

MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS

Organisation: Waverley Municipal Council
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Partially Confidential

Mr Chris Patterson
Chair
Parliament of NSW
Legislative Assembly
Committee on Environment and Regulation

29 July 2013

Dear Mr Patterson

Inquiry into the Management and Disposal of Waste on Private Land

I refer to your letter dated 28 June 2013 in which you request submissions be made regarding the management and disposal of waste on private land.

Waverley Council has had major and on-going issues relating to accumulations of rubbish, putrescibles and household waste dumped/stored on private land. In the main, the Local Government Act 1993, despite the introduction the new Order - 22A with no appeal provision and as a rolling Order remains inadequate. This is considered largely due to access/entry to the premises not being included or addressed. Therefore, whilst there is no appeal right, Council must still take the matter to court to obtain an order for entry and this order if obtained **CAN** be appealed.

Section 200 of the Act states:

The Powers of Entry and inspection conferred by this Part are not exercisable in relation to that part of any premises being used for residential purposes except:

- (a) With permission of the occupier of that part of the premises OR
- (b) If entry is necessary for the purpose of inspecting work being carried out under an approval, OR
- (c) Under the authority conferred by a search warrant.

It is our experience [REDACTED] solicitors have to be engaged to gain a Court Order to enter upon the land and carry out the terms of the Order. The terms of this Court order are then subsequently appealed undermining a prompt resolution to an urgent health matter. Council seeks through this enquiry to alleviate this from the process.

In addition to this, is Councils dealing with Mental Health issues of the occupier/s of these premises that have generally created this accumulation of rubbish. Environmental Health Officers (EHO's) certainly do not have the training nor the capacity to deal with these issues.

Council seeks that the committee consider mental health issues and provide provision, support and guidelines requiring NSW Health and their Mental Health Team to assist Council in these matters. Without the intervention of mental health professionals, a permanent resolution is considered highly unlikely.

Other factors include the cost of collection of the waste and the long drawn out legal process of the recovery of those costs, the public health impacts on the area and the management of

those impacts and the increased fire risk due to the accumulation of combustible material. Council seeks the committee to consider what role the NSW Fire Brigade may have in expediting the removal of waste in these circumstances.

Thank you for your consideration of this submission.

Yours Sincerely

Robert Cairns