

<b>Recommendation</b>	<b>Response</b>	<b>Comments</b>
<p><b>1</b></p> <p>The Committee recommends that the Division of Local Government in the Department of Premier and Cabinet, in consultation with Local Government NSW, the Environment Protection Authority, Environmental Health Australia, and other relevant state and local government stakeholders, prepare, as a priority, Guidelines for the Management and Disposal of Waste on Private Lands, which provide thorough policy and operational guidance including distinguishing between situations to which the Local Government Act or the Protection of the Environment Operations Act should be applied.</p>	<p>Supported in principle</p>	<p>The majority of the governing framework for the management of domestic hoarding and squalor comes from the Local Government Act. The Local Government Acts Taskforce, which was appointed by the government to review the current Act, recommended that a comprehensive review of the orders heads of powers under the Act should occur and that powers of entry for councils should align with modern legislative standards.</p> <p>As part of the development of the new Local Government Act, the government will need to review the orders and enforcement provisions under the Act. This review has not yet commenced and so the outcomes of the review and the implications for the management of waste on private lands are not yet clear. There are a number of possible outcomes of the review, such as additional powers being granted to councils, streamlining of enforcement provisions, or new regulatory codes.</p> <p>The government will develop appropriate supporting materials for the new Local Government Act when it commences, which may include guidelines, technical guidance or other codes.</p>
<p><b>2</b></p> <p>The Committee recommends that the Division of Local Government in the Department of Premier and Cabinet consult with Local Government NSW, the Environment Protection Authority, Environmental Health Australia, and other relevant state and local government stakeholders to propose amendments to the Local Government Act 1993 which provide for:</p> <ul style="list-style-type: none"> <li>• Appropriate offences, including tiered offences and a sliding scale of penalties if warranted.</li> <li>• Appropriate notice and warrant provisions which preserve rights and ensure effective regulation.</li> <li>• Effective orders of appropriate duration.</li> <li>• Clear and consistent definitions, schedules and prescriptions of waste, including an effective definition of 'residential'.</li> <li>• The expansion of Order 10 under section 124 to include unsightliness not in the vicinity of a public place.</li> <li>• Effective cost recovery.</li> </ul>	<p>Supported in principle</p>	<p>As outlined in the response to recommendation 2, the government has committed to the development of a new Local Government Act which will include a review of provisions that deal with local council orders approvals and enforcement powers.</p>

<p><b>3</b></p> <p>The Committee recommends that the Division of Local Government in the Department of Premier and Cabinet consult with Catholic Community Services, the RSPCA, Fire and Rescue NSW, NSW Health, Ageing Disability and Homecare, Housing NSW, the Land and Squalor Taskforce, Local Government NSW, and other relevant stakeholders to develop and implement a state-wide program for managing domestic hoarding and squalor.</p>	<p>Subject to further consideration</p>	<p>Following the development of the new Act, the government will consider whether a program is needed to support councils in their regulatory functions. It would not be appropriate for government to put a program in place ahead of the commencement of a new regulatory system.</p> <p>The current preferred approach to managing domestic hoarding and squalor is to respond to issues on a case by case basis at a local district level. This approach enables the coordination of referrals and supports as required using local services.</p> <p>District Implementation and Coordinating Committees are operational in every Family and Community Services (FACS) district. These committees comprise representatives from key government and non-government organisations such as mental health, housing providers and support services. The committees are well-placed to work through and escalate hoarding and squalor issues at a local and district level.</p>
<p><b>4</b></p> <p>The Committee recommends that the program described in Recommendation 3 include the following components:</p> <ul style="list-style-type: none"> <li>• State-wide coverage</li> <li>• Mandatory reporting</li> <li>• Formal agreements between government and non-government agencies to ensure interagency coordination</li> <li>• Education and training, including the production and distribution of a tool-kit to equip local councils and other government and community responders with the information and tools they need to address domestic squalor and hoarding</li> <li>• A telephone hotline and associated measures to ensure pathways are established and maintained which provide ready access to advice and services for hoarders and their families/carers, the neighbours of hoarders and other affected residents, and government and non-government officials responsible for incident management and care</li> <li>• Triage arrangements to ensure cases are reported and dealt with effectively and expertly, and referred in a timely manner, with special regard to the early and effective identification and</li> </ul>	<p>Subject to further consideration</p>	<p>As outlined in recommendation 3, the government will consider developing this program following the development of a new Local Government Act.</p>

	treatment of mental illness.		
5	The Committee recommends that the hoarding and squalor management program described in Recommendation 4 have a dedicated funding source, and that given the applicability of the program to managing issues which occur in all states and territories, the NSW Government seek Commonwealth funding and support for this program.	Subject to further consideration	As outlined in recommendation 3, the government will consider this recommendation following the development of the new Local Government Act. Additional funding may not be required if existing services and guidance are appropriately leveraged and communicated to the community.
6	The Committee recommends that Housing NSW be required to inspect its properties on an annual basis to ensure cases of hoarding and squalor, and other tenant welfare issues, are identified and managed proactively.	Supported in part	<p>FACS operational policies and procedures currently include strategies to ensure a proactive approach to capturing and dealing with tenancy management issues.</p> <p>Around one third of approximately 115,000 public housing tenancies in NSW are inspected annually. This includes:</p> <ul style="list-style-type: none"> <li>visiting public housing tenants at home within 8 weeks of the commencement of all new tenancies</li> <li>inspecting other properties as needed and in response to indications of risk.</li> </ul>
7	The Committee recommends that the Office of Environment and Heritage in the Department of Premier and Cabinet review the funding levels and application arrangements for councils accessing NSW Environmental Trust funds to assist with the management and removal of asbestos and other hazardous orphan waste that have been illegally dumped.	Supported in principle	<p>The NSW Environmental Trust administers the Illegally Dumped Asbestos Clean-Up Program, which reimburses councils and other public land managers for the cost of cleaning up illegal dumped asbestos (and other hazardous wastes) where the dumper cannot be identified.</p> <p>The funding levels and application arrangements have already been reviewed, with annual funding increased to \$500,000 in 2013/14 and the removal of some restrictions.</p> <p>Following consultation with local government and other stakeholders, revised guidelines for the program were released in 2013. Changes to the program included:</p> <ul style="list-style-type: none"> <li>an increase in the allocation of funds to \$500,000 each financial year</li> <li>abolition of a cap on the amount a council or other land manager could claim in any one financial year (a cap of \$25,000 had been in place)</li> <li>a minimum claim amount of \$2,000.</li> <li>requiring the Trust to process claims within a set period.</li> </ul>

		<p>Despite this, the Environment Protection Authority (EPA) and the Trust are committed to ensuring that councils and other eligible claimants are able to access the available funding and will review the Guidelines again from 2014.</p> <p>The EPA also runs information sessions in various locations for councils and other land managers, to increase understanding of and access to the Program. Sessions have been run in Coffs Harbour, Lismore and Newcastle, Port Macquarie and Western Sydney.</p>
<p>8 The Committee recommends that Fire and Rescue NSW review the operational response to hazmat incidents, in consultation with Local Government NSW and the NSW Police Force.</p>	<p>Supported</p>	<p>Currently, emergency response to residential properties with a level five or higher on Dr Randy Frost's Clutter Image Rating Scale are flagged in the station turnout system as requiring an enhanced response. The hazardous nature of stored items may provide additional risk to responding firefighters. However, incidents in residential properties where hoarding or squalor exists are often upgraded to third alarm structural response fires (requiring six fire trucks plus specialist vehicles).</p>
<p>9 In order to better manage access to Aboriginal lands, the Committee recommends that:</p> <ul style="list-style-type: none"> <li>• NSW Government agencies and local councils cooperate with Local Aboriginal Land Councils to help manage illegal dumping on Aboriginal lands; and</li> <li>• the NSW Government, the NSW Aboriginal Land Council and Local Government NSW jointly formulate principles which can be applied consistently to all agreements with Ausgrid, Railcorp, Transgrid, local councils and any other NSW Government agencies requiring access to easements, utilities and roads on Aboriginal land.</li> </ul>	<p>Supported in principle</p>	<p>The EPA is already undertaking work in this area. Since 2006, a total of \$1.7 million has been awarded through the NSW EPA's Aboriginal Lands Clean-Up Program (ALCUP) that has assisted NSW Local Aboriginal Land Councils manage illegal dumping on privately held Aboriginal land. The ALCUP forms part of the Waste Less, Recycle More Initiative to combat illegal dumping.</p> <p>As part of the effort to drive continuous improvement, and deliver outcomes aligned to the NSW Illegal Dumping Strategy, extensive consultation and stakeholder engagement has been recently undertaken to build the appropriateness, efficiency, and effectiveness of the ALCUP. Feedback indicates that a broad range of stakeholders support the outcomes of the program, and have interest in promoting ongoing illegal dumping prevention strategies through existing partnerships, and integrating grant funding within broader plans and program activities.</p> <p>Through the ALCUP and other supported illegal dumping</p>

<p><b>10</b> The Committee recommends that the NSW Rural Fire Service include in its Annual Report details of how many Bush Fire Management Committees include a member from the Local Aboriginal Land Council.</p>	<p>Supported</p>	<p>The NSW Rural Fire Service will include this information in its annual report.</p>
<p><b>11</b> The Committee recommends that the Division of Local Government in the Department of Premier and Cabinet, and the Department of Planning consult with Local Government NSW and Environmental Health Australia to prepare guidelines which outline the operation of the Environmental Planning and Assessment Act 1979 in managing derelict buildings, with particular regard to ensuring public health and safety, and ensuring that costs incurred by councils can be recovered from building owners.</p>	<p>Supported in principle</p>	<p>In September 2010, the Department of Planning and Environment published 'Breach Management Guidelines'. The Guidelines are available on the department's website.</p> <p>The Guidelines outline how the order powers under section 121 of the <i>Environmental Planning and Assessment Act 1979</i> should operate in practice. While they only apply to development for which the Minister is the consent authority, they can easily be adapted as a model for councils to follow for any order given under section 121.</p> <p>The Guidelines do not address the recovery of costs, and consideration will be given to the development of guidance specific to local councils.</p>
<p><b>12</b> The Committee recommends that the NSW Government clarify the status of the Clandestine Drug Laboratory Remediation Guidelines 2011, and that statutory and operational responsibility for leading the</p>	<p>Supported in part</p>	<p>The national Clandestine Drug Laboratory Remediation Guidelines 2011 are an appropriate resource for a consistent approach to the investigation and clean-up of premises</p>

strategies and actions, the EPA is building opportunities for long term active engagement and improved collaboration between stakeholders to combat illegal dumping on private Aboriginal land.

The EPA has published the Illegal Dumping Prevention and Clean-up: Handbook for Aboriginal Communities designed to assist Aboriginal communities plan, gain funding and undertake projects that prevent illegal dumping and enable the clean-up of lands where dumping has occurred.

The EPA is a member of multi-agency partnerships such as the Heads of Asbestos Coordination Authorities (HACA) Sub Working Group, which is developing initiatives to work with Aboriginal Land Councils and communities to raise asbestos awareness and promote the safe management of asbestos.

management of clandestine drug laboratories be vested in the Environment Protection Authority.

affected by clandestine drug laboratories.

The government does not support vesting responsibility for leading the management of clandestine drug laboratories in the EPA. This is because there is an existing regulatory framework centred on the *Local Government Act 1993*. Any necessary changes to the Act to facilitate the management of clandestine drug laboratories can be made in the development of a new Act as per recommendation 1. It is noted that the existing framework is consistent with other states in Australia.

The government recognises that better linkages between agencies and local councils are needed to address this issue including linkages between government units such as the NSW Forensic and Analytical Science Service.