

## Local government waste plans – frequently asked questions

### ***What is the waste plan resource kit?***

- The waste plan resource kit includes two documents:
  - **Guidance document for local governments (PDF):** explanatory document which gives background information and guidance on how to complete the waste plan templates; and
  - **Waste plan templates:** includes two documents that local governments must complete in order to develop a waste plan:
    - Part 1 – Services and performance and Part 2 – Implementation plan (Excel document); and
    - Part 3 – Self-assessment checklists for Part 1 and Part 2 (Editable PDF).
- The resource kit gives local governments a blueprint for how to develop a waste plan which is consistent with the *Waste Avoidance and Resource Recovery Strategy 2030* (Waste Strategy).

### ***What is the purpose of waste plans?***

- Waste plans will provide a link between the targets and objectives of the Waste Strategy and local government waste management activities.

### ***Why do local governments have to do waste plans? And why now?***

- The review of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) found that other jurisdictions benefitted from aligning local waste planning with state plans and strategies, and this could provide long term benefits for waste management. Submissions to the review supported aligning local and state waste planning including the waste strategy.
- The Waste Strategy includes a headline strategy to “*Implement local government waste plans, which align local government waste planning processes with the Waste and Resource Recovery Strategy 2030.*”
- Developing waste plans gives local governments the opportunity to map their current waste management performance in relation to the new Waste Strategy targets, and identify and implement the strategies needed to achieve these targets.

### ***Which local governments will have to do waste plans?***

- In the first phase of waste plans roll out, all local governments and regional local governments (commonly referred to as regional councils) that provide waste services and which are located in the Perth metropolitan region<sup>1</sup> and Peel region<sup>2</sup> (Perth and Peel regions), and the major regional centres<sup>3</sup> will be required to develop waste plans.
- Waste plans may be required by local governments in other areas in the future.

### ***Why will only local governments in the Perth and Peel regions and major regional centres be required to develop waste plans at this stage, not all local governments?***

- While all local governments can contribute to state-wide targets, there are a number of targets which specifically relate to the Perth and Peel regions and major regional centres.
- The resources, capacity, and waste management issues vary in all local governments; however, there may be significant differences between local governments within the Perth and Peel regions/major regional centres and those in rural and remote areas. Modifications to waste plan requirements and further consultation may be required to determine the best waste planning model for local governments outside the Perth and Peel regions and major regional centres.

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<sup>1</sup> The Perth metropolitan region is the area defined by the Metropolitan Region Scheme (<https://www.dplh.wa.gov.au/mrs>).

<sup>2</sup> The Peel region is the area defined by the Peel Region Scheme (<https://www.dplh.wa.gov.au/prs>).

<sup>3</sup> Cities of Albany, Busselton, Bunbury, Greater Geraldton and Kalgoorlie-Boulder; and Bunbury-Harvey Regional Council.

***When do waste plans start being implemented? How long do they last for?***

- Waste plans include a five plus year implementation plan.
- The commencement date for waste plans will be 1 July 2020 (this may differ slightly depending on individual local government annual budgeting and the relevant local government Council adoption timelines and insertion into the local government's 'plan for the future'<sup>4</sup>).

***Will I be required to report on the progress of the waste plan?***

- The progress of the waste plan is required to be reported under section 44 of the WARR Act to the Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER). Reports will be requested annually.
- Progress reporting will be required on a financial year basis with reporting due by 1 October each year.
- It is envisaged that waste plan reporting will be completed online as an add-on to the upcoming online system for annual mandatory waste and recycling data reporting under Part 3A of the *Waste Avoidance and Resource Recovery Regulations 2008*.

***How long should it take me to complete the waste plan for my local government?***

- The time required to complete the waste plan will vary depending on the scope of waste management activities undertaken by the local government, and existing waste planning.

***What happens once waste plans are submitted to the CEO of DWER? What will DWER do with them?***

- DWER will firstly assess the plan to ensure it meets the minimum requirements as specified in the self-assessment checklist (which forms part of the waste plan template).
- If a waste plan does not meet the minimum requirements of the self-assessment checklist, the CEO of DWER will consult with the local government in order to understand why a minimum requirement will not be met. The resolution will be determined on a case-by-case basis in consultation with the local government and in consideration of their local circumstances.
- Compliant waste plans will be endorsed by the CEO of DWER.
- The waste plans will be used to:
  - demonstrate local government commitment to contributing to achieving the waste strategy targets and have strategies in place to do so;
  - monitor progress towards achieving the waste strategy objectives and targets; and
  - design programs and activities which support the implementation of waste plans.
- DWER does not intend to make waste plans publically available, however, individual local governments/regional councils may do so.

***Does DWER have powers to make local governments develop and report on waste plans? What are the consequences if a local government doesn't do this?***

- The CEO of DWER has broad powers to require by written notice waste plans to be prepared by the local governments for inclusion within its 'plan for the future' outlining how, in order to protect human health and the environment, waste services provided by the local government will be managed to achieve consistency with the Waste Strategy (section 40(4) of the WARR Act).
- The above notice may specify a reasonable period in which the waste plan must be included in the local government's plan for the future (section 40(5) of the WARR Act).
- Section 40(3) of the WARR Act provides a list of what may be included in the waste plan.
- If, following the assessment of the local government's waste plan, the CEO is of the opinion that the waste plan should, but does not, include a matter referred to in section 40(3), the CEO may, by written notice require the local government to modify the waste plan to include that matter (section 41(1) of the WARR Act).

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<sup>4</sup> 'Plan for the future' means a plan made under section 5.56 of the *Local Government Act 1995* and Divisions 1 and 3 of Part 5 of the *Local Government (Administration) Regulations 1996*..

- Prior to giving the above notice, the CEO must consult with the local government and have regard to its views, and if asked by the local government, consult with the Waste Authority and have regard to its views.
- Local governments must comply with a section 41(1) notice as soon as is practicable (section 41(3) of the WARR Act).
- Under section 41(4) of the WARR Act, failure to comply with the notice requiring a waste plan to be included in the local governments 'plan for the future' under section 40(4) of the WARR Act, or a notice issued to the local government to modify its waste plan under section 41(1), may result in the CEO serving a notice in writing on the local government:
  - specifying the relevant notice and the manner in which your local government has failed to comply with it; and
  - advising the local government that the CEO intends to deal with the matter under section 42.
- If a local government does not comply with the notices issued under sections 40(4) and 41(1), the CEO may serve notice in writing on the local government advising them that the CEO intends to prepare or modify a waste plan for them according to the notices, as if the CEO were the local government. The waste plan or its modification prepared by the CEO has effect as if it were part of a plan for the future made by the local government. All costs, charges and expenses incurred by the CEO in this process may be recovered from the local government as a debt due to the Crown or may be deducted from any moneys payable by the Crown to the local government (section 42 of the WARR Act).
- The CEO may require a local government to submit a report on the implementation of its waste plan (section 44 of the WARR Act).
- Local governments have the power of review to the State Administrative Tribunal of a notice given under sections 41(4), a waste plan prepared or modified by the CEO under section 42, or a requirement given by the CEO for the local government to report on its implementation of the waste plan (sections 41(5), 42(4) and 44(3) of the WARR Act).

***Do regional local governments, or regional councils as they are commonly known, have to prepare and report on waste plans?***

- Yes. Under section 3(1) of the WARR Act the definition of **local government** includes “a regional local government established for the purpose of providing waste services”<sup>5</sup>, and so regional councils will be required to prepare waste plans.
- In the first phase of waste plans roll out, regional councils in the Perth and Peel regions and major regional centres will be required to develop waste plans (Eastern Metropolitan Regional Council, Mindarie Regional Council, Rivers Regional Council, Southern Metropolitan, Western Metropolitan Regional Council and Bunbury Harvey Regional Council).
- Regional council waste plans should be consistent with those of member local governments and vice versa.

***If regional councils have waste plans, why do the member local governments need one too?***

- Even if a local government is a member of a regional council, each individual local government is ultimately responsible for the waste generated by their residents.
- Local governments are accountable for the waste generation and recovery rates for their area, and must report waste data to DWER.
- It is therefore, important that each local government is aware of its own waste management performance, and has strategies in place to align with the objectives and targets of the Waste Strategy (even if some of those strategies are implemented through a regional council).

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<sup>5</sup> A regional local government is established under section 3.61 of the *Local Government Act 1995*, which provides in section 3.61(1):

*Two or more local governments (referred to in this Division as the participants) may, with the Minister's approval, establish a regional local government to do things, for the participants, for any purpose for which a local government can do things under this Act or any other Act.*

- There are some aspects of waste management which can only be done by a local government, not by a regional council, e.g. internal local government sustainable procurement policies and land use planning.

***If a local government has a waste strategy/plan in place, do they have to do another one?***

- It is intended that any existing, up-to-date waste management plans or strategies may be integrated into the waste plan process if the requirements of the self-assessment checklist for Part 2 – Implementation plan (which forms part of the waste plan template) are met.
- All local governments should review and complete Part 1 – Services and performance of the waste plan template and the self-assessment checklist for Part 1. If a current waste plan/strategy exists, the Part 2 – Implementation plan template may not be required to be filled in detail, and can reference existing waste management plans or strategies by providing links and page numbers to relevant sections of the documents.
- In the longer term, as existing waste strategies expire, it is expected that all local governments will transition to using the waste plan templates provided by DWER.

***Are waste plans just Strategic Waste Management Plans (SWMPs), which we have already completed?***

- Waste plans are different to SWMPs for the following reasons:
  - Most SWMPs were produced over a decade ago in 2008, so these may not reflect the current services provided, best practice guidelines, current regulation or the 2019 Waste Strategy.
  - Waste plans will be required under the WARR Act whereas SWMPs were voluntary.
  - Waste plans are focused on aligning local government waste management activities with the objectives and targets of the Waste Strategy. SWMPs were written before there was a waste strategy under the WARR Act.
  - Waste plans will be prepared by individual local governments rather than the group plans that were encouraged for the development of SWMPs.
  - Waste plans will have an annual reporting requirement, so their implementation can be monitored. SWMPs did not require annual reporting to State government.
  - While some local governments have kept their SWMPs up to date, many have not, and there is inconsistency in the level of waste planning undertaken between local governments.

***When we did SWMPs we received funding to develop them. Will funding be provided for development of waste plans?***

- Funding is not available for the development of waste plans. For this reason, the waste plan templates and guidance have been designed to be simple (not resource intensive to use) and flexible to suit the varying needs and capacities of local governments.
- Funding will be targeted to programs and activities that support the implementation of waste plans.