

## **MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS**

**Organisation:** Strathfield Council  
**Name:** Mr David Hazeldine  
**Position:** A/Director Technical Services  
**Date Received:** 26/07/2013

26 July 2013

Richard Aguiar

The Chair  
Committee on Environment & Regulation  
Parliament of New South Wales  
Macquarie St  
SYDNEY NSW 2000

Dear Sir/Madam

**Re; Inquiry into the Management & Disposal of Waste on Private Land**

I refer to your letter dated 28 June inviting Strathfield Council to make submissions addressing the specific terms of reference to assist the Committees inquiry into the Management and disposal of waste on private land.

Please find attached Strathfield Councils submission which highlights many of the issues council experiences in relation to this matter. Council thanks you for the invitation to make this submission to the Committee.

Should you require further information or clarification in relation to this submission you can contact Environmental Health Coordinator, Richard Aguiar on [REDACTED]  
[REDACTED]

Yours sincerely

[REDACTED]  
DAVID HAZELDINE  
ACTING DIRECTOR TECHNICAL SERVICES

## **STRATHFIELD COUNCIL SUBMISSION**

### **Committee on Environment & Regulation Inquiry into the Management and Disposal of Waste on Private Lands**

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

Strathfield Council regularly receives complaints concerning overgrown allotments, unauthorized disposal of wastes resulting in pests, odour and other associated health risk to the public. These arise from a variety of causes:

1. Neglect by the owner resulting in overgrown vegetation.

The owner may or may not reside on the premises or the premises may be vacant or may not contain any building. Council can serve Orders, if the orders are ignored then Council has the power to enter the land and do the work. This can be a protracted exercise through the courts. The problem arises where Council is accused of damaging the property in the process of executing the Order. Furthermore the recovery of costs associated with these work is a cumbersome and time consuming process. It is a protracted exercise obtaining court orders to do the work and if Council was able to attach the cost of the work to the property to be recovered on sale of the land it would assist.

2. Dumped waste on private and public land

Dumped waste on private and public land is a problem particularly if it contains asbestos because of the health risk to the public and council staff in removal. Council receives weekly complaints of dumped asbestos on both public and private land. On private land it is the responsibility of the owner however the owner may not have been the person responsible for dumping the materials. In some instances the dumper simply accesses the site and dumps the material. The cost of collecting and taking the material to a suitable landfill is considerable, approximately \$500 for quantities up to a wheel barrow full.

3. Clean up of collected waste and recyclable materials on private land.

The current regulations are inadequate to enable Council to regulate clean ups on private land and manage derelict buildings. Council currently has several properties which are unsightly as they contain an accumulation of materials most likely salvaged by the owners from Council clean-ups across Sydney. One of the owners has a large truck and several car and trailers which are parked in the street and front yard full of junk and the property is also full of junk. In order for Council to take action the property must fall within the definition of a junk yard. This required Council to prove that the owner sells the material. This is extremely difficult to prove at court. Council has on two previous occasions cleaned up the property. The last

time five large ship bins of material were removed at of cost of over \$13,000. Council in that instance was unable to recover this cost and since then the property has returned to its previous state as the owner continues to bring material on site. The owner claims he has no money however if council was able to attach the cost of the clean up to the property it may aid as an incentive to stop the owner continuing his activity. If council argues it is a health hazard then proof of vermin infestation must be provided.

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

Councils powers to take action in respect of derelict buildings is extremely limited specifically Order 4 under section 121B of the Environmental Planning and Assessment Act 1979. Section a) requires that it is a danger to the public. If the site is fenced it is still derelict and can stay that way indefinitely. Section b), the definition is so broad that it becomes difficult to enforce as it is a matter of opinion. Also Council does not have sufficient power to require derelict houses to be either maintained or demolished. For instance Council have situations such as a large commercial heritage listed building that is derelict and is visually very unattractive and impacts the quality and perception of the streetscape. It has been made safe by the owner with temporary industrial fencing and the building boarded up. However Council has minimal powers to force the owner to restore and repair the building. The same applies to fire damaged building.

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

Refer to A) 3

***D) Possible measures to improve the management of waste on private land.***

1. In the definition of junk yard, if the sale of the material as a requirement for the definition was removed Council could apply this definition to private hoarder and address as an unauthorized use.
2. If the costs associated with Council cleaning up private sites could be attached to the title of the land, to be recovered by the following sale or transfer of the land it would reimburse Council for the cost of doing the work.
3. When Council carries out the cleanup, contracted staff and Council employees should be protected by a police presence where necessary.

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

There are significant costs, health and amenity issues associated with illegal dumping of waste on private and public lands. Until recently Strathfield Council was removing approximately 5 tonnes of illegal dumping per week on public lands. Through a range of programs including surveillance programs of evenings and weekends council has reduced this to 2 to 2.5 tonnes per week. These dumps are predominately in the light industrial areas of the municipality and are typically building or construction waste. There has been a significant increase in the amount of illegal dumps that are contaminated (STATS). In Order for Strathfield to have healthy, safe and livable environment, these dumps need to be and are promptly assessed and removed. There are costs associated with searching for identification within the dump, checking for contamination and then subsequent removal and tipping.