

**Submission
No 11**

MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS

Organisation: Shoalhaven City Council
Name: Mr Tim Fletcher
Position: Director Planning & Development Services
Date Received: 29/07/2013



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COUNCIL REFERENCE: 47625E (D13/180161)

CONTACT PERSON: John Britton

YOUR REF:

26 July 2013

Committee on Environment and Regulation
Parliament House
Macquarie Street
Sydney NSW 2000

Attention: The Committee Manager

Dear Sir/Madam

Inquiry into the Management of Disposal and Waste on Private Lands

Shoalhaven City Council uses the powers available under the *Local Government Act 1993*, the *Environmental Planning & Assessment Act 1979* and the *Protection of the Environment Operations Act 1997* when complaints are investigated and appropriate actions determined.

In most cases the complaints concern the:

- impact upon a neighbourhood by storage and accumulations of materials on residential land causing neighbour reaction;
- health effects of hazardous materials or orphan waste dumped on unoccupied private land; and
- health, safety and unsightliness concerns of building structures that become derelict.

The issues of concern to Shoalhaven City Council that the committee is asked to address are as follows;

a) Hoarding materials

Circumstances where *Local Government Act 1993*, S1245 Order No.10 is served because of neighbourhood complaint and where the state of the premises is due to the hoarding practise of the owner or occupier. In cases where the owner or occupier considers the material is 'treasure' while the common man considers the materials and state of storage are unsightly.

Council requests the Inquiry consider ways that the mental health issues of an owner or occupier may be addressed by either legislation or

by referral to a community based community health organisation to assist in achieving a remedy to these issues.

b) Orphan waste

- (i) Where waste is dumped on private land in circumstances especially in rural areas, where the land is not easily identified as privately owned, the landowner is not aware of the dumping but retains responsibility where an Order is issued for removal of the waste.
- (ii) HAZMAT (Hazardous Waste Clean-up)
In circumstances where there is a HAZMAT clean-up response due to the nature of the waste and Council is requested to collect the containers of waste material used by HAZMAT. In the case of a regional and rural Council, the local waste depot may not have approval to dispose of the waste material.

Council requests consideration of remedies to claim a reasonable reimbursement of cost of transporting and disposal of such materials to an approved waste facility. Funds from waste levies paid by Local Government or Environmental Trust funds that are collected for environmental purposes may be a source of funding.

c) Derelict buildings

In circumstances where the Council seeks either Land and Environment Court Orders for rectification or demolition works or Council has orders to enter premises to give effect to the works.

Depending on the scale of the derelict building or type of materials, often containing asbestos, the cost may be significant. Council may recoup some cost of materials that can be sold, however recovery of the shortfall is problematic.

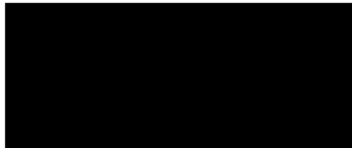
Shoalhaven City Council has experience relating to one particular property over a lengthy period where the owners of the derelict building utilised legal processes to delay Council's directions and consideration by the Land and Environment Court, and the cost of part of the demolition for removal of building materials exceeded \$100,000. This is an impact for Council because there is little or no recoupment of material value by sale of, or recovery through legal process.

Council requests legislative changes to the Local Government Act and Environmental Planning and Assessment Act to enable the cost recovery to be a charge against the land, similar to the provisions under Section 105 to 107 of the Protection of the Environment Operations Act 1997.

Thank you for the opportunity to make a submission to the Inquiry.

If you need further information about this matter, please contact John Britton, Planning & Development Services Group on [REDACTED] Please quote Council's reference 47625E (D13/180161).

Yours faithfully



Tim Fletcher
Director Planning & Development Services