



Ku-ring-gai Council

Bushland Illegal Dumping and Encroachment Policy

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Bushland Illegal Dumping and Encroachment Policy

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Related Document Information, Standards & References

Related Legislation:	<i>NSW Local Government Act 1993 NSW Biodiversity Conservation Act 2016 NSW Protection of the Environment Operations Act 1997 NSW Protection of the Environment Operations (General) Regulation 2022 NSW Crown Land Management Act 2016 NSW Public Spaces (Unattended Property) Act 2021 NSW Biosecurity Act 2015 Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>		
Related Policies (Council & Internal)	Compliance Policy CDN 57 Biodiversity Policy CDN120 Generic Plan of Management - Natural Areas CDN 220 Bushfire Management Policy CDN 78 Covert Electronic Surveillance for Illegal Dumping Policy CDN110		
Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc	Bushland Illegal Dumping and Encroachment Management Guideline 2024 2024/062447		

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	19/10/2020	Marnie Kikken Kathy Kai Penny Colyer	Policy changed to Bushland Illegal Dumping and Encroachment Policy Objectives updated Classification of dumping and encroachment reviewed Implementation program reviewed
3	20/10/2020	22/10/24	Lucy Maguire David Towns Jacob Sife	Policy put on public exhibition and updated as part of planned review. Amended Policy adopted by Council.
4	23/10/24	2028	Lucy Maguire David Towns Jacob Sife	Updated policy approved by Council and published

Policy

Purpose

The Ku-ring-gai Council Bushland Illegal Dumping and Encroachment Policy provides the management framework for Council to address issues of unauthorised use including dumping and encroachment within Council managed Natural Areas.

This Policy works in conjunction with Council's Compliance Policy, Generic Plan of Management (PoM) - Natural Areas, the NSW *Local Government Act 1993* and the NSW *Protection of the Environment Operations Act 1997*.

Objectives

- To protect the ecological integrity of bushland within the Ku-ring-gai Local Government Area (LGA) by reducing the incidence and impacts of dumping and encroachment in Council managed Natural Areas.
- To educate residents of their impacts on natural areas and encourage them to take positive actions to reduce these impacts.
- To provide a transparent and consistent management framework that meets Council's legislative requirements and resources to address dumping and encroachment in bushland and to mitigate costs to ratepayers.

Strategic Context

This policy is aligned with Council's Delivery Program 2022 - 2026 & Operational Plan 2024 – 2025 through the following Term Achievement and respective Task under Focus area N2: Natural Areas

Term Achievement	Task
N2.1.1: The condition of bushland and the conservation of native flora and fauna have improved.	N2.1.1.1: Implement the Generic Plan of Management - Natural Areas.

This policy works in alignment with the Generic Plan of Management - Natural Areas to achieve the management priorities outlined within this plan (See Section 7.1.1, Table 9), including:

- Priority 4: Promote community awareness and collaboration, building partnerships and knowledge.
- Priority 6: Implement measures to minimise and manage impacts to natural areas from threats and pressures.

Scope

The Policy covers land owned by or under the care, control, and management of Ku-ring-gai Council, that is classified as Community Land and categorised as Natural Areas under the Local Government Act 1993 (Sections 26 and 36).

Responsibilities

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

- Environment and Sustainability
- Regulation and Compliance
- Bushland Operations

Policy Statement

Background

Bushland areas within the Ku-ring-gai LGA are highly valued by the community for their natural values. These areas contain several Threatened Ecological Communities and species listed under State and Federal legislation. Bushland is also valued by the community for recreation opportunities, landscape amenity, educational and scientific opportunities, and heritage values.

Urbanisation represents a major pressure on Ku-ring-gai's biodiversity. Ku-ring-gai's bushland reserves are situated within an urbanised environment and are therefore subject to increased pressures as outlined in Table 1.

Although at an individual level, the impacts of unauthorised uses may appear minor, accumulatively they can degrade large sections of bushland and lead to additional environmental, social, and economic effects. These effects are most notable within the natural areas/urban interface. Ku-ring-gai LGA contains approximately 92 kilometres of interface between Natural Areas and private properties and as such, management of the natural area/urban interface was identified within the Generic Plan of Management - Natural Areas as a key management issue for the LGA.

Table 1. Impacts of illegal dumping and encroachment within Natural Areas

Environmental	<ul style="list-style-type: none"> Increased weed infestation Increased environmental nutrients Introduction of non-native fauna Reduced biodiversity Impediment to fire management Removal of plants and vegetation Destruction of habitat Changes to microclimate Changes to hydrology Pollution events Increased risk of erosion and sedimentation
Social	<ul style="list-style-type: none"> Alienate land from public use and prevent access for Council and residents Risk to public safety Social inequity through exclusive use of public spaces Reduce amenity Conflict between residents Damage to Aboriginal Heritage
Economic	<ul style="list-style-type: none"> Potentially create legal liability issues Costs to Council and residents for investigation, clean up and remediation

Unauthorised use, dumping or encroachment in bushland reserves is illegal and, in most cases, constitutes an offence. Examples of unauthorised use may include:

- Dumping and storage of green waste and personal items
- Lawn mowing/landscaping within public land
- Vegetation clearing
- Vandalism/ringbarking of trees
- Unauthorised planting
- Illegal bush camps and fires
- Graffiti/vandalism
- Damage to Aboriginal heritage
- Unauthorised buildings and structures
- Unauthorised infrastructure such as drainage
- Unauthorised track creation including bike and walking tracks
- Dumping or leaving of human or animal waste
- Dumping or release of wastewater

Additional examples of unauthorised and prohibited activities are listed within Section 5.2 of the Generic Plan of Management - Natural Areas.

These impacts can be mitigated or minimised by implementing good design measures, adhering to maintenance standards, monitoring, managing encroachment and illegal dumping, and public education efforts.

Implementation program

Determining potential impacts and management response

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

Council's Bushland Illegal Dumping and Encroachment Management Guideline 2024 may be used to determine the potential impacts including rating, dumping/encroachment risk, and the site's ecological values. Additionally, social and historical aspects of reports, as well as the cost and likelihood of successful rehabilitation of sites will be assessed and considered by staff.

All instances of dumping or encroachment will be handled in accordance with Council's Customer Service Charter which commits to interactions which are accessible, fair, transparent, legal and accurate, prompt, easy to understand with clear information and easy to deal with.

Enforcement

If required, enforcement actions will be undertaken pursuant to Council's Compliance Policy, relevant legislation and the assessed level of risk.

Level of Risk	Enforcement options
Very Low	<ul style="list-style-type: none"> • Take no action • Provision of information/advice on how to be compliant
Low	<ul style="list-style-type: none"> • Negotiate to obtain voluntary undertakings or an agreement to address the issue of concern • Issue a warning or a formal caution
Medium	<ul style="list-style-type: none"> • Issue a letter requiring work to be done or activity to cease in lieu of more formal action • Issue a notice of intention to give an order or notice under relevant legislation, and then serving an order or notice if appropriate
High	<ul style="list-style-type: none"> • Issue a penalty notice • Carry out the works specified in an order at the cost of the person served with the order
Very High	<ul style="list-style-type: none"> • Seek an injunction through the courts to prevent future or continuing activity • Commence legal proceedings for an offence under the relevant Act or Regulation

Enforcement action may be referred to a relevant internal department, land manager or appropriate regulatory authority including but not limited to:

- National Parks and Wildlife Service
- Environment Protection Authority
- Metropolitan Local Aboriginal Land Council
- NSW Crown Lands
- Metropolitan Local Lands Services
- Other Local Governments
- NSW Police

Staff will consider additional actions to maintain the integrity of bushland reserves including but not limited to:

- Signage
- Surveillance and proactive monitoring program
- Revegetation and remediation of areas
- Marking of property boundaries
- Fencing, bollards or barriers
- Community education actions

Communication and prevention through education

Communication as a regulatory tool empowers residents to better understand their environmental responsibilities. Community education campaigns build relationships between the community and Council and provide opportunities for residents to become directly involved in protecting their local environment.

Community engagement aims to:

- Raise awareness and respect for Natural Areas.
- Proactively engage with high-risk residents such as residents on the natural areas/urban interface.
- Provide alleged offenders with knowledge regarding Council's policies and potential regulatory action.
- Prevent unauthorised use, dumping and encroachment incidents.
- Educate and empower the wider community to prompt greater reporting and monitoring of their local area.

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 resources to specifically support and facilitate the removal and rehabilitation of dumping and encroachments.

The management of dumping and encroachments, including investigation, documentation and removal requires Council resources. 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. Council reserves the right to determine an appropriate management response in alignment with Council's compliance and enforcement principles (see Compliance Policy) and resourcing.

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 protect the ecological integrity of bushland within the Ku-ring-gai local government area (LGA) by reducing the incidence and impacts of dumping and encroachment in Council-managed Natural Areas.	Number of issues investigated and closed	Quarterly
	The number of sites remediated either by Council, voluntary compliance or through enforcement action	
	Lineal meters of bushland proactively monitored for unauthorised use	
	Number of proactive site visits undertaken to monitor potential hotspots/repeat offences	
To provide a transparent and consistent management framework that meets Council's legislative requirements and resources to address dumping and encroachment in bushland and to mitigate costs to ratepayers.	Number of Reserves proactively monitored	Quarterly
	Reports/complaints managed in alignment with Council's Customer Service Charter and Compliance Policy	
To educate residents of their impacts on natural areas and encourage them to take positive actions to reduce these impacts.	Accurate record of staff actions and decisions in Council's Customer Request Management Database	Quarterly
	Number of educational letters and materials distributed to residents	
	Number of public signs erected/replaced	
	Number of conversations had with residents either proactively or in regards to reported incidents	
	Number of public education messages created, including social media, newsletters or other means of communication.	

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.
Natural area / urban interface	The peripheral area of a bushland reserve that adjoins residential/commercial or other land uses. The boundary between housing and the natural areas. There is approximately 92 km of interface between private housing areas and Council natural area reserves.
Community land	Land classified as community land under Chapter 6 Part 2 Division 1 of the <i>NSW 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.
Bushland Illegal Dumping and Encroachment Management Guideline 2024	Internal reporting document used to compile relevant information to substantiate the presence of dumping or encroachment and collate evidence for legal purposes.
Regulation	Using a variety of tools and strategies to influence and change behaviour to achieve the objective of an Act or other statutory instrument administered by Council.
Unauthorised use	Unauthorised use of the natural areas may include encroachment by adjoining properties into reserves, dumping, littering, arson and anti-social activities (see Section 5.2 of the Generic Plan of Management – Natural Areas).