

That the Revised Environment Policy be adopted

**Executive Note:** The Executive considered the LGA Environment Policy at their May 2007 meeting and made minor amendments. The policy in amended form is provided for adoption.

### **LOCAL GOVERNMENT ASSOCIATION ENVIRONMENT POLICY (draft revised, May 2007)**

Local Government has an important role to play in protecting and enhancing natural and built environments in order to achieve ecologically sustainable development. By practising effective environmental strategies in its management of land and water resources, and control of developments, Local Government will be able to provide a secure future for present and future generations.

There should be closer co-ordination between State and Local Government authorities to ensure all decisions made by these two spheres of Government are in harmony and take into account the majority view of residents and the long term environmental impact.

#### **Ozone depletion**

Local Government supports a cessation in the generation of ozone depleting substances and the environmentally sensitive management of existing stocks of ozone depleting substances.

#### **Greenhouse, energy conservation**

Local Government

- supports measures that minimise the generation of greenhouse gases, including measures related to minimising transport impacts and discouraging burning of agricultural, horticultural and silvicultural crop residues where viable alternatives can be identified.
- supports the use and further development of renewable and ecologically sustainable forms of energy and practices that conserve energy and/or increase energy efficiency.
- supports the establishment of energy conservation development control plans.
- Local Government believes that State and Federal Governments should provide tax concessions and other financial incentives for the development of renewable energy technologies, the installation of solar hot water systems and other energy efficient devices such as low energy light bulbs (recognising that issues of disposal of current technologies for low energy light bulbs need to be addressed), insulation and passive solar design of buildings.
- supports the imposition of a carbon tax on industry in accordance with principles of economically sustainable development.
- believes that State, Federal and Local Governments should introduce an energy conservation principles policy and strategy in respect of all government buildings and activities.
- endorses in principle measures to reduce the environmental impact of council fleets.
- Encourages councils to develop policies that:
  - consider the potential that proposed developments have to contribute to the greenhouse effect
  - provide an incentive for energy efficient behaviour and the use of energy efficient appliances
  - develop exemplary practices and policies for energy efficient behaviour in their own areas of responsibility
  - encourage the adoption of alternative sources of energy (solar, hydro, wind, alternative fuels, compressed natural gas) that are consistent with best environmental practice
  - encourage energy efficient and resource saving design and building practices of residential, commercial and industrial developments

- believes that the State Government should introduce policies, which require Energy Corporations to use solar lighting in the street lighting networks and Councils to develop policies for the use of solar lighting as an alternative to mains-powered lighting, where appropriate.

### **Waste**

Local Government supports the elimination of waste by avoiding the creation of waste according to the following waste elimination hierarchy:

- avoidance of waste-producing consumption
- re-use of products and packaging
- recycling of organic and inorganic material

in that order of priority.

Local Government supports the visionary target of zero waste. Such a target can be applied to all levels and sectors of the community, for example:

- all industry sectors
- all individual companies and businesses
- all levels of government
- all bureaucracy
- all regions.

Local Government believes, as a basic tenet, that those who create waste must take full responsibility for that waste. Legislation should therefore give force to the principle of full lifecycle responsibility from industry for the products and packaging it creates. In so doing, the environmental costs of commodities would be incorporated into their financial cost.

Local Government advocates:

- the introduction of legislative/regulatory measures such as those which prohibit or restrict the sale of prescribed products and/or packaging.
- the introduction of legislative/regulatory or taxation incentive measures which require or encourage re-use and recycling of products and packaging supported by refundable deposit and “take-back and utilise” schemes.

As an initial step forward towards industry accepting life-cycle responsibility for its products and packaging, Container Deposit Legislation (CDL) should be introduced without further delay.

Local Government considers that transparency is required to allow the entire community to feel involved in the process of eliminating waste. Specifically:

- Monitoring of and reporting by industry needs to be freed of the perceived restraint of so-called “commercial confidentiality” so that data for production and consumption - the two most important activities contributing to waste generation and disposal - can be collected in an uninhibited manner.
- Industry should be required to monitor and report its tonnages of waste generation and recycling on a regular basis (ie annually or quarterly)
- Throughout the next ten years reports need to be presented early and often to ensure the community feels part of the ‘waste elimination’ process.

Funding for waste education is critical, and should be restored and increased. Public education on waste elimination needs to be elevated to a level comparable with previously successful campaigns such as ‘Don’t Drink & Drive’ and ‘Slip, Slop, Slap’.

Local Government supports a regional approach to waste management provided such an approach is beneficial to all councils involved and reinforces and/or advances efforts to minimise and better manage waste and provided the Regional Structures and constituent councils are fully resourced to effectively work towards waste elimination

Local Government supports self-determined Waste Forums/Groups which operate throughout country NSW have provided an example of the way in which regional groups can work in a very cost-effective way, limiting their role to an advisory “forum” for member councils, recognising the autonomy of those councils and the need to work within the State waste policy framework.

Financial support for self-determined Regional Waste Forums/Groups should extend at least to the funding of core administrative and operational costs.

Local Government believes that both the State and Federal Governments should use legislative/regulatory measures and economic instruments to ensure that NSW reaches its target of zero waste.

In this context Local Government supports the introduction of:

- bans or restrictions on products, packaging, or materials that contribute excessively to the waste stream, or that are problematic in terms of their short life, non-recyclability, non-biodegradability, or hazardous nature
- container deposit legislation
- a motor vehicle tyre deposit system
- mandatory purchasing policies which favour least wasteful products, packaging, and services, and provide a market for reprocessed green waste material (where appropriate).
- differential taxes/tariffs on new as compared to recycled material
- minimum recycled content requirements for products and packaging
- levies on products, packaging, and/or materials that are not recycled.

In supporting Container Deposit Legislation (CDL), Local Government actively encourages local councils and the wider community to very actively lobby for its introduction.

Local Government supports the provision of financial incentives and support such as financial assistance programs and tax concessions for industry development of waste reduction, cleaner production and avoidance through measures such as process re-engineering and procurement; and also financial disincentives such as tax on single-use products and duties on use of local and imported virgin materials capable of substitution with reprocessed materials.

There should be no GST paid on products made from recycled materials.

In addition to the above, Local Government believes that State and Local Governments should:

- support the encouragement and provision of assistance to research and development projects which advance the acceptance and utilisation of least wasteful products, packaging, and services
- support community education to assist the public in reducing waste
- provide incentives to stabilise the prices of recyclable materials at viable levels.
- support the conduct of regular, regional, industry funded chemical collection campaigns which ensure the environmentally responsible re-use, recycling, or treatment and disposal of chemicals
- support the development of markets for recycled products and recovered materials to help stabilise the market value of recycled materials
- ensure that active support be provided to rural areas by State Government subsidised transport for recyclables to their various markets.

Local Government calls on the State Government to ensure that State Government agency waste reduction and purchasing policies are rigorous and provide real support for needed waste avoidance and also market development for re-used and recycled products.

Local Government is opposed to moves by the State Government to relinquish its waste

management responsibilities where doing so places an additional burden on Local Government without providing the extra resources necessary to meet the new responsibilities.

Local Government's position is that the waste levy should be fully hypothecated for waste minimisation and management programs. Waste elimination, being preferable to waste disposal, dictates that allocations from the Waste Planning and Management Fund should be distributed in proportions which are in keeping with the order of priority set out in the waste hierarchy.

Local Government supports a "closed-loop" system of returning such levy monies to Local Government and, where appropriate, to the region from which it was raised.

Residual waste disposal should always be by environmentally and socially acceptable means and consistent with the goal of ecological sustainability.

Local Government:

- supports public control of waste management and disposal facilities so as to ensure that waste management and disposal activities form part of an overall waste elimination strategy.
- believes that differential waste management and disposal pricing policies should be used to encourage the separation from the waste stream of materials which can be re-used, recycled or composted.
- believes that waste management and disposal activities should be conducted in such a way as to maximise the separation and recovery of remaining reusable, recyclable and compostable material from the waste stream.
- believes that guidelines and licence requirements for waste disposal or processing facilities should be performance based and consistent with the principles of ecologically sustainable development.
- opposes the practice of waste incineration purely as a means for waste disposal, but recognises emerging technology for the generation of energy from waste
- supports the staged introduction of prohibitions and moratoriums on disposal of specific-materials in landfill within designated areas as an important means of providing the-impetus for changed waste reduction behaviours by government, business and communities alike.
- seeks an urgent review of regulatory options such as licensing or registration of transporters-of non-hazardous wastes so as to effect improved management of waste flows and establish-formal communication/liaison mechanisms with this important industry sector.

Local Government believes that the NSW EPA should take physical and financial responsibility for the identification, collection, treatment and safe storage or disposal of orphan hazardous wastes.

All hazardous waste generators, transporters and facilities should be licensed by the EPA.

Local Government opposes the import or export of intractable waste for storage or disposal.

Local Government recognises the urgent need to develop environmentally acceptable solutions for the management of intractable waste. Such solutions should be developed on a partnership basis between the three spheres of government in consultation with industry and the community.

### **Sustainable Procurement**

Local Government is committed to the principles of sustainable procurement to help deliver triple bottom line outcomes including;

- improved efficiency
- reduced waste to landfill
- financial savings
- stimulating markets for material collected through council's kerbside recycling collection
- supporting local communities and businesses
- and helping to achieve long term environmental objectives.

### **State of environment reporting**

Local Government supports the concept of coordinated State of Environment Reporting at appropriate intervals by Federal, State and Local Governments.

Local Government supports the preparation of State of Environment reports on a regional basis where appropriate.

Local Government maintains that information should be freely available between the three spheres of Government, for the cost of information transfer only.

State of the environment reports should be used to assist in the development of environmental management plans.

Local Government supports an interval of four years between major SOE reports, with annual updates as necessary.

Local Government recognises the role and potential for Catchment Management Authorities to prepare state of catchment reports and opportunities for synergies with Local and State reporting systems

### **Biodiversity**

Local Government supports the conservation of biological diversity.

Councils should develop policies that maximise biodiversity and protect threatened and endangered species and their ecosystems.

Councils should maximise the development and maintenance of habitat corridors

Local Government supports the principle of bushfire hazard reduction in national parks, state forests and other vacant crown land, within the context of the principles of ecologically sustainable development.

National Parks need to be adequately funded to ensure responsible management and to enable rural landowners and neighbouring National Parks to coexist with a minimum of disruption.

Local Government:

- recognises the need for a national weeds strategy developed by a National Weeds Body including Local Government representation
- supports the imposition of legislation which provides for the licensing of domestic cats and the control of feral cats
- supports the protection and preservation of bushland within urban areas
- supports the protection and restoration of wetland areas
- recognises the value of wilderness and acknowledges the need for its protection.

Local Government maintains that the process of nomination of wilderness areas should have regard to:

- the long term environmental, economic, and social benefits
- the promotion of the concept of controlled general public access to such areas
- a consultation process which involves all affected parties, including State Agencies, Local Government and the community
- an accompanying financial commitment to restore an area to a substantially unmodified state within a strictly determined short time period and to maintain it in that state. Such declarations should include an appropriate plan of for the ongoing management of the area

- a management plan developed as a part of the recommendation above should include measures to combat significant noxious weed or feral animal problems as well as bush fire hazard reduction programs where appropriate.

### **Genetically modified organisms**

Local Government has the expectation that the appropriate Commonwealth and State Government agencies authorised to progress and monitor GMO trials have systems in place, which ensure that public safety is the number one priority for this type of research.

Further:

- That all trials are conducted in a confined, controlled and advertised system, which will have no impact upon neighbouring properties
- That all such trials have comprehensive community safeguards incorporating compensation for any economic loss due to problems arising from these trials to ensure that neighbouring properties are not disadvantaged in any way
- That there is a comprehensive public education system on GMOs.

Until irrefutable evidence is provided which demonstrates that there are no adverse direct or indirect impacts of genetically modified crops, the Local Government Association remains opposed to their use in any area.

Each local government area be given the right to declare itself a genetically modified free zone.

### **Total catchment management**

Local Government supports the management of land and water resources on a water catchment basis.

Local Government supports the activities of the Department of Land and Water Conservation and other catchment management organisations to reduce phosphorus in waterways.

The use of riparian buffer zones is supported as a means of reducing the flow of phosphorus from farming lands into waterways.

Local Government calls on the Department of Local Government to prepare new guidelines allowing councils to raise dedicated funding for improved catchment management.

### **Stormwater**

Local Government believes that stormwater should be managed on a catchment basis.

Local Government believes that where stormwater infrastructure within a catchment is owned by more than one party, there should be a cooperative decision making process to develop management policies. The stormwater drainage responsibilities of Sydney Water and other Water Boards should not be transferred to Local Government without an accompanying transfer of funding for upgrading and ongoing maintenance.

The community should be educated about the polluting impacts of urban runoff and improper disposal of products.

Councils (in co-operation with State Government) should be given legislative powers to control land use practices which may cause stormwater pollution.

Councils should control sediment, acid run off, and silt from construction sites through conditions on all building and subdivision approvals.

Local Government supports soil conservation and sediment control policies being adopted by councils and by the RTA and other departments.

Councils should be requested to formulate policy on control of sediment, acid run off, and soil from construction sites. Such policy should be implemented prior to any building taking place and should be a condition of consent on all building and subdivision approval.

The Association supports the repair by Sydney Water of sewage infrastructure which is allowing overflow into the stormwater system

The State Government should investigate the use of phosphates and nitrate fertilisers for domestic and commercial purposes with the view to developing legislation that restricts their use.

### **Pollution**

Local Government supports the minimisation of all forms of pollution.

Where pollution occurs and the polluter can be identified, the polluter should be required to bear the associated costs of repairing damage caused by the pollution.

The Association recognises visual pollution as a form of pollution.

Local Government supports the imposition of on the spot fines for littering.

Local Government supports the preparation of air quality management plans.

Local Government supports measures to minimise air pollution from domestic solid fuel burning appliances.

The Local Government Association opposes the approval of any Pearl Oyster industry proposals within the closed waters (estuaries) within NSW.

### **Environmental audits**

Environmental audits of public and private premises are encouraged.

### **Contaminated sites**

Contaminated sites should be identified through a co-ordinated statewide program including:

- information held on state or Commonwealth databases being made freely available to councils
- where possible, industry being required to divulge the location and details of its past activities
- advice and financial assistance being given to councils to undertake inventories of potentially contaminated land.

Where independent verification of contaminated site remediation is sought, it should be completed at the proponent's expense.

In cases where uncertainty remains, the NSW DEC EPA should retain the role of determining appropriate action on a contaminated site.

The DECC and Department of Planning should, in consultation with Local Government, develop and update guidelines to assist councils to appropriately manage contaminated land.

Prior to Local Government accepting new responsibilities from developers or others, on the transfer of land to Council such as roads, reserves, passive or open space, that such lands be inspected to ensure that the lands are free of noxious weeds or other environmental contamination prior to transfer. Restoration or control work be the transferrer's responsibility.

### **Noise**

Councils should take into consideration measures to reduce the impact of noise pollution when assessing development and building applications relating to properties affected by aircraft or traffic noise.

Strategies to curb noise pollution from vehicles are supported.

### **Transport**

An integrated transport system is needed to minimise the adverse health and environmental health effects of private and public transport.

Public transport should be promoted as an alternative to private transport, especially for journeys to and from business centres.

Local Government supports the bicycle as an appropriate form of transport. Federal, State and Local Governments should recognise bicycles as a non polluting alternate transport mode through increased provision of cycling facilities.

Councils should encourage the use of bicycles through the provision of local area bicycle maps.

Light rail is supported as an efficient and effective public transport system.

### **Nuclear power**

The Association:

- opposes construction of any new nuclear reactors in Australia
- supports the establishment of Nuclear Free Zones
- opposes any expansion of uranium mining.

The sale of uranium to France should be banned and the processing and handling of Australian uranium at French facilities should be abolished.

Appropriate action should be taken by the Commonwealth Government towards the cancellation of the 1981 bilateral nuclear agreement between France and Australia.

The Australian Government should be prevented from purchasing French military technology.

The Australian Government should pursue with France independent assessment of the health and environmental impacts of nuclear testing the in the South Pacific.

### **Water conservation**

Local Government supports and encourages the conservation of water.

Councils should encourage the use of water efficient appliances and fittings.

Water pricing must encourage the conservation of water.

Local Government supports the use of rainwater water tanks within appropriate health and safety regulations.

Councils should be encouraged to require the provision of rainwater storage tanks with all new dwellings.

### **Tree preservation**

Councils should develop and implement tree preservation orders.

Amendments should be made to the Environmental Planning and Assessment Act so that the illegal removal of a tree results in sufficient penalties through the Land and Environment Court and the Local Court including an appropriate minimum penalty.

Amendments be made to Sec 8 of the Environmental Planning and Assessment Model Provisions 1980 to include that a tree preservation order may require pruning of trees to be carried out in accordance with the Australian Standard for the Pruning of Amenity Trees AS4373-1996

The State Government review relevant legislation in order to redress anomalies and inconsistencies between the type and level of penalties levied for the removal of or injury to trees on public property and those on private property.

### **Hazardous chemicals**

The use of agricultural chemicals should be appropriately controlled to minimise adverse environmental impacts. Towards this end, commercial herbicide users should be licensed.

Programs to expedite lead reduction in petrol and provide equitable incentives to reduce the number of cars that require leaded fuel are strongly encouraged.

Manufacturers should be responsible for the disposal of chemical containers.

### **Ecologically sustainable development**

The principles of ecologically sustainable development and the principles of the Boomanulla statement as they relate to ESD are supported.

Ecologically sustainable development (ESD) requires effective integration of economic and environmental considerations in decision-making processes.

ESD can be achieved through the implementation of the following principles and programs:

- **The precautionary principle** namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
  - a) short / medium term actions
    - best available environmental practice is used to mitigate damage in development, which is likely to lead to serious or irreversible environmental degradation
    - any degraded areas are restored as part of the development project
  - b) stretch goals
    - avoid development which is likely to lead to serious or irreversible environmental degradation and seek out alternative forms\
- **Inter-generational equity** namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations and Conservation of biological diversity and ecological integrity.
  - a) short / medium term actions
    - avoid wasteful use of resources
    - think of future generations when making decisions
    - recognise the interdependence of humans, other species and natural processes
    - protect habitat of threatened species and manage remaining natural areas wisely
  - b) stretch goals
    - your children and your children's children will eventually inhabit your local area. Choose a development path that creates or maintains a place that you are proud to live in and leave behind as a legacy. Diversity mostly maintains stability and promotes adaptability - human

survival as a species may depend on it - choose a development path which enhances genetic and ecosystem diversity.

- **Improved valuation and pricing of environmental resources**
  - a) short / medium term actions
    - polluter pays
  - b) stretch goals
    - choose an affordable development path so that future generations are not burdened with debts of environmental degradation.

The Local Government Association is committed to actions that will:

- Improve two-way communication, collaboration and support between the spheres of Government, nationally and internationally
- Embed Local Agenda 21 and ESD criteria as the foundation of all government processes and will request all spheres of Government to review all statutory instruments and policies accordingly
- Reach intergovernmental agreement(s) to ensure adequate resources to implement Local Agenda 21
- Foster and resource transdisciplinary partnerships between knowledge-based organisations and Governments to achieve greater integration between environmental, social and economic disciplines and sectors
- Integrate Local Agenda 21 into government reporting processes
- Raise community awareness and participation
- Embrace cultural diversity and engage indigenous people to achieve ESD
- Develop an Australian Government policy and an implementation programme that provides both strategies and resources to enable Local Governments to help develop sustainable communities throughout Australia
- Agree to measurable targets, standards and indicators
- Develop an Australian Government policy and an implementation programme that provides both strategies and resources to establish a population and a cities commission that will link population to sustainable development.

### **Community involvement**

Involvement and consultation with the community is supported for planning and environmental decision making processes.

### **Enhancing the role of Local Government in natural resource and environmental management**

Local Government is a partner with the other spheres of Government in the development of natural resource and environmental management policies, and as the logical vehicle for the implementation of these policies at the local and regional level.

In order to support that role, the Association endorses the involvement of regional bodies such as Regional Organisations of Councils (ROCs) in partnership with catchment management authorities (CMA's)

The Association continues to negotiate a more substantial role for Local Government in:

- catchment management
- vegetation management
- threatened species conservation
- rural land protection
- salinity management.

These negotiations address, inter alia, the question of adequate resources for Local Government to undertake this expanded role through specific funding from the State and Federal Governments.

The Association welcomes the recognition by the State Government of Local Government as a partner with it in pursuing the community/government partnership for natural resource and environmental management. The Association calls on the State Government to accord Local Government full responsibility within this partnership through ensuring that Local Government has equal representation with the State Government and State Government agencies within structures established to support natural resource and environmental management such as Catchment Management Boards.

The Association believes that the current powers accorded to Local Government, and particularly those under the Local Government Act and the Environmental Planning and Assessment Act, are the appropriate vehicle for achieving enhanced natural resource and environmental management in a framework which is efficient, easily understood, accessible and democratically accountable, and is concerned at the apparent duplication of these powers by current trends.

The Association supports the establishment of community based committees to advise, manage and plan for natural resource and environmental management, but is concerned at the proliferation of these committees, especially within the Land and Water Conservation portfolio, and the potential for committees to duplicate each other without proper cross- committee consultation and partnership arrangements.

The Association supports the management of salinity through a partnership between the community and all spheres of Government and recognise that salinity is both a rural and an urban issue.