

Submission Form for Comments and Feedback

Review of the *Waste Management and Pollution Control Act* and *Litter Act*

Submissions close: Monday 27 October 2014, 5pm

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<p>Your comments will be publicly available.</p> <p>Mark the box here <input type="checkbox"/> if you do not want your comments to be made publicly available.</p> <p>Mark the box here <input type="checkbox"/> if you do not want your identity to be made publicly available.</p>			

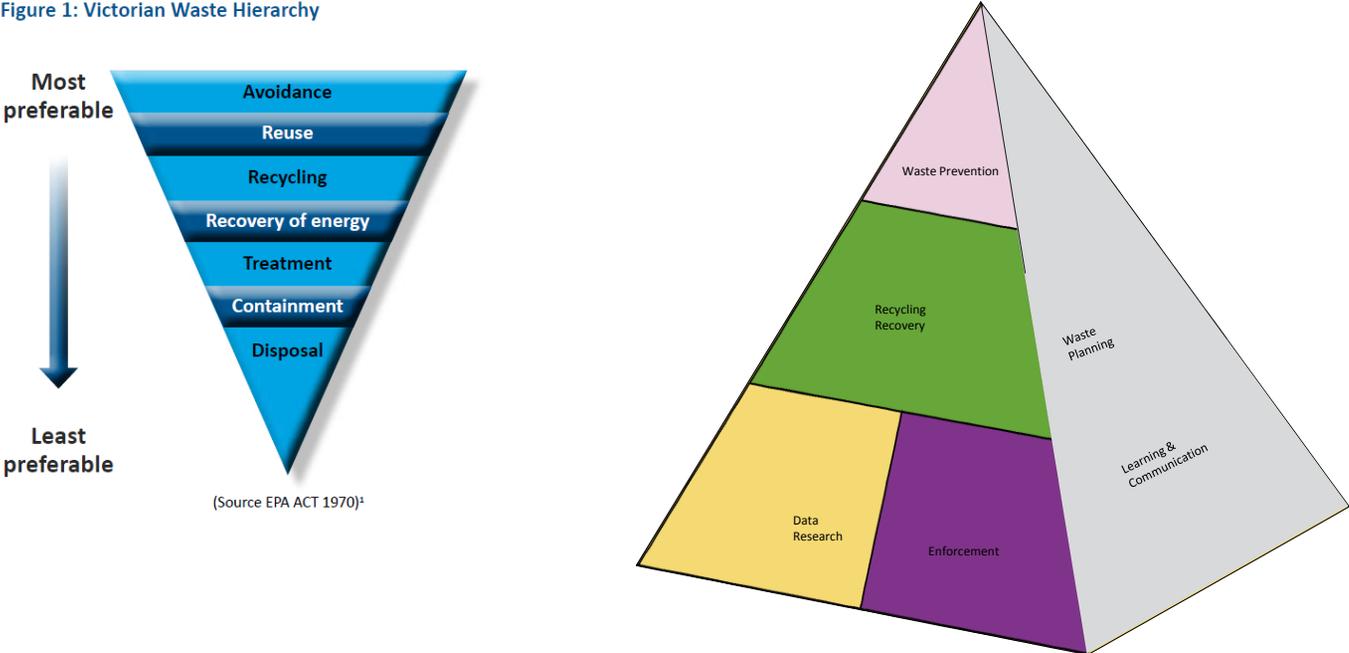
Section	Comment
2.3.1.1 WMPC Act	<p>Whilst the Act seeks to enable businesses to decide how best to set about meeting the desired environmental outcomes rather than dictating particular management practices, thus allowing persons to take all practicable and reasonable measures to prevent or minimise pollution and reduce the amount of waste –</p> <p>Council is of the view that this allows for too much flexibility in the reading of what ‘reasonable’ means. Management Practices would be better served by there being a clear and concise list of what is acceptable environmental practice and what the EPA requires in order for a business or entity to meet regulations and the highest standard of protection for the Northern Territory environment.</p>
2.3.1.2, 3 & 4 (a) Should the NT incorporate the waste management hierarchy into the Act? 2.3.1.2, 3, & 4 (b) How	<p>(a) Yes, the NT should incorporate the waste management hierarchy into the Act. Essentially the terminology “End of Life’ is the true reflection of what Waste actually is. Therefore there are a lot of steps of recovery, reuse and recycling prior to that stage of final waste delivery to landfill. The EU Waste Framework Directive and EPA New Zealand documents are other avenues worth reviewing for an opinion on this matter.</p>

Please complete the form and send it via one of the following by no later than *Monday 27 October 2014, 5pm*:

Email: NTEPA.Consult@nt.gov.au

Post: NT EPA, GPO Box 3675, Darwin NT, 0801

Privacy: Your personal information will be used for the purpose of collecting and collating comments received on the Issues Paper. The NT EPA is subject to the *Information Act* and its Regulations. Information will not be disclosed to a third party, unless required by law or otherwise stated.

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<p>could the hierarch be used to encourage the minimization of waste generation and/or improvements in reuse and recycling.</p>	<p>(b) Greater visual demonstration of what a NT hierarchy would look like is needed, which in turn would give greater focus to what is required, and showing the flow from waste prevention through to enforcement, across to waste planning, learning and communication. There are many such diagrams/flow charts but the one below provides the opportunity to demonstrate the point.</p> <p>Importantly this would link the diagram to the teaching philosophy of "Tell me, and I'll listen. Show me, and I'll understand. Involve me, and I'll learn" would go a long way to support 2.3.2 (b)</p> <p>(Copy of larger diagram also attached with this submission for consideration)</p> <p>Figure 1: Victorian Waste Hierarchy</p>  <p>(Source EPA ACT 1970)¹</p>

NORTHERN TERRITORY ENVIRONMENT PROTECTION AUTHORITY

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2.3. 1.5 What types of waste management activities should require a license.	Established types of waste requiring a license have been well established by the EPA's in NSW, Vic, SA and WA. Review of these should be undertaken as many similar waste categories will apply to Northern Territory also. Any additional wastes and those specific only to the Northern Territory – (perhaps with Mining and Gas there may be some) can be added.
2.3.1.6 How can we improve our knowledge about the type and amount of wastes being generated, reused and recycled in the Northern Territory?	<p>On the day-day collection and disposal of various types and amounts of wastes being generated, reused and recycled in the Northern Territory, continued financial support of Organisations that already exist with education on Waste and Recycling and have a track record of good communication and teaching with the community should be supported.</p> <p>Currently many environmental entities are under threat of withdrawal or reduction of Government Funding. Keep Australia Beautiful Northern Territory is one such Organisation that is well established, has a far reach across the Territory community and makes continuous progress and improvement through its Tidy Towns and Sustainable Cities programs. Local Governments also undertakes an amount of community education through its reach to residents throughout the year and with youth and student groups and activities.</p> <p>The City of Palmerston, at the time of Pre-Cyclone Clean up, provides additional educational information which covers what can be put out for recycling and general waste collection. Local Government has the capacity to inform and with additional funding, could undertake greater community education either in its own right or in a joint process with others. Community education and knowledge is a matter of continual contact and constant reminders. To underestimate the amount of time input required, or underestimate the simplicity of language and personal contact to communicate good Waste and Recycling messages and actions, which are needed again and again, would be a mistake. If the end goal is to keep as much waste out of landfills, then financial support to ensure on-going community education needs to land as a matter requiring greater priority.</p> <p>In terms of Businesses – EPA should seek greater commitment and responsibility from Supermarkets and other Commercial businesses who could easily receive back much of their own packaging from products.</p> <p>Quote from Journal - Sustainability Matters – October/November 2014 ‘ With the scale and unconnected nature of the global economy increasing every year, products and their packaging can be derived from ever-more distant and varied sources” and this needs to be addressed.</p>
2.3.2.1.7 & 8 Should there be levies and what types.	<p>A levy should be applied across the whole of the NT and or with small regional landfills who receive less than (tonnes to be decided) of waste per annum remaining exempt from the levy.</p> <p>The key purpose of the Landfill Levy is to set the price of landfill so that alternatives such as recycling are more cost competitive. The landfill levy is intended to discourage waste disposal to landfill and encourage resource recovery.</p>

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	<p>(Also worth noting: The majority of recycling undertaken in the United Kingdom is undertaken by statutory authorities.)</p> <p>We need to look at how we can sustainably get the best value from the way we manage waste to cope with rapid population growth and increased consumption.</p> <p>Also with increased risks from climate change, consideration needs to be given as to what exemptions from levies should apply with for instance a natural disaster. Considerations of waiving a levy for a period of 28 days – 6 weeks could be considered.</p> <p>The existing lists of activities to which levies should apply are established. NT EPA should review the list against other States to see if some additional activities should be included in the NT list of activities and exemptions.</p> <p>For hazardous materials a ‘Waste and <u>Environmental Levy</u>’ should be considered as the full terminology for this category.</p> <p>Also consideration of a distinction between ‘Household hazardous waste (HHW) being products used in and around the home that are flammable, toxic, explosive or corrosive, which if not disposed of correctly, HHW can harm humans, animals or the environment’ – and ‘Industrial hazardous waste’ should be considered with Industrial attracting a larger price levy.</p> <p>Businesses should be conscious of the additional costs associated with disposing commercial and industrial waste.</p>
<p>2.3.3.9, 10, 11 Improving contaminated sites</p>	<p>The Northern Territory does not have an adequate legislative framework for the identification, registration, remediation and ongoing management of contaminated sites. Other States have this and without such a framework it means the NT is not properly addressing the National Environment Protection (Assessment of Site Contamination) Measure 1999 (Site Contamination NEPM) – even if NEPM is currently being used loosely in the NT and even then only when a contaminated site comes to NT EPA attention or a report about a pollution incident has been passed on.</p> <p>No register that identifies all known or suspected contaminated sites exists, and only the alternative of a PAN notice is being used or registered on a land title.</p> <p>The <i>NTG Mining Levy and Mining Remediation Fund</i> partly cover the costs of rehabilitating legacy mining sites. Levies should also be set to ensure appropriate management of a site continues once an activity has ceased.</p> <p>Much greater focus should be given to contaminated sites in the Northern Territory and should be in line with the other States and Federal expectations of best practice environmental practice.</p>

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	<p>Rather than the current approach on this matter, which often relies on reporting of an incident, a Legislative Framework should be in place and should be addressed prior to any commercial works being undertaken. This would provide a Register at the beginning of site disturbance and provide an ability for on-going and from time-to-time site inspections during projects with all incidents being addressed at the time of occurrence.</p> <p>This would then also become part of the WEMPC Act and ensure incidents are reported by the right person/parties at the time of incident.</p>
<p>2.3.5. 12 – 19 Addressing discharges and emissions</p>	<p>Firstly, the City of Palmerston draws your attention to Council’s Submission to the NT EPA Draft Stormwater Strategy for the Darwin Harbour Region. This submission provides in part a response to this section of the NT EPA Issues Paper to improve the WMPC Act.</p> <p>Further, some responses in other sections of this submission have a bearing on this category.</p> <p>Additionally, the National Strategy for Ecologically Sustainable Development obligations should be applied. Most Australian jurisdictions have implemented extensive licensing regimes based on the types of activities that are expected to pose a risk to the environment.</p> <p>The Northern Territory compliance requirements need to be updated to include extensive licensing regimes. The Northern Territory has seen in recent years - and this will be more so in the next 10 years – the reality of the establishment of new and very large businesses such as Gas and Mining and other Projects. With a new major Fuel Centre to be established, it is clear that additional and yet unknown major businesses types will be accepted for developed and obligations and licensing regimes need to be in place ‘up-front’.</p> <p>Many developments and businesses will seek to have their own landfills and sewerage plants operating. Whilst many Industries set high standards, the Northern Territory should require the very highest standards to be met for both these operations and ensure that they meet high level benchmark National and Territory guidelines.</p> <p>Ensuring there is no slippage in standards that have to be met is very important. Therefore concise and clear regulations need to be in place now and in anticipation of new developments and businesses and the standards need to be the equivalent or better than what Local Governments have to meet with their landfills and other Utilities have to meet with their operations.</p> <p>The Waste Management and Pollution Act and the Litter Act need to be ‘living documents’ requiring a three-five year review. It could be that some of the Private Business/Industry developments come with guidelines that may exceed some of the current Northern Territory Government requirements under the WMPC Act and other Acts and if so, the review of the WMPC Act should be encouraged to take onboard their higher standards as the yardstick – where applicable - for the benefit of</p>

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	<p>future development of Public amenities.</p> <p>Additional shipping in the harbor is to be expected as another development that will have a greater influence (or is that effluence!) on discharges of waste and pollution to land and water.</p> <p>Clarification regarding the collection and disposal of waste and recycled materials should be assessed from a survey to be undertaken with the various Shipping Lines and the Airlines to see what is the management and endpoint for the waste and recycling that arrives into Darwin from their cruises and flights.</p> <p>As the Northern Territory is responsible for Planning, and given the increased development of new suburbs, greater scrutiny of Developers plans should be undertaken. There should be an assurance to minimise loss of vegetation and to the rearrangement to the natural 'lay of the land' in the area being developed.</p> <p>Additionally, greater attention should be given to the designs of housing layouts within the areas to ensure run-off from roads, houses and commercial areas do not pose an increased risk. More closely aligning management of emissions and discharges, set to a firm Legislative Framework should be the goal and not be left to chance or individual interpretation.</p>
<p>2.3.6.20-23 Improving Enforcement</p>	<p>Legislation will in the main set the scene for enforcement. Additionally a range of non-statutory and statutory tools can be used to quickly and flexibly respond to incidents that may impact on the environment. However strong and comprehensive Legislation needs to be firmly in place.</p> <p>The WMPC Act contains a number of enforcement tools. Currently the lower end of these tools is the Environmental Nuisance Offence – currently set at \$750 for a first offence. This should be reviewed to ensure that there is greater clarity on whether the offence was unintentional or intentional. NSW addresses it as below:</p> <p><i>Tier 3 - on-the-spot fines \$750 on-the-spot fine for individuals for illegal dumping up to a maximum of \$1500</i></p> <p><i>\$1500 on-the-spot fines for corporations for illegal dumping up to a maximum of \$5000</i></p> <p><i>Tier 2 - use of land as waste facility without lawful authority</i></p> <p><i>Maximum penalty in the case of an individual: \$250,000 and, in the case of a continuing offence, a further penalty of \$60,000 for each day the offence continues</i></p>

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	<p><i>Maximum penalty in the case of a corporation: \$1,000,000 and in the case of a continuing offence, a further daily penalty of \$120,000</i></p> <p><u>Tier 1 - disposal of waste: harm to the environment</u></p> <p><i>Maximum penalty in the case of an individual: \$1,000,000 and/or 7 years' imprisonment</i></p> <p><i>Maximum penalty in the case of a corporation: \$5,000,000</i></p> <p>There have been enough environmental incidents in the Northern Territory over recent years – large and medium events – to suggest that scant or low attention is given to the imposition of fines or that the fine to be received for the ‘opportunistic’ breach is not high enough for the polluter to be too concerned. This has been noted in terms of vegetation breaches, contamination run-off into water courses and other aspects of environmental harm.</p> <p>South Australia and Tasmania’s determination that ‘environmental harm’ is a consequence of pollution – i.e. proof that pollution has occurred is sufficient to determine that environmental harm has occurred, is a good yardstick to have in place. Whilst the ACT deems certain pollutants to have caused harm only if the pollutant is in excess of a prescribed amount or is a prescribed pollutant, still provides that environmental harm has occurred. The South Australian and Tasmanian determinations should be considered as more fitting for the Northern Territory.</p> <p>Adverse publicity orders to require the offender to publicise their offence and orders of the court, along with clearly remediation orders requiring offenders to remediate or better still restore areas impacted by waste or pollution should be part of the WMPC Act. Environmental offences are essentially criminal offences – offences that affect people and against the environment. Therefore financial penalties, imprisonment (if major enough) and cost orders would be in line with other offences which are considered criminal.</p> <p>As the NT EPA is relatively young compared to other States, it is not yet fully recognised by community nor as to the authority that it has to take actions that can bring prosecution and fines.</p> <p>Therefore, this needs to be rectified and NT EPA needs now to be firmly backed by strong legislation and promoted by Government to become fully recognised by Industry, Business and Community as <u>the</u> Authority with the mission to protect human health and the environment -- air, water, and land – and who have a legislative framework firmly in place to ensure compliance.</p>
3.3.1.24-26	Littering is a problem for households and within the community for all Local Governments.

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Advertising Material	<p>To some small degree, with the advent of social media, advertising in paper form has reduced as it can be accessed 'on line'</p> <p>Whilst the Australian Catalogue Association has adopted a Code of Practice for the delivery of advertising material this is entirely to do with the 'delivery' of the material and the ACA takes no responsibility for the 'after care' of that delivery. The greater litter event comes after the mailbox or under the door delivery has taken place - and not all discarded materials are appropriately disposed-off into recycle bins. Much goes into general bin waste and on to landfill.</p> <p>At any time the bins outside the GPO in Darwin can be seen to be overflowing with advertising materials which have been collected from Mail Boxes and taken two steps away to the bins. Neither the Advertisers nor Australia Post are responsible for the clearance of the bins, thus the clearance of the bins is a cost to Local Government, which essentially to ratepayers.</p> <p>Creative responses are needed to be put in place to stem the tide of advertising materials as well as potential penalty payments and enforcement arrangements that could be implemented.</p> <p>In a small community in Victoria, some residents took it upon themselves to put a 'return to sender' on the advertising material they received. This then meant the item was counted as a dispatch from the country post office, and as both incoming and outgoing mail counts are what keep many small rural services open, this was one way to keep that local post office operational for longer.</p> <p>The example perhaps is also a 'message' of one way to increase many Advertising Firms understanding that their promotions are not welcome – and instead of a community response of 'bin it' – the potential to encourage communities to keep what they want but with other unwanted advertising materials put them back through the Australia Post Letterboxes with a 'Return to Sender' on the mail, could be a useful exercise.</p> <p>Junk Mail - unsolicited advertising material (UAM) is any advertising material that is not addressed by name to an owner or occupier of the premises. Junk mail delivered to premises or placed on vehicles is not classed as littering although it comes with its own management obligations for distribution and forms of compliance action.</p> <p>The City of Palmerston Council by-laws manage larger advertising signage where approval has to be given. Rangers are however alert to inappropriate paper advertising and are proactive in contacting those who have placed notices in public places – such as on light poles, fences or on windscreens of cars on roadways showing or selling information, or where there are unapproved signs in inappropriate locations on streets showing events or selling goods such as at garage sales.</p> <p>In terms of litter in rubbish bins there are occasions where a shop owner may have used the bins for large quantities of out of date advertising materials rather than taking responsibility for personal disposal of same. This is addressed by Ranger contact.</p> <p>Whilst ongoing littering would attract Council by-laws to regulate the matter, the majority of litter events are addressed by</p>

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	<p>Council contact to inform the often unaware resident, business or organisation of what is and what is not acceptable within the public domain in this regard.</p>
<p>3.3.2.27-33 Illegal Dumping and other actions and incentives to reduce the incidences of illegal dumping.</p>	<p>In terms of illegal dumping to some extent this will be an ongoing issue.</p> <p>The advantage to the polluter often being in the Northern Territory that there are large areas of land often only receiving time to time oversight. Communication between Local Government and Northern Territory Government Departments such as the Department of Lands, Planning and the Environment (DLPE) is often the communication link when illegal dumping is known.</p> <p>Illegal dumping is the unlawful deposit of any type of domestic, commercial or industrial waste considered to be more than 200 litres or more in volume and if the polluters are caught there should be an immediate on the spot fine.</p> <p>Consideration perhaps of the Environmental Nuisance category could apply - if a one-off small amount of illegal dumping is traceable to the person or persons, and considered for a greater penalty for larger items such as car bodies should be considered.</p> <p>It should be noted that for most residents and travelling public, the distinction between what is public land under the responsibility of the NTG or what is Council's responsibility is not well known with the result that Local Government quite often gets mistakenly identified in press or through phone calls in regards to illegal dumping that occurs on Crown land.</p> <p>Therefore consideration of an opportunity for improvement for this purpose is:</p> <p>Greater clarity to local communities of land boundaries showing responsibility for management of those areas and availability of on-line, app and phone contact numbers to be readily known.</p> <p>Keep Australia Beautiful have done a great deal of work on litter problems and they have a very good link to community Education. In July 2013, "1Macgregor Tan Research prepared for Keep Australia Beautiful (July 2013) National Litter Index 2012/13' for Queensland. This has application for other States and Territories.</p> <p>NTG should continue to financially support KAB NTC to carry-on the good work they wish to continue across the Territory in regard to extending their waste and recycling 'on ground' activities – especially those carried out in the regional and rural areas - and to support their education programs with the community and schools for 'all things litter and waste reduction, recycling and reuse'.</p> <p>LGANT supports Shires with communities of population less than 1,000 adopting the final Better Practice Guidelines as</p>

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	<p>developed as a standard operating manual for waste management in those areas. The combination of Local Government and KAB working together is the strength of what is happening in the communities with smaller populations.</p> <p>NT EPA and NT Government generally could be encouraged to recognise and support in all ways possible this powerful partnership as the work being undertaken is extemporaneous of what is needed to protect the environment and to ensure that activities that have the potential to cause pollution are properly managed in the matter of waste and litter.</p> <p>Attention is drawn to Queensland’s ‘Litter and Illegal Dumping Action Plan’. – a useful tool for consideration.</p> <p>In 2013 NSW EPA developed a Draft Strategy to combat illegal dumping. An example of an effective regional response to illegal dumping and illegal landfilling is the establishment of a Regional Illegal Dumping Squad (RID Squad).</p> <p>A RID Squad currently operates in Western Sydney. It consists of rangers employed jointly by member councils and the EPA. The squad operates across member council boundaries to investigate and enforce breaches of NSW regulations regarding illegal dumping and illegal landfilling. Like councils, RID Squads generally deal with illegal dumping by householders and smaller dumps of construction waste.</p> <p>The EPA provides financial and operational support to the Western Sydney RID Squad and conducts joint compliance campaigns. NSW 2021 sets a priority action to establish two new RID squads.</p> <p>Some years ago also the Department of Environment and Climate Change NSW working in partnership with Local Government produced a Handbook for Local Government called ‘Crackdown on illegal Dumping’. The research for the Handbook came from other work previously undertaken by the University of London.</p> <p>Whilst some of the response to illegal dumping in the NSW document refers to more urbanised areas rather than the larger areas of land in the Northern Territory as noted at the beginning of this section, there are none the less useful aspects that could be considered for the implementation in the Northern Territory.</p> <p>The idea to make illegal dumping harder and less attractive by using the following illegal dumping prevention mechanisms would be useful to the NT EPA and Local Governments for consideration.</p> <ol style="list-style-type: none"> 1. Increase the effort: make access difficult. 2. Increase the risks of getting caught. 3. Reduce the rewards: deny financial benefits. 4. Reduce provocations: don’t give them a reason to dump. 5. Remove excuses: educate and inform the community. <p>The Local Government Association of the Northern Territory has policies for Waste Management Hierarchy and supports</p>

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	<p>the establishment of a single coordinating body to control and direct the disposal of solid waste generated within the NT.</p>
<p>Section 6 Questions 34-36 Enhanced community involvement</p>	<p>Enhanced community involvement in waste and pollution management has been referred to in other section of Council’s response.</p> <p>The fact is however the current WMPC Act contains few opportunities for community involvement. Civil action or seeking civil remedies can be sought by a person under the WMPC Act but as only one person seeking a civil remedy for a matter that may constitute an offence under the Act has done so, this should in itself indicate the difficulty the community sees in even ever going down that route. Also perhaps the ambiguity that exists may also be fraught to achieve a good outcome. Further details of this are contained in the Issues Paper item 6.</p> <p>If an EPA relies on the community to report incidents of pollution, then equally the community should have the opportunity to be aware of and respond to the review that is being undertaken at this time by NT EPA.</p> <p>Equally as the NT EPA has called on Local Governments to participate in the review, firstly with a response to the Issues Paper and then through the stages outlined in the 2015 timeframe, it is of importance that the comments, advice and suggestions received by NT EPA from the Local Governments are fully considered and reflected in the more detailed Discussion Paper on the WMPC Act and the Litter Act to be released over the coming months.</p> <p>Resource/education materials for the conversation need to be developed in time for Aboriginal Communities, land and home owners and waste transporters and the waste industry.</p> <p>Questions to be anticipated that would come up if the NT EPA were to include the public in the conversation could be -</p> <p>Resources needed such as: Online illegal dumping resource; crackdown on illegal dumping: Handbook for local government; Social research about illegal dumping; Multi-unit dwelling illegal dumping prevention; Regional Illegal Dumping (RID) Squads; Emergency Pollution and Orphan Waste Clean-up Program; Waste and Sustainability Improvement Program; Illegal dumping grants: case studies; Illegal dumping data collection methodology</p> <p>Educational brochures needed such as: Managing garden waste; Asbestos waste; Managing construction waste; Uncovered loads; Accepting fill on your land; Dry-cleaning (perchloroethylene) waste.</p>

General comments

General comments
<p>The City of Palmerston has a long term commitment to ensuring best practice waste management and achieving appropriate and effective environmental management for recycling in order to reduce the amount of waste going to landfill. Ensuring the protection of the environment from pollution and waste is incorporated in actions within Council's Sustainability Strategy 2013-2018.</p>
<p>The review of the WMPC Act and the Litter Act in accordance with the EPA's responsibilities in order to provide advice to the Minister for Lands, Planning and the Environment is therefore of keen interest to this Council.</p>
<p>The City of Palmerston looks forward to participating further in the Review Process set out by NT EPA, engaging with other Local Governments and sharing their responses and working cooperatively with the Local Government Association of the Northern Territory.</p>



Waste Prevention

Recycling
Recovery

Data
Research

Enforcement

Waste
Planning

Learning &
Communication