heavy Industry site.</p>
<p>Essential infrastructure includes infrastructure that has the potential to generate off-site emissions or risk and includes ports, major freight terminals, wastewater treatment plants, power generation facilities, power distribution terminals, electro-magnetic radiation impacts and substations, waste disposal sites and airports.</p>	<p><i>Statement of Planning Policy 4.1 State Industrial Buffer Policy</i> (Amended) (WAPC 2009c)</p>	<p>Waste <u>disposal</u> is specified in this definition, however it is not clear whether this includes facilities where waste is disposed of (i.e. landfills) as well as which store, treat, process, sort, or recycle waste.</p>

Table 3: Zoning/reservation of existing waste facilities under the Metropolitan, Peel and Greater Bunbury Region Schemes and Local Planning Schemes.

Waste Facility Type	MRS/PRS/GBRS Zoning	LPS Zoning	
AWT: Mechanical biological treatment	Industrial Parks and Recreation PP - Commonwealth Government	Industrial Development Mixed Business	
Inert Landfill (Category 63)	Industrial Parks and Recreation PP - Public Utilities Rural Urban	Special Purpose Industrial Development Urban Development General Rural Development	Industry Rural Resource Landscape Rural B
Putrescible Landfill (Category 64)	PP - Special Uses Rural	Public Purposes Rural 1 - General Farming	Rural Rural B Special Use
'Clean' Materials Recovery Facility (MRF)	Industrial PP - Special Uses Urban	General Industrial General Industry Industry	
Compost facilities (mixed organics)	PP - Water Authority of WA Rural Rural - Water Protection	Rural Resource	
Compost facilities (greenwaste only)	Industrial PP - Commonwealth Government PP - Special Uses Rural State Forests Urban	Industrial Development Urban Development General Industrial Mixed Business	Special Use Rural Rural B Public Purpose
Construction and demolition (C&D) material processors	Industrial Urban	General Industry Industrial Development Urban Development	
Recyclers (e-waste, scrap metal, paper, glass, timber, plastic)	Industrial	General Industry Industry Light Industry Industrial Development	
Transfer stations (putrescible, inert, or mixed inert/recyclable)	Industrial, Rural PP - Commonwealth Government PP - Special Uses Urban	Mixed Business Urban Development Industrial Development General Industrial General Industry	Light Industry Rural A Rural Industry
Drop-off Facilities	Industrial Parks and Recreation PP - Commonwealth Government PP - Public Utilities PP - Special Uses Rural State Forests	Public Purposes Rural 1-General General Purpose Mixed Business General Industrial General Rural	Industry Rural Farming Special Rural Special Use

2.0 Land Use Planning Legislation and Policies in WA

In Western Australia land use planning is influenced by many different commonwealth, state and local government legislation, programs and policies.

2.1 Commonwealth Government

2.1.1 COAG National Reform Agenda

All State and the Commonwealth Governments are part of the Council of Australian Governments (COAG). One role of COAG has been to develop a national planning reform agenda to support infrastructure development and approvals processes. As part of this national planning reform agenda, WA has an obligation to progress towards an integrated land use planning and infrastructure coordination framework (WAPC 2009a).

The Western Australian Planning Commission (WAPC) is responsible for ensuring WA achieves the objectives of the national reform agenda. To demonstrate that these objectives will be met, the WAPC has developed documents such as:

- A revised draft *State Planning Strategy* (WAPC 2012b)
- The Urban Development Program (www.planning.wa.gov.au/718.asp)
- *Directions 2031 and Beyond* (WAPC 2010a)
- Finalisation and implementation of a number of State Planning Policies (e.g. *State Planning Policy 4.2 Activity Centres for Perth and Peel*).

To ensure the national reform agenda is implemented, the commonwealth government will link future infrastructure funding to states that can demonstrate that their capital city strategic planning systems meet the *National Objective and Criteria for Future Strategic Planning of Capital Cities* (Appendix 1). Waste management infrastructure is relevant to many of these criteria, and to the documents developed by the WAPC, listed above.

2.1.2 Strategic Assessment of Perth Metropolitan and Peel Regions

The *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) enables the commonwealth government to manage Matters of National Environmental Significance (MNES). These include:

- world heritage sites
- national heritage places
- wetlands of international importance ('Ramsar' wetlands)
- nationally threatened species and ecological communities
- migratory species
- commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions.

Any person who proposes to take an action that will have, or is likely to have, a significant impact on a MNES must refer that action to the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities for a decision on whether assessment and approval is required under the EPBC Act. In addition to relevant state and local government approval processes for developments, the EPBC Act provides for project by project assessments.

In July 2011 the WA Ministers for Planning and Environment and the commonwealth Minister for Sustainability, Environment, Water, Population and Communities agreed to undertake a Strategic Assessment of the Perth metropolitan and Peel regions.

The Strategic Assessment will assess and address the impacts of future urban, industrial and infrastructure development and basic raw material extraction in the Perth-Peel region on MNES listed under the EPBC Act.

The aim of this process is to reduce the need for project by project assessments under the EPBC Act and create a more strategic and regionally consistent response to MNES.

The Strategic Assessment is being led by the Department of the Premier and Cabinet (DPC) in partnership with the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC). At a state level, the DPC is working closely with the Departments of Planning, Environment Regulation, Water, Mines and Petroleum and the Office of the Environmental Protection Authority.

The Strategic Assessment process will include:

- a *Plan for the Protection of Matters of National Environmental Significance in the Perth and Peel Regions of WA* (MNES Plan), to be based on and implemented in conjunction with *Directions 2031 and Beyond* (WAPC 2010a) and the subregional structure plans for Perth and Peel currently being developed by the Department of Planning. The MNES Plan will describe how relevant matters of national environmental significance, which may be affected by the development proposed in *Directions 2013 and Beyond* and the sub-regional structure plans, are being addressed through avoidance, mitigation or offset measures
- an Impact Assessment Report, which includes a profile for each matter of national environmental significance affected by the MNES Plan.

The commonwealth Minister for the Environment will consider the MNES Plan and Impact Assessment Report. If satisfied that MNES have been adequately addressed, the Minister may endorse the MNES Plan and the taking of actions in accordance with the endorsed MNES Plan.

This endorsement will streamline the approvals process for new developments, and provide more certainty for proponents and state and local governments, because actions undertaken in accordance with the endorsed MNES Plan would not need further approval under the EPBC Act.

In order to streamline environmental assessment processes it was identified that the provision of strategic advice from the Environmental Protection Authority under section 16(e) of the *Environmental Protection Act 1986* was the most appropriate mechanism for consideration of state environmental issues in parallel with the EPBC Act Strategic Assessment of Perth and Peel. The Section 16(e) advice will provide guidance to the WA Minister for Environment for future decision-making on State environmental matters within the Perth and Peel regions. Further, the section 16(e) advice is intended to provide clarity to government, stakeholders and the community on acceptable outcomes for State environmental matters that are not also covered by the EPBC Act.

The sub-regional structure plans will determine the location of different types of future land use development in Perth and Peel (e.g. urban, industrial, rural land uses), and thus determine the potentially suitable sites for new waste management infrastructure. The Strategic Assessment will assist with planning for areas that may be suitable for future development of the Perth-Peel region. Developments that do not conform with the MNES Plan and section 16(e) advice will need to seek approvals on a project by project basis.

For more information see www.dpc.wa.gov.au and www.environment.gov.au.

2.2 State Government

Land use planning identifies where future residential, commercial and industrial development will occur, and the transport systems that are required to support these land uses. This impacts planning for waste infrastructure by identifying not only potential sites for infrastructure development, but also where the demand for waste services will occur, and the likely composition of the waste generated.

Figure 1 illustrates the different levels of the land use planning system.

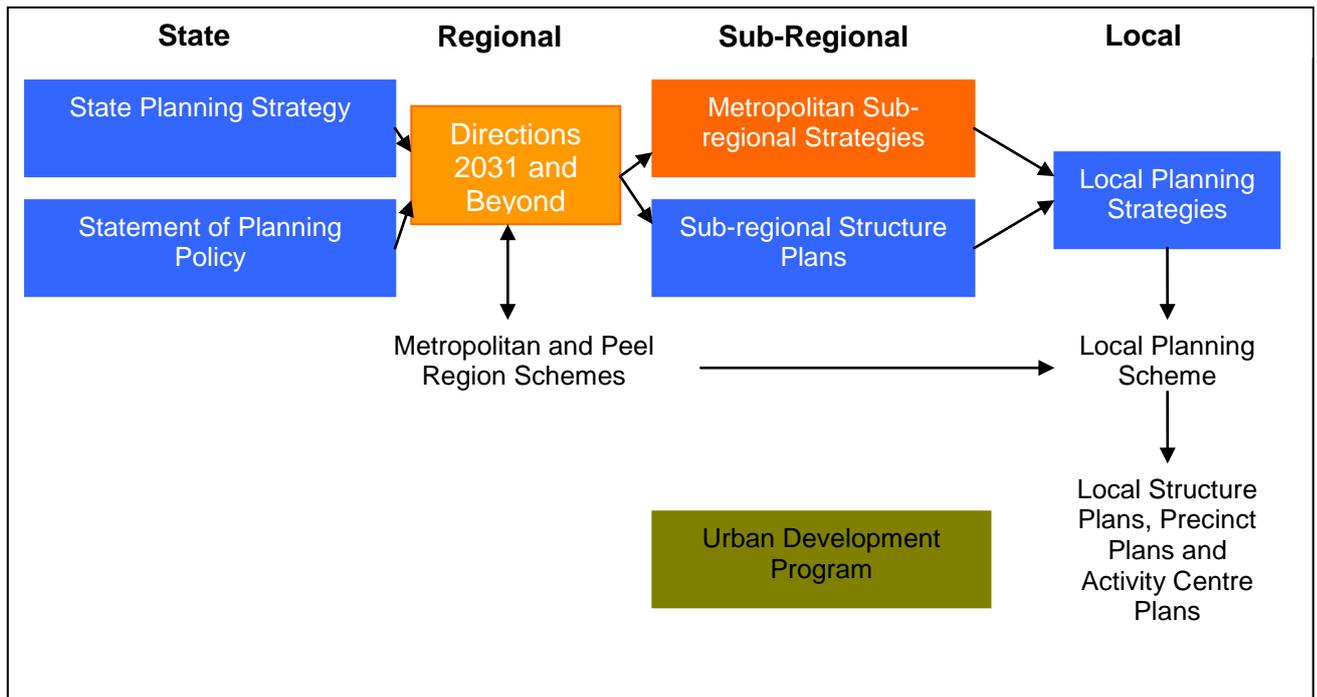


Figure 1: Different levels of planning policies, schemes and strategies in WA (Source: WAPC 2010c).

The state's overarching planning legislation is the *Planning and Development Act 2005* (Planning and Development Act). The Planning and Development Act provides for an efficient and effective land use planning system in WA, and promotes the sustainable use and development of land. It also outlines the role and functions of the WAPC.

The Western Australian Planning Commission (WAPC) is the WA statutory authority responsible for urban, rural and regional land use planning, land development matters, and the strategic planning of the State. The Department of Planning provides professional and technical expertise, administrative services, and resources to advise the WAPC and implement its decisions.

The WAPC is responsible for advising the Minister for Planning on the coordination and promotion of land use, transport planning and sustainable land development and also for the preparation and review of state planning strategy and policies.

The WAPC has formed the Infrastructure Coordinating Committee (ICC) to provide advice on planning for the provision of physical and community infrastructure throughout the state and promote inter-agency cooperation in decisions related to urban development.

2.2.1 State Planning Policies

State planning policies are policy documents prepared and adopted by the WAPC under Part 3 of the *Planning and Development Act 2005*. They provide broad planning controls for planning matters which may have local, regional or state relevance (WAPC 2007).

Each state planning policy (SPP) focuses on a land use planning issue and has objectives in relation to that issue. The WAPC and local governments must have 'due regard' to state planning policies when preparing or amending Local Planning Schemes and making planning decisions. The State Administrative Tribunal must also take SPPs into account when determining applications for review of planning decisions.

To assist with consistent interpretation of SPPs the WAPC may develop explanatory guidelines and operational policies. Operational policies are largely subdivision and development control policies that guide the decision making authority on subdivision and development applications. Explanatory guidelines offer guidance in relation to SPPs and are required to be read in conjunction with the corresponding SPP.

The *State Planning Framework Policy Variation No. 2* (cited as *State Planning Policy No. 1: State Planning Framework*) is the overarching statement of planning policy for WA (WAPC 2006). *State Planning Policy No. 1* does not introduce new policies but brings together all existing state and regional plans, policies, strategies and guidelines that apply to land use and development in WA, and sets out the key principles which guide planning decisions.

The key principles of the *State Planning Policy No. 1* are:

- **Environment:** To protect and enhance the key natural and cultural assets of the State and deliver to all West Australians a high quality of life which is based on environmentally sustainable principles;
- **Community:** To respond to social changes and facilitate the creation of vibrant, safe and self-reliant communities;
- **Economy:** To actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles;
- **Infrastructure:** To facilitate strategic development by making provision for efficient and equitable transport and public utilities; and
- **Regional Development:** To assist the development of regional WA by taking account of the special assets and accommodating the requirements of each region.

These principles relate to waste infrastructure planning, and early consideration of *State Planning Policy No. 1* (and the other SPPs) can assist the waste industry and decision making authorities in planning for the sustainable future management of waste.

Beneath *State Planning Policy No. 1* sits many other SPPs, which are prepared and adopted by the WAPC and designed to facilitate the coordination of planning throughout the state. Some SPPs may be directly relevant to waste infrastructure planning, including *State Planning Policy 4.1* and *State Planning Policy 3.6*.

State Planning Policy 4.1 – State Industrial Buffer (WAPC 1997b)

State Planning Policy 4.1 – State Industrial Buffer (gazetted 1997) recognises that some industrial land uses generate emissions (such as noise, dust, or odour) that cannot be contained onsite, so a buffer is needed to separate the industrial land use from sensitive land uses. The objective of the *State Planning Policy 4.1* is to provide state wide long-term security for industry and essential infrastructure, through protecting it from encroachment and avoiding conflict with sensitive land uses. It also promotes compatible land uses in areas affected by the off-site impacts of industry/essential infrastructure. The policy establishes the aims and principles behind buffer areas, and the process of securing them.

In 2009, the WAPC released the draft *State Industrial Buffer (Amended)* (WAPC 2009c) for public comment (the draft is currently under review). The amended policy gives consideration to both industry and essential infrastructure, which includes “waste disposal sites” (in its submission on the public draft, the Waste Authority recommended the expansion of the term essential infrastructure to include “waste disposal, treatment and recycling” sites) (see section 1.2.1).

State Planning Policy 3.6 – Development Contribution for Infrastructure (WAPC 2009b)
State Planning Policy 3.6 – Development Contribution for Infrastructure (gazetted 2009) provides guidance to local governments on charging development contributions for the provision of infrastructure in new and established urban areas. Under this SPP local governments may seek contributions from developers for the capital costs of standard infrastructure (such as roads, water and sewerage facilities, drainage, utilities, and public open space) and community infrastructure (including sporting and recreational facilities, community centres, child care and after school centres, libraries and cultural facilities etc.) (WAPC 2009d). Development contributions are for initial capital requirements only, and not for the ongoing maintenance and/or operating costs of the infrastructure. They may be used to fund:

- A new item of infrastructure;
- Land for infrastructure;
- An upgrade in the standard of provision of an existing item of infrastructure;
- The total replacement of infrastructure at the end of its economic life;
- An extension to existing infrastructure; and
- Other costs reasonably associated with the preparation, implementation and administration of a Development Contribution Plan.

Appendix 1 of *State Planning Policy 3.6* lists the standard development contribution requirements. This may be a contribution of land and/or funds for infrastructure for:

- water
- sewerage
- drainage works
- electricity supply infrastructure
- other public utilities.

The meaning of “other public utilities” is not defined in the *State Planning Policy 3.6*, but this could potentially provide local governments with a mechanism for recovering the costs of providing waste management services in newly developed areas (e.g. where new waste facilities or upgrading of existing infrastructure is required).

2.2.2 State Planning Strategy

In December 2012, the WAPC released the draft *State Planning Strategy* for public comment (WAPC 2012b). Once finalised the new Strategy will replace the current *State Planning Strategy* (WAPC 1997a) which was adopted in 1997. This update to the *State Planning Strategy* is one of the actions undertaken to enable WA to meet the COAG criteria for national reform (see section 2.1.1).

The *State Planning Strategy* is an overarching document that informs all other state, regional and local planning strategies, policies and approvals. It links to and builds upon other WAPC strategic planning documents, including *Directions 2013 and Beyond* (WAPC 2010a – see section 2.2.3), the Urban Development Program (see section 2.2.9), and *Western Australia Tomorrow* (WAPC 2012c and 2012d).

The draft *State Planning Strategy* (WAPC 2012b) identifies waste management, and planning for waste facilities, as both an environmental issue and an important part of physical infrastructure development in WA. The inclusion of waste under the heading of “physical infrastructure” and the consideration of waste management alongside services such as power, water and transport is an important step. In the past waste management has often been seen as only an environmental issue, without recognition of its status as an essential service or the importance of strategic planning for waste management infrastructure.

The 2050 outcomes and aspirations for waste management in the draft *State Planning Strategy* complement the strategic objectives of the *Western Australian Waste Strategy: “Creating the Right Environment”* (the Waste Strategy, Waste Authority 2012). The draft strategy highlights the importance of a network of strategically located waste management infrastructure, which directly aligns with Strategic Objective 1 of the Waste Strategy:

“Initiate and maintain long-term planning for waste and recycling processing, and enable access to suitably located land with buffers sufficient to cater for the State’s waste management needs.”

These complementary aims will create further opportunities for the Waste Authority and DER to work with the Department of Planning and WAPC to further integrate waste management with the land use planning system in WA.

2.2.3 Directions 2031 and Beyond

Directions 2031 and Beyond (WAPC 2010a) provides a strategic plan for the Perth metropolitan and Peel regions. Like the updated *State Planning Strategy*, *Directions 2031 and Beyond* has been developed by WAPC to meet the COAG criteria for national reform (see Section 2.1.1). It establishes a vision for future urban growth and encourages a long-term, sustainable approach to the provision of infrastructure.

One of the objectives within the sustainability theme in *Directions 2031 and Beyond* is that Perth should grow within its environmental constraints. Strategies to achieve this include reducing of waste generation, and encouraging reuse, recycling and resource recovery.

Under *Directions 2031 and Beyond* population increase in Perth and Peel will be accommodated by a combination of urban infill and the development of new residential, commercial and industrial land areas. This will place pressure on existing waste management infrastructure, and require the development of new facilities.

2.2.4 Central and Outer Metropolitan Sub-Regional Strategies

Sub-regional strategies provide detailed information on how the *State Planning Strategy* and *Directions 2031 and Beyond* principles will be put into practice, and address issues that require a regional response. Sub-regional strategies are endorsed by the WAPC and provide guidance to decision making authorities on land use and development at the sub-regional level. They form the basis for the subsequent preparation of local structure plans.

The draft *Central Metropolitan Sub-regional Strategy* (WAPC 2010b) and draft *Outer Metropolitan Sub-regional Strategy* (WAPC 2010c) were both released for comment by the WAPC in August 2010 (a submission was made by the Waste Authority). They identify regional targets, challenges and opportunities to assist with meeting the strategic priorities outlined within *Directions 2031 and Beyond*. These drafts are yet to be finalised.

Draft Central Metropolitan Sub-regional Strategy (WAPC 2010b)

The draft *Central Metropolitan Sub-regional Strategy* covers the Metro-Inner and Metro-Middle regions, which include 19 local governments. The strategy provides a breakdown of where the anticipated additional new dwellings will be situated to accommodate the expected population increase by 2031. It highlights the need for more diverse housing requirements, such as apartments and semi-detached dwellings, to achieve the densities required to meet *Directions 2031 and Beyond* targets.

The anticipated higher dwelling densities and increase in mixed use developments in the Metro-Inner and Metro-Middle regions will affect:

- the composition of waste generated (e.g. with urban in-fill older homes on larger blocks will be replaced by higher density residential developments, which will result in significant amounts of construction and demolition waste; green waste may decrease as the size of residential gardens decreases; more commercial and industrial waste may be generated as the proportion of mixed use developments increases)
- the amount of waste generated (e.g. higher amounts of waste generated from smaller areas)
- the way waste is collected (i.e. size and type of bins and collection vehicles used, frequency of pickups). Local governments and waste service contractors around Australia are already facing the challenges of collecting waste from dense residential and commercial developments (e.g. access laneways which are too narrow for traditional waste collection trucks; apartment buildings where not enough space has been allocated for storage of bins; mixed use developments where residents are disturbed by the noise of contractors collecting commercial waste after hours).

The waste industry must be prepared and plan for the changing housing type/density and the associated waste management challenges. Innovative solutions will be needed to implement suitable waste collection and disposal in densely populated areas.

The draft *Central Metropolitan Sub-regional Strategy* identifies that the Central sub-region currently supports a range of commercial, service, retail and industrial activities and these areas need to be protected from the encroachment of non-compatible land uses. It also identifies opportunities for compatible land uses in the 'buffers' around these areas.

Draft Outer Metropolitan Sub-regional Strategy (WAPC 2010c)

The draft *Outer Metropolitan Sub-regional Strategy* covers the Metro-North, Metro-East, Metro-Southwest and Metro-Southeast and Peel regions, and includes 14 local governments (the Shire of Boddington, which is part of the Peel region, is not included in this Strategy).

In contrast to the central metropolitan sub-region, the outer metropolitan sub-region has large areas of undeveloped land and the potential for large greenfield developments. The draft Strategy aims to increase dwelling density from the current 10/ha to 15/ha in new urban areas. With new residential development there will be increased construction activity (and thus construction and demolition waste) in this sub-region, and increased municipal solid waste as new housing areas are completed and residents move in.

The outer metropolitan sub-region is very important to waste infrastructure planning. It currently contains major transport routes and many large industrial areas (which include essential infrastructure such as waste disposal and recycling facilities, waste water and sewage treatment plants), and it is where new waste facilities are likely to be located. To ensure continuing industrial development, it is important that these areas are not encroached by non-compatible land uses (although, as for the central sub-region, there is potential to incorporate compatible land uses in buffer areas).

2.2.5 Sub-Regional Structure Plans for Perth and Peel

The WAPC is currently developing sub-regional structure plans for the Perth metropolitan and Peel regions. There are three sub-regional structure plans which will cover:

- southern metropolitan sub-region and Peel
- north west metropolitan sub-region
- north east metropolitan sub-region.

The sub-regional structure plans identify urban land required to accommodate a population of 3.5 million in Perth and Peel as well as supporting infrastructure. They are currently subject to the Strategic Assessment process and *Plan for the Protection of Matters of National Environmental Significance in the Perth and Peel Regions of WA* (MNES Plan) (see section 2.1.2).

2.2.6 Region Planning Schemes

Region Planning Schemes are prepared by the WAPC and approved by the Governor, and subject to disallowance by Parliament. They set out broad land use zones and identify reserves required for regional public purposes. There are three Region Planning Schemes in operation in WA:

- Metropolitan Region Scheme (MRS). Covers the 30 local government areas of the Perth metropolitan region. In operation since 1963
- Peel Region Scheme (PRS). Covers the City of Mandurah, Shires Murray and Waroona (the Shire of Boddington, which is part of the Peel region, is not included in the PRS). In operation since 2003
- Greater Bunbury Regional Scheme (GBRS). Covers the City of Bunbury and the Shires of Harvey, Dardanup and Capel). In operation since 2007.

These region planning schemes define the future use of land, dividing it into broad zones and reserves. They are developed and amended in consultation with local government, as Local Planning Schemes must be consistent with the Region Planning Schemes.

Under the Region Planning Schemes land is zoned for different purposes, and all existing and proposed land uses must be consistent with the zoning. Different types of waste facilities are suited to differently zoned areas, so while the securing of industrial zoned land for waste infrastructure sites will be important, other zoning types will also need to be considered (see section 1.2.1). Under the MRS/PRS, the existing waste disposal and recycling facilities in the Perth metropolitan and Peel regions are located in areas with a range of different zonings (including industrial, parks and recreation, rural, urban or state forests, or reserved for public purpose – Table 3), however around half are in Industrial zones.

2.2.7 Structure Plans

Structure plans (which are prepared by the Department of Planning and endorsed by the WAPC) guide change in the short-to-medium term. Structure plans include the detailed level of planning necessary to guide future subdivision and development within a region or sub-region, at a more detailed level than the Region Planning Schemes (section 2.2.6) or sub-regional structure plans for Perth and Peel (section 2.2.5). Structure plans provide guidance as to which areas may have potential for urban development and what criteria, staging considerations or further investigations are required to achieve such development.

Examples of structure plans endorsed by the WAPC that can be found at the Department of Planning website (www.planning.wa.gov.au) include:

- North West Corridor Structure Plan - Yanchep (1993)
- South West (1993) and North East (1994) Corridor Structure Plan
- South East Corridor (South of Armadale) Structure Plan (1996)
- Morley Regional Centre Structure Plan (1992)

- South Jandakot-Mandogalup District Planning Study (1993)
- Inner Peel Region Structure Plan (1997)
- Jandakot Structure Plan-Draft (2001)
- Southern River, Forrestdale, Brookdale, Wungong District Structure Plan (2001)
- Mandurah Inner Area Strategic Plan (2002).

2.2.8 Economic and Employment Lands Strategy

The *Economic and Employment Lands Strategy: non heavy industrial* (EELS) (WAPC 2012a) was developed in response to the anticipated shortfall in industrial land supply in the Perth and Peel. The aim of the EELS is to identify areas potentially suitable for development of general and light industry, and ensure that adequate forward planning is undertaken to make new industrial land available in the short, medium and long term.

Currently 13,798ha of the Perth metropolitan and Peel regions is zoned Industrial, and it is predicted that 4,726ha of additional industrial land will be required by 2031. The EELS identifies 37 sites with the potential to be developed for industrial land uses, although each site has own particular constraints. These sites are distributed across each of the planning regions.

The EELS will be an important part of planning for future waste disposal and recycling infrastructure, as it clearly identifies the potential sites of future industrial land, and the potential opportunities, constraints and development timelines for each site.

2.2.9 Urban Development Program

The Urban Development Program (UDP) is prepared by the Department of Planning for the WAPC Infrastructure Coordinating Committee (ICC). The program tracks land demand and supply, proposed development and infrastructure in WA's major urban centres, and aims to promote a more effective use of land, better staging of development and prioritisation of infrastructure investment to support urban growth.

The UDP is an implementation tool for *Directions 2031 and Beyond* and the *Central and Outer Metropolitan Sub-Regional Strategies* (section 2.2.4), and relates to strategic planning for future land supply (such as the *Economic and Employment Lands Strategy: non heavy industrial* – see section 2.2.8). It encompasses the former Metropolitan Development Program, Country Land Development Program, and Industrial Land Development Program.

The UDP develops and updates data, forecasts, analysis and information relating to urban development (e.g. the *Perth/Peel Development Outlook 2011/12*, reports on regional hotspots and subdivision approvals – more information at www.planning.wa.gov.au).

2.3 Local Government

Local governments are responsible for ensuring appropriate planning controls are in place for land use and development in their local areas. This is done through Local Planning Schemes and strategies.

2.3.1 Local Planning Schemes

Each local government has a gazetted Local Planning Scheme. Formerly known as Town Planning Schemes, Local Planning Schemes (LPS) are similar to Region Planning Schemes (see section 1.2.6), as they classify the land within each local government area into land use zones and reservations (LPS zones must be consistent with Region Planning Scheme zones and reservations).

The scheme text gives detailed information about how the land within each zone or reservation can be developed and used. Developers must apply for local government approval before construction can begin, and local government decisions on applications are guided by, and must comply with, the LPS.

Waste management infrastructure in the Perth metropolitan and Peel regions is located in a range of different LPS zones (including industrial, mixed business, special use, urban development, rural).

Consideration of LPS zones over the Perth metropolitan and Peel regions can be more complicated than MRS/PRS zones, because each local government has its own LPS, so there may be differences between the names and definitions of different land use zones between local governments. Not all local governments use the land use definitions given in the Model Scheme Text (section 1.2.2, 1.2.3, Table 3). For example, various local governments use the terms 'industrial', 'general industrial', 'industrial development', 'general industry' and 'industry' to describe land zoned in their LPS for industrial purposes (Table 3). While waste facilities are not a defined land use in the Model Scheme Text, and most LPSs do not specifically define waste facilities as a land use, some local governments have created their own definitions.

2.3.2 Local Planning Strategies

Local planning strategies set out the long-term planning directions, apply state and regional planning policies, and provide the link and rationale for the zones and other provisions of the LPS.

3.0 Approval Process

The construction of any new waste facility potentially requires planning and environmental approvals.

Applications for approvals are determined by a decision making authority (DMA), which is the public authority authorised to make a decision in respect of an assessment, approval, review or other process to which a proposal is subject under the written law. Different types of approvals must be sought from different DMAs:

- Local governments, the WAPC or a Development Assessment Panel (DAP) may act as DMAs for development and subdivision approvals
- The commonwealth government and EPA are DMAs for environmental approvals
- If public health assessments become a requirement under the *Public Health Bill 2008*, the Department of Health would be the DMA for public health approvals.

This section provides a brief overview of the likely approvals that may be required for development of a new waste facility.

3.1 Planning Approvals

In WA assessment and approval by a decision making authority is required for development or subdivision (WAPC 2007):

- A development is a change to land use, including housing, any demolition, erection, construction, alteration of or addition to any building or structure on the land and any excavation or other works
- A subdivision is the division of land into lots.

3.1.1 WAPC and Local Government

The construction of a waste facility may require both subdivision approval and development approval (see Appendix 2 for an outline of the approvals process).

Subdivision Approvals

Under the *Planning and Development Act 2005*, the WAPC is responsible for determining all subdivision applications. The WAPC refers subdivision proposals for comment to service providers (e.g. Water Corporation, Western Power), local governments, and other relevant government agencies (e.g. DEC, Department of Health, Department of Indigenous Affairs). These comments are taken into account when considering the application, as are Region and Local Planning Schemes, and any other relevant planning policies.

The WAPC may grant approval for the subdivision (with or without conditions) or refuse the application. If the applicant is not satisfied, they may request that the WAPC reconsiders its decision, or apply to the State Administrative Tribunal for a review of the decision.

Development Approvals

The WAPC has delegated to local governments the power to determine development applications under their LPS (WAPC 2007). All development applications are lodged first with the local government, which determines whether to assess them, or refer them to the WAPC or a Development Assessment Panel (DAP).

Most development applications are determined by the relevant local government under its LPS, however if the proposed development is on land reserved under a Region Planning Scheme or is of regional significance it is referred to the WAPC for determination. For major developments (generally those with a value of more than \$7 million) the development approval application is referred to a DAP (see section 3.1.2).

When considering a development application, the DMA must balance different issues to determine whether a proposal is appropriate for its site and surrounding context.

Region Planning Schemes, Local Planning Schemes and any relevant planning policies, structure plans, interim development orders and planning strategies must be taken into account. The development application may be referred to service providers and state government departments for comment, and may be publicly advertised.

The local government/WAPC may approve the application (with or without imposing conditions), refuse it, or refer it to a DAP. The proponent may appeal to the State Administrative Tribunal if the application is refused, if it is a 'discretionary' decision under the scheme, or if the conditions placed upon it are considered unsatisfactory.

3.1.2 Development Assessment Panels

When a development application over \$7 million is proposed, DAPs replace local governments as the DMA (although the planning framework that governs the local government area where the planning application is proposed will form the basis of the DAP decision-making powers).

DAPs were introduced on 1 July 2011 as part of the COAG national reform agenda aim to reduce the uncertainty and improve the timeliness associated with the development assessment process (Department of Planning 2011). The aim of the DAPs is to streamline and increase transparency in the decision making process for major projects, and create a single point of assessment for proposals under both the relevant Local and Region Planning Scheme. There are 15 DAPs in WA, made up of independent technical experts and elected local government representatives.

There are three types of DAP applications:

1. Mandatory DAP applications: development applications valued at \$7 million or more (or \$15 million or more in the City of Perth) must be determined by a DAP and cannot be determined by a local government or the WAPC
2. "Opt-in" DAP applications: for development applications valued between \$3 million and \$7 million (or \$10-\$15 million in the City of Perth) the applicant may choose to have the application determined by a DAP, or by the local government or WAPC
3. Local authority delegated applications: Local governments may choose to delegate their powers to determine applications within the "opt-in" value range to their DAP.

Once assessed, a report with recommendations from the local government is forwarded to DAP for consideration.

3.1.2 Legislation Impacting Approvals for Development and Subdivision

There are a number of pieces of legislation that impact upon the power of DMAs to approve applications for development or subdivision (Department of Planning 2011). This legislation may:

- stop a planning DMA from making a decision until the application has been assessed by another entity (e.g. *Environmental Protection Act 1986*, *Contaminated Sites Act 2003*)
- require input from another entity before a planning DMA can determine the matter (e.g. *Heritage of Western Australia Act 1990*, *Swan and Canning Rivers Management Act 2006*)
- require referral to another entity for comment (e.g. *Swan Valley Planning Act 1995*)
- require the proponent to comply with it irrespective of the planning legislation (e.g. *Aboriginal Heritage Act 1972*, *Wildlife Conservation Act 1950*).

There is also legislation that overrides planning legislation, and thus the decision making powers of local governments, DAPs or the WAPC, for example the *Mining Act 1978* or State Agreement Acts for major resources of infrastructure projects. These Acts work in conjunction with the planning legislation and processes of local and state governments when assessing development applications.

3.2 Environmental Approvals

3.2.1 Commonwealth Government

Section 2.1.2 of this document outlines the Commonwealth Government's responsibilities in relation to Matters of National Environmental Significance (MNES), under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Under the current system, any person who proposes to take an action (including a development proposal) that will have, or is likely to have, a significant impact on a MNES must refer that action to the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities for a decision on whether assessment and approval is required under the EPBC Act. The EPBC Act provides for project-by-project and strategic assessments (in addition to relevant State and local government approval processes).

Once the Strategic Assessment Process is complete for the Perth metropolitan and Peel regions, there will be a more strategic and regionally consistent response to MNES, with reduced need for project-by-project assessments under the EPBC Act (see Section 2.1.2).

3.2.2 Environmental Protection Authority

The Environmental Protection Authority (EPA) is a five-member board appointed by the Governor of Western Australia, which has statutory obligations under Part III and Part IV of the *Environmental Protection Act 1986* to conduct environmental impact assessments, initiate measures to protect the environment from harm and pollution, and provide advice to the Minister on environmental matters. The EPA is not subject to the direction of the Minister for Environment.

During the planning assessment process the potential environmental impacts of a proposed development are required to be determined. If a "proposal" (which may include a project, plan, program, policy, development, or change in land use) is likely to have a significant impact on the environment, it may be referred to the EPA for a decision on whether or not it requires assessment under the *Environmental Protection Act 1986* (the EP Act). A new Region of Local Planning Scheme (or any changes in reservation and zoning proposed by a Scheme amendment) may also be referred to the EPA under Section 48a of the EP Act.

Section 38 of the EP Act outlines the conditions under which the Minister, the proponent, the decision making authority or any person may refer a proposal to the EPA, and the process for this referral. All proposals referred to the EPA are subject to a seven day public comment period before the EPA determines whether and at what level it will assess a proposal.

In deciding whether a proposal is likely to cause a significant impact on the environment, and whether an Environmental Impact Assessment (EIA) is required, the EPA considers:

- the environmental values of the area affected
- the extent and consequence of the likely impact (or change) on the environment
- the resilience of the environment to cope with the impact
- the extent/rigour with which the potential impact has been investigated and described by the proponent, and the confidence in the reliability of the predicted impact
- principles of environmental protection, policies, guidelines, procedures and standards against which a proposal can be assessed
- the degree of public interest
- the extent to which other statutory decision-making approval processes meet the EPA's expectations for EIA, including EPA objectives and outcomes.

If the EPA decides to undertake an EIA for a proposal, this may be done at one of two levels of assessment:

- Assessment on Proponent Information (API) level A or B or
- Public Environmental Review (PER).

When the EIA process is complete, the EPA develops a report with recommendations on whether a proposal may proceed and if conditions should be applied to manage its environmental impacts. This report is presented to the Minister for the Environment and published on the EPA website. The proponent then has 14 days to appeal the EPA recommendations, and a final decision on the implementation of the proposal is made by the Minister for the Environment in consultation with other relevant Ministers or DMAs.

If the EPA decides not to assess a proposal, it will record as part of that decision, either:

- Not Assessed - no advice given: The EPA will not provide any advice on the proposal
- Not Assessed - public advice given: The EPA will provide advice to the relevant DMAs (e.g. local governments) and proponent on the environmental aspects of the proposal. This advice is publicly available, but is not legally binding on the decision making authority or proponent.

Even if the EPA decides not to assess a proposal, it still expects proponents and DMAs to ensure that appropriate measures are taken to meet the objects of the EP Act. DMAs must take into account the impact and emissions the proposal will have on the surrounding amenity (e.g. noise, dust, odour etc.) and proponents must demonstrate the mitigating controls proposed to reduce these likely impacts. The DMA will also consider whether the development is a suitable land use based on the advice, likely emissions, and risk. Should the application be approved, the DMA can apply conditions to the approval (EPA 2009).

3.2.3 DER Licencing for Prescribed Premises

Schedule 1 of the *Environmental Protection Regulations 1987* specifies all types of premises considered to be 'prescribed premises' under Part V of the EP Act. This includes many different types of waste facilities (Appendix 3). All prescribed premises require works approval and licencing from DER, in addition to the other relevant approvals. Table 1 outlines the DER licence categories for different types of waste facilities; however it is important to note that not all waste facilities are prescribed premises.

The categories of waste facilities outlined in the *EPA Guidance for the Assessment of Environmental Factors No. 3 – Separation Distances between Industrial and Sensitive Land Uses* (2005) are based on DER licence categories. Prescribed premises currently include:

- Landfills (inert and putrescible, Classes I, II, III, IV and V)
- Composting facility (compost manufacture and soil blending)
- Crushing of building material (i.e. C&D material processors or inert landfills)
- Scrap metal recovery
- Used tyre storage (i.e. tyre recycler, drop-off facility or transfer station)
- Solid waste facility
- Solid waste depot (i.e. drop-off facility or transfer station).

Recyclers may or may not require a DER licence, depending on the type of waste being recycled, and the amount of waste stored or processed on site. 'Clean' Materials Recovery Facilities (MRFs) are not currently considered to be prescribed premises.

3.3 Public Health Assessment

The *Public Health Bill 2008* has been drafted to supersede the *Health Act 1911*. Provision within the *Public Health Bill 2008* has been made to introduce a formal health impact assessment process for development proposals.

Part 7 of the *Public Health Bill 2008* states that a “proposal” (meaning a project, plan, program, policy, operation, undertaking or development) that is subject to a specified assessment, approval, review or other process by a decision-making authority may be required to undergo a Public Health Assessment. The Assessment gives advice on any potential public health risks and/or benefits to public health that may result from implementing the proposal, whether or not the proposal should be implemented, and any restrictions or conditions to which the proposal should be subjected if implemented.

The *Public Health Bill* is still in draft form, but if enacted by Parliament in its current form, it seems likely that it will require proposals for future waste facilities to undergo a health impact assessment during the approval process.

3.4 Approvals for Waste Facilities

Different types of waste facilities are likely to require different types of approvals and licences. Waste facilities of the same type may vary greatly with regard to their size, capacity, and the types of technology they use (e.g. composting may be done in open windrows or enclosed vessels), so it can be difficult to generalise about the approvals and licences they require. Table 4 gives an overview of the approvals and licences that may potentially be required by different types of waste facilities (although each facility would have to be considered on a case by case basis).

Local governments/WAPC may be able to assess development applications from smaller scale, lower value waste facilities (such as transfer stations, drop-off facilities or small scale composters, recyclers or construction and demolition waste processors), but applications for most other waste facilities would be required to be assessed by a DAP, due to their value.

None of these waste facility types considered in this document automatically require assessment under the EPBC Act, however this assessment would be required if the proposed facility was likely to impact a MNES (see section 2.1.2).

An application to develop a waste facility is likely to be referred to the EPA if it is likely to have significant environmental impact, or where there is a significant degree of public interest. The waste facility types that are generally more ‘unpopular’ with local communities (such as putrescible landfills) and those that include newer types of waste management technologies (such as waste-to-energy or ‘dirty’ MRF’s) are more likely to create public interest.

Recyclers and drop off facilities may not be considered prescribed premises, depending on the types of waste they handle and the amount and types of waste stored on site. However, with the exception of ‘clean’ MRF’s, all of the waste facility types listed in Table 4 potentially requires DEC licence and works approval.

It is speculated that some waste facilities may require a Public Health Assessment if the *Public Health Bill 2008* is enacted. However, the exact mechanisms triggering this assessment are not yet known.

Table 4: *Potential* approvals required for different types of waste facilities in the Perth metropolitan and Peel regions (NOTE: this is *speculative* only – each facility would have to be considered on a case by case basis).

	Approval	Local Government Planning Approval	DAP Planning Approval	Assessment under EPBC Act	EPA Environmental Impact Assessment	DER Licence (Prescribed Premises)	Public Health Assessment*
	DMA	Local government/ WAPC	DAP	Minister for Sustainability, Environment, Water, Population and Communities	EPA	DER	Dept. of Health
Landfill – putrescible (Category 64 or 89)			X	None of these waste facility types automatically require assessment under the EPBC Act. This assessment would be required if the proposed facility was likely to impact a MNES (see section 2.1.2)	X	X	Public Health Assessments may be required if the <i>Public Health Bill 2008</i> is enacted. It is speculated that some waste facilities may require a Public Health Assessment; however the exact mechanisms triggering this assessment are not yet known.
Landfill – Inert (Category 63)			X			X	
AWT – aerobic or anaerobic digestion			X		X	X	
AWT – waste-to-energy			X		X	X	
'Clean' MRF			X				
'Dirty' MRF			X		X	X	
Mixed organics composters (excludes AWT facilities)		X	X			X	
C&D materials processors		X	X			X	
'Other' recycler		X	X			X	
Transfer stations (putrescible, inert, or mixed inert/ recyclable)		X				X	
Drop-off facilities		X			X		

References

- Department of Planning (2011) *Development Assessment Panel: Training Notes “Making Good Planning Decisions”*, Department of Planning, Perth, Western Australia.
- Environmental Protection Authority (2005) *Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) No. 3 – Separation Distances between Industrial and Sensitive Land Uses*, Environmental Protection Authority, Perth, Western Australia.
- Environmental Protection Authority (2009) *Environmental Assessment Guidelines No. 1*, Environmental Protection Authority, Perth, Western Australia.
- Waste Authority (2012) *Western Australian Waste Strategy: “Creating the Right Environment”*, Waste Authority, Perth, Western Australia.
- Western Australian Local Government Association (2013) *Western Australian Local Government Directory*, Western Australian Local Government Association, Perth, Western Australia.
- Western Australian Planning Commission (1997a) *State Planning Strategy – Final Report*, Western Australian Planning Commission, Perth, Western Australia.
- Western Australian Planning Commission (1997b) *Statement of Planning Policy No.4.1 – State Industrial Buffer Policy*, Western Australian Planning Commission, Perth, Western Australia.
- Western Australian Planning Commission (2006) *Statement of Planning Policy No.1 – State Planning Framework Policy variation No.2*, Western Australian Planning Commission, Perth, Western Australia.
- Western Australian Planning Commission (2007) *An Introduction to the Western Australian Planning System*, Western Australian Planning Commission, Perth, Western Australia.
- Western Australian Planning Commission (2009a) *Planning Makes it Happen – a Blueprint for Planning Reform*, Western Australian Planning Commission, Perth, Western Australia.
- Western Australian Planning Commission (2009b) *Statement of Planning Policy 3.6 – Development Contributions for Infrastructure*, Western Australian Planning Commission, Perth, Western Australia.
- Western Australian Planning Commission (2009c) *Draft State Planning Policy 4.1 – State Industrial Buffer (Amended)*, Western Australian Planning Commission, Perth, Western Australia.
- Western Australian Planning Commission (2009d) *Planning Bulletin 100 State Planning Policy 3.6 Development Contributions for Infrastructure*, Perth, Western Australia.
- Western Australian Planning Commission (2010a) *Directions 2031 and beyond – metropolitan planning beyond the horizon*, Western Australian Planning Commission, Perth, Western Australia.
- Western Australian Planning Commission (2010b) *Central metropolitan perth and peel – sub-regional strategy*, Western Australian Planning Commission, Perth, Western Australia.

Western Australian Planning Commission (2010c) *Outer metropolitan perth and peel – sub-regional strategy*, Western Australian Planning Commission, Perth, Western Australia.

Western Australian Planning Commission (2012a) *Economic and Employment Lands Strategy: non heavy industrial*, Western Australian Planning Commission, Perth, Western Australia.

Western Australian Planning Commission (2012b) *State Planning Strategy – draft for public comment*, Western Australian Planning Commission, Perth, Western Australia.

Western Australian Planning Commission (2012c) *Western Australia Tomorrow: Population Report No. 7, 2006 to 2026, February 2012*, Western Australian Planning Commission, Perth, Western Australia.

Western Australian Planning Commission (2012d) *Western Australia Tomorrow: Population Report No. 8, 2006 to 2026, July 2012*, Western Australian Planning Commission, Perth, Western Australia.

Appendix 1: COAG Communiqué 7/12/2009 Attachment B

National Objective and Criteria for Future Strategic Planning of Capital Cities

Source: Council of Australian Governments 2009 (available at http://www.coag.gov.au/coag_meeting_outcomes/2009-12-07/index.cfm)

Objective

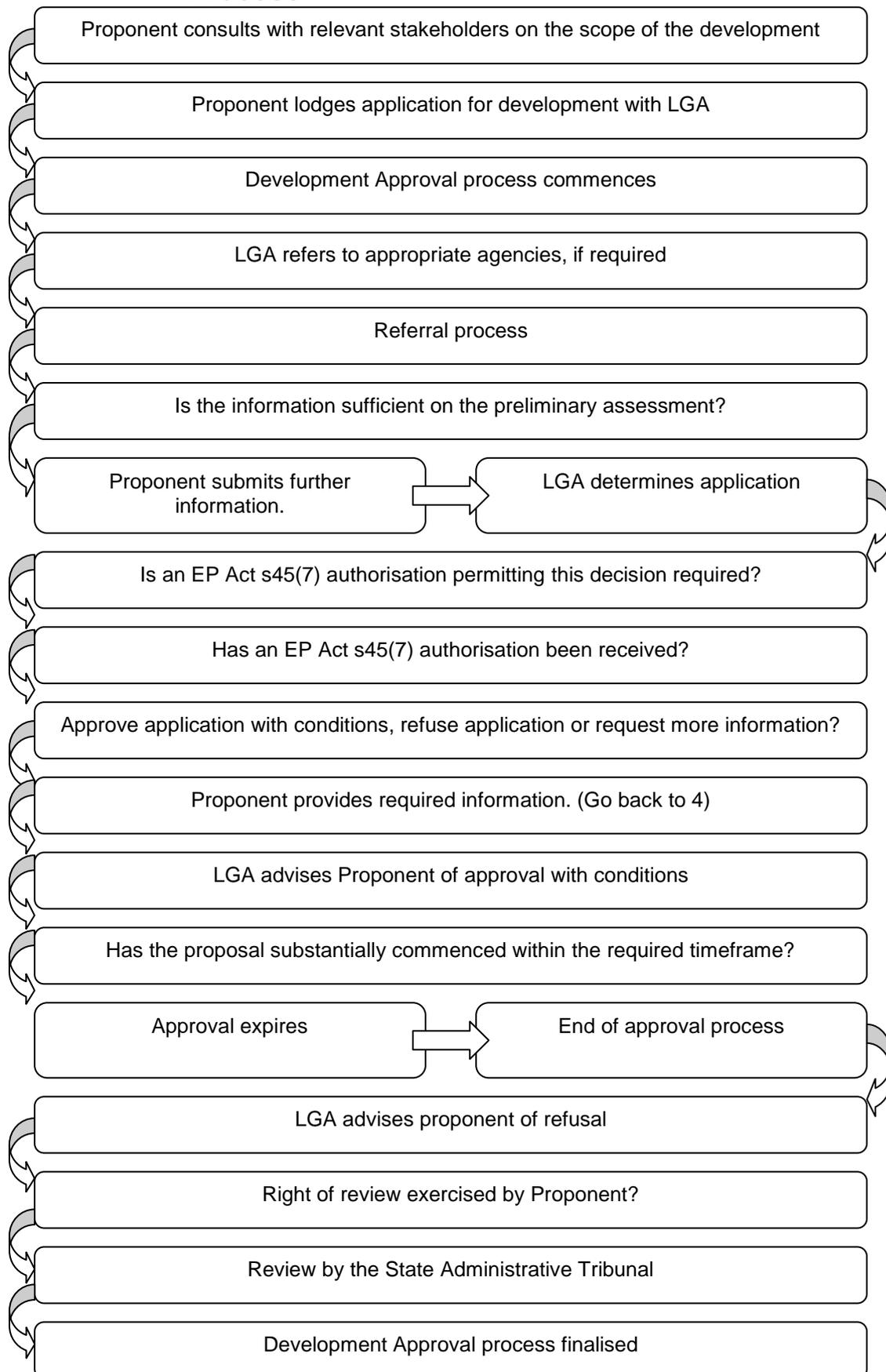
To ensure Australian cities are globally competitive, productive, sustainable, liveable and socially inclusive and are well placed to meet future challenges and growth.

Criteria

Capital city strategic planning systems should:

1. be integrated: -
 - a) across functions, including land-use and transport planning, economic and infrastructure development, environmental assessment and urban development, and
 - b) across government agencies;
2. provide for a consistent hierarchy of future oriented and publicly available plans, including: -
 - a) long term (for example, 15-30 year) integrated strategic plans,
 - b) medium term (for example, 5-15 year) prioritised infrastructure and land-use plans, and
 - c) near term prioritised infrastructure project pipeline backed by appropriately detailed project plans;
3. provide for nationally-significant economic infrastructure (both new and upgrade of existing) including: -
 - a) transport corridors,
 - b) International gateways,
 - c) intermodal connections,
 - d) major communications and utilities infrastructure, and
 - e) reservation of appropriate lands to support future expansion;
4. address nationally-significant policy issues including: -
 - a) population growth and demographic change,
 - b) productivity and global competitiveness,
 - c) climate change mitigation and adaptation,
 - d) efficient development and use of existing and new infrastructure and other public assets,
 - e) connectivity of people to jobs and businesses to markets,
 - f) development of major urban corridors,
 - g) social inclusion,
 - h) health, liveability, and community wellbeing,
 - i) housing affordability, and
 - j) matters of national environmental significance;
5. consider and strengthen the networks between capital cities and major regional centres, and other important domestic and international connections;
6. provide for planned, sequenced and evidence-based land release and an appropriate balance of infill and greenfields development;
7. clearly identify priorities for investment and policy effort by governments, and provide an effective framework for private sector investment and innovation;
8. encourage world-class urban design and architecture; and
9. provide effective implementation arrangements and supporting mechanisms, including: -
 - a) clear accountabilities, timelines and appropriate performance measures,
 - b) coordination between all three levels of government, with opportunities for Commonwealth and local government input, and linked, streamlined and efficient approval processes including under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*,
 - c) evaluation and review cycles that support the need for balance between flexibility and certainty, including trigger points that identify the need for change in policy settings, and
 - d) appropriate consultation and engagement with external stakeholders, experts and the wider community.

Appendix 2: Planning and Development Act Development Approval Process



Appendix 3: Extract from Schedule 1, *Environmental Protection Regulations 1987*

Waste facilities considered to be prescribed premises under Part V of the *Environmental Protection Act 1986*, as listed in Schedule 1 of the *Environmental Protection Regulations 1987*.

Category number	Description of category	Production or design capacity
12	Screening, etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	50 000 tonnes or more per year
13	Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned.	1 000 tonnes or more per year
47	Scrap metal recovery: premises (other than premises within category 45) on which metal scrap is fragmented or melted, including premises on which lead acid batteries are reprocessed.	100 tonnes or more per year
57	Used tyre storage (general): premises (other than premises within category 56) on which used tyres are stored.	100 tyres or more
60	Incineration: premises (other than premises within category 59) on which waste, excluding clean paper and cardboard, is incinerated.	100 kg or more per hour
61	Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated.	100 tonnes or more per year
61A	Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.	1 000 tonnes or more per year
62	Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	500 tonnes or more per year
63	Class I inert landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	500 tonnes or more per year
64	Class II or III putrescible landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	20 tonnes or more per year
65	Class IV secure landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	Not applicable
66	Class V intractable landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	Not applicable
67A	Compost manufacturing and soil blending: premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils.	1 000 tonnes or more per year
89	Putrescible landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer, as amended from time to time) is accepted for burial.	More than 20 but less than 5 000 tonnes per year