

7.0 MORE INFORMATION

7.1 Glossary

Most of the following definitions are from the dictionary of the *Protection of the Environment Operations Act 1997* (POEO Act) and Regulations.

activity	an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal).
appropriate regulatory authority	see section 6 of the POEO Act.
authorised officer	a person appointed under Part 7.2 of the POEO Act by an appropriate regulatory authority.
clean-up action	<p>in relation to a pollution incident, includes:</p> <p>(a) action to prevent, minimise, remove, disperse, destroy or mitigate any pollution resulting or likely to result from the incident, and</p> <p>(b) ascertaining the nature and extent of the pollution incident and of the actual or likely resulting pollution, and</p> <p>(c) preparing and carrying out a remedial plan of action.</p> <p>It also includes (without limitation) action to remove or store waste that has been disposed of on land unlawfully.</p>
enforcement officer	an officer who can issue a penalty notice. The POEO (Penalty Notices) Regulation 2004 sets out the classes of officers or employees who can issue penalty notices for particular offences under the POEO Act or Regulations. Such an officer or employee is only an enforcement officer if s/he has been duly authorised as an enforcement officer by his or her employer to exercise the functions of an enforcement officer.
environment protection notice	a clean-up notice, prevention notice or prohibition notice issued under Chapter 4 of the POEO Act and in force.
environmental planning instrument	an environmental planning instrument within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> .
environmentally unsatisfactory manner	<p>for the purposes of Part 4.3 of the POEO Act an activity is carried on in an environmentally unsatisfactory manner if:</p> <p>(a) it is carried on in contravention of, or in a manner that is likely to lead to a contravention of, this Act, the Regulations or a condition attached to an environment protection licence (including a condition of a surrender of a licence) or an exemption given under this Act or the Regulations, or</p> <p>(b) it causes, or is likely to cause, a pollution incident, or</p> <p>(c) it is not carried on by such practicable means as may be necessary to prevent, control or minimise pollution, the emission of any noise or the generation of waste, or</p> <p>(d) it is not carried on in accordance with good environmental practice.</p>
exercise	a function, includes perform a duty.
function	includes a power, authority or duty.

harm to the environment	includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution.
land pollution or through pollution of land	means placing in or on, or otherwise introducing into or onto, the land (whether an act or omission) any matter, whether solid, liquid or gaseous: <ul style="list-style-type: none"> (a) that causes or is likely to cause degradation of the land, resulting in actual or potential harm to the health or safety of human beings, animals or other terrestrial life or ecosystems, or actual or potential loss or property damage, that is not trivial, or (b) that is of a prescribed nature, description or class or that does not comply with any standard prescribed in respect of that matter, but does not include placing in or on, or otherwise introducing into or onto, land any substance excluded from this definition by the POEO Regulations.
licence	an environment protection licence.
local authority	<ul style="list-style-type: none"> (a) a local council (being the council of an area under the <i>Local Government Act 1993</i>), or (b) the Lord Howe Island Board in relation to Lord Howe Island, or (c) the Western Lands Commissioner in relation to the Western Division, except any part of the Western Division within the area of a local council, or (d) an authority prescribed by the POEO Regulations for the purposes of this paragraph for any place not covered above, or (e) an authority prescribed instead by the POEO Regulations for the purposes of this paragraph for any place wholly or partly covered above.
non-scheduled activity	an activity that is not a scheduled activity and is not scheduled development work.
occupier of premises	the person who has the management or control of the premises.
owner	of waste or other substances does not include (in any provision under which a person commits an offence in the capacity of owner) a financial institution that is acting solely as a holder of a security interest in the waste or other substances. In that case, the person who has control of the waste or other substances is taken to be the owner.
penalty notice	see section 223 of the POEO Act (What is a penalty notice?).
POEO Act	The New South Wales Government has a strong armoury of environmental legislation in place to protect our people and environmental resources. A major component is the <i>Protection of the Environment Operations Act (POEO Act)</i> , which was enacted in 1997. It regulates air, water, land and noise pollution and waste management. The POEO Act sets the maximum penalties for various offences and gives the EPA, local government and several other government agencies the power to prosecute or fine people for environmental pollution.
pollution	<ul style="list-style-type: none"> (a) water pollution, or (b) air pollution, or (c) noise pollution, or (d) land pollution.

pollution incident	an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise.
premises	includes: (a) a building or structure, or (b) land or a place (whether enclosed or built on or not), or (c) a mobile plant, vehicle, vessel or aircraft.
preventive action	action that a prevention notice may require to be taken, and includes without limitation: (a) installing, repairing, altering, replacing, maintaining or operating control equipment or other plant, (b) modifying, or carrying out any work on, plant, (c) ceasing to use plant or altering the way plant is used, (d) ceasing to carry on or not commencing to carry on an activity, (e) carrying on an activity in a particular manner, (f) carrying on an activity only during particular times, (g) monitoring, sampling or analysing any pollution or otherwise ascertaining the nature and extent of pollution or the risk of pollution, (h) action with respect to the transportation, collection, reception, reuse, recovery, recycling, processing, storage or disposal of any waste or other substance, (i) preparing and carrying out a plan of action to control, prevent or minimise pollution or waste, (j) reviewing the carrying out of an activity.
records	includes plans, specifications, maps, reports, books and other documents (whether in writing, in electronic form or otherwise).
residential premises	premises used wholly or partly as a residence.
scheduled activity	an activity listed in schedule 1 of the POEO Act.
substance	includes matter or thing.
VENM	virgin excavated natural material (eg clay, gravel, sand, soil and rock). Schedule 1 of the POEO Act, Division 2: Special Interpretive Provisions Relating to Waste (a) is not mixed with any other waste and has been excavated from areas that are not contaminated, as the result of industrial, commercial, mining or agricultural activities, with manufactured chemicals and that does not contain sulphidic ores or soils, or (b) consists of excavated natural materials that meet such criteria as may be approved by the EPA.

waste	<p>includes:</p> <p>(a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or</p> <p>(b) any discarded, rejected, unwanted, surplus or abandoned substance, or</p> <p>(c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or</p> <p>(d) any processed, recycled, reused or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the POEO Regulations, or</p> <p>(e) any substance prescribed by the POEO Regulations to be waste.</p> <p>A substance is not precluded from being waste for the purposes of the POEO Act merely because it is or may be processed, recycled, reused or recovered.</p>
waste facility	any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the POEO Regulations).
waste guidelines	the document called <i>Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-liquid Wastes</i> issued by the EPA and in force as at 1 July 1999.
<i>Waste Avoidance and Resource Recovery Act 2001</i>	An Act to promote waste avoidance and resource recovery. Its purpose is to develop a statewide framework to achieve integrated waste and resource management planning, programs and service delivery, to provide for the continual reduction in waste generation, to minimise the consumption of natural resources and the final disposal of waste and to encourage the most efficient use of resources.
Waste Avoidance and Resource Recovery (WARR) Strategy	The development of the WARR Strategy is requirement of the WARR Act. The initial strategy was released in 2003, and an updated strategy was released in 2006. The WARR Strategy provides guidance and priorities for action to ensure that efficient resource use and impacts on the environment are considered throughout the life cycle of goods and materials, including extraction of raw materials, manufacturing, distribution, consumption and recovery for reprocessing or safe disposal.

7.2 Training and further learning

Protection of the Environment: Authorised Officers Course

The course is offered by an external training provider on behalf of the DECC at a cost of \$1,200 per participant (correct at time of publishing) for the four days (includes comprehensive Learner Guide, assessment and all catering), with reductions for in-house or group delivery.

Further information, including the course outline and registration form, is available at www.sdenviron.com.au or contact SD Environmental Management on (02) 4946 7811. Or you can contact the DECC's Environment Line on 131 555.

The Littering Law for Parking Officers

This one-day workshop is offered by the Local Government and Shires Associations of NSW (LGSA). It reviews the responsibilities and regulatory powers of parking officers, who are authorised officers for the enforcement of anti-litter and illegal dumping provisions under the POEO Act.

The workshop is offered at a cost of \$429 per participant (correct at date of publishing), including comprehensive handouts.

For more information contact LGSA's Local Government Learning Solutions on 9242 4181/3.

7.3 Resources

Aboriginal land

The DECC's website includes the following resources relating to Aboriginal communities:

- 1) *Working with local Aboriginal communities on environmental projects*
- 2) *Planning activities to protect our places: A guide for Aboriginal communities*
- 3) *Aboriginal people protecting country: Environmental sustainability success stories.*

Available online at www.environment.nsw.gov.au

Asbestos waste

The DECC's website provides a list of licensed landfills for each region in NSW that accept asbestos waste for disposal. Available at www.environment.nsw.gov.au

The DEC's (2006) *Safely Disposing of Asbestos Waste* contains important information for home renovators and builders. This brochure can be distributed with rates notices or in a letterbox drop. Available at www.environment.nsw.gov.au

WorkCover NSW's (2003) *Your Guide to Working with Asbestos* contains safety guidelines and requirements for work involving asbestos. Available at www.workcover.nsw.gov.au

The NSW Government's *Fibro and Asbestos: A Renovator & Homeowner's Guide* contains a safety checklist, advice about the safe disposal of fibro and some general tips about what to do if fibro is damaged. Available online at www.nsw.gov.au/fibro/

The Holroyd City Council's (2005) Part A of the *Asbestos Cement: a Policy for Safe Removal and Disposal* provides information about the special conditions adopted for the safe removal and disposal of asbestos cement. Available at www.holroyd.nsw.gov.au/html/eps/health/asbestoscementpolicy.pdf

Clean up of illegally dumped waste

The Yellow Pages® directory provides information about clean up providers under 'Rubbish Removers and Asbestos Removal and/or Treatment'. Available at www.yellowpages.com.au

The DECC's HAZMAT Register contains information about providers that offer resources, equipment, products and advice to minimise the environmental effects of hazardous materials incidents. Available at www.environment.nsw.gov.au

The Environmental Trust's *Emergency Pollution Clean-up Program* may contribute funds towards the costs of measures to remove, disperse or mitigate serious pollution when those measures need to be taken immediately. Available at www.environment.nsw.gov.au

Construction and demolition waste

The DECC's (2007) brochure *Know your responsibilities: managing waste from construction sites.* Available at www.environment.nsw.gov.au

Education

The EPA's (1997) *What we need is... A Community Education Project* provides background information about community education; a step-by-step guide to planning a community education project; sample community education projects; and a summary of useful community education methods. Available at www.environment.nsw.gov.au

The DEC's (2004) report *The Environment and Ethnic Communities in 2004* surveyed the relationships between ethnicity and environmental knowledge, attitudes and behaviours in NSW. Available at www.environment.nsw.gov.au

The DEC's (2006) *Multi-Unit Dwelling (MUD) Kit* is specifically about the problem of illegal dumping of waste near multi-unit dwellings. It provides advice about prevention strategies for councils. Available at www.environment.nsw.gov.au

The DEC's (2004) report *An assessment of attitudes and behaviours amongst multi-unit dwelling residents in relation to illegal dumping* examined the attitudes and behaviour of residents in relation to illegal dumping. It included owners, short- and long-term tenants, public housing tenants and tenants with a language other than English. Available at www.environment.nsw.gov.au

Funding

One of the DECC's Urban Sustainability Grants Program's objectives is to improve the quality of the local urban environment through integrated approaches to a combination of the following examples: air quality, noise, odour, chemical use, biodiversity, litter and illegal dumping. Available at www.environment.nsw.gov.au

General illegal dumping resources

The DECC's illegal dumping resources include information about *Regional Illegal Dumping (RID) Squads*. Available at www.environment.nsw.gov.au

The UK Department for Environment, Food and Rural Affairs' illegal dumping resources includes the University College London's (2006) *Fly Tipping: Causes, Incentives and Solutions*. A good practice for local authorities and the national fly tipping database. Available at www.defra.gov.uk/environment/localenv/flytipping/index.htm

The US Environment Protection Agency's illegal dumping resources include the *Illegal Dumping Prevention Guidebook* (1998) and the *Illegal Dumping Economic Assessment (IDEA) model*. Available at www.environment.nsw.gov.au

The US National Center for Environmental Decision-Making Research has developed a *Decision Maker's Guide to Controlling Litter and Illegal Dumping*. Available at www.ncedr.org/guides/litter/determine.htm

Illegal fill material

The DECC's (2006) *Avoiding the dangers of accepting fill on your land* brochure contains important information for landholders. This brochure can be distributed with rates notices or in a letterbox drop. Copies are available from the DECC's Environment Line on 131 555 and at www.environment.nsw.gov.au

The DEC's (2004) *Important information for waste transporters and the waste industry* describes covering loads, transporting waste to a legal facility and fines. Copies are available from the DECC's Environment Line on 131 555 and at www.environment.nsw.gov.au

The Department of Urban Affairs and Planning and Environment Protection Authority's (1998) *Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land* will assist planning and consent authorities to fulfil their responsibilities under the EP&A Act. Available at www.planning.nsw.gov.au/assessingdev/pdf/gu_contam.pdf

Legal and investigations

The DECC's information for authorised officers in local government has recently been updated to reflect the latest legislative amendments and current policy and replaces the printed reference document *Environment Protection Manual for Authorised Officers*. Available at www.environment.nsw.gov.au

The DEC's (2006) *Powers of Authorised Officers – A guide to your powers under environment protection legislation* (2006). Copies are available from the DECC's Environment Line on 131 555 and at www.environment.nsw.gov.au

The Department of Urban Affairs and Planning and the EPA's (1998) *Managing Land Contamination Planning Guidelines SEPP55 - Remediation of Land* (1998). Available at www.planning.nsw.gov.au/assessingdev/pdf/gu_contam.pdf

The DEC's (2006) *Guide to Notices Under the Protection of the Environment Operations Act 1997* contains detailed information about notice preparation. Available at www.environment.nsw.gov.au/resources/guidenotices06173.pdf

The EPA's (2004) *Prosecution Guidelines* will assist with deciding whether or not to prosecute. Available at www.environment.nsw.gov.au

The EPA's (2003) *Guidelines for Seeking Environmental Court Orders* (2003) will assist councils when seeking court orders under Part 8.3 of the POEO Act in connection with waste offences. Available at www.environment.nsw.gov.au

The approved form of the written notice under Section 143 of the POEO Act that can be given to a waste transporter or displayed at a property is available from the DECC's website at www.environment.nsw.gov.au/waste/s143notice.htm.

Lawlink NSW provides details of Land and Environment Court decisions relating to waste offences under the POEO Act. Available at www.lawlink.nsw.gov.au/lawlink/caselaw/ll_caselaw.nsf/pages/cl_index

The DECC's *Public Register* lists clean-up notices issued by DECC relating to illegal dumping. Available at www.environment.nsw.gov.au

Protection of the Environment Operations Act 1997 is available from the NSW Legislation website operated by the Parliamentary Counsel's Office at www.legislation.nsw.gov.au/

Searches of basic details of business and company names and ACNs may be carried out on the *National Names Index* maintained by the Australian Investments Commission. Available at www.search.asic.gov.au

The NSW Department of Land's Spatial Information eXchange (SIX) provides NSW-wide geospatial information and data (in many cases free of charge). Available at www.maps.nsw.gov.au

The RTA maintains a database of owners of registered vehicles in NSW called DRIVES. For more information about accessing the DRIVES online database contact the RTA's Co-ordinator, Data Access and Administration Section on (02) 8837 0474 or email CED_Fleet@rta.nsw.gov.au

Disclosure of customer information from telephone carriage service providers (CSPs) can be requested from the telecommunications regulator Australian Communications and Media Authority on 1300 850 115.

Multi-unit dwellings

The DEC's (2006) *Multi-Unit Dwelling (MUD) Kit* is specifically about illegal dumping of waste near multi-unit dwellings. It provides advice about prevention strategies for councils. Available at www.environment.nsw.gov.au

The DEC's (2004) report *An assessment of attitudes and behaviours amongst multi-unit dwelling residents in relation to illegal dumping*. The study examined the attitudes and behaviour of residents in relation to illegal dumping. It included owners, short- and long-term tenants, public housing tenants and tenants with a language other than English. Available at www.environment.nsw.gov.au

Resource NSW's (2002) *Better Practice Guide for Waste Management in Multi-Unit Dwellings* was developed to assist council staff, architects and developers. It outlines the essential points to be considered when designing a waste management system for medium- or high-density residential developments. Available at www.environment.nsw.gov.au

Project planning

The EPA's (1997) *What we need is... A Community Education Project* provides background information about community education; a step-by-step guide to planning a community education project; sample community education projects; and a summary of useful community education methods. Available at www.environment.nsw.gov.au

The DEC's (2004) *Does your project make a difference?* is a guide to evaluating environmental education projects and programs. Available at www.environment.nsw.gov.au

The EPA's (2000) *Profits from Cleaner Production: A Self-Help Tool for Small to Medium-Sized Businesses* helps enterprises reduce their operating costs by systematically identifying cleaner production opportunities. Available at www.environment.nsw.gov.au

Recycling, reuse and alternatives to disposing of waste

Planet Ark and Sensis' *Recycling Near You* website www.recyclingnearyou.com.au allows the general public to search for up-to-date and reliable local recycling information either by council, area or product. National Recycling Hotline: 1300 733 712.

Trolley Tracker is an information service that gives the general public the opportunity to call a free number and report abandoned shopping trolleys from participating stores. Trolley Tracker Hotline 1800 641 497. Also available at www.trolleytracker.com.au

The Local Government and Shires Associations of NSW provides information about waste management and recycling. Available at www.lgsa.org.au/www/html/258-waste-managementrecycling.asp

The DECC's *Household Chemical Clean Out* scheme provides a drop off collection for old and leftover household chemicals. Available at www.environment.nsw.gov.au

7.4 Contacts

Non-government organisations

Bi-lingual educators

This is a paid service under the Ethnic Communities Sustainable Living Project. The educators in this project are trained to deliver environmental education to ethnic communities in their local government areas. The project promotes awareness, knowledge and understanding about ways to live more sustainably at home, leisure and work. Education sessions are in community languages.

Ph: (02) 9319 0288
 Fax: (02) 9319 4229
 Email: admin@eccnsw.org.au
 Website: www.eccnsw.org.au

Ethnic Communities' Council NSW

The Ethnic Communities' Council of NSW (ECC) is a peak non-government body representing many organisations and people. The ECC's primary roles are advocacy, education and community development. The ECC of NSW actively promotes the principles of multiculturalism, and lobbies for the development of a culturally inclusive society.

221 Cope Street (corner of Wellington Street)
 Waterloo, NSW 2017
 Ph: (02) 9319 0288
 Fax: (02) 9319 4229
 Email: admin@eccnsw.org.au
 Website: www.eccnsw.org.au

Clean Up Australia Day

Every year hundreds of thousands of Australians help clean up their local environment during Clean Up Australia activities. If your council is interested in finding out more about partnering with Clean Up Australia please contact:

Clean Up Australia Ltd
 Level 1, 18 Bridge Road
 Glebe NSW 2037
 Ph: (02) 9552 6177
 Fax: (02) 9552 4468
 Website: www.cleanup.com.au

Government organisations

Department of Environment and Climate Change NSW (DECC)

The DECC is a new state government department formed on 27 April 2007. It incorporates the former Department of Environment and Conservation (DEC). The department is responsible for programs to reduce waste, toxicity, litter and illegal dumping.

For information relating to the DECC's illegal dumping programs or to report illegal dumping:

- Phone the DECC's Environment Line on 131 555 (24 hours)
- Visit the DECC's website at www.environment.nsw.gov.au

Department of Local Government (DLG)

The charter of the DLG is to provide a range of continuous improvement mechanisms, which encourage, assist and promote excellence in the operation of the local government sector for the benefit of the wider community.

For more information about the DLG:

- Phone (02) 4428 4100
- Visit the DLG's website at www.dlg.nsw.gov.au

Department of Planning (DOP)

The DOP is the State Government department responsible for administering environmental planning legislation in NSW.

The DOP Information Centre can direct your inquiry to its planning and natural resource management specialists, or other government agencies, local government, developers and the community at large.

For more information about the DOP:

- Phone the DOP's Information Centre on (02) 9228 6333
- Visit DOP's website at www.planning.nsw.gov.au

Local Government and Shires Associations of NSW (LGSA)

The Local Government Association of NSW and the Shires Association of NSW are the peak industry bodies for local government in NSW. The associations represent the views of member councils to governments; promote local government to the community; and provide specialist advice and services.

For more information about the LGSA:

- Phone (02) 9242 4000
- Visit the LGSA's website at www.lgsa.org.au

Regional Illegal Dumping (RID) Squads

The DECC and partner councils have formed two regional illegal dumping squads to focus on and tackle the problem of illegal dumping.

For more information about the RID Squads:

- Phone Western Sydney RID Squad on (02) 4732 7446
- Phone Greater Southern RID Squad on (02) 4429 3771
- Visit the DECC's website at www.environment.nsw.gov.au

7.5 References

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- ¹¹ United States Environment Protection Agency (1998) *Illegal Dumping Prevention Guidebook*, US EPA, EPA905-B-97-001, Illinois, United States. Available at www.epa.gov/reg5rcra/wptdiv/illegal_dumping/downloads/il-dmpng.pdf
- ¹² University College London (2006) *Fly-tipping: Causes, Incentive and Solutions. A good practice guide for local authorities*, prepared by Jill Dando Institute of Crime Science, UCL, London, England.

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