

**Submission
No 3**

MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS

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The Committee Manager
Committee on Environment and Regulation
Parliament House
Macquarie St
Sydney NSW 2000

Dear Sir/Madam

Submission - Inquiry into the management and disposal of waste on private lands

Thank you for the opportunity to provide a submission in relation to the Parliamentary Inquiry into the management and disposal of waste on private land. Please find below Hornsby Shire Council's response in accordance with the Terms of Reference provided as part of the Inquiry.

On average, Hornsby Shire Council investigates approximately 150 complaints per year regarding health and safety risks associated with overgrown vegetation on private land that is, or is likely to, become a harbourage of vermin. Unfortunately, under the provisions of Order 21 of the Local Government Act, 1993 the existence of long grass or excessive vegetation does not mean that land is a health risk. Accordingly, the legislation is of little assistance and the investigation of such matters normally entails Council writing to the occupier of the property seeking their cooperation in removing the overgrown vegetation.

Council's Officers also investigate illegal dumping/imported fill complaints on private property and receive approximately 25 major illegal landfill complaints of this nature, per year. Council defines imported fill material which is unable to be classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) as a waste product, as per the Department of Environment, Climate Change and Water's *Waste Classification Guidelines*. In many instances, illegally dumped waste and unauthorised imported fill consists of some form of asbestos-containing material.

Where there is the potential for asbestos to be present from such forms of dumped waste on private property, Council initiates an immediate investigation and response to prevent health and safety risks to the occupier of the property, neighbours and the public, and may involve issuing a Clean Up or Prevention Notice under the *Protection of the Environment Operations Act 1997* to remove and appropriately dispose of asbestos-containing material. Further to this, the Notice will generally require some form of clearance to be provided from a suitably qualified professional certifying that the site is safe and free of asbestos-containing material.

Council has a relatively high rate of compliance with land owners when Notices/Orders are issued under the Local Government and Protection of the Environment Operations Acts, however where non-compliance is found, enforcement procedures by Council are costly and time consuming. Depending on the level of risk identified, Council may issue penalty infringement notices where non-compliance with a Notice/Order is

found, however where the level of risk to public health is high, Council will commence enforcement proceedings in the Land and Environment Court seeking remedial Orders. Council does have powers under the *Local Government Act 1993* and *Protection of the Environment Operations Act 1997* to rectify unhealthy land which can include undertaking works required as part of a Notice/Order to remove waste, however the recovery of costs to Council also entails pursuing legal action.

In most cases where property owners do not comply with Council's Notice/Order, it is because they are unable to undertake the works due to financial constraints. In these instances, issuing fines for non-compliance, or commencing enforcement proceedings only impedes the situation rather than resolving it.

Further to this, a number of land owners within the Shire are victims of illegally dumped waste/fill on their properties, and are then legally and financially responsible for the removal of such waste. A measure to improve the management of waste on private land would be to introduce fee-free licenced asbestos waste facilities for asbestos disposal. Such facilities would not only assist land owners whose properties fall victim to illegally dumped asbestos waste, but could also see less illegal dumping and unauthorised imported fill matters arising throughout Local Government Areas. Similarly, such a facility would also mean reduced Council resources being required in instances where Council was to undertake works to remove waste from private land.

Council thanks you for the opportunity to provide feedback on the Inquiry into the management and disposal of waste on private lands. Should you wish to further discuss this matter, please do not hesitate to contact Nichola Clarke Team Leader Compliance on [REDACTED]

Yours faithfully

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