

Chapter 3

Landfill

3.1 As noted in Chapter 2, approximately 22 megatonnes of waste (excluding fly ash) were deposited in landfill in 2014–15. Across the three waste streams, about 49 per cent of municipal solid waste went to landfill; 36 per cent of commercial and industrial waste (excluding fly ash); and the same amount of construction and demolition waste were also disposed of in landfill. Landfill therefore remains significant to waste management in Australia.

3.2 This chapter canvasses the evidence received relating to the accreditation and management of landfills. Issues examined include:

- the need for appropriate and effective landfill standards;
- infrastructure planning, such as the identification of suitable sites for waste infrastructure and the implications of urban development for the operation of existing waste and resource recovery facilities; and
- the application of full cost accounting to waste facilities.

3.3 Evidence received regarding the extent of illegal landfilling and dumping is also examined in this chapter.

Accreditation and management of landfills

3.4 This section discusses the accreditation and management of landfills. In particular, several submitters advocated for full cost accounting to be applied to all landfills, and for the application of risk-based and universally enforced landfill standards. Submitters also argued for an increase in state and territory environment protection authority (EPA) oversight of landfills to ensure compliance with regulatory requirements.

Landfill standards

3.5 Environment agencies and EPAs in state and territory jurisdictions have established policies and regulatory requirements for the sustainable management of waste, and landfill performance.

3.6 There are significant differences between jurisdictions in the way that waste is classified and the classes of landfill that are permitted. Waste classification schemes range from two categories used in Queensland, to seven categories used in Western Australia. Similarly, landfill classification schemes vary from a single classification used in South Australia, to five categories used in Western Australia. Despite the

differences in classification, the main classes of waste and landfill types are: putrescible waste, non-putrescible waste, inert waste, and hazardous waste.¹

3.7 Several submissions provided the committee with an overview of the ways in which landfills are regulated in each state and territory. The following paragraphs outline the regulatory frameworks in Western Australia, Tasmania, South Australia and the Australian Capital Territory.

Western Australia

3.8 In Western Australia, the Department of Water and Environmental Regulation (DWER) regulates emissions and discharge from 'prescribed premises', including landfills, under Part V, Division 3 of the *Environmental Protection Act 1986* (WA).²

3.9 The Government of Western Australia submitted that DWER is currently developing legislative reforms relating to waste management, including changes to landfill regulation. The submission explained that after analysing the current legislative framework, DWER has identified opportunities to improve the waste levy framework and the environmental protection regime as it applies to waste generation, storage and disposal. The Government of Western Australia stated that 'in developing reform proposals, DWER considered the waste management approaches of other jurisdictions'.³

3.10 DWER is also developing amendments to prescribed landfill categories under Schedule 1 of the *Environmental Protection Regulations 1987* (WA). These amendments would mean that 'clean (raw, natural) fill and uncontaminated fill that meets environmental and health standards can be used for development, without the requirement for a licence or attracting a levy'.⁴

South Australia

3.11 The South Australian Government submitted that the South Australian EPA 'is responsible for regulating the receipt, treatment, storage and disposal of waste in accordance with the Objects of the *Environment Protection Act 1993*' (SA).⁵

3.12 In South Australia, all waste and recycling facilities are required to be licensed under the *Environment Protection Act 1993* (SA) (EP Act) and the potential environmental impacts of licensed facilities are managed by the SA EPA through site-

1 Wright Corporate Strategy, *Review of the application of landfill standards*, 2010, p. 15, <http://www.environment.gov.au/protection/national-waste-policy/publications/review-application-landfill-standards>, (accessed 9 April 2018).

2 Government of Western Australia, *Submission 5*, p. 2.

3 Government of Western Australia, *Submission 5*, p. 2.

4 Government of Western Australia, *Submission 5*, p. 2.

5 South Australian Government, *Submission 36*, p. 7.

specific licence conditions. The South Australian Government stated that the SA EPA uses a risk-based approach to applying licence conditions relevant to the type of facility, its location, its scale, and its intensity.⁶

3.13 When considering development applications and licence or licence renewal applications, the SA EPA must take into account:

- the Objects of the EP Act;
- the State's Waste Strategy;
- the waste management objective of the Environment Protection (Waste to Resources) Policy 2010 (SA); and
- the EPA Guidelines for Environmental Management of Landfill Facilities (Municipal Solid Waste and Commercial and Industrial General Waste) 2007 (SA EPA Landfill Guidelines).

3.14 The SA EPA Landfill Guidelines provide guidance and management requirements for landfill based on the capacity and site conditions (e.g. proximity to water) of the proposed landfill. The South Australian Government submitted that since the introduction of the Guidelines in 2007, landfill management practices around the state have been enhanced, with some waste management operators choosing to close small, older landfills and instead utilise well-managed regional facilities to satisfy environmental standards.⁷

3.15 The South Australian Government also submitted that the SA EPA is currently reviewing the SA EPA Landfill Guidelines to ensure that they continue to promote contemporary landfill management practices.⁸

Tasmania

3.16 The Tasmanian Government submitted that, under the *Environmental Management and Pollution Control Act 1994* (Tas), Tasmanian landfills receiving more than 100 tonnes of waste (excluding clean fill) per annum are classified as Level 2 activities. The Tasmanian EPA is responsible for the environmental assessment and regulation of Level 2 activities.⁹

3.17 The *Landfill Sustainability Guide 2004* is Tasmania's current environmental guideline for landfills, with conditions of operation generally reflecting the contents of the Guide. The Tasmanian Government noted that Tasmania has a variety of landfills

6 South Australian Government, *Submission 36*, p. 7.

7 South Australian Government, *Submission 36*, p. 9.

8 South Australian Government, *Submission 36*, p. 9.

9 Tasmanian Government, *Submission 11*, p. 3.

including older unlined landfills which are approaching end of life. There are also several landfills which are connected to sewers for the disposal of excess leachate.¹⁰

3.18 The Tasmanian Government noted that due to the state's highly dispersed population, a number of small scale landfills remain in operation in remote areas such as on King Island and Flinders Island. It also submitted that the state's first secure landfill site is due to open in the near future for the receipt of waste. The Tasmanian Government stated that this site is 'expected to reduce reliance on interstate disposal facilities for wastes that exceed the disposal criteria that apply to putrescible landfills'.¹¹

Australian Capital Territory

3.19 The Australian Capital Territory (ACT) Government submitted that landfills in the ACT require an Environmental Authorisation from the EPA and a Waste Facility Licence from the Waste Manager (a public servant appointed under the *Waste Management and Resource Recovery Act 2016* (ACT)).¹²

3.20 The ACT only has one putrescible landfill facility, which is operated by a private contractor engaged by the ACT Government. The ACT Government submitted that ACT's landfill cells are built and operated to best practice regulatory standards. Further, since 2016 the ACT's putrescible landfill cells have been built consistent with the Victorian Landfill Best Practice Environmental Management (BEPM).¹³

Harmonisation of minimum landfill standards

3.21 The National Waste Report noted the view of the Australian Landfill Owners Association (ALOA) that 'major landfill practices have improved significantly over the past twenty years and now are at world's best practice'. ALOA went on to state:

This is evidenced by most sites embracing composite liners, leachate extraction and disposal capability, landfill gas combustion and responsible long term rehabilitation and after use. Unfortunately, many smaller regional landfills are not at this standard and more needs to be done to close the poorer quality sites and provide local waste transfer facilities.¹⁴

3.22 The Waste Management Association of Australia (WMAA) noted that individual states and territories manage the approval and accreditation of waste and resource recovery sites through their respective planning departments and EPAs. The WMAA submitted that there are gaps in the coordination of these departments,

10 Tasmanian Government, *Submission 11*, p. 3.

11 Tasmanian Government, *Submission 11*, p. 3.

12 Australian Capital Territory Government, *Submission 20*, p. 4.

13 Australian Capital Territory Government, *Submission 20*, pp. 4-5.

14 *Australian National Waste Report 2016*, p. 29.

both within jurisdictions and across the country, which has resulted in each state having their own unique regulations and guidelines. The WMAA stated:

Although all States have common objectives, each is on its own journey and this results in inconsistent timing in implementation of regulatory programs and guidance (often a number of years out of step). These differences result in different levels of performance from state to state...¹⁵

3.23 Submitters argued that landfill standards should be best-practice, risk-based and nationally harmonised. For example, The National Waste and Recycling Industry Council (NWRIC) expressed its support for Victoria's *Best Practice Environment Management* (BEPM) for landfills established by the Victorian EPA. The NWRIC described the BEPM as 'the nation's best standard' and submitted that 'all landfill standards should be nationally harmonised'.¹⁶

3.24 MRA Consulting Group submitted that all large landfills present environmental risks, and whilst these risks can be mitigated through management, 'they still cause environmental impacts'. As such, MRA Consulting Group recommended that 'all landfills should have, as a minimum requirement: lining, capping, leachate management and gas capture', although it noted that 'smaller landfills may not generate enough gas to warrant its collection'.¹⁷

3.25 The Waste Contractors and Recyclers Association of NSW (WCRA) highlighted that there are differing landfill standards between New South Wales and Queensland. It submitted that 'acceptable landfill practices and approvals in QLD wouldn't meet regulatory requirements in NSW'.¹⁸ Mr Tony Khoury, Executive Director, WCRA, submitted that the differences in standards between New South Wales and Queensland have influenced the movement of waste from New South Wales to Queensland. Mr Khoury stated:

We drive past our own open-cut mines [in NSW], which our regulators and our legislators won't allow to be turned into landfill, to go to the South-East Queensland open-cut mines. The regulators are really out of whack with their regulations.¹⁹

15 Waste Management Association of Australia, *Submission 52*, p. 2.

16 National Waste and Recycling Industry Council, *Submission 10*, p. 1.

17 MRA Consulting Group, *Submission 25*, p. 4.

18 Waste Contractors and Recyclers Association of NSW, *Submission 28*, p. 2. The issue of waste being transported from NSW to Queensland is explored in Chapter 4.

19 Mr Tony Khoury, WCRA, *Committee Hansard*, 14 March 2018, p. 24.

3.26 Similarly, Mr Max Spedding, Chief Executive Officer, NWRIC, told the committee that the requirements for landfill and material recovery in Queensland are 'not as sophisticated and enforced' as they are in New South Wales. Mr Spedding stated:

The landfill standards in New South Wales are more rigorous than the standards as applied in Queensland. So landfill prices in Queensland are lower, and they're lower because there's old open-cut coalmines in the city and Ipswich—45 million cubic metres or 35 million cubic metres; they're very large—and, because the cost of the void is extremely low, the landfill costs in Queensland are much lower than they are in Sydney.²⁰

Full cost accounting

3.27 Full cost accounting in waste management is a systematic approach to identifying, calculating, and reporting the actual costs associated with waste management. It takes into account the up-front costs of investment and implementation of waste management services, daily operating costs, and back-end costs including end-of-life and aftercare requirements.

3.28 MRA Consulting Group submitted that because landfills generate landfill gas and leachate for decades after closure, the environmental risks associated with closed landfills remain high. It stated that engineering to protect the environment degrades over time, and development also often encroaches on former landfill sites. MRA Consulting Group submitted that:

There have been cases of insufficient money set aside during the operation of landfills to meet post-closure obligations for capping, monitoring and gas capture. Similarly, the public is often required to cover the cost of environmental impacts from closed and "orphaned" landfills.²¹

3.29 The NWRIC submitted that 'all landfills should apply full cost accounting' including 'landfill lining, gas capture, leachate treatment, a weighbridge, provision for closure and capping, asset replacement and aftercare'.²² Submitters noted that 'many local governments do not apply full cost accounting for landfills, instead push costs onto future generations'.²³

3.30 Similarly, the WMAA submitted that 'it is critical for the receiving facility to be designed and operated to best practice standards, and that appropriate attention is given to ensuring the facility does not create unfunded liabilities in the future'.²⁴

20 Mr Max Spedding, NWRIC, *Committee Hansard*, 20 November 2017, p. 3.

21 MRA Consulting Group, *Submission 25*, p. 4.

22 National Waste and Recycling Industry Council, *Submission 10*, p. 1.

23 SUEZ, *Submission 51*, p. 1. See also National Waste and Recycling Industry Council, *Submission 10*, p. 1; MRA Consulting Group, *Submission 25*, p. 4.

24 Waste Management Association of Australia, *Submission 52*, pp. 2–3.

3.31 SUEZ recommended that all waste facilities, regardless of size and type, should be licenced and required to apply full cost accounting. Further, all regulations should be applied uniformly to both public and privately owned facilities. SUEZ stated that this would 'improve the overall standards of landfill operations and ensure an even playing field between industry participants'. SUEZ explained that in some jurisdictions, local government facilities are not required to provide financial assurance which is generally used to ensure that the costs associated with rehabilitating waste management facilities do not fall on local communities.²⁵

3.32 It was also noted that insufficient provisioning for long-term landfill management enables some landfills to unfairly compete against resource recovery infrastructure and other better-provisioned landfills.²⁶ The WMAA also raised concern that landfill operators have reported 'unnecessary regulatory scrutiny of well managed facilities while rogue operators are not challenged because of a lack of resources to satisfy evidentiary requirements'. The WMAA stated that these 'rogue operators' undermine the standards followed by 'diligent and honest operators'. As such, the WMAA argued it is important for regulators to remove rogue operators from the sector to prevent the creation of sites where rehabilitation costs are not recoverable from waste generators and polluters. The WMAA stated that such sites 'create a legacy of future continuing contamination'.²⁷

Infrastructure planning

3.33 The committee received evidence arguing that improvements to infrastructure planning are required to ensure that waste disposal processes and landfills are managed appropriately. Local Government New South Wales (LGNSW) argued that while waste services are listed as an essential service under the *Essential Services Act 1988* (NSW), the state's future waste infrastructure needs are not being adequately planned or funded. It submitted that:

Following the sale of the NSW Government-owned business known as WSN Environmental Solutions in 2010, waste infrastructure has been developed in an open market responding to financial opportunity rather than need. As a result, the state's waste infrastructure is being delivered in an ad hoc manner.²⁸

3.34 Similarly, Ms Gayle Sloan, Chief Executive Officer, WMAA, told the committee that planning documents fail to discuss issues such as the 'generation of waste, waste movement, and truck movements'. Ms Sloan highlighted that the waste and recycling industry is:

25 SUEZ, *Submission 51*, pp. 1–2.

26 MRA Consulting Group, *Submission 25*, p. 5.

27 Waste Management Association of Australia, *Submission 52*, p. 2.

28 Local Government New South Wales, *Submission 13*, p. 2.

...very determined to be front of mind in planning be that your infrastructure planning or even just how you approve your DA [Development Application] and where you put your bin rooms. We know the challenges of people not being able to manage their waste disposal.²⁹

3.35 Mr Tony Khoury, WCRA, also highlighted the need for new landfill facilities and the importance of leadership from the New South Wales Government on the issue. Mr Khoury noted that with the closure of the Eastern Creek landfill, New South Wales only has two key putrescible landfill sites at Lucas Heights and Woodlawn. Mr Khoury commented that the management of urban planning and waste facilities was 'fairly and squarely a New South Wales government issue'.³⁰ Mr Khoury stated that local councils are:

...not capable of acting in the best interests of the overall New South Wales waste management industry. They'll always say, "Not in my backyard" when it comes to a development.³¹

3.36 LGNSW also submitted that Sydney's waste infrastructure is placed under pressure with waste facilities being located further away from waste sources due to high land prices and the lack of availability of suitable sites. It highlighted that 'a significant portion of residential waste is currently being disposed of/processed in Woodlawn, approximately 300km for its source'. LGNSW concluded that:

This is becoming an increasing problem as Sydney's population density increases and property prices rise. In most cases, it is no longer viable for the waste industry to provide infrastructure where it is most needed.³²

3.37 Another issue is the need for buffer zones that prevent development in close proximity to existing infrastructure. Ms Sloan stated that the WMAA advocates 'very strongly' for such buffer zones to ensure that new residential properties are not built too close to existing waste management facilities. For example, Ms Sloan noted that development has occurred near where established facilities in Western Sydney are located—accordingly 'it is very challenging to operate a facility' in those areas because residents who move in will be concerned about issues such as smell and noise.³³ The WMAA submitted that:

Existing landfills are in fact strategic essential infrastructure, and given the challenges in gaining approval for landfill construction, it is important that

29 Ms Gayle Sloan, Waste Management Association of Australia, *Committee Hansard*, 14 March 2018, p. 21.

30 Mr Tony Khoury, WCRA, *Committee Hansard*, 14 March 2018, p. 31.

31 Mr Tony Khoury, WCRA, *Committee Hansard*, 14 March 2018, p. 31.

32 Local Government New South Wales, *Submission 13*, p. 2.

33 Ms Gayle Sloan, Waste Management Association of Australia, *Committee Hansard*, 14 March 2018, p. 21.

these facilities are protected from encroachment, as well as planning for the co-location and siting of new facilities.³⁴

3.38 Similarly, Mr Tony Khoury, WCRA, stated that 'encroachment', or residential development on the boundaries of existing facilities, has led to facilities closing. To demonstrate, Mr Khoury highlighted the closure of Onesteel's site in Chipping Norton:

Onesteel was a major metal recycler in Chipping Norton and they had a massive buffer zone around them. Liverpool council then allowed residential developments to virtually come right up to the boundary and, within a matter of months, Onesteel were forced to close down their Chipping Norton operation and relocated, at very considerable cost, to the Newcastle area.³⁵

3.39 Ms Sloan also highlighted the dangers associated with landfill and the need for buffer zones to protect residents. Ms Sloan stated:

People put the wrong products in bins. I saw a phenomenal amount of barbecue bottles and soda stream canisters, all of which are combustible, put in the back of a vehicle. You move the blade and boom. That is what happens. So we need buffer zones.³⁶

3.40 Ms Sloan told the committee that the WMAA has drafted a state environmental planning policy specifically for waste, for discussion with the New South Wales Government. Ms Sloan stated that New South Wales needs 'precincts which are clearly identified for waste facilities', which would provide 'real certainty when...planning new transport infrastructure'. Ms Sloan also noted the need for the 'further intensification of existing waste processes' and the prevention of the repurposing of closed waste facilities. Ms Sloan stated:

So it is about having waste precincts and being able to have further intensification of existing waste processes. For example, with the closure of Belrose in the northern beaches, we should be looking at repurposing that not for mountain bike climbing or other things but for existing waste facilities, because there is a knowledge, it's known, that that is what that precinct is. So we do absolutely need state government to work with us and identify the need for appropriate waste and resource recovery facilities within the metropolitan area.³⁷

3.41 Mr John Carse, Regional Waste Management Coordinator, Northern Sydney Regional Organisation of Councils (NSROC), also told the committee that the

34 Waste Management Association of Australia, *Submission 52*, p. 3.

35 Mr Tony Khoury, WCRA, *Committee Hansard*, 14 March 2018, pp. 30–31.

36 Ms Gayle Sloan, Waste Management Association of Australia, *Committee Hansard*, 14 March 2018, p. 21.

37 Ms Gayle Sloan, Waste Management Association of Australia, *Committee Hansard*, 14 March 2018, p. 21.

NSROC has been advocating for waste to be considered as a planning issue at the state level. Mr Carse stated that NSROC is of the view that the New South Wales Department of Planning and Environment, and the New South Wales EPA should be examining what waste facilities are required, particularly as industrial areas are being redeveloped into residential precincts.³⁸

3.42 Mr Carse noted that this type of redevelopment results in industry being moved 'elsewhere' but there is nowhere else for waste facilities to go. Mr Carse stated:

What appears to be happening is that a proposal will come in to say, 'Let's make it medium density. We need more population, so let's convert areas. Let's make Green Square into a nice green environment,' without allowing for the fact that industrial areas are being stopped. Industry is being moved elsewhere and there's not, really, anywhere 'elsewhere' to put it. We would certainly like to see more work by, presumably, the Department of Planning and Environment, as well as the EPA, looking at what waste facilities are needed. It may be landfills but it may also be AWTs [Alternative Waste Technologies] or processing plants. They may not be able to be effectively placed on high-quality Sydney land, but they need to serve that district. You need to create the sort of buffer zones that we have talked about earlier, as did earlier witnesses.³⁹

3.43 The City of Gold Coast submitted that the Australian, state and territory governments should provide assistance to protect waste facilities from encroachment through the introduction of planning controls.⁴⁰

Illegal landfilling and dumping

3.44 This section discusses the evidence received on the extent of illegal landfilling and illegal dumping (other than the evidence relating to the avoidance of landfill levies, which is discussed in Chapter 4).

Overview of illegal landfill and illegal dumping

3.45 In general terms, illegal dumping is the unauthorised discharge or abandonment of waste. Such actions are an offence under state and territory legislation.

3.46 The Australian Sustainable Business Group (ASBG) submitted that there are three different kinds of illegal landfilling and dumping types. These are as follows:

- Illegal dumping on publicly accessible land, such as parks and roads.

38 Mr John Carse, NSROC, *Committee Hansard*, 14 March 2018, p. 36.

39 Mr John Carse, NSROC, *Committee Hansard*, 14 March 2018, p. 36.

40 City of Gold Coast, *Submission 31*, p. 2.

- Illegal dumping on private land (both government and privately held) where access is limited—this includes industrial land, residential land and land owned and managed by government but with restricted non-public access.
- Illegal landfilling at waste facilities or sites—this includes waste being dumped which does not meet the acceptance criteria imposed by either regulation or the site owner/operator's conditions.⁴¹

3.47 The Victorian Waste Management Association (VWMA) described illegal dumping as a 'function of laziness and ignorance, economic (aversion to paying the landfill fees) and availability of open space to deposit material'. It explained that illegal dumping is an 'opportunistic activity that may involve residential households or small construction businesses'. The VWMA submitted that where illegal landfilling is 'systemic and deliberate', for example by opening an illegal tip or sorting facility, it is more likely to attract the attention of state authorities. The VWMA noted that it can be difficult to identify the perpetrators of illegal landfilling, or to prove ownership of waste. The VWMA also highlighted that 'people don't like paying for the true costs of disposal and/or not be totally across the fate of their waste when they pay for it to be taken away'.⁴²

3.48 Submissions from state and local governments provided an overview of the regulatory arrangements in place to investigate and address illegal dumping. For example, the South Australian Government advised that the SA EPA leads investigations into commercial-level and hazardous illegal dumping, including the operation of illegal waste depots,⁴³ whereas local councils have responsibility for smaller scale, non-hazardous illegal dumping under both the *Local Government Act 1999* (SA) and the *Local Nuisance and Litter Control Act 2016* (SA) (LNLC Act).⁴⁴

3.49 Where sufficient evidence is available, the SA EPA is able to manage incidents through environment protection orders, clean-up orders, expiations and prosecution. In 2016, a new legal precedent was set with a jail sentence being imposed on an offender. The SA EPA also provides councils with support to manage illegal dumping through the sharing of expertise, the provision of training and the use of SA EPA's surveillance cameras.⁴⁵

41 Australian Sustainable Business Group, *Submission 41*, p. 5.

42 Victorian Waste Management Association, *Submission 27*, p. 2.

43 South Australian Government, *Submission 36*, p. 10.

44 The LNLC Act gave local government increased powers to manage illegal dumping in their jurisdictions, provided increased penalties and expiations, as well as additional tools to identify illegal dumpers. South Australian Government, *Submission 36*, p. 11.

45 South Australian Government, *Submission 36*, pp. 10–11.

Evidence of illegal landfilling in individual jurisdictions

3.50 The committee was advised that there is uncertainty about the overall extent of illegal dumping. The ASBG explained that illegal landfilling is 'poorly measured across Australia', with figures available tending to focus on the costs accrued by local councils in conducting clean-up and enforcement activities associated with illegal dumping. It also submitted that reports on illegal dumping produced in New South Wales only considered illegal dumping on public land despite there being evidence of considerable dumping occurring on private land.⁴⁶

3.51 Nevertheless, the evidence provided regarding illegal landfilling in a variety of jurisdictions, including South Australia, Tasmania, the Northern Territory and local councils in New South Wales and Victoria, provides some insight into the extent of the problem.

3.52 GCS Consulting submitted that a 2015 research report on illegal dumping released by the NSW EPA calculated that a conservative estimate of illegal dumping expenditure by local government would be in the order of \$20–30 million per year. In addition, in 2013 \$58 million over five years was announced as part of a NSW EPA program for illegal dumping initiatives.⁴⁷

3.53 The Hunter Joint Organisation of Councils submitted that nine local councils and the NSW EPA joined together in establishing the Hunter-Central Coast Regional Illegal Dumping (RID) Squad in 2014. Since then, the RID Squad has investigated 147 reports of illegal landfilling on private land. Of these incidents, 70 per cent involved construction and demolition waste, and 20 per cent involved household waste, including skip bin waste.⁴⁸

3.54 The Hobsons Bay City Council told the committee that it collects approximately 1000 tonnes of illegally dumped rubbish per year, mostly in industrial locations. It explained that the collection of construction and demolition waste from skip bin companies is poorly controlled in Victoria. The Council explained that 'companies tend to establish a site, collect and accept the wastes abandon the site, leaving the waste behind to become the landholder's or a council issue'.⁴⁹

3.55 The South Australian Government advised that, in 2016–17:

- the SA EPA received 346 reports of illegal dumping; and

46 Australian Sustainable Business Group, *Submission 41*, p. 5.

47 GCS Consulting, *Submission 14*, p. 11.

48 Hunter Joint Organisation of Councils, *Submission 22*, pp. 5–6.

49 Hobsons Bay City Council, *Submission 18*, p. 3.

- the SA EPA issued environment protection orders redirecting in excess of 40,000 tonnes of illegally deposited waste into the legitimate waste management industry.⁵⁰

3.56 The Northern Territory Government submitted that it is difficult to quantify the volumes of material disposed of through illegal operations, however, it noted that anecdotal evidence from clean-up campaigns indicates there are high volumes of waste illegally dumped in the Territory. The Northern Territory Government highlighted that derelict abandoned cars are a major problem, largely due to market pricing and the cost of disposal to consumers. It also submitted that Central Australian councils experienced an increase in the illegal dumping of building and demolition materials following the implementation of charges on contractors for the disposal of material and waste facilities. The Northern Territory Government advised that 'education and communication strategies with contractors and government agencies funding such house programs have seen these practices reduced'.⁵¹

3.57 The Tasmanian Government submitted that 'there is little quantitative data on the extent of illegal landfilling in Tasmania, and only a handful of isolated cases of illegal activity are reported to EPA Tasmania each year'.⁵² Nevertheless, the Government expressed concern regarding reports of the illegal burial of hazardous waste including industrial and farm chemicals, and asbestos.⁵³

Views on the need to increase efforts to address illegal dumping

3.58 Overall, submitters presented divergent views on whether illegal landfilling and illegal dumping are significant problems—some governments advised that these actions are not a major problem in their jurisdictions, while other submitters indicated that they are ongoing challenges for councils and have high associated clean up and enforcement costs.

3.59 Submissions from several state, territory and local governments advised that they consider that illegal landfilling and illegal dumping are not a significant issues in their jurisdictions. For example:

- The South Australian Government is of the view that, in its jurisdiction, 'there may be less concerning levels of inappropriate landfilling than is alleged in

50 South Australian Government, *Submission 36*, p. 10.

51 Northern Territory Government, *Submission 9*, p. 3.

52 The Local Government Association of Tasmania (LGAT) also noted that there is limited data available not only in relation to illegal landfilling, but waste in Tasmania more generally. It stated that this is due to data not being collected in a standardised manner across different waste facilities. Local Government Association of Tasmania, *Submission 19*, pp. 2–3.

53 Tasmanian Government, *Submission 11*, p. 3.

some other states', which it attributed to the requirement for the licensing of all landfills within the state.⁵⁴

- The ACT Government advised that it 'is not aware of any illegal landfilling occurring within the Territory'.⁵⁵
- The Brisbane City Council submitted that it 'is not aware of any significant illegal landfilling in the Brisbane local government area'.⁵⁶
- As noted above, the Tasmanian Government advised that few reports of illegal dumping are received by the EPA each year. Overall, with the exception of incidents of hazardous waste illegally dumped, the Tasmanian Government advised that illegal dumping is 'largely seen as an issue for local government'.⁵⁷

3.60 The Local Government Association of Queensland stated that it 'has not been advised of any significant systemic incidences of illegal landfilling' and that it would be expected that such an issue would 'be escalated to the state government for investigation and appropriate action'.⁵⁸

3.61 Other submitters, however, highlighted the challenges that illegal landfilling and dumping presents. MRA Consulting submitted that illegal landfilling is an ongoing issue 'ranging from isolated dumped loads of waste through to entire fill operations run without approval'. It also highlighted that 'illegal dumping undermines the integrity of the waste system in general'.⁵⁹

3.62 Councillor Linda Scott, President of the LGNSW, told the committee that 'councils continue to be the frontline for dumping' and that the LGNSW has been particularly vocal regarding the illegal dumping of asbestos and other dangerous materials. Councillor Scott advised that the illegal dumping of asbestos is a 'very problematic issue for councils' and results in significant clean-up costs. Councillor Scott stated:

Most local government areas are dealing with up to 100 instances of illegal dumping of asbestos per year and 11 per cent of councils are spending more than \$500,000 of public money a year on prevention, monitoring and enforcement of asbestos dumping.⁶⁰

54 South Australian Government, *Submission 36*, p. 10.

55 ACT Government, *Submission 20*, p. 5.

56 Brisbane City Council, *Submission 2*, p. 2.

57 Tasmanian Government, *Submission 11*, p. 3.

58 Local Government Association of Queensland, *Submission 7*, p. 5.

59 MRA Consulting Group, *Submission 25*, p. 5.

60 Councillor Linda Scott, Local Government New South Wales, *Committee Hansard*, 14 March 2018, p. 45.

3.63 Local governments called for state governments to take further actions to address the pressures local governments face in addressing illegal dumping. The Hunter Joint Organisation of Councils submitted that continued support for the RID Squad (see paragraph 3.53) would enable member councils to address the issue of illegal landfill for the next four years. It added that a long-term commitment from the New South Wales Government and the Australian Government would ensure operation of the RID Squad program beyond 2021.⁶¹

3.64 The Hobsons Bay City Council submitted that 'the availability of sufficient staff to address illegal landfilling is a critical barrier for Hobsons Bay'. Further, it noted that Council's power of entry is poor and the Council must apply to the Victorian Civil and Administrative Tribunal for enforcement orders. The Hobsons Bay City Council suggested that a council's power of entry provisions should be changed to match those of Victoria's EPA.⁶²

3.65 Several submitters also expressed support for funding for education, enforcement and clean-up activities to be provided to local governments through the hypothecation of waste levies.⁶³ Others made suggestions such as encouraging the use of drones by EPAs to identify 'hot spots for illegal dumping'.⁶⁴

61 Hunter Joint Organisation of Councils, *Submission 22*, pp. 5–6.

62 Hobsons Bay City Council, *Submission 18*, p. 3.

63 See Chapter 2.

64 Mr Andrew Tytherleigh, Victorian Waste Management Association, *Committee Hansard*, 20 November 2017, p. 24.

