

**Submission
No 33**

MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS

Organisation: Warringah Council
Name: Mr Peter Robinson
Position: Group Manager Development & Compliance Services
Date Received: 31/07/2013



29 July 2013

Mr Chris Patterson
The Chair - Committee on Environmental and Regulation
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

Dear Mr Patterson

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

Thank you for your letter dated 28 June 2013, in relation to your committee's inquiry into the management and disposal of waste on private lands. In relation to your request for comments from Council, the Mayor has asked that I respond on his behalf.

In response to your questions, Council provides the following:

(a) The health and safety risks posed by inadequate management and disposal of waste, overgrown and excess vegetation, pets and odour;

Within the 2012/2013 financial year, Council received 208 complaints in relation to matters associated with overgrown vegetation, pets, stockpiles of excess building materials / cars etc. An average time (depending on complexity) of 3 hours for inspections, re-inspections, associated paperwork, staff, resources and customer responses, these matters cost the rate payers of Warringah approximately \$60,000 annually in addition to any Court costs for non-compliances. It should be noted that in the past year, Council on two separate occasions, has been required to take matters through the Courts to get clean up action to occur as Council's enforcement powers are limited and vague. Penalties for non-compliance are minor and do not seem to act as any form of incentive to undertake clean up action.

Due to the limitations of the current regulations, the matters can take extended periods of time to have dealt with this in turn keeps the amenity issues alive for the neighbours, the health and safety risks of vermin infestation and fire hazards ever present. In addition, resident dissatisfaction can be high, and Council can appear powerless to act quickly and effectively.

(b) The effectiveness of current regulation arrangements and powers to compel clean-ups on private land and manage derelict buildings;

Notices and Orders can be issued under the *Local Government Act 1993* and Clean-Up Notices can be issued under *Protection of Environmental Operation Act 1997*, however the Public Health legislation is silent on matters which can impact on health of others eg vermin, asbestos dumping etc.

Administration fees are not associated with *Local Government Act 1993* Notices/Orders which lead to slower compliance rate. Penalty Infringement Notices under *Local Government Act 1993* are also very minimal which does not encourage land owner/occupier to resolve matter timely.

There is no current requirement under the *Local Government Act 1993* to ensure that the property owner/occupier maintains the premise in an *ongoing* safe and healthy manner. For example, following compliance of an Order 21 for overgrown vegetation on vacant land, Council may receive the same complaint every few months after compliance was achieved. Therefore, Council will have to go through the same process to achieve compliance again.

(c) The adequacy of inspection and enforcement procedures, including relevant sanctions and power to recover costs;

Resolving complaints regarding waste on private land or overgrown vegetation require many inspections. Land owners/occupiers on many occasions do not comply with, or partially comply with, terms of the Notice/Order, which may lead to re-inspections being carried out. Costs associated with inspections and re-inspections are not covered under the *Local Government Act 1993* & *Protection of Environmental Operation Act 1997*.

Council can issue Penalty Infringement Notices under *Local Government Act 1993* for non-compliance with the Order. However the cost of Penalty Infringement Notice is very minimal and not suitable for many offences.

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

- A general offence should be added where persons do not maintain lands / buildings they own in an appropriate manner
- Order provisions need to be made clearer with specific definitions and specific issues such as vegetation removal, vermin eradication, removal of waste from properties, persons who hoard waste on sites.
- Penalties for non-compliance (in an escalating approach for longer periods of non-compliance) with Council Orders need to be significantly increased.
- Power of entry and powers to clean up properties and issue cost recovery need to be provided to Council with relevant safe guards to property owners built into the provisions.
- State authority needs to provide mental health support (which is available to local authorities to access) to the people who are suffering from hoarding disorder or other mental health illnesses. Current legislation does not require people who suffer from hoarding disorder or other mental health illnesses to seek mental health practitioner.
- Mental health practitioners from Local Area Health Services of NSW Health need to liaise with local council to provide help and support to people who suffer from hoarder's disorder or other mental health illness which trigger them to store waste on private land.
- In regards to the ongoing unhealthy conditions as discussed in the last paragraph of question (b) a possible measure to improve this matter could be to introduce a longer period i.e. 2 year of on-going compliance. If a complaint is lodged and justified during this 2 year legislation to allow Council to issue PIN for non compliance of ongoing maintenance of health and safety matters.

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

In contrast to rural Councils across the NSW, Warringah Council do not have a significant issue with illegal dumping on the private land. In regards to illegal dumping on private land Council can issue a notice/ order to the polluter when in possession of evidence or Council can issue a Notice/Order to owner/occupier of the property to remove illegal waste.

State government may wish to consider a fund that will assist property owners who have to bare the cost for unlawful dumping on their land by unknown persons.

(f) Any other related matter.

There are no other matters Council wishes to raise.

I hope this provides some information to the matters you have raised.

Should you require further information, please contact Peter Robinson, Group Manager Development and Compliance Services on [REDACTED]

Yours faithfully

[REDACTED]
Peter Robinson
Group Manager Development & Compliance Services

Cc: Michael Regan, Mayor of Warringah