

Submission to the NSW Illegal Dumping Strategy 2017-20

July 2017

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Opening

Local Government NSW (LGNSW) welcomes the opportunity to respond to the NSW Illegal Dumping Strategy 2017-2020 (the Strategy). LGNSW is the peak body for local government in NSW, representing NSW general-purpose councils and associate members including special-purpose county councils. LGNSW facilitates the development of an effective community based system of local government in the State.

As a major land manager and point of contact with the community, NSW councils work tirelessly on the expensive and resource-intensive exercise of managing illegal dumping. Councils manage illegal dumping in order to provide a clean and safe environment for the community.

In developing this response, LGNSW sought feedback from NSW councils and regional waste groups in both metropolitan and regional areas. LGNSW would like to acknowledge the effort the NSW Environment Protection Authority (EPA) staff have taken to seek feedback on this Strategy, especially via workshops and the online survey.

Please note that to meet the consultation timeframe this submission was provided in draft form in July 2017. The LGNSW Board has since endorsed the submission with additions to the last page.

Response

Councils appreciate the collaborative effort the EPA has made to address illegal dumping to date. The establishment of RID Squads, RID Online, Waste Locate, and the provision of RID collateral, illegal dumping grants and illegal dumping social research are all of noteworthy mention.

Through discussion with councils, the illegal dumping focus falls into two very distinct categories:

1. Disposal of a material type in a place which under other circumstances would be authorised. For example, kerbside dumping of household items would not be categorised as illegal dumping if it complied with the local clean up requirements.
2. Blatant disposal of a material in a place which under no circumstance would be considered authorised. For example, under no circumstance would dumping in bushland or asbestos dumping be categorised as lawful.

Each council's illegal dumping focus depends on the prominence of the illegal dumping type in the area, and the structure of the Strategy could be improved by reflecting these two distinct types of dumping.

This LGNSW response is structured to follow the 'approaches' as established in the Strategy. An additional section has also been included at the end of this submission to discuss the waste levy.

Approach 1: Building an evidence base

Councils welcome the RID Online tool and the drive to establish a state-wide database for illegal dumping. A number of councils have said that a major barrier to taking up RID Online is the compatibility of RID Online with current council customer service programs. In many cases, reporting to RID Online requires double entry of data already being entered into these programs. The EPA is encouraged to upgrade RID Online to allow for data sharing between these types of programs.

In order to support the EPA's work to investigate illegal landfilling and mass dumping, it is suggested that dialogue be initiated with other state agencies carrying out fly-over operations e.g those carrying out land clearing checks. Many councils are unaware of illegal landfill sites in their areas and would view this type of high level support from the EPA favourably.

Councils support the proposed social research as outlined in the Strategy. Specifically:

- The social research into the construction and demolition industry is welcomed. Councils have said that illegal dumping associated with this industry is difficult to address.
- Councils also support the proposed social research into asbestos dumping. However, this research should not duplicate previous research and should be coordinated with other agencies at the local and state level.
- Councils support the research proposed to investigate stakeholder engagement. There are a number of stakeholders who contribute to the illegal dumping issue and are not already captured in the Strategy. It is recommended that this research investigates a broader range of stakeholder groups including small to medium businesses, developers, real estate agents, industrial businesses and strata managers.

Recommendations:

1. That RID Online is further developed to 'talk with' council customer service programs.
2. Consider partnering with other state agencies involved in fly-over operations for large scale illegal dumping investigations.
3. Ensure asbestos research does not duplicate existing studies.
4. Consider investigating a broader stakeholder base for the planned stakeholder engagement research.

Approach 2: Stakeholder engagement and capacity building

Councils appreciate the EPA's support for RID Squads to address illegal dumping in NSW. Councils across the board have said that officer presence is critical in addressing illegal dumping. Those councils without a RID Squad in their area have said they would appreciate on-ground support of some kind to tackle the illegal dumping issue.

In those situations where working partnerships exist between the RID Squad and the Regional Waste Groups, additional benefits resulting from data sharing and strategic planning have been reported. It is recommended that collaboration between the RID Squads and Regional Waste Groups is facilitated by the EPA to replicate these positive outcomes across the state.

Further wins resulting from cross-divisional collaboration at the council level have been reported. A number of councils have demonstrated this best-practice approach to address

illegal dumping at the same time as other public place issues such as litter and graffiti. These types of in-built practices could be used to develop case studies or grant categories within the Waste Less, Recycle More (WLRM) extension.

In relation to training, councils have said they would like more illegal dumping training. This applies to both enforcement staff and staff working on strategy. The Litter and Illegal Dumping Forum delivered by the EPA in 2015 was well received by councils and similar events would be welcomed. Note that councils in regional areas are also interested in training if made available in regional centres. Councils have said that illegal dumping training provided through AELERT is often expensive and inaccessible.

Councils welcome the EPA's proposed work with charitable recyclers and the development, construction and infrastructure industries. Collaboration with Planning NSW in an effort to encourage lawful waste management practices is also supported.

Kerbside dumping is a major issue in NSW and councils welcome the 'program to reduce household kerbside dumping'. Collaboration and consultation with local government in development of this program is encouraged.

Recommendations:

1. Consider supporting an on-ground illegal dumping presence in those areas without RID Squads.
2. Facilitate collaboration between RID Squads and the Regional Waste Groups.
3. Encourage cross-divisional collaboration within councils via case studies or grant categories.
4. Provide further illegal dumping training for public land managers, including training in regional centres.
5. Consult with local government during development of the kerbside dumping program.

Approach 3: Education and awareness

One of the aims of this approach is "social norms encourage reuse and ensure people dispose of unwanted items correctly". Councils would like to see the EPA lead a reuse culture in NSW. Particularly with kerbside material, there is significant potential for reuse and recycling. With support through the WLRM initiative, current reuse organisations and councils' service delivery could be enhanced to recover significantly more material and decrease illegal dumping.

Councils welcome the introduction of the proposed illegal dumping toolkit and communication package and await further detail and consultation about these actions. Many councils have said the litter library available to councils is particularly useful and inclusion of similar resources would be appreciated. Councils, particularly those with RID Squads in their area, have also said that they like the RID collateral currently available.

Councils welcome the proposed behaviour change program focusing on multi-unit dwellings. As the major land manager impacted by this important work, consultation with local government about this program is requested.

Councils would support a state-wide illegal dumping media campaign which is adaptable at the local level, similar to the Hey Tossler! litter campaign. This campaign should address problem wastes such as asbestos and be targeted and strategic in its delivery.

Recommendations:

1. EPA leadership in establishing a reuse culture in NSW and supporting an expansion of services that encourage reuse.
2. Include similar resources to the litter library in the illegal dumping toolkit / communications package and consult with councils during development of the package.
3. Ensure councils are consulted during development of the multi-unit dwellings behaviour change program.
4. Consider rolling out a state-wide media campaign to raise awareness about illegal dumping.

Approach 4: Prevention, infrastructure and clean-up

Councils appreciate the funding provided for clean-up and prevention through the WLRM grants initiative. Councils have reported that the Illegally Dumped Asbestos Clean-Up Program (IDACUP) provided through the Environmental Trust is difficult to qualify for, preventing many councils applying for this grant. The Strategy action to 'support, improve and fund the IDACUP' is therefore welcomed.

Councils have repeatedly said that an on-ground presence is most critical in illegal dumping prevention. Whilst access to infrastructure and clean-up are important, councils favour a shift in funding structure to allow more consistent on-ground staffing.

Councils manage asbestos on a daily basis and have carried out a number of trials to collect and test asbestos for residents. Councils have expressed concern about the proposal to accept asbestos at Community Recycling Centres (CRCs). Further consultation with councils and investigations into alternative methods of service delivery is requested. Conversely, councils would support the option for other problematic waste types, such as mattresses and tyres, to be captured through the CRC program.

Although not strictly classified as illegal dumping, councils struggle to manage clean up following declared emergencies and incidents. These events are challenging and require concentrated responses, particularly with regards to asbestos. Without adequate processes and responses in place, these events can lead to further illegal dumping, illegal transport and disposal. Additional support in these situations is requested.

Recommendations:

1. Improve the IDACUP grant program to increase participation rates, in partnership with the Environmental Trust.
2. Consider further funding for consistent on-ground staffing for public land managers to address illegal dumping.
3. Consult further with councils and investigate alternative methods of asbestos management prior to trailing asbestos drop-offs at CRCs.
4. Consider broadening the problem waste types accepted through the CRC program.
5. Investigate additional support options for land managers following declared emergencies and incidents.

Approach 5: Regulation and enforcement

The EPA's strategic compliance campaigns and the large-scale investigations carried out are appreciated. This demonstrates collaborative, cross-agency and multi-tiered support to address the illegal dumping issue.

Councils also support the EPA's work to improve illegal dumping enforcement outcomes. Councils have said that kerbside dumping and dumping associated with multi-unit dwellings (MUDs) is particularly challenging. Fines are considered too high for residential items, which when correctly managed through the clean-up service would otherwise be considered legal. Further, for dumping from MUDs, the offender is not always evident, making enforcement difficult. A review of the legislation relating to these types of dumping incidences would be welcomed.

Dumping by Small and Medium-sized Enterprises (SMEs) is also difficult for councils to regulate. Some councils have adopted Local Approvals Policies to manage bins and associated waste in public places under Section 68 of the Local Government Act. However this type of offence requires court attendance which is both costly and time-consuming. Replacing the court appearance requirement with a penalty notice or otherwise making enforcement easier would be welcomed.

A further anomaly occurs when SMEs dump their waste in public place bins. Consideration should be given to amend legislation to allow for this type of issue to be enforced.

Recommendations:

1. Consider altering the fine structure to include a nominal kerbside dumping fine..
2. Review illegal dumping legislation to allow illegal dumping by MUDs to be more easily enforced.
3. Review legislation to allow a penalty notice to be issued in lieu of court appearance for Section 68 Local Government Act offences.
4. Update legislation to allow for enforcement of dumping in public place bins.

Approach 6: Evaluation and monitoring

Councils support the on-going monitoring and evaluation of EPA projects and programs.

No recommendations in relation to this section.

The Waste Levy

Throughout consultation for this submission, councils raised the issue of being charged a levy for the proper disposal of large scale, illegally dumped waste. Councils have said that it is a disincentive for public land managers to clean up large dumps when the levy is applied. Councils are not concerned with minimising kerbside dumping tonnages because this material would otherwise have been recorded as clean-up material. However, it is recommended that the EPA consider waiving the levy for large-scale clean up events under investigation.

In relation to asbestos, councils support evidence-based incentives that encourage compliant disposal. Understanding the reasons for improper asbestos disposal is critical to finding the solution eg, is it cost, convenience, social acceptance, concerns about safety etc. Removing

the levy for example, may lead to improved illegal dumping outcomes and should be investigated. Councils also support a more cost effective system of asbestos disposal, as well as severe fines for illegal dumping particularly in high risk areas such as highly populated or visited places.

Recommendations:

1. Consider waiving the levy on large-scale clean up events under investigation.
2. Investigate reducing or eliminating the levy to incentivise compliant asbestos disposal.
3. Support the development of cost effective disposal options for asbestos waste that effectively balance exposure risks and costs
4. Amend the POEO Act to specifically target the illegal dumping of asbestos as an offence, and apply a tiered offence system that severely penalises higher risk illegal dumping of asbestos

Conclusion

As a major land manager and point of contact with the community, councils are at the forefront of illegal dumping prevention and clean-up. The work that the EPA has been doing and will do as a result of this Strategy is welcomed.

This submission makes a number of recommendations to the EPA about how to further this important work. Major recommendations include upgrading RID Online to 'talk' to council customer service programs, supporting an on-ground illegal presence across the state, embedding a reuse culture in NSW, addressing asbestos waste, reviewing enforcement options around illegal dumping and consideration being given to removing or reducing the waste levy to incentivise correct waste disposal. LGNSW and NSW councils look forward to working with the EPA on delivering this Strategy and reducing illegal dumping across the state.

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