

ACT Government Information on Cross Border Fill

from Narelle Sargent for UMCN meeting 9/6/21

Background

- Illegal dumping of waste, including fill (soil), generated in the ACT onto land in surrounding NSW has been recognised as a problem for planning and regulatory authorities since the early 2000's.
- In response to this issue, the Regional Coordinator South East NSW Department of Premier and Cabinet (DPC) established the Cross-Border Illegal Waste Dumping Steering Committee (IWDSC) in July 2013.
- The IWDSC comprises the ACT and NSW government agencies and the local councils that surround the ACT, being Yass Valley, Queanbeyan-Palerang and Snowy Monaro.
- The IWSCD aims to develop and implement regional waste strategies to support local councils and public land managers reduce opportunities for illegal dumping, improve regulatory action and focus education messages.
- The IWSCD meets quarterly.

Current Advice/Situation

Waste transported between the ACT and NSW does need appropriate approvals. The movement of any waste (including waste soil), into and out of the ACT can only be undertaken by businesses which are registered waste transporters under the *Waste Management and Resource Recovery Act 2016 (Act)*. Penalties apply to operators transporting waste without registration under the Act. Access Canberra will investigate all reports of illegal cartage of waste into NSW, by ACT operators.

Once fill leaves the ACT to NSW, it is captured under the NSW *Protection of the Environment Operations Act 1997 and the Environmental Planning and Assessment Act*. The ACT does not have a legal ability to regulate in other jurisdictions. If fill is disposed in NSW, it must satisfy the requirements that apply in NSW and it is the responsibility of the landholder/owner to seek appropriate approvals from NSW regulatory authorities prior to accepting fill for disposal.

NSW councils require landholders to apply for development approval to bring volumes of fill onto properties. If a landholder accepts fill without proper council approval, the landholder, the owner of the waste and the transport/contractor may be fined. Further, the landholder may be required to relocate the fill to an approved site at their own expense.

The ACT does not have a legal ability to regulate in other jurisdictions. In your specific case, I understand that Yass Valley Council is the appropriate regulatory authority. If material is disposed of interstate it must satisfy the requirements of the receiving jurisdiction. Where

material is taken into NSW it is the responsibility of the owner of the material to seek appropriate approvals from NSW regulatory authorities prior to the material's disposal.

As a result of the work of the IWSCD, the ACT EPA has changed its processes and documentation to educate ACT soil producers that it is their responsibility to satisfy the requirements that apply in NSW noting that it is ultimately the responsibility of the landholder/owner to seek appropriate approvals from NSW regulatory authorities prior to accepting soil for disposal. NSW local government authorities would like to see more rigour around the approvals being issued by the ACT EPA.