

**Submission
No 36**

MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS

Organisation: Marrickville Council
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Position: Team Leader Compliance
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Partially Confidential

Inquiry into the Management and Disposal of Waste on Private Lands

Thank you for the opportunity to provide a submission on a matter which Local Authorities deal with on a regular basis.

I firstly acknowledge this Council is satisfied with the scope of the Local Government Act, 1993 (the Act) in reference to s124 Orders and the circumstances in consideration of enforcement action.

The follow information is submitted in response to some of terms of reference.

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

Local Authorities constantly receive complaints concerning the condition of land that include:

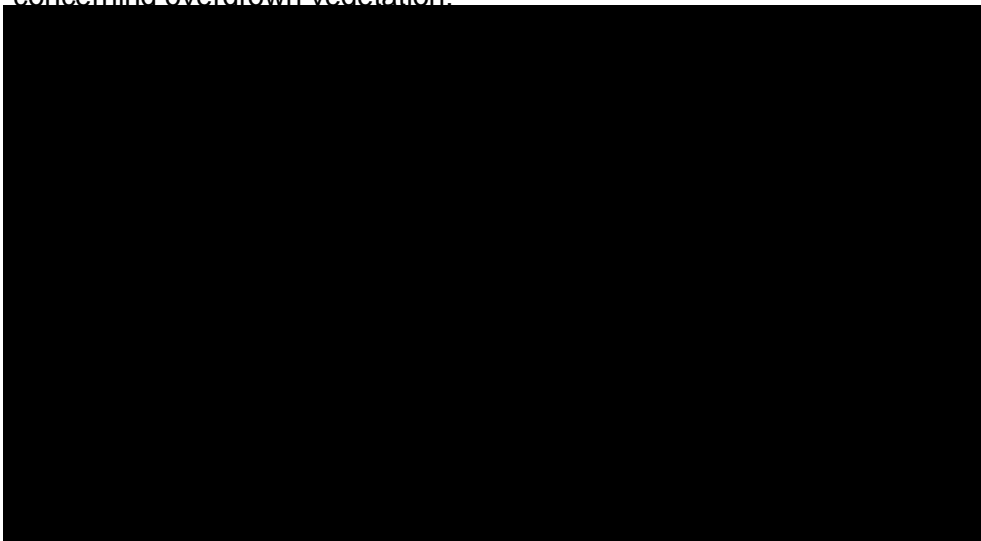
- Overgrown vegetation
- Materials and items dumped or placed on land.

Overgrown vegetation.

It is difficult to connect how overgrown vegetation places land in either an unhealthy or unsafe condition.

Complaints referred to Council concerning overgrown vegetation include allegations of associated issues including: harborage of vermin/pest activity; odours; mosquito infestation. In most cases, the site inspection does not provide the authorised Officers with evidence which may substantiate any further action. When citizens are subsequently questioned, the underlying issue is one of unsightliness, which again does not place land or premises in an unhealthy or unsafe condition.

For your reference the following photograph has been included as an example of what the investigating Officers come across when investigating complaints concerning overgrown vegetation:



Materials and items dumped or placed on land

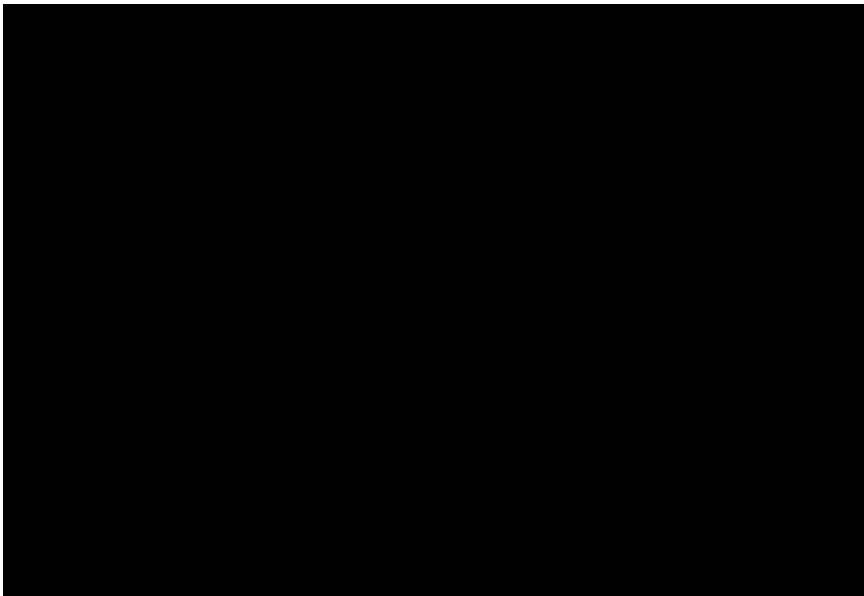
'Waste' as opposed to '*materials and items*' is defined in (the Act). In many cases Local Authorities come across situations concerning accumulation of items and materials which are not considered as 'waste' and not defined in (the Act).

Whilst such items and materials may be perceived as waste by the general public, they sit outside the definition of waste in (the Act) and are even considered of value and worth by owners and or occupiers.

The type of items and materials generally include: disused household goods; vehicle parts; building rubble; metal pieces; appliances; timber paper and cardboard. Unlike certain types of waste, there is minimal impact on the immediate environment. For instance, odours which may emanate from the site are considered more nuisance than a health issue.

At this time I refer to the issue of hoarding, where occupiers store very large volumes of items and materials on their premises.

For your reference the following photograph displays and accumulation of articles and materials



Forced clean ups cost a great deal of money and resources. Legal enforcement rarely provides a solution to the hoarding problem. This has been the experience of other councils in NSW (most notably Waverley Council).

This Council has sought to establish whether there are alternate approaches to resolving the issue of hoarding. Our experience in dealing with hoarders is not to proceed with enforcement action, after receiving advice from numerous sources that hoarding, primarily a mental health issue. The actions of the hoarders seems to be exacerbated by legal action and continues to recur. This Council has taken the view to seek an outcome through communication with occupants. Unfortunately this approach has resulted in occupiers becoming highly distressed and threatening self-harm.

At a Hoarding and Squalor conference attended by Council staff in 2012 overwhelmingly identified that hoarding is a mental health issue first and foremost, and the accumulation of materials is a manifestation of that illness. Forcing hoarders to remove materials does not solve the problem and can escalate the illness and the hoarding problem. In other words, the conference identified that any solution to this problem must first and foremost address the underlying mental health issues of those involved.

The responsibility of managing mental health should not be the responsibility of Local Authorities. The creation of a support network at a State Government level with appropriate funding should be considered.

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

The Act allows for enforcement action to be considered if land or premises are considered unhealthy or unsafe condition.

In addition order 10 of s124 of (the Act) gives provision to deal with accumulation of articles or matter in relation to unsightly conditions. The requirement 'to do what' allows for either: removal, stacking, covering, or screening.

	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>To do what?</i>	<i>In what circumstances?</i>	<i>To whom?</i>
10	<i>To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees</i>	<i>Land is in the immediate vicinity of a public place and is used for the storage of articles or matter so as to create or be likely to create unsightly conditions</i>	<i>Owner or occupier of land</i>

A limitation with this section is that it provides four options to comply, the latter three result in the articles and material remaining on the property. Even the option to remove, without the direction to dispose may result in the articles and material being relocated.

f. Any related matter

Clandestine drug labs

Currently there is no formal process to deal with premises used as clandestine drug labs once police have concluded their investigation. By default these matters are passed onto local authorities by the police. I have discussed this matter with a senior detective who was of the opinion that local authorities have knowledge and resources to assume responsibility and take action deemed necessary to clean up the premises.

The current practice involves police providing the following written request to the Local Authority:

To whom it may concern,

Please find attached 'Clandestine Laboratory Site Inspection Report for 'House No, Street name, Suburb'.

Clandestine Lab related items were located including hazardous chemicals.

Please forward the attached documents to your Environmental Officer for follow up.

Documents also faxed to 02) 9xxx xxxx this date.

Regards,

Detective Senior Constable | Drug Squad (Chemical Operations) |

State Crime Command | New South Wales Police Force

'Contact details provided'

Attached to this request is a 'Clandestine Drug Laboratory Site Inspection Report' with a written instruction 'To be handed to the Local Council Officer'. Unfortunately a sample is not able to be provided due to copyright restrictions.

The report also contains a disclaimer in relation to limitations on relying on this material for legal or compliance purposes.

Under the circumstances where all chemicals and equipment removed from the site by the police, the issue becomes, what evidence is then available to the investigating Officer to determine whether land or premises is in an unhealthy or unsafe condition under Order 22, s124 Orders of (the Act).

This should fall within the domain of local government, rather it would be appropriate that this is managed at a State government level.

In determining what action may be required to make the premises safe and healthy, (fit for human habitation) the services of a accredited forensic cleaner would be sought to initially provide a report recommending required works. Once the works have been completed in accordance with the recommendations a Clearance Certificate would be issued on the property.

I am happy to be contacted and provide further information if required.

Regards

George Lerantges
Team Leader Compliance
Marrickville Council

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