

**Submission
No 8**

MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS

Organisation: The Hills Shire Council
Name: Mr David Walker
Date Received: 26/07/2013

25 July 2013

Mr Chris Patterson MP
Chair
Committee on Environment & Regulation
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

Your Ref: D13/16852
Our Ref: 121200805

Dear Mr Patterson

Re: Inquiry into the Management and Disposal of Waste on Private Land

I refer to your letter dated 28 June 2013 providing an opportunity to make a submission to the Parliamentary Committee on Environment and Regulation in regard to the management and disposal of waste on private land.

Please note, given the time-frame provided, that the submission has not been considered at a meeting of council, instead it reflects the issues raised by staff in considering the specific terms of reference.

Illegal dumping has significant environmental, health and social impacts. It is also costly, with councils often bearing the costs associated with clean up and disposal of illegally dumped waste.

Over recent years The Hills Shire Council has had a number of reported incidents of illegal dumping, including the unlawful transportation and dumping of waste (landfill) on private property. These incidents have had an adverse effect on the local environment.

The cost incurred by Council in enforcement, including the removal of the illegally dumped waste and the prosecution of offenders has been extensive and very time consuming, often with limited results.

Since 2001 The Hills Shire Council has been a member of the Regional Illegal Dumping (RID) Squad. The RID Squad operates across seven (7) local government areas in Western Sydney in an effort to reduce the amount of illegally dumped waste and illegal landfilling of waste on private land. A multifaceted operational approach to control/limit the number of illegally dumped incidences is used in The Hills Shire and the RID Squad has been working with Council staff to capture, collate and map information on these incidents.

In addition to prosecution, which is a deterrent to illegal dumping, Council staff and officers from the RID Squad have implemented a range of measures, including overt and covert surveillance, signage and community educations programs aimed at reducing the

incidents of illegal dumping. These measures have been successful and contributed to a reduction in the incidents of illegal dumping.

In response to the key items outlined in the terms of reference, I provide the following comments:

a) The health and safety risk posed by inadequate management and disposal of waste, overgrowth and excess vegetation and odour.

The satisfactory management and disposal of waste is fundamental. Illegal disposal of materials can lead to land degradation, destroy local bushland, decrease biodiversity value and thwart revegetation. Further, materials found to be illegally dumped can alter the normal drainage course of runoff that may lead to flooding and erosion if and when the materials block local creeks, stormwater drains and gutters. Inadequate management and disposal of waste may endanger human health.

Council staff currently deals with overgrown and excess vegetation through the Orders provisions (section 124) of the Local Government Act where the vegetations is deemed to be a risk to public health and safety. To meet this requirement, the property needs to be either determined to have the potential to harbour vermin or be a fire risk.

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

The Hills Shire Council investigates incidents of illegal landfill. Depending on the circumstances of the incident Council may take enforcement action against person/s who have transported or allowed the material to be dumped. In these circumstances Council will seek the removal from the person/s responsible as soon as practicable.

Under the Protection of the Environment Operations Act, 1997 Council can issue a clean-up notice, an on the spot fine or prosecute an offender in the Local Court. For more serious offences, offenders can be prosecuted in the Land and Environment Court.

- The current legislation, in particular powers to issue Clean Up Notices is adequate.
- Improved measures are required for the tracking of contaminated waste from building/demolitions sites.

It is believed that the establishment and maintenance of a state-wide database recording the incidence of illegal dumping and persons of interest may reduce the volume of illegal dumping and allow Council to target persons and/or locations. This database should identify hot-spot locations, analyse trends in dumping patterns across the region/state, produce detailed reports on typical activities and behaviours as well as the nature and quantity of materials dumped, and provide intelligence to inform future enforcement or deterrence strategies for Councils. It is critical that this information be shared amongst Councils.

The removal of waste, in particular asbestos, is in part regulated by the Environmental Planning and Assessment Act, 1979 through conditions of Development Consent. These conditions are aimed at ensuring the safe removal and management of asbestos affected structures. However, as the appointment of a Principal Certifying Authority for a development is competitive with the private sector, Council staff are not in a position to effectively monitor the safe removal of asbestos. Concern is raised as to whether these conditions are being adequately enforced by Private Certifiers.

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

- The current legislation provides adequate powers of entry and inspection
- Compliance cost can be recovered by issuing compliance cost notices under section 104 Of the Protection of the Environment Operations Act.

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

To improve the management of waste on private properties it is critical to firstly identify why people illegally dump waste. In this regard, evidence suggests that the rise in waste levies and the ease of which people can dispose of waste are two of the main contributing factors.

As a result potential measures to improve the management of waste could include:

- Reduction in waste levies to encourage safe disposal of waste to licensed facility
- Increased penalty for illegal dumping of waste (on spot penalty notices)
- Community education programs aimed at the public to report such incidents.
- Educating property owners to ensure that access to their property is difficult, in particular in places, (e.g rural areas) where illegal dumping occurs

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

- Huge unforeseen costs to Council especially with respect to the removal of asbestos contaminated material
- Cost of prosecution of illegal dumping matters is high

Should you wish to discuss this matter further please contact Craig Woods, Manager – Development Monitoring on [REDACTED]

Yours faithfully

[REDACTED]

Dave Walker
GENERAL MANAGER