

Southern Councils Group

SUBMISSION TO LEGISLATIVE ASSEMBLY STANDING COMMITTEE ON PUBLIC WORKS

**Inquiry into
Municipal Waste Management in NSW**

March 2006

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INTRODUCTION

The Southern Councils Group (SCG), formerly the Illawarra Region of Councils, is the peak organisation representing Local Government in the Illawarra and South Coast regions. Member Councils include Bega Valley Shire, Eurobodalla Shire, Kiama Municipal, Shellharbour City, Shoalhaven City, Wingecarribee Shire and Wollongong City Councils.

SCG and its member Councils have a long history of active involvement in working together for better outcomes in municipal waste management. The former IROC maintained a working group of relevant Council staff and undertook numerous joint initiatives for many years until establishing a Waste Board and working together in that framework. With the dissolution of the Boards, SCG member Councils have worked together with the regional office of DEC to implement best practice approaches, share knowledge information and skills and to undertake joint activity.

At its meeting held 3rd March 2006 SCG resolved to prepare a submission to the Inquiry. The following points address the Terms of Reference of the Inquiry.

TERMS OF REFERENCE

1. The effectiveness and appropriateness of current municipal waste management.

Local Government is the most effective and appropriate level of government to undertake municipal waste management. As the Inquiry has noted, waste management is a substantial budget item for Councils and as such is an area where Councils are constantly endeavouring to achieve value for money balanced with best environmental practice.

It should be noted that local government has a long history of undertaking waste management and as a result is the undoubtedly the most highly skilled, technically proficient and most familiar with its communities and their particular needs and issues with regard to waste management of any level of government. As it is also charged with responsibilities for protection and enhancement of the local environment, it has an objectivity that commercial operators lack in regard to environmental outcomes and is therefore well placed to develop and manage the contracts.

However there are many factors in effective appropriate waste management that are outside local governments' control. Councils operate within a framework set by other levels of government that often curtails or actively prohibits preferred options. Councils also have little control over the generation of waste. There is a need for industries such as the packaging

industry to increase their efforts to reduce the amount of material that will go to waste. This is probably the biggest problem and where Councils have the least influence

2. Impediments and incentives to best practice municipal waste management

“ Best Practice” is often perceived to be benchmarks set by highly urbanised US or European communities which operate in a very different environment.

Impediments to achieving these sorts of benchmarks in NSW generally include:

- *Growing consumption levels with little “whole-of-life” product responsibility enforced .*
- *An overly complex regulatory environment.* LG concerns were well-documented in the October 2005 Review of the POEO Waste regulation review. A copy of the SCG submission is attached.
- *Lack of necessary powers under the relevant Acts*

The Inquiry queries “techniques for effectively engaging industry and the community in resource recovery and recycling programs” A rapidly growing stream of unseparated or unsorted waste is attributable to SME’s and shops in commercial centres. Provisions to allow a compulsory collection charge for these premises within the Local Government Act would allow lg to enforce, as it can for households, the provision of recycling bins which are currently optional

- *Complexities of attempting to reach required standards for recycled product from contaminated components.* The thresholds for contaminants in waste streams that are potentially recyclable have not been sufficiently assessed. Local government is therefore being required to operate in a “zero contamination” environment by numerous pieces of legislation including OH&S and POEO or risk enormous legal costs of establishing lack of culpability. .

Lack of real incentives. Local governments’ disgust with the lack of hypothecation of waste levies collected from our communities is too well documented and ignored to repeat. In addition, the failure to process waste levy rebates in a timely fashion is placing a financial burden on Council(s).

Significant improvement is possible in the recycling and resource recovery in the commercial and industrial sector. Councils need to be allowed to enforce recycling collections similar to domestic collections.

Impediments to achieving these sorts of benchmarks in the Illawarra and South Coast specifically include:

- *High transport and labour costs.* The \$ and environmental costs of transportation of waste can outweigh benefits of centralised treatment facilities necessary to reach critical mass.
- *High consumption levels associated with growing "seachange" communities.* While many metropolitan areas of Sydney are in population and consumption decline the Illawarra and South Coast trends are for increasing population, affluence, consumption, construction and associated waste generation.
- *Geographic considerations that impose costlier environmentally-sound solutions.* Eg. Strong South Coast wind conditions in steep collection areas may necessitate collection contract provisions to prevent bins being overturned and creating litter, road hazard etc. Eg. A narrow coastal plain has resulted in an inefficient transport collection corridor with numerous small coastal towns and villages accessible only from the single major spine of the Princes Highway. This precludes round trips and increases fuel consumption.
- *Lack of markets for products.* Again, high transport costs can preclude getting recycled products to markets cost-effectively.

3. Best practice methods including cost effectiveness of planning and providing municipal waste management services.

The recent experience of Wingecarribee Council in the planning of joint contractual arrangements for the Macarthur area is evidence of best practice planning in operation by joint local government approaches. It is seen by SCG as an excellent model and similar support by State Government for replication of this type of approach would be applauded.

4. The development of new technology and industries associated with waste management.

- Lack of critical mass to support AWTs
- The very high risk, and establishment costs of AWTs
- Landfill, AWTs and recycling are all very much "end of pipe" solutions. There is a need to reduce the amount of waste collected.

5. Minimising harm to the environment in the provision of waste management services.

As noted previously, local government is by far the best placed manager to ensure this occurs as it is equally charged with responsibilities in this area and is most vulnerable to community pressures to ensure it occurs.

CONCLUSION

SCG welcomes the current Inquiry and commends to it consideration of the excellent work of local government in the planning and delivery of waste management in a somewhat complex and trying environment. The assistance of the State Government in addressing some of the perplexities of current prohibitive arrangements would be most welcome.

Re: POEO Waste Regulation Review

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SCG at its last meeting held 9 September 2005 resolved (resolution 07) "That SCG make a submission to DEC on the new regulation of the POEO (Waste) Regulation 2005 by the due date"

Delegates remain concerned that the recent passage of legislation through the house which transfers monies from the Waste Management Fund to the Environment Trust and which allows for these monies to be used for a variety of purposes is not in keeping with the intentions of the initiation of this Fund.

Member Council's of SCG have contributed in varying degrees to the Fund since its inception by collecting monies from their communities for what were ostensibly waste minimisation and reduction purposes. The dissolution of the Fund and disbursement of the monies held in it for other purposes and to Councils and communities in areas where the levy was not even collected appears a breach of trust.

The Councils would like to see a much more clearly defined use of the funds collected from the waste levy. It does appear that when a considerable impact on waste minimisation has been achieved, there is still little obvious incentive to increase this effort. As an example, Wingecarribee Shire Council, one of our member councils makes Levy payment via landfill charges at Jack's Gully and the Bowral Brickworks. This council pays the Levy at Sydney Metropolitan rates at Jack's gully, although it is located in the Extended Regulated Area, where the rates are less. This difference represents a huge difference, in the region of \$841,300. This anomaly seems particularly harsh as Wingecarribee has such a strong and well documented resource recovery mechanism, showing a current resource recovery rate of 67% which is laudable. Within the new regulations there appears to be no provision to redress this disparity.

If more information on any of these issues, or more specific information is required please do contact me.

To move onto some of the detail within the Regulatory Impact Statement, there would appear to be potential problems in policing the covering of loads in transit.

On page 27 of the document, some further clarification of the rebate scheme when operators use recycled product is sought please.

There is still ongoing concern that whereas the levy is an incentive to reduce waste, the \$'s generated do not come back to the industry to further enhance this reduction. There is still considerable need for investment in this area, and although the conservation area also needs funding, it is considered that these two important environmental issues should be funded in different ways, so that the waste levy money can clearly be demonstrated to be used in waste minimizing, to which our

councils are highly committed. If there was within the regulations a clearly defined mechanism for the money raised to be returned to the industry to support further improvements in waste minimisation, it would be considered to be a more robust and equitable state.

A further point is that we would like to see bonded asbestos removed from the list of trackable waste. The issue of cleaning trucks which have been used to carry asbestos is also a vexed question, for instance, Part 4, Clause 42 (c) states that any vehicle used to transport any type of asbestos waste must be cleaned before leaving the landfill site. If there is an asbestos fibre on the vehicle, it will be classified as "friable" (OHS Reg 2001 Cl 257); with this in mind, the clause is not explicit about who is responsible for cleaning the vehicle, the transporter or the landfill operator. In either case the person doing the work would be required to hold a friable asbestos removal licence (Part 10 of the OHS reg 2001) AND would need to obtain a permit from WorkCover (Part 11 of OHS Reg 2001) which requires a 7 days waiting period. It should be noted that a friable asbestos permit is required for each different job and WorkCover do not issue blanket permits. This would effectively result in a quarantine area having to be set up at every landfill for vehicles contaminated by asbestos fibres, and awaiting the 7 day notice period.

Clause 42 places requirements on collection, storage and transport of asbestos waste with the asbestos either bagged or wrapped for obvious OHS reasons. These measures should ensure that no asbestos remains with the vehicle after tipping at the landfill. If there are asbestos fibres on the vehicle, then there is a contravention of some other parts of Clause 42, and the vehicle should have been cleaned prior to going onto any public roads and before getting to the landfill.

It seems that, from Part 3 division 4, the list, has increased and compliance for the receiver with no current staffing or administration set up is going to be massive. A weighbridge operator does not have training to recognise that a load of soil has 10mg/kg of lead in it. The impact is much larger than indicated in the RIS.

