

**Submission  
No 26**

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

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12/777  
MW/MC

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The Chair  
Committee on Environment and Regulation  
Parliament of NSW  
Macquarie Street  
SYDNEY NSW 2000



Dear Sir

### **INQUIRY INTO THE MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS**

Council appreciates the opportunity to make a submission in respect of the management and disposal of waste on private lands.

This issue is a significant one for Dubbo City Council. During 2012-2013 alone, Council responded to approximately 100 complaints/customer requests relating to overgrown, unsightly, unhealthy or derelict private properties.

These matters require considerable resources to respond to. However, of particular concern for Council is the clean-up of private properties.

Under Section 124 of the Local Government Act or equally under Section 121B of the Environmental Planning and Assessment Act, Council, in the administration of orders, can enter premises and clean-up land however the issue is that Council has very limited recourse to recoup the cost of doing so from the owner(s) of the land.

Council is frequently placed in a difficult position where it is forced to incur costs to undertake works required by an Order in the interests of public health and safety; commonly, Council will have to incur the costs up-front and then attempt to recover the costs from the owner by way of court proceedings which, of course, may end up costing Council even more money if the land owner has little or no assets.

It is acknowledged that Council could register the judgement against the title of the land however, if the land owner has no tangible assets or equity, then the prospects of recovery may be slight.

Likewise Council is aware that it cannot levy these costs as a charge against the property despite understanding that other councils may engage in the recovery of these costs from the sale proceeds, should the land be sold by council for unpaid rates.

The issue of disposal of waste on private properties has ranging impacts on a community or a neighbourhood and can result in neighbour disputes, social impacts and health and safety risks to

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the public. Council is of the view that there are inadequate regulatory arrangements and powers to require clean-ups on private land and to provide for Council to recover costs when it is forced to intervene and clean-up these properties.

A further issue for Council is the increasing incidents of waste being dumped on public lands and roadsides. These incidents take considerable resources to investigate and to prepare adequate evidence to pursue the responsible parties and prosecute should sufficient evidence be available and then ultimately undertake the clean-up which is the most common outcome in these cases.

During 2012-2013 Council responded to approximately 166 incidents of rubbish dumping which required an average 250-260 hours per annum of staff resources that could be better utilised elsewhere. This is an unreasonable cost impost on a community.

Council is encouraged by the current inquiry and appreciates the opportunity to raise these issues. Council would also welcome the opportunity to provide further information should the Committee so require.

Yours faithfully

  
*Melissa Watkins*  
Director Environmental Services