

# CITY OF WHYALLA

## WASTE MANAGEMENT BY-LAW 2021

### By-law No. 8 of 2021

*A ~~By-law~~ to regulate ~~and control~~ the removal of domestic waste, recyclables and green organic household waste from premises ~~in, for the Council's area~~ prevention and suppression of nuisances, and to manage Council property.*

#### PART 1 – PRELIMINARY

##### 1. Title

This By-law may be cited as the *Waste Management By-law 2021* ~~2014~~ and is By-law No. 8 of the City of Whyalla.

##### 2. Authorising law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.

##### 3. Purpose

The objectives of this By-law are:

3.1. to prevent and mitigate nuisances associated with the storage and collection of domestic waste;

3.2. to prevent damage to Council property and land;

3.3. to define the requirements for the use of Council's domestic kerbside waste collection service;

3.3.3.4. to protect the convenience, comfort and safety of members of the public;

3.4.3.5. to enhance the amenity of the Council's area; and

3.5.3.6. for the good rule and government of the area.

##### 4. Commencement, revocation and expiry

4.1. The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

*By-law No. ~~810~~ – Waste Management<sup>2</sup>.*

4.2. This By-law will expire on 1 January 2028<sup>3</sup>

#### Note-

- Generally a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act.
- Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.

3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

## 5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2021*.
- 5.2. This By-law applies throughout the Council's area.

## 6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1. **Act** means the Local Government Act 1999;
- 6.2. **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.3. **Council** means the City of Whyalla;
- 6.4. **crossover** means the portion of a road (usually connected to a driveway on private property) that provides vehicular access to adjoining land;
- 6.5. **Green Organics** means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, food scraps or other waste specified by the Council and noted on its website;
- 6.6. **Green Organics Container** means a container for the disposal of Green Organics that is approved by the Council;
- 6.7. **Hard Waste** means any internal and/or external domestic items such as (but not limited to) fridges, and mattresses but excludes any Domestic Waste or other items as may be specified by the Council and noted on its website;
- 6.1-6.8. **Domestic Waste** means any kind of domestic waste generated from residences including, but not limited to, broken crockery, clothing, material, broken and cooking glass items, hoses, polystyrene, ropes, and soft plastics, but excludes building materials, effluent, liquids, metal, rocks, soil, lead acid batteries, wood, any toxic waste and any other waste specified by the Council and noted on its website; ~~or its agents for the purposes of disposing of Municipal Domestic/Industrial Waste;~~
- 6.2. **Domestic waste** means all house, garden and kitchen wastes, but excludes liquids, manure, metals (other than food containers), effluent, sewage, stones and bricks, soil and wood;
- 6.9. **Domestic Waste Container** means a container for the disposal of Domestic Waste that is approved by the Council;
- 6.10. **premises** means premises to which the Council's waste collection services is made available;
- 6.11. **Recyclables** means newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers and other specified by the Council and noted on its website;
- 6.12. **Recyclables Container** means a container for the disposal of Recyclables that is approved by the Council;

~~6.3.6.13. **Road emergency worker** has the same meaning as in the Local Government Act 1999 Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014;~~

~~6.4. **Hard Waste** means any prescribed household item as identified by the Council's hard waste collection service guidelines, which is not suitable for disposal through the general kerbside waste collection service;~~

~~6.5.6.14. **Occupier** has the same meaning as in the Local Government Act 1999;~~

~~6.6. **Recyclable Materials** means waste of a kind collected by the Council for the purpose of being recycled or reused, and includes glass, paper products, cardboard, plastics, ferrous and non-ferrous metals; and~~

~~6.15. **Waste** means domestic waste, recyclable materials, Green Organics and other waste rubbish and refuse other waste; and~~

~~6.7.6.16. **Waste Containers** means Domestic Waste Containers, Recyclables Containers and Green Organics Containers.~~

## PART 2 – REGULATION OF WASTE MANAGEMENT ACTIVITIES

### 7. **Provide Containers**

~~7.1. An occupier of premises must keep on his or her premises a Domestic Waste Container and a Recyclables Container.~~

~~7.2. An occupier of premises may keep on his or her premises a Green Organics Container.~~

### 8. **Management of Waste Collection Services**

An occupier of premises must:

#### 8.1. **Domestic Waste**

~~8.1.1 ensure that the Domestic Waste Container kept on the premises is approved by the Council; and~~

~~8.1.2 not place, cause, suffer or permit any waste other than Domestic Waste to be in a Domestic Waste Container; and~~

#### 8.2. **Recyclables**

~~8.2.1 ensure that the Recyclables Container kept on his or her premises is approved by the Council; and~~

~~8.2.2 not place, cause, suffer or permit waste other than Recyclables to be in a Recyclables Container; and~~

#### 8.3. **Green Organics**

~~8.3.1 ensure that any Green Organics Container kept on his or her premises is approved by the Council;~~

~~8.3.2 not place, cause, suffer or permit waste other than Green Organics to be in a Green Organics Container; and~~

#### **8.4. Keep Container Clean**

cause each Waste Container kept on the premises to be kept in a clean and sanitary condition, maintained in good order and repair and kept watertight at all times; and

#### **8.5. Sealing of Container**

cause each Waste Container to be continuously and securely covered or sealed except when waste is being deposited in or removed from the container; and

#### **8.6. Damage**

ensure that each Waste Container thereon is maintained, repaired or replaced (as necessary) so that it is not damaged or worn to the extent that:

8.6.1 it is not robust or watertight;

8.6.2 it is unable to be moved on its wheels (if any) efficiently;

8.6.3 the lid does not seal on the container when closed; or

8.6.4 its efficiency or use is otherwise impaired; and

#### **8.7. Collection Services**

8.7.1 facilitate the collection and removal of waste from the premises by ensuring all Waste Containers thereon that contain waste for collection are placed on the road for collection by the Council its agents or contractors:

(a) on the day appointed by the Council for the collection of Waste from those premises or the night before (and not before these times); and

(b) in a position:

(i) adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road; and

(ii) not under the overhanging branches of any trees; and

(iii) if placed on a crossover, only on the part of a crossover (where it abuts the carriageway) that is closest to the edge of the crossover and not in the centre of the crossover or in any other place or manner that may reasonably be considered (in the opinion of an authorised person) to create a restriction or a danger for other pedestrians or vehicular access to the crossover; and

(iv) as may otherwise be approved or directed by the Council and, wherever practicable, notified to the occupier in writing; and

8.7.2 remove all Waste Containers from the road on the same day as the collection of Waste has occurred; and

#### **8.8. Waste**

not place any Waste Container on the road for collection by the Council its agents or contractors unless the Waste Container contains only the type of Waste that is permitted to be disposed of in that Waste Container; and

#### **8.9. Hard Waste**

not place any Hard Waste on the road for collection by the Council its agents or contractors other than in accordance with any directions issued by the Council and notified to the occupier in writing or on the Council's website.

### **7. Rubbish and Waste Collection**

A person must not put Domestic Waste, Hard Waste or Recyclable Materials on a road or public place for collection except in accordance with this by-law or otherwise with the permission of the Council.

### **8. Waste Collection Service**

8.1. An occupier of premises may put Domestic Waste and Recyclable Materials out for collection by the Council or its contractors provided that:

8.1.1 the domestic waste and recyclable materials are contained within a waste container or containers of a kind approved by the Council;

8.2. the number of waste containers used does not exceed the number permitted by the Council; and

8.3. the domestic waste and recyclable materials are placed as required by the Council as may be advised to the occupier in writing from time to time.

#### **8.3.1 General Waste Container Types**

8.3.2 Waste containers approved by the Council for the purposes of Clause 8.1 of this By-law must be:

8.4. a watertight mobile garbage bin of rigid plastic having a maximum capacity of 140/240 litres with a hinged lid that when closed keeps the bin rain and fly-proof and which is designed in such a way as to allow it to be mechanically lifted from the position in which it was placed for emptying by apparatus on trucks employed by the Council or its contractors in the removal of rubbish, or

8.4.1 as may otherwise be approved by the Council following application by an occupier.

### **9. Obligations of Occupiers**

Every occupier of premises must:

#### **9.1. Containers**

9.1.1 provide and keep thereon a sufficient number of containers for the disposal of Domestic Waste; and

maintain any waste container used for the collection of Domestic Waste in good repair, with a close fitting lid and in a clean, watertight and sanitary condition;

#### **9.2. Sealing of Container**

cause the waste container to be continuously and securely covered or sealed except when the waste is being deposited in or removed from the same;

### ~~9.3. Damage~~

~~\_\_\_\_\_ immediately arrange for the replacement or repair of the waste container \_\_\_\_\_ when the same becomes damaged or worn to the extent that:~~

~~9.3.1 \_\_\_\_\_ it is not robust or watertight; or~~

~~9.3.2 \_\_\_\_\_ it is unable to be moved on its wheels (if any) efficiently when empty or full; or~~

~~9.3.3 \_\_\_\_\_ the lid does not seal the container when closed; or~~

~~9.3.4 \_\_\_\_\_ its efficiency or use is otherwise impaired.~~

### ~~9.4. Waste~~

~~not place any waste in a container for collection by the Council or its contractors other than waste for which that container is to be used as advised in writing by the Council from time to time. Items placed in a container other than that specified by the Council will be regarded as prohibited and must be disposed of as the Council directs;~~

### ~~9.5. Collecting Services~~

~~(a) \_\_\_\_\_ facilitate the collection and removal of waste from the premises, and no more than 12 hours prior to the time appointed by the Council for the collection of waste from those premises, place all waste containers containing waste for collection in a position:~~

~~(i) \_\_\_\_\_ on the street in front of and on the same side as those premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the containers on which the wheels are situated to face those premises; or~~

~~(ii) \_\_\_\_\_ as may otherwise be approved by the Council.~~

### ~~9.6. Removal of Container~~

~~9.6.1 \_\_\_\_\_ remove the waste container from the street within 24 hours after the collection of waste has occurred.~~

## 10.9. Unlawful Removal of Waste

A person must not, without permission, take or interfere with any Waste that has been left by another person on a road or Local Government land for the apparent purpose of facilitating the collection of the Waste by the Council, its contractors, agents or delegates. **Council Landfill Sites**

~~A person may only dump or deposit waste material at a Council landfill site in accordance with all applicable instructions, including in relation to the area in which the waste material may be dumped or deposited.~~

~~A person present on a Council landfill site must at all times follow any relevant instruction that applies to him or her. A person must pay the correct fee to dump or deposit waste and shall not falsify or misrepresent the nature of the waste material presented at a Council landfill site.~~

~~A person shall not remove any material, be it waste or otherwise from a Council landfill site except where permission has been obtained or in accordance with an instruction.~~

~~For the purposes of this clause **instruction** means:~~

~~a verbal direction given by an authorised officer of the Council, or a person employed at a Council landfill site; and~~

~~a written direction contained on a sign or signs erected on a Council landfill site.~~

~~**Waste Containers** means Domestic Waste Containers, Recyclables Containers and Green Organics Containers.~~

## **PART 32 – ENFORCEMENT**

### **44.10. Orders**

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

### **42.11. Exemptions**

The restrictions in this By-law do not apply to a police officer, emergency worker, Council officer or employee acting in the course of and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

This By-law was duly made and passed at a meeting of the City of Whyalla held on the **INSERT DATE** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

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**JUSTIN COMMONS**  
Chief Executive Officer