Illegal Dumping Strategy

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Introduction

The illegal dumping of waste is not only unsightly; it has the potential to adversely impact on the health of our community and our environment.

Illegal dumping has significant social, environmental and financial costs including:
- introduction of undesirable species into bushland
- pollution of our waterways
- risks to human health, and
- deterrence of tourists, who are major contributors to our economy

There are also direct costs to Council arising from the proper disposal of dumped waste when the perpetrators of this crime cannot be located, and to legitimate waste disposal operators who cannot compete with illegal dumpers.

Illegal dumping must be eliminated. It is a criminal activity and every effort will be made to identify the perpetrator and impose the greatest penalty available.

What is illegal dumping?

“Illegal dumping is the unlawful deposit of waste larger than litter onto land. It includes waste materials that have been dumped, tipped or otherwise deposited onto land where no licence or approval exists to accept such waste.

Illegal dumping varies from small bags of rubbish in an urban environment to larger scale dumping of waste materials in isolated areas, such as bushland.”

All kinds of waste are illegally dumped. The most common waste that is illegally dumped is household waste. Illegally dumped bulk household wastes include household whitegoods (such as fridges and washing machines and televisions), furniture and mattresses. Other wastes include garden waste, car bodies, tyres, building and demolition waste, animal carcasses and vehicle parts.”


Front page images show examples of illegal dumping sites in the Wingecarribee Shire.
Background

From 2004 to 2011, Wingecarribee, Shoalhaven and Eurobodalla Councils participated in a Regional Illegal Dumping (RID) Program, with financial support from the then Department of Environment and Climate Change (DECCW), the National Parks and Wildlife Service (NPWS) and the Sydney Catchment Authority (SCA).

The agreement under which this Program operated ended in early April 2011 and since then the responsibility for illegal dumping incidents has been with each individual Council, typically with their Rangers.

In August 2011, Wingecarribee Council recruited a Ranger solely for the purpose of investigating illegal dumping incidents. However, for reasons of practicality, namely the number of illegal dumping incidents and the extent of the Shire, all of Council’s 6 Rangers are involved in investigating illegal dumping incidents.

What is the new RID proposal?

Since the previous RID Program ended, the Southern Councils’ Group (SCG) has been working on a new proposal which will involve Wingecarribee, Shoalhaven, Eurobodalla, Bega Valley, Kiama, Shellharbour and Wollongong Councils.

The SCG will administer the Program to ensure a consistent approach throughout the Region with each Council being responsible for dealing with illegal dumping incidents within their own Local Government Areas.

Each Council has given its support to a new RID Program, and the Office of Environment and Heritage (OEH) has “in principle” agreed to provide funding.

A RID program has a number of benefits, not the least of which is the potentially significant level of funding from State Agencies that have an interest in the reduction of illegal dumping incidents due to the environmental impacts and costs associated with a clean-up.

There is still a great deal of detail to be finalized, not only in respect of State agency funding (as the amount of this has not been confirmed) but also in respect of operational issues such as training, and regional signage, promotion and awareness.

However, a component of any new program will be a requirement for each participating Council to develop a Local Illegal Dumping Strategy to take into account local circumstances such as the types, locations and volumes of incidents.
Legislative Framework

Council has responsibilities with respect to the enforcement of waste management regulation under the following legislation:

- the Protection of the Environment Operations Act 1997;
- the Environmental Planning and Assessment Act 1979;
- the Local Government Act 1993;
- the Roads Act 1993; and

It is expected that the POEO Act and EPA Act will be the pre-eminent legislation however, any available legislation and combination of legislation could be utilized having regard to the severity of the incident.

For example, a trailer load of dumped waste could result in any combination of the following penalties to the transporter of the waste as well as the owner of the waste:

- a prosecution or Penalty Infringement Notice (PIN) under various sections of the POEO Act, including the disposal of waste (harm to the environment or pollution) and the transporting of waste to a place that cannot be used as a waste disposal facility together with a Clean up Notice;
- a Clean up Notice under the POEO Act;
- a prosecution or PIN under the EP and A Act for development without consent (ie the use of land as a “waste disposal facility”);
- a PIN under the Roads Regulation (for placing anything on a road or footpath); and
- a clean up notice under the Local Government Act.

Similar actions (excluding the Roads Regulation penalty) could also apply to the owner of a private property used for the disposal of waste.

Wingecarribee Community Strategic Plan

The Community Strategic Plan: Wingecarribee 2031+ sets goals for the protection of our “distinct and diverse natural environment” and a “healthy lifestyle”.

Illegal dumping has the potential to adversely impact on Council’s achievement of these goals for its community.
Strategy for Illegal Dumping

As a starting point, the Wingecarribee Local Illegal Dumping Strategy is based upon the following principles, namely:

1. Illegal dumping is a criminal activity;
2. Illegal dumping has significant social, environmental and financial costs;
3. Illegal dumping must be eliminated; and
4. Where there is an illegal dumping incident, every effort will be made to identify the perpetrator and impose the greatest penalty available.

While eliminating illegal dumping may sound idealistic, there are a number of mechanisms that can be put in place, and the DECCW Handbook for Local Government “Crackdown on Illegal Dumping” has been used as a template for this Strategy. A revised version of this handbook has recently been released by the Office of Environment and Heritage as a consultation draft however, the essential elements are the same in both versions.

Further explanations of the approaches which suit our local circumstances are provided later in this document. The following actions are identified as necessary:

1. We will increase the effort needed by illegal dumpers.
2. We will increase the risk of an illegal dumper getting caught
3. We will encourage our Community to assist us.
4. We will name and shame illegal dumpers.
5. We will reduce the rewards to illegal dumpers and deny them financial benefit.
6. We will reduce the reasons for illegal dumping
7. We will educate and inform the Community.
Actions

ACTION 1 - We will increase the effort needed by illegal dumpers.

We will do this by:

- **installing physical barriers, such as fences and locked gates, boulders and earth mounds.** Most of our illegal dumping incidents occur on road sides and other secluded open areas where this may not be possible. However, over the coming months a more detailed analysis of dumping incidents will include an assessment of the site to determine whether a physical barrier is possible and/or practical.

- **landscaping, revegetation or beautification.** This is a sub-set of the above whereby vegetation creates the physical barrier.

- **improving or providing lighting.** Most illegal dumping occurs in isolated locations under the cover of darkness. In these locations lighting in the usual manner may not be possible however, there may be locations where motion activated solar charged lighting may be practical when combined with surveillance cameras and signage. This will be examined as part of the analysis of dumping sites.

In respect of the above, it should be noted that physical barriers have their limitations - they may be effective in preventing the dumping of larger quantities of waste by impeding access by vehicles (e.g. cars with/without trailers, trucks etc) but not in preventing minor incidents where small quantities of waste (e.g. a garbage bag) are dumped by the road side. These minor incidents account for well over 50% of illegal dumping.

ACTION 2 - We will increase the risk of an illegal dumper getting caught.

We will do this by:

- **Strengthening surveillance.** Council’s Rangers recently purchased and trialled a remote covert surveillance camera which is motion activated and capable of sending images in real time back to the on-call Ranger’s mobile phone.

  The camera sends time lapse images but also has the capability to store a “movie” of the incident. It also sends clear images at night time as well as during the day. It is proposed to purchase up to 10 of these cameras and rotate them around various hot spots.

  Their real time day/night capability will shorten the time between when an incident is detected and when a Ranger can attend, thereby increasing the probability that an offender will be caught, and the quality of the images will enhance the evidence supporting the penalty.

  A protocol will be developed for the use of these cameras to ensure compliance with the Surveillance Devices Act 2007.

  Preliminary advice on the use of surveillance cameras indicates that:
  - They may be used by Council for the purpose of law enforcement;
  - Signage warning that cameras are being used is not required;
  - No audio can be recorded; and
  - There are specific requirements for the retention of the images.

- **Increasing patrols in hot spots.** Council agreed to the recruitment of a Ranger in 2011 to specifically deal with illegal dumping.
Wingecarribee covers a large area and illegal dumping incidents are dispersed. Therefore, for practical reasons, all of the Rangers are involved in dealing with illegal dumping incidents, which actively increases the number of staff on the lookout.

Added to this, the re-structure of regulatory functions into the Environmental Assessment Branch has effectively quadrupled the number of field staff capable of at least commencing an illegal dumping investigation. A review of delegations is currently underway to ensure that all field staff have the necessary authorities for this purpose.

Further, a review of standard development consent conditions is nearing completion, and this will place a greater onus on tracking the disposal of demolition material. This will include the production of receipts from the disposal facility, as well as a trial of marking the demolition material (for example with discrete paint markings or data dots) at its site of origin to discourage the illegal dumping of it.

It is also proposed to include the payment of a bond, as appropriate to the expected volume and nature of demolition material, and this would be refunded upon the production of the necessary receipts.

- **Carrying out periodic, high profile compliance campaigns.** As indicated above, Council Rangers are in the field day in and day out, as well as being rostered on duty after hours, with the random patrol of hot spots included in their patrols.

  However, from time to time it will be useful to publicise this and the use of surveillance cameras via media campaigns.

  This will include TV campaigns, Media Releases in the local papers and radio stations, as well as in publications such as Wingecarribee Today and The Nailbag, and periodic reminders to demolition contractors and builders.

  Council’s Information Kiosks held in towns and villages throughout the shire are also a useful tool for promoting the fight against illegal dumping.

- **Using partnerships with other Councils, agencies and stakeholders.** Our alliance with Wollondilly is an immediate avenue whereby we can jointly combat illegal dumping by sharing information about matters such as where demolitions are occurring and how these are being tracked.

  Under the SCG proposal, partnerships would be created with OEH and EPA as well as with adjoining Shoalhaven, Kiama, Shellharbour and Wollongong Councils, leaving only a partnership with Goulburn Mulwaree to complete our major perimeter.

  A partnership is currently being developed with Roads and Maritime Services (RMS) to enable Council officers to more readily obtain vehicle registration information. RMS has cameras at various locations along the Hume Freeway. While these are aimed primarily at heavy vehicle speed/fatigue issues, they could be a useful source of supporting evidence about the movements of vehicles alleged to be involved in illegal dumping.

  Other agencies with whom partnerships will be explored or firm ed up include the National Parks and Wildlife Service, NSW Forests and the Sydney Catchment Authority.
**ACTION 3 - We will encourage our Community to assist us.**

The most effective partnership will be with our community, which can provide an additional 40,000+ pairs of eyes to provide Council with information on illegal dumping.

The community’s pride in our unique environment will generally be sufficient to support Council in eliminating illegal dumping, but this will be further encouraged by implementing a **REWARD** scheme similar to that which operates in respect of vandalism.

It is therefore proposed that the following rewards for reporting of illegally dumped waste will apply:

- **up to 1m³ or 2 tonnes**
  = REWARD of a voucher from the Resource Recovery Centre (RRC) in the amount of $10 (which is the minimum charge for disposal of <80 litres of mixed waste);

- **more than 1m³ or 2 tonnes up to 4.5 tonnes GVM** (see next section) = REWARD of a voucher from the RRC in the amount of $20;

- **more than 4.5 tonnes GVM,**
  = REWARD of a voucher from the RRC in the amount of $30; and

  **NOTE:** During the warmer months, vouchers in an equivalent amount for Council’s swimming pools will be available as an alternative to the RRC vouchers.

It is also proposed that where the provision of information to Council leads to a successful penalty or conviction, 25% of the penalty up to $2,500 (which is the same as applies in the vandalism scheme) will be awarded.

As part of the reward scheme, incidents of illegal dumping will also be notified within the local area, advising that there is a reward for the provision of information.

Anyone who witnesses an illegal dumping incident should take note of the date and time the waste was found, or the date and time they saw a person dumping it. The more information that is supplied, the better the chance of an offender being caught, penalised and ordered to clean up.

Also important are notes giving a description of the alleged offenders (such as what they are wearing, how old/young, hair colour, etc) and any vehicle which is/was in the area at the time (including the vehicle registration, colour, make, model).

Any information provided by a witness will be treated with the strictest confidence. In some cases, Council may request a witness to make a statement and attend Court at a later date however this will be completely at the discretion of the witness.

Illegal dumping incidents should by reported to Council’s Rangers as soon as possible, by phone to 4868 0888.
ACTION 4 - We will name and shame illegal dumpers.

We will do this by:

- **Publicising successes as widely as possible.** When a Penalty Infringement Notice has been issued or an offence is proven in the Court, offenders will be named and shamed (within the constraints of the law) and their penalties disclosed by means of media releases at the time, as well as by 6 monthly reports via Weekly Circular.

These notifications will be along the lines of the Police notices in the local newspaper (for example – “A [name of town] person has been issued with a PIN for $750 and a Clean up Notice for $440 for illegally dumping [type of waste] at [specific place]”).

ACTION 5 - We will reduce the rewards to illegal dumpers and deny them financial benefit.

We will do this by ensuring that, in addition to requiring an offender to clean up and dispose of the waste appropriately, a penalty will be imposed.

The legislative framework for managing waste and preventing illegal dumping enables enforcement procedures and regulatory action, including prosecution and penalty notices, under a number of Acts.

As a starting point in this Strategy, the following penalties will apply to the transporter and owner of the waste (excluding asbestos and hazardous waste):

- Up to 1m³ or 2 tonnes (examples include a garbage bag of domestic waste or small trailer of green waste):
  - POEO Act (PIN) $750 (Individual) $1,500.00 (Corporation)
  - POEO Act (Clean up) $440 $440

- More than 1m³ or 2 tonnes:
  - POEO Act (PIN) $1,500 (Individual) $5,000 (Corporation)
  - POEO Act (Clean up) $440 $440

If the waste is deposited on a private property, the following will also apply to the property owner:

- POEO Act $1,500 (Individual) $5,000 (Corporation)

However, it should be noted that:

- the above penalties will only apply to waste which is not hazardous or asbestos. In these cases, and for any amount of such waste, a more severe penalty will be sought via a Court Attendance Notice. The Court then has discretion to impose penalties of up to $250,000 for individuals or $1,000,000 for a corporation;
- a 1m³ or 2 tonnes threshold for a higher penalty does not seem to recognize the significance of large loads of waste. It is therefore proposed to have a separate threshold beyond which a more severe penalty would be sought. Where the amount of waste is greater than can be transported in a vehicle that can be driven with a “car” licence (namely a vehicle with a Gross Vehicle Mass of more than 4.5 tonnes) a penalty will be sought via a Court Attendance Notice; and
- in cases where a Court Attendance Notice is proposed, these would be reported to Council via the Legal Committee.

As indicated above, these are a starting point and further penalties can be imposed, such as under the EP and A Act for the illegal use of land as a “waste disposal facility”.

The effectiveness of the proposed Strategy will be monitored, and if it is found that more severe penalties are required, this will be reported to Council.
ACTION 6 - We will reduce the reasons for illegal dumping.

The mechanisms for this could include regular clean-up collections, which Council currently provides, and green waste collection which is currently being investigated.

Other approaches which could be considered, but which are beyond the scope of this Strategy because they relate directly to the operation of the Resource Recovery Centre, include an on-demand clean-up collection service and a reduction in disposal costs. The case for the latter is that, for example, the disposal cost for a garbage bag of domestic waste at the RRC is $10, but the cost for the disposal of the same bag of waste increases by around 500% if it is collected as illegal waste and the Rangers dispose of it.

Mechanisms which can more readily be put in place include ensuring that illegal dumping sites are shown to be cared for by regular maintenance, by signage which promotes the value of the land, and by landscaping, revegetation and beautification as previously discussed.

These measures can be more readily identified as part of the detailed assessment of dumping sites as previously described.

Illegally dumped waste will generally be removed quickly so that it does not create the impression that it is not a monitored site or that dumping is in some way acceptable.

It is the current practice for illegally dumped waste to be removed as soon as is practical, usually within 48 hours, and this will continue to be the case. In the case of small volumes of non-hazardous waste, as will fit in a utility, these are collected by the Rangers for disposal at the RRC. For larger volumes, the collection and disposal of these is arranged with Operations Branch. In the case of hazardous material or asbestos, specialist private contractors are engaged for the disposal of this waste.

However, in some instances, it will be useful to leave non-hazardous waste in place for a short period of time in conjunction with the installation of surveillance cameras.

ACTION 7 - We will educate and inform the Community.

We will provide a range of information about illegal dumping through a variety of media, and much of this has been discussed in previous sections.

Other mechanisms will include:

- greater publicity of the waste disposal services available from Council, and in particular that there is a wide range of material that might be considered to be “waste” but is in fact recyclable and for which disposal at the RRC is free; and
- visiting local schools to encourage early awareness of the illegal dumping problem and its costs in terms of $$$s and environmental damage.
Further information
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