

**Submission
No 20**

MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS

Organisation: Albury City Council
Name: Mr Michael Keys
Position: Director Planning and Environment
Date Received: 29/07/2013

29 July 2013

The Chair
Committee on Environment and Regulation
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

Dear Sir

Submission to Legislative Assembly Inquiry into the Management and Disposal of Waste on Private Land

Albury City is pleased to respond to your invitation to make a submission to the Legislative Assembly "*Inquiry into the Management and Disposal of Waste on Private Land*".

Having given consideration to the terms of reference for this inquiry I would like to provide the following comments and information.

- a) *The health and safety risks posed by inadequate management and disposal of waste, overgrowth and excess vegetation, pests, and odour;*

AlburyCity Response

There are a number of health and safety risks inherent in any of the above listed situations. These incidents regularly occur through the inappropriate actions or habits of individuals or households and they can affect neighbouring properties, a neighbourhood or even in some circumstances a whole village or town.

There have been incidents of squalid and unsanitary conditions that create an environment suitable for growth and generation of diseases as well as odour. This has been the result of poor cleaning, lack of hygienic practices and awareness as well as the accumulation of rubbish or waste in one location that suddenly, even though it has occurred over time, becomes too much and gets quickly out of control.

Generally the health and safety risks are associated with the creation or generation of unhealthy living conditions. There is no single answer to address this but a lack of waste management and disposal will certainly end in conditions that are unhealthy or unsafe. AlburyCity has been called in to deal with these situations, however due to the evidence and information required to not only take legal action but also to have some level of certainty that the action will be successful,



this tends to occur later after the issue has become significant. This is opposed to an earlier interventionist approach which might in some circumstances have cut off or prevented the situation from becoming as significant as it does. If there were less disincentives for regulatory authorities, ie. costs recovery or extensive legal proceedings, then earlier intervention would be encouraged and the problem less likely to escalate.

- b) *The effectiveness of current regulatory arrangements and powers to compel clean-ups on private land and manage derelict buildings*

AlburyCity Response

In simple terms the current regulatory arrangements and powers are perceived as barriers to more effective control and action from regulatory authorities. Neighbours and communities are forced to wait and watch and hope that action will occur whilst the myriad of considerations and actions are taken by the regulatory authority to rectify incidents or take action against the protagonist to prevent further incidents.

AlburyCity respects and appreciates the rights of individual property owners to look after and maintain their property in a manner that meets their needs and expectations, however, when it begins to affect either immediate neighbours or a wider section of the community, then appropriate action is required. It is the limitations of enforcement procedures and a perception of a lack of effectiveness that makes some regulatory authorities reluctant or hesitant to take action.

There is also a level of uncertainty regarding storage of equipment and materials on private property. In many cases the majority of property owners are considerate and wish to maintain a high level of amenity in a neighbourhood. There are however, many who do not and will actively oppose any request to remove or enclose items that others would clearly identify as 'junk' and / or 'rubbish'. The information needed for an action to be successful can be onerous and demanding – especially when there is no recompense or likely to be any recovery of costs associated with the action.

The time, effort and in most cases community support (through statements and evidence gathering) used in proceedings are significant. Where a case is thrown out on a minor technicality or overridden because of the interpretation of the magistrate this can be damaging and demoralising for all parties concerned.

There is generally reluctance amongst many community members to take action or speak out against their neighbours until it has reached a tipping point and there has already been a breakdown in communication and long term neighbourhood relationships. Council is regularly called in to adjudicate on matters between neighbours. Waste and vegetation are regular components of the initial causative agents.

- 
- c) *The adequacy of inspection and enforcement procedures, including relevant sanctions and powers to recover costs;*

AlburyCity Response

As noted above the current procedures and regulations can be seen or act as a barrier to more effective use of these mechanisms to deal with waste. There are sufficient powers available with regards to inspections however the enforcement procedures can be extremely onerous and demanding. In many cases this restricts or prevents enforcement action being further initiated despite continual offences.

- d) *Possible measures to improve the management of waste on private land;*

AlburyCity Response

Ideally there needs to be a clearer and more readily acceptable definition of what is waste and when is it inappropriate. This would be difficult to achieve given the wide interpretation across our communities of what is waste let alone what is waste in different situations and locations, however this would be of infinite value in dealing with such matters.

To this end there is no easy answer but perhaps more consideration could be given to how to protect neighbouring properties from interference from another parties private land.

- e) *The extent of illegal dumping and the impact on local government authorities of requirements to remove dumped waste*

AlburyCity Response

Illegal dumping is a concern for any local government authority, AlburyCity is no exception. We are regularly engaged in cleaning up illegal waste dumping and this generally occurs on crown land such as road reserves, recreational areas, and Crown land reserves (where we have management responsibilities). AlburyCity has an extensive network of native vegetation areas. These areas include road reserves with remnant vegetation, which helps to minimise the risk of being caught.

As the operator of a major regional waste facility (servicing up to 6 local government authorities in NSW and Victoria) we are acutely aware of the impost of illegal dumping. This includes programmed waste cleanup programs, community education programs and promotions, monitoring and maintenance of key areas or simply cleaning up and removing waste.

AlburyCity regularly undertakes clean up operations, it is invariably the scale and extent of these works that varies not the frequency of incidents.



We are currently examining the effectiveness of CCTV monitoring equipment including portable, motion sensitive cameras that could be used to capture evidence or even act as a deterrent to those members of our community who choose to act illegally rather than comply with the legislation and do the right thing. There has been an increase in success with tracking information on rubbish through electronic records and information from purchases.

f) Any other related matter.

Compulsive behaviour, such as hoarding by some property owners is also a source of many complaints to Council from local residents. While AlburyCity recognises the issues surrounding mental health and its strong influences on such behaviour, the hoarding of material and articles in and around a dwelling in a residential setting can expose adjoining residents to long term and obsessive behaviour which can also lead to neighbourly conflict. From an enforcement perspective, complaints related to hoarding activities are often ongoing, lasting many years and require intensive resources from Council due to the continual cycle of the compulsive behaviour. Over the same time, Council will receive numerous complaints and try to work closely with the owner, a relative or carer organisation in an effort to resolve any hoarding issue. These incidents can be intensive and demanding on all parties but some understanding and appreciation of what we are dealing with can result in suitable and amenable outcomes.

AlburyCity thanks the Parliamentary Committee on Environment and Regulation for the opportunity to provide information and advice on this important subject. Council's representatives would be more than happy to assist with any further information or enquiries that the committee wishes to make. Please contact the undersigned to assist in this matter.

Yours faithfully



Michael Keys
Director
Planning and Environment