



Ku-ring-gai Council

# Bushland Dumping and Encroachment Policy

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# Bushland Dumping and Encroachment Policy

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## Controlled Document Information

### Authorisation Details

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### Related Document Information, Standards & References

<b>Related Legislation:</b>	<i>NSW Local Government Act 1993  NSW Biodiversity Conservation Act 2016  Environment Protection and Biodiversity Conservation Act 1989  NSW Protection of the Environment Operations Act 1997  Crown Land Management Act 2016</i>		
<b>Related Policies (Council &amp; Internal)</b>	Compliance Policy Biodiversity Policy (2016)		
<b>Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc</b>	Property Inspection Report and Procedure <a href="#">2020/111841</a>		

## Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	2007	09/08/2016	Graeme Williams	First version
2	10/08/2016	(date the version ceased to be effective)	Marnie Kikken Kathy Kai Penny Colyer	Policy changed to Bushland Dumping and Encroachment Policy Objectives updated Classification of dumping and encroachment reviewed Implementation program reviewed
3	20/10/2020		Lucy Maguire David Towns Jacob Sife	Policy put on public exhibition and updated as part of planned review. Amended Policy adopted by Council.

# Policy

## Purpose

This Policy provides the management framework for Council to address dumping and encroachments on Council-managed bushland reserves in the Ku-ring-gai Local Government Area (LGA).

## Objectives

- To reduce the incidence and impacts of dumping and encroachment in Council-managed bushland reserves in the Ku-ring-gai LGA
- To protect the ecological integrity of bushland within the Ku-ring-gai LGA
- To provide a cost effective, transparent and consistent management framework that meets Council's legislative requirements, to address dumping and encroachment in bushland
- To raise community awareness of the value of Council's bushland and the impacts of dumping and encroachment for residents living on the bushland interface

## Scope

This Policy applies only to land classified as 'community land' and categorised as 'a natural area' under the *Local Government Act 1993*. This Policy also applies to land managed under a Reserve Trust or where Council is Crown Land Manager under the *Crown Land Management Act 2016*.

## Responsibilities

Specific responsibility for the implementation of this policy lies with the following sections of Council:

- Environment and Sustainability
- Regulation and Compliance
- Bushland Operations

## Policy Statement

### Context

Unauthorised dumping and encroachments in bushland reserves have a number of potential adverse impacts on the natural environment, including; soil erosion, contamination, leaching and pH changes, hydrological changes, loss of vegetation and habitat, increased fire hazards, and weed dispersal, which degrades the quality of Council's bushland, riparian areas and waterways.

Unauthorised dumping and encroachments compromise the integrity of ecological values, alienate land from public use and access, impedes fire management, reduces visual amenity, jeopardises public safety, causes social inequity and incites issues of legal liability.

Some encroachments occur in a slow, progressive fashion and usually from the well-intentioned activities of residents at the bushland interface. Seemly harmless activities, such as lawn mowing, firebreak maintenance and informal gardening can stimulate notions of ownership, pride and a process of successive appropriation passed with land title from one property owner to another. Further activities such as placement of structures, gradual removal of native vegetation and extension of fencing can create the deceptive appearance of private property on Council land.

Council's ability to reclaim land is often made difficult by ill-defined reserve boundaries and the increasing pressures of urbanisation. Although at an individual level, the impacts of dumping and encroachments may appear minor, cumulatively dumping and encroachments can degrade many hectares.

The management of dumping and encroachments, including investigation, documentation and removal diverts Council resources and draws on limited operational budgets.

For private landowners, including those who inherit dumping and encroachments from previous landowners, the cost of removing and rehabilitating dumping and encroachments can be significant and require ongoing maintenance and funding.

### Implementation program

This policy recognises Council's limited capacity to manage all dumping and encroachments. Council will prioritise dumping and encroachment based on community and environmental concerns. However, Council reserves the right to act on any dumping and encroachment issue.

#### Determining potential impacts and correct response

Dumping and encroachment issues, either reported to Council or discovered through proactive inspections, will be rated based on the volume and type of material dumped, the size and type of encroachment, the site's ecological values and amenity impacts.

The Property Inspection Report and Procedure ([2020/111841](#)) details the criteria and guidelines in determining the potential impacts rating, that is, the dumping and / or encroachment risk and the site's ecological values.

Staff will regard all dumping and encroachments considered to be impacting public safety or impeding operational outcomes as a priority.

## Communication and prevention through education

Communicating the negative impacts associated with dumping and encroachments is an important mechanism to (i) raise appreciation and respect for Council's bushland reserves; (ii) provide offenders with contextual knowledge prior to Council engagement; and (iii) prevent the establishment of new dumping and encroachments. To ensure effective communication and prevention occurs, Council will:

- Disseminate through local media and / or Council's communication channels an annual dumping and encroachment information / education campaign
- Provide dumping and encroachment education material at local community events
- Conduct community educational events at priority bushland reserves
- In the course of enquiries regarding specific properties, notify of known dumping or encroachments and inform respective owners or purchasers of Council's Bushland Dumping and Encroachment Policy

## Data and financial management

Council will:

- Maintain a database that records information on the incidences and management status of dumping and encroachments in Council's bushland reserves.
- Allocate financial resources to specifically support and facilitate the removal and rehabilitation of dumping and encroachments, as per Council's budget allocations
- Allocate funds acquired through the administration of this Policy for the purpose of remediating land/s formerly subject to a dumping or encroachment

## Dispute resolution

The Director of the relevant Department will consider mediation between Council and the property owner when necessary.

## Monitoring and evaluation

Council will monitor and report against this Policy as follows:

Objective	Details	Timeframe
To reduce the incidences and impacts of dumping and encroachment in Council-managed bushland reserves in the Ku-ring-gai LGA	Number of issues investigated and closed (that is, remediation undertaken).	Annually
To protect the ecological integrity of bushland within the Ku-ring-gai LGA	Area of land assessed for dumping and encroachment issues / Number of dumping hotspots proactively monitored.	Annually
To provide a cost effective, transparent and consistent management framework that meets Council's legislative requirements, to address	Respond within 2 weeks to dumping and encroachment issues. Manage dumping and encroachment issues as per this Policy and monitor resolution	Quarterly / annually

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dumping and encroachment in bushland	progress through Council's database.	
To raise community awareness of the value of Council's bushland and the impacts of dumping and encroachment for residents	Number of and participation in community educational events Distribution of educational materials to residents	Annually



## Definitions

Term / abbreviation	Definition
Bushland	Land on which there is vegetation, which either is a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.
Bushland interface	The peripheral area of a bushland reserve that adjoins residential/commercial or other land uses.
Community land	Land classified as community land under Division 1 of Part 2 of Chapter 6 of the <i>Local Government Act 1993</i> .
Dumping	This includes dumping, abandoning, depositing, discarding, rejecting, discharging or emitting anything that constitutes waste and includes causing or permitting the disposal of waste.
Encroachment	Unauthorised occupation or use of or unauthorised activities on community land by a person, including but not limited to a building or structure or part of a building or structure on community land, gardens on or gardening of community land and mowing or clearing of community land.
Property Inspection Report	Internal reporting document used to compile relevant information to substantiate the presence of a dumping or encroachment and collate evidence for legal purposes.