

MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS

Organisation: Port Stephens Council
Name: Councillor Bruce MacKenzie
Position: Mayor
Date Received: 25/07/2013

The Office of the Mayor of Port Stephens
Bruce MacKenzie

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

**Re: Inquiry into the Management and Disposal of
Waste on Private Lands (File Ref: D13/16852)**

Dear Mr Patterson,

Thank you for the opportunity to comment on the Inquiry into the Management and Disposal of Waste on Private Lands.

Councils play a crucial role in this issue and are often the direct interface with the community on such important matters.

The main health and safety risks dealt with by Councils in private land relate to effluent disposal, domestic household waste and overgrown vegetation.

The current regulatory measures are relatively effective however there are a number of areas that I suggest can be further refined. It can be cumbersome and complex with regard to hoarders where they claim belongings in a person's yard don't necessarily constitute rubbish and cause a health or safety risk. Also in situations with overgrown vegetation i.e. how long does grass/vegetation have to be to be declared overgrown? Councils need more support with the legislation in these areas.

The adequacy of inspection and enforcement procedures, including relevant sanctions and powers to recover costs can be improved. Powers to recover costs if Council cleans up waste are expensive. We use "Cost Compliance Notices" (POEO) which are effective up until a point, if the offender then refuses to pay; however the only avenue for recovery is court action which is often cost prohibitive. It is much more successful to complete a waste investigation, identifying an offender and issue a "Cleanup Notice" which if not complied with leads to further penalty, this avoids cost recovery.

I recommend the following possible measures to improve the management of waste on private lands;

- Clearer powers/definition under the Local Government Act as to what constitutes overgrown vegetation. E.g. grass longer than 10cm.
- Look at the appropriateness of Virgin Excavated Natural Material 'VENM' definition – can other inert and environmentally safe material be used the same way as 'VENM'. I believe the Environmental Protection Agency (EPA) should reconsider the definition of VENM in that other waste environmentally safe, should be able to be used in the place of VENM. Clean waste can be used for a good purpose and reduces the pressure on landfills. Such purposes include: Rural Land Holders using the material/fill for animal/stock pads, farm tracks and pads etc. This is on the basis however that the material contains no contaminants that would impact upon any groundwater.
- Improve cost recovery options under LGA. Currently under POEO the clean up costs incurred by Council (should owner fail to comply) can be registered as a debt against the property whereas it is not clear whether it can be done under LGA.
- In my view, Councils should be able to stockpile more than 200 tonnes of road works material. This current provision is overly restrictive with no perceived benefit I am aware of.

Generally it is my view that there are many higher and better uses of material typically classed as waste that could be used in a far better, environmentally friendly way rather than going straight to landfill. For example, green waste needs to be further examined across Local Government, as to how it can be better used for the benefit of the community, whether it be composting or other means. This is again, in an effort for the impacts on landfill to be reduced.

I look forward to the opportunity to speak with you further regarding the above points.

Yours faithfully,



Bruce MacKenzie
MAYOR OF PORT STEPHENS

25 July 2013

Telephone Inquiries

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