

**Submission
No 4**

MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS

Organisation: Wyong Shire Council
Name: Ms Lin Armstrong
Position: Director Development and Building
Date Received: 18/07/2013

ATTENTION: CHRIS PATTERSON

Dear Chris

I refer to the abovementioned matter and provide the following comments in relation to the Terms of Reference for the Inquiry:

A) THE HEALTH AND SAFETY RISKS POSED BY INADEQUATE MANAGEMENT AND DISPOSAL OF WASTE, OVERGROWTH AND EXCESS VEGETATION, PESTS AND ODOUR

"Inadequate Management" practices affecting residential properties within Wyong Shire result in a number of concerns including:

1. Potential pollution of groundwater quality
2. Effects on ecosystems contained within the groundwater aquifers and soil substrates
3. Alteration of groundwater flows by excavation works - diverting and impacting upon environmental flows
4. Contamination of soil structures
5. Potential pollution/contamination of receiving local waterways
6. Effects on ecosystems contained within local waterways
7. Potential to cause off-site contamination - impacting other sites
8. Exposure to hazardous and or dangerous material - environment and health
9. Potential absorption of toxic chemicals through plants and eventually being consumed by humans via fruit and vegetables
10. Incorrect disposal of waste could lead to an accumulation of feral pests and predatory animals
11. Health associated impacts caused by feral infestation like Myiasis caused by fly larvae and rat borne diseases
12. Encouragement of noxious weed infestation generated by incorrect disposal methods and nutrient source

B) THE EFFECTIVENESS OF CURRENT REGULATORY ARRANGEMENTS AND POWERS TO COMPEL CLEAN UPS ON PRIVATE LAND AND MANAGE DERELICT BUILDINGS

The delegated powers under the Protection of the Environment Operations Act 1997 (POEO) that allow for the use of "environmental protection notices" are sufficiently adequate in resolving waste concerns on private property.

Unfortunately, for properties that are categorised as "Unhealthy Land" or "Unsafe", the provisions under the Local Government Act 1993 for implementing regulatory action are time consuming, resource intensive and a real concern in preventing harm. To effectively achieve a positive outcome for actual or potential unsafe or un healthy conditions, the average timeframe in resolving these concerns is between 2 and 3 months.

C) THE ADEQUACY OF INSPECTION AND ENFORCEMENT PROCEDURES, INCLUDING RELEVANT SANCTIONS AND POWERS TO RECOVER COSTS

For local government to regulate the provisions under the POEO in and on residential properties, section 197 needs to be amended so that authorised officers can enter premises without approval/permission to exercise their functions.

Chapter 7 Part 7.4 Section 197 - Entry into residential premises only with permission or warrant

“This Part does not empower an authorised officer to enter any part of premises used only for residential purposes without the permission of the occupier or the authority of a search warrant under section 199.”

D) POSSIBLE MEASURES TO IMPROVE THE MANAGEMENT OF WASTE ON PRIVATE PROPERTIES

Currently, the general public who manage their waste appropriately are “paying the penalty” for higher disposal costs. The intended purpose of the Waste Levy was to encourage recycling and avoid unnecessary disposal of waste. Unfortunately, the increase in disposal fees has encouraged illegal dumping to occur Shire wide. A potential solution to the current direction is for the Waste Levy to be reduced or alternatively Council to receive a greater percentage of the Waste Levy in order to assist Council in providing improved waste management services to the whole community including private properties.

E) THE EXTENT OF ILLEGAL DUMPING AND THE IMPACT ON LOCAL GOVERNMENT AUTHORITIES OF REQUIREMENTS TO REMOVE DUMPED WASTE

The majority of illegal dumping occurs on Council owned/managed land and the associated costs with the clean-up, remediation and disposal (levies) are in the hundreds of thousands of dollars each year. Past studies have found that the major factors influencing illegal dumping are: 1. Social pressure 2. Access and distance to a waste facility 3. Access to transport that allows waste to be disposed of appropriately 4. Financial impacts caused by waste levies.

Council is affected as a payer of the waste levy and as a responsible party for the clean up of illegally dumped waste which, in its disposal, also attracts a waste levy. This effectively results in a double whammy to Council and consideration should be given to both reducing the waste levy, providing Council's with a greater share of the levy to allow effective management of waste and waiving the levy where it applies to clean up actions by Council.

F) ANY OTHER RELATED MATTER

The potential for all properties to theoretically need to be listed as potentially contaminated sites under (State Environmental Planning Policy 55 - Contaminated Land) is a concern as the disposal of waste is not monitored and/or regulated.

If you would like to discuss this matter further please do not hesitate in contacting me.

Regards

Lin Armstrong

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