

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

Name:		Email:	
Organisation (if applicable):	Local Government Association of the Northern Territory	Telephone:	
Address:			
<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
1. Information about LGANT, its policies and the focus of this response	<p>Local Government Association of the Northern Territory</p> <p>The Local Government Association of the Northern Territory (LGANT) is the peak representative body for local government in the Northern Territory. LGANT is governed by its constitution and charter which includes having an Executive Board of eight members drawn from its membership and a Chief Executive Officer and staff who manage the operations of the organisation. LGANT adopts policy positions on a range of issues over which decisions are made at general meetings (which are open to all councils to be represented) or Executive meetings which occur monthly.</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.

Section	Comment
	<p>Membership of LGANT comprises the 17 local government councils established under the <i>Local Government Act</i> ('the Act') in the Northern Territory which includes:</p> <ul style="list-style-type: none"> • 5 municipal councils • 3 shire councils • 9 regional councils. <p>The basis for the three types of councils is their degree of urbanisation.</p> <p>Local government provides services and maintains community infrastructure and facilities for residents and visitors in the Northern Territory within geographical areas where they exercise responsibility as governments under the Act.</p> <p>Local government boundaries now cover 95% of the Northern Territory land mass.</p> <p>Local government makes a significant contribution to the Northern Territory economy as collectively councils employ 3000 Territorians, manage and control assets valued at over \$900 million and receive and expend over \$400 million in the Northern Territory annually.</p> <p>The 'system' of local government in the Northern Territory has three component organisations namely:</p> <ol style="list-style-type: none"> 1. 17 local government councils 2. the Local Government Association of the Northern Territory (representing the interests of councils in the Northern Territory) 3. the Australian Local Government Association (whose board members comprise representatives of Local Government Associations in each State and Territory representing the interests of local government associations nationally). <p>LGANT's response to the issues paper is on many of the questions asked about the Waste Management and Pollution Control Act ('the WMPC Act') and the Litter Act.</p> <p>LGANT over a period of time has developed, in consultation with member councils, policies dealing with waste management. These are set out below.</p>

Section	Comment
	<p><i>Existing policies of LGANT</i></p> <p><i>Waste Management Hierarchy</i> LGANT supports the management of waste within the framework of the following priorities:</p> <ul style="list-style-type: none"> • avoiding the creation of waste (reduce). • minimise the creation of waste (reduce) • the reuse of post-production and post-consumer products without any change to the form or composition of those products (reuse) • the recycling of organic waste and post production and post-consumer goods into new products (recycling) • the responsible disposal of waste by environmentally acceptable means (disposal). <p><i>Waste Management</i> LGANT supports the establishment of a single coordinating body to control and direct the disposal of solid waste generated within the NT. Such a body should:</p> <ul style="list-style-type: none"> • include substantial representation from Local Government as well as representatives of the NT Environment Protection Unit, industry, and special interest/community groups. • develop broad waste policies for the NT for implementation at a regional level. • develop licence conditions for landfills and other waste disposal facilities. • set industry reduction targets. • assist with the development and implementation of waste education programs. • monitor the effectiveness of waste management policies and programs. <p>LGANT supports shires with communities of populations less than 1,000 adopting the final Better Practice Guidelines, as developed by LGANT, as a standard operational manual for waste management in those areas. (Policy adopted at Executive Meeting 21 September 2009 - Item 10.2)</p>

Section	Comment
	<p><i>Industry Responsibilities</i> LGANT supports the principle that those who create waste should take full responsibility for that waste. In the case of industry, Local Government supports the imposition of legislation, regulations and incentive schemes which will compel industry to:</p> <ul style="list-style-type: none"> • introduce policies which will enable sectors of industry to reach mandatory waste reduction targets within a specified time frame. • accept “cradle to grave” responsibility for the products, waste and litter it produces, at both the production and post-consumer stages. • adopt “closed loop” processes for the products and packaging it creates. • reduce the unnecessary packaging of goods. • use at least a specified percentage of recycled material in their production processes. • use only packaging materials which are capable of being recycled and have a marked as recycled material. <p><i>Recycling and Separation</i> LGANT supports the following:</p> <ul style="list-style-type: none"> • the use of financial incentives such as the NSW Council Recycling Rebate Scheme as a means of reducing the amount of waste going to landfill • the concept of free disposal of separated domestic vegetation and green waste at landfills where this waste will be recycled for domestic and commercial use • the development of domestic and export markets for recycled products and recovered materials • encouragement and assistance of research and development projects to enable the greater use of recycled products • internal purchasing policies which maximise the use of responsibly packaged and recycled goods • regular, regional industry-sponsored chemical collection campaigns which ensure the environmentally responsible disposal of chemicals • community education to assist the public in reducing waste.

Section	Comment
	<p>Waste Disposal</p> <p>LGANT supports public control of landfills and other waste disposal facilities so as to ensure that waste disposal and management complements an overall waste minimisation strategy.</p> <p>LGANT believes that landfill and other disposal facilities should maximise their efforts to separate and divert materials for reuse and recycling.</p> <p>LGANT believes that waste disposal guidelines should ultimately ensure that environmental quality and public health are not compromised.</p> <p>Licence and approval regulations/requirements for landfills and other waste disposal facilities should:</p> <ul style="list-style-type: none"> • be sufficiently flexible to account for site characteristics (such as permeability, isolation, the assimilation capacity of the surrounding environment and cumulative effects) • be performance based • reflect consideration and assessment of the likely costs of compliance.
<p>Section 2.3.1 Question 1. Should the Act contain explicit provisions to ensure that it applies to activities conducted outside the Territory that cause damage to the Territory's environment?</p>	<p>LGANT supports explicit provisions within the <i>WMPC Act</i> which allows the Northern Territory Government to take action outside its jurisdictional region with activities that expose it to risks of damage to the Territory's environment. Coastal shipping, off shore exploration, production of gas and oil and the movement of dangerous goods or chemicals are some examples of activities that should be considered.</p>
<p>Section 2.3.2 Question 2. Should the Northern Territory incorporate the waste management hierarchy into the Act?</p> <p>How could the hierarchy be best used</p>	<p>LGANT believes the Northern Territory should incorporate a waste management hierarchy into the <i>WMPC Act</i> as evidenced by LGANT's policy listed in section 1 above.</p> <p>LGANT supports the principle that those who create waste should take full responsibility for that waste. In the case of industry, LGANT supports the imposition of legislation, regulations and incentive schemes which compel</p>

Section	Comment
<p><i>to encourage the minimization of waste generation and/or improvements in reuse and recycling?</i></p> <p>Question 3. How important is language in encouraging reuse and recycling? Would ‘materials’ or ‘resource’ management or similar phrasing change your perceptions about, and approach to, reuse and recycling?</p>	<p>industry to:</p> <ul style="list-style-type: none"> • introduce policies which will enable sectors of industry to reach mandatory waste reduction targets within a specified time frame • accept “cradle to the grave” responsibility for the products, waste and litter it produces at both the production and post-consumer stages • adopt “closed loop” processes for the products and packaging it creates • reduce the unnecessary packaging of goods • use only packaging materials which are capable of being recycled and have them marked as recycled material. <p>The aim of the waste hierarchy is to extract the maximum benefits from products and to generate the minimum amount of waste.</p> <p>The language used in the <i>WMPC Act</i> needs to keep up with national standards and LGANT prefers some of the language used in the legislation of other State jurisdictions and particularly that which is in plain English.</p> <p>The word “resource” indicates there is a value on product item which, while in municipal areas may indeed be true, in remote regions is not the case. With high transport costs and lack of markets in these areas items like scrap metal could hardly be classified as a “resource”. Common place language that is sensible and understood by the community is what is needed in the Act.</p>
<p>2.3.2.1</p> <p>Question 4. What may be some of the impediments or hindrances to improving reuse and recycling in the Northern Territory?</p>	<p>Incomplete data is a significant impediment to improving reuse and recycling in the Northern Territory. Without knowing the full extent and nature of waste generated in the NT there is not an avenue for informed decision making by industry for:</p> <ul style="list-style-type: none"> • evaluating commercial opportunities • otherwise being involved in reuse /recycling initiatives. <p>Distance and remoteness from collection and recycling facilities in regional centres are impediments to industry removing waste products from more remote areas. Transport costs make it uneconomic and in some cases inferior transport infrastructure impedes its collection.</p>

NORTHERN TERRITORY ENVIRONMENT PROTECTION AUTHORITY

Section	Comment
<p>How could these impediments or hindrances be addressed?</p>	<p>There is a lack of regional waste management facilities in the Northern Territory. Landfill operations in the larger towns and cities (such as Darwin, Katherine and Alice Springs) are sometimes used as ad hoc regional waste management facilities by councils and communities in surrounding regions however, many of them have not been built with this function in mind. The quantities of waste requiring treatment or disposal are often too small to justify the cost of establishing dedicated reuse or recycling facilities.</p> <p>To participate in recycling and reuse of waste in regional and remote regions industry needs financial incentives and possibly one of the only ways of getting this done is to offer subsidies for transport costs.</p>
<p>Question 5. What type of waste management activities should require a license?</p>	<p>LGANT considers that Schedule 2 of the regulations should be changed so that:</p> <ul style="list-style-type: none"> • listed waste management activities that require licensing are in line with those required in other States • risk assessments of listed waste are: <ul style="list-style-type: none"> ○ completed on both environmental and public health grounds ○ documented ○ used for determining the treatment used in, and the location of, waste disposal facilities.
<p>Question 6. How can we improve our knowledge about the type and amount of wastes being generated, reused or recycled in the Northern Territory?</p>	<p>Knowledge can be improved about the type and amount of wastes generated by undertaking:</p> <ul style="list-style-type: none"> • simplified audits of the waste collected • waste separation, including the identification of waste streams • better management of waste facilities • guidance and direction on what data needs to be collected • measures that ensure the data is consistent and is held by the NT EPA.
<p>Question 7. Should the Territory Government consider imposing levies?</p>	<p>LGANT supports Northern Territory government levies being imposed provided they:</p> <ul style="list-style-type: none"> • are included in the price of items at the time of purchase • guided by the waste hierarchy • are collected by the Northern Territory Government

Section	Comment
<p>Question 8. What types of activities or wastes would the levy be applied.</p>	<ul style="list-style-type: none"> • councils does not collect the levy • they do not duplicate levies that councils impose • there is more transparency and accountability with levies that apply to oil and vehicle tyres • the NT Government levy revenues are: <ul style="list-style-type: none"> ○ quarantined from NT consolidated revenue ○ held in trust by the NT EPA ○ redirected into waste management improvements <p>Activities or wastes that should have a levy include derelict and abandoned vehicles in council areas. The cost of recovery and removal of derelict vehicles is high and a levy would go some way towards helping to offset this cost. The levy should apply to all new and used vehicles sold.</p>
<p>Section 2.3.3 Question 9. Should the management of contaminated sites be given a greater focus in the Northern Territory?</p> <p>Question 10. How do you suggest we approach management of potentially contaminated sites?</p>	<p>The management of contaminated sites should be given a greater focus to the extent that the NT EPA should ensure that:</p> <ul style="list-style-type: none"> • a register of contaminated sites is maintained • audits of pollutants are completed • risk assessments are done for each site • remedial plans are in place. <p>The NT EPA should:</p> <ul style="list-style-type: none"> • set realistic time frames for sites to be remediated particularly in remote areas • provide resources to enable: <ul style="list-style-type: none"> ○ audits of pollutants and risk assessments to be done ○ remedial plans to be drawn up

Section	Comment
	<ul style="list-style-type: none"> ○ joint funding by the NT EPA, the Commonwealth Government and local government for remedial work on contaminated sites. ● allow for some sites to be remediated to a minimum (such as with fencing and signs) due to the high cost of remediation work and the lack of financial capacity of councils to finance the full gambit of remediation work.
<p>Question 11. How can we improve the WMPC Act to ensure that the right incidences are reported by the right person at the right time?</p>	<p>The WMPC Act should:</p> <ul style="list-style-type: none"> ● reflect powers that prevent incidents from occurring rather than rely solely on prosecution measures ● require any land development to have a register of risks and for the NT EPA to carry inspections during its development ● allow councils and the NT EPA to capture online the reporting of incidences by any person.
<p>Question 12-19.</p> <ul style="list-style-type: none"> ● Emissions and discharges ● Diffuse pollution sources 	<p>Discharges should be managed under regulatory controls which include monitoring and compliance. These should:</p> <ul style="list-style-type: none"> ● form part of both the <i>WMPC Act</i> and the <i>Planning Act</i> ● reflect best practice ● be consistent with existing national legislation and strategies such as the “National Strategy for Ecological Sustainable Development” ● include statutory tools, compliance plans and work authorisations ● prevent the discharge of sediment and other materials into storm water drains ● be mandatory for development sites and include measures such as bund walls as occurs in other States. <p>Councils are concerned about “diffuse pollution sources” from road ways and storm water systems that are the responsibility of local government because they eventually end up in estuaries and coastal areas of the Northern Territory. Without controls on development sites the propensity for their occurrence is great and such discharges are becoming more prevalent with the urban growth of Darwin and Palmerston.</p> <p>With the push for development and industry to the rural areas there will be standalone sewerage systems and possible private landfills that will require licensing and monitoring with appropriate supporting regulations. The NT EPA will need to be resourced to perform this work.</p>

Section	Comment
	<p>The increase in shipping and international air services will require having appropriate supporting legislation to ensure protection from waste generated by such industry and in the case of shipping monitoring of discharges into Darwin Harbor.</p>
<p>Question 20-23.</p> <ul style="list-style-type: none"> • Compliance and enforcement tools • Offences • Sanctions and remedies 	<p>LGANT supports the <i>WMPC Act</i>:</p> <ul style="list-style-type: none"> • being clear, concise and unambiguous given the potential for legal challenge • having the same provisions as exist in the South Australian and Tasmanian legislation with regard to the definition of ‘environmental harm’ • allowing for timely and flexible responses to incidences • provide for the NT EPA to call on extra resources in the event of a major incident • having a range of sanctions and remedies to differentiate between the actions of individuals and large corporations.
<p>Question 24 – 26.</p> <ul style="list-style-type: none"> • Litter • Litter by-laws • Advertising material 	<p>LGANT acknowledges that councils:</p> <ul style="list-style-type: none"> • in some towns have significant litter problems • commit large amounts of human and financial resources for litter collection • may want to have their own litter control by-laws and this needs to be further explored • see community education as paramount to bringing about change in litter practices • are developing resources to control litter (The publication “The Central Australian Remote Landfill Operating Manual” available on LGANT website, www.lgant.asn.au, has a section on litter and developed an audit template for community litter and hard waste audit) • have special ‘pick up days’ for waste like white goods, tyres, batteries and other hard waste that is a risk to public health • have limited resources to control litter • see “junk mail” advertising material as a problem because: <ul style="list-style-type: none"> ○ ‘self-regulation’ has not worked ○ it is often present in:

Section	Comment
	<ul style="list-style-type: none"> ▪ public housing and shopping centre areas ▪ in the vicinity of post offices where there are no bins provided • it is difficult to control, to effect prosecutions and is generally costly to manage • are in favour of more regulation (eg a levy) which could force such advertising to go increasingly 'online'.
<p>Questions 27 - 29.</p> <ul style="list-style-type: none"> • Deeming community support • Illegal dumping 	<p>LGANT supports the Queensland and Tasmanian initiatives that allow the reporting of incidents of littering by third parties because:</p> <ul style="list-style-type: none"> • councils encourage all manner of reporting from the public now • the information gained is invaluable for managing services, infrastructure and facilities • the public is more receptive to using technology for reporting • such reporting should increase the chances of gaining prosecutions for illegal dumping.
<p>Questions 30 – 32.</p> <ul style="list-style-type: none"> • Legislation 	<p>LGANT supports the broad environment protection legislation that exists in other States because:</p> <ul style="list-style-type: none"> • it brings together similar legislation into one Act • there is a likelihood that there will be fewer inconsistencies caused by having disparate legislation that deals with wastes and pollution • the precedent is set by other States and there is good reason to follow it • there are not good reasons for having separate legislation for pastoral properties when they occupy Crown Land.
<p>Question 33. Is there an increased role for local government in the regulation of waste and pollution in the Territory? What is that role?</p>	<p>Any increased role for local government in the regulation of waste and pollution in the Northern Territory would need to be comply with LGANT's current policy of:</p> <p>(a) <i>LGANT supports the transfer to Local Government of additional powers and responsibilities that can best be dealt with at the local level. The transfer should be subject to proper negotiation, clear definition of the roles and functions involved, and guarantees of adequate ongoing funding.</i></p> <p>The advantages of having local government increase its role in the above areas are it:</p> <ul style="list-style-type: none"> • offers a wide and well-established network of public administration • in some cases is the only institutional presence in a community capable of handling such matters

Section	Comment
	<ul style="list-style-type: none"> • has practical service orientation and good organisational skills • has strong links to communities and is accountable to those it represents (<u>Source</u>: Price Waterhouse Coopers, <i>National Financial Sustainability of Local Government</i>, 2006, Australian Local Government Association). <p>The role that local government could perform is in the areas of monitoring and compliance with legislation or in effecting remediation work on behalf of the NT EPA. These would have to be under agency agreements.</p>
<p>Question 34 – 36</p> <ul style="list-style-type: none"> • Community involvement • Public comments on an application for a license • Appeals under the <i>WMPC Act</i> 	<p>Some of the ways there could be enhanced community involvement to improve the Northern Territory’s management of waste and pollution are by:</p> <ul style="list-style-type: none"> • encouraging the reporting of incidences of waste or pollution • increasing the volume of community education on waste and pollution • improving the communication methods for people to enable them to be more involved. <p>LGANT supports the need to seek public comments on the proposed conditions or application for a license in much the same manner as is required for liquor licenses. This will possibly assist the new Civil and Administrative Tribunal with its deliberations as well.</p> <p>Anyone should be able to appeal a decision so long as it falls within the category of decisions that are ‘reviewable’ in a similar way to what is required under section 227 of the <i>Local Government Act</i>. The NT EPA could set out the category of reviewable decisions and the processes for dealing with them.</p>