



Our ref: DWERDG725/19  
Enquiries: (08) 6364 7000

Mr Mike Archer  
Chief Executive Officer  
City of Busselton

*Via email: [city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)*

Dear Mr Archer

***NOTICE TO PREPARE A WASTE PLAN UNDER SECTION 40(4) OF THE WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007***

Under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act), the Chief Executive Officer (CEO) of the department principally assisting the Minister for Environment in the administration of the WARR Act may by written notice require a local government to include within its plan for the future a waste plan 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 Western Australian *Waste Avoidance and Resource Recovery Strategy 2030* (Waste Strategy).

*Waste Strategy and waste plans*

In line with this, the Waste Strategy includes a headline strategy to “*Implement local government waste plans, which align local government waste planning processes with the Waste Strategy.*”

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

The purpose of waste plans is to:

- align local government waste management activities with the Waste Strategy;
- map current performance and establish a benchmark to achieve Waste Strategy targets;
- monitor progress on local government achievement of Waste Strategy targets; and
- design programs and activities which will support the implementation of waste plans.

### *Who prepares a waste plan?*

All local governments and regional local governments (commonly referred to as regional councils) located in the Perth metropolitan region and Peel region (Perth and Peel regions), and major regional centres that provide waste services, are required to develop waste plans for the 2020-21 financial year, and perform their functions in respect of waste management in accordance with their waste plans.

### *CEO gives notice requiring a waste plan*

Consistent with the above, I, Mike Rowe, in my capacity as CEO of the Department of Water and Environmental Regulation (DWER), hereby give notice that the City of Busselton is required to prepare a waste plan under section 40(4) of the WARR Act. The City of Busselton's final waste plan, as adopted and endorsed by the City of Busselton's Council for inclusion in the plan for the future (Final Waste Plan), must be submitted to me by 30 September 2020.

Section 6.2(2) of the *Local Government Act 1995* requires local governments to have regard to their plans for the future (which include waste plans made under section 40 of the WARR Act) in the preparation of their annual budgets.

### *Content of a waste plan*

The City of Busselton's waste plan must outline 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.

Under section 40(3) of the WARR Act the waste plan may include:

- (a) population and development profiles for the local government district;
- (b) an assessment of significant sources and generators of waste received by the local government;
- (c) an assessment of the quantities and classes of waste received by the local government;
- (d) an assessment of the services, markets and facilities for waste received by the local government;
- (e) an assessment of the options for reduction, management and disposal of waste received by the local government;
- (f) proposed strategies and targets for managing and reducing waste received by the local government;
- (g) proposed strategies and targets for the efficient disposal of waste received by the local government that cannot be recovered, reused or recycled;
- (h) an implementation programme that identifies the required action, timeframes, resources and responsibilities for achieving these strategies and targets; and
- (i) such other matters as may be prescribed by the regulations.

The above listed information is included in the waste plan templates to be completed by the City of Busselton, which consists of two documents:

1. Templates: *Part 1 – Services and performance* and *Part 2 – Implementation plan* (one Excel document).
2. Self-assessment checklists for Part 1 and Part 2 (one editable PDF).

The email this notice is attached to also includes your waste plans resource kit. This consists of a Guidance Document and the City of Busselton's personalised template.

You have the option to submit the City of Busselton's draft waste plan to DWER for feedback prior to final submission for adoption and endorsement by the City of Busselton's Council for inclusion in the plan for the future. The draft waste plan must be submitted by 1 April 2020. Feedback from DWER on the draft waste plan will be provided within 30 days of its receipt.

#### *CEO power to modify or prepare a waste plan*

The City of Busselton's Final Waste Plan will be assessed by DWER. Under section 41(1) of the WARR Act, if, following this assessment, I am of the opinion that your local government's waste plan should, but does not, include a matter referred to in section 40(3), I may by written notice require the City of Busselton to modify the waste plan to include that matter. Prior to giving this notice, I must consult with the City of Busselton and have regard to its views, and if asked by the City of Busselton, consult with the Waste Authority and have regard to its views.

Under section 41(3) of the WARR Act, the City of Busselton must comply with the section 41(1) notice as soon as is practicable.

Note that under section 41(4) of the WARR Act, a contravention of this notice given under section 40(4) of the WARR Act, or a notice given under section 41(1), may result in me serving a notice in writing on the City of Busselton –

- (a) specifying the relevant notice and the manner in which your local government has failed to comply with it; and
- (b) advising your local government that I intend to deal with the matter under section 42.

Under section 42 of the WARR Act, if the local government does not comply with the CEO of DWER's notices under sections 40(4) and 41(1) of the WARR Act, the CEO may serve notice in writing on the City of Busselton advising it that the CEO intends to prepare or modify a waste plan for a local government according to the notices, as if the CEO were the local government. This may occur after the CEO consults and has regard to the views of the Waste Authority and your local government.

This waste plan or its modification prepared by the CEO of DWER 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.

#### *Requirement to report*

Pursuant to section 44 of the WARR Act, I require reporting on the City of Busselton's implementation of the waste plan on an annual basis. The first report is due on 1 October 2021, for the 2020-21 financial year. Further information on reporting can be found in Appendix C of the Guidance Document contained within the resource kit.

*Right of review*

Under sections 41(5), 42(4) and 44(3) of the WARR Act respectively, the City of Busselton has the power to apply to the State Administrative Tribunal for a review of:

- a notice given under sections 41(4) of the WARR Act;
- 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 under section 44(1).

More information on the process is provided in the attached frequently asked questions. Should you require further information, please enquire at [wasteplans@dwer.wa.gov.au](mailto:wasteplans@dwer.wa.gov.au).

I very much value our relationship with local government and I look forward to working with the City of Busselton to collaborate on improving waste management across the State.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Mike Rowe".

Mike Rowe  
**DIRECTOR GENERAL**

7 November 2019