

WASTE IN PUBLIC PLACES GUIDELINES

March 2019

Purpose

These guidelines support the **Waste in Public Places Policy** in relation to waste containers and booked waste placed on public land.

1. Placing Residential Waste in a Public Place

- a) Permissible residential waste should only be put in a public place, for the purposes of collection as part of the residential waste and recycling collection service.
- b) All permissible waste placed in a public place must be enclosed completely within a bin designated for the waste type with the lid securely closed (garbage, recycling, or garden organics waste), except bulky waste booked as Clean Up. Waste which is not contained in a bin, for example plastics bags, loose cardboard boxes and other bulky household wastes, must not be placed next to or on top of bins in a public place as this is considered by the Council to be improperly presented waste and is not exempt from approval. Council at its discretion may refuse to collect improperly presented waste or recycling until action is taken by the resident to remedy the issue.
- c) A person must place permissible residential waste generated at their premises in the residential waste bins issued to their premises, not in commercial waste bins, park or street litter bins, or residential waste bins issued to another property.
- d) Bins may only be placed for collection the evening of the day before the scheduled collection for the waste type presented, being either garbage, recycling, or garden organics.
- e) A person must not keep, store or allow any bin to remain in a public place longer than the day of collection. Bins must be kept on the resident's premises at all other times and not in a public

place unless prior approval has been obtained from the Council.

- f) Bins left in a public place for longer than the day of the bin's collection without Council approval may be removed and enforcement action may be taken by Council.
- g) Bins must be placed immediately in front of the resident's property (or directly adjacent to the property if the front of the property cannot be used for waste collection) and no closer than six (6) metres from the boundary of the cross street of a corner property. Bins may be placed at the approved waste collection point for the development in which the premises are located. If the bin is placed beyond the user's property boundary, prior consent is required from the owner or occupier of the premises where the bin is placed.
- h) Council provides an on-call Clean Up collection service for residents. Any material which has been booked in for a Clean Up collection service by the Council must only be placed out the evening of the day before the collection is scheduled to take place. The material must not exceed the maximum volume permitted by Council.
- i) Bulky waste booked as Clean Up must be presented on the nature strip in neat piles with bulky garden organics waste (with any branches not exceeding 200mm diameter) tied with string and bundled in lengths not exceeding one and a half (1.5) meters.
- j) Bulky waste booked as Clean Up must not block any road, pavement or footway and must not endanger pedestrian or vehicle traffic or the environment when presented. Where no nature strip exists the material must be presented adjacent to the premises in the location where waste bins are usually placed out for collection.

2. Placing Commercial Waste in a Public Place

- a) Commercial waste should only be put in a public place for the purposes of collection by a commercial waste collector for processing or disposal.
- b) Waste must not be removed from the commercial waste generator's premises to be disposed of in a public place bin such as a park or street litter bin or a residential waste bin.
- c) All waste must be enclosed completely within a bin designated for the waste type with the lid securely closed. Any waste not contained in a bin, for example plastic bags and loose cardboard boxes, must not be placed next to or on top of bins in a public place as this may be considered by the Council to be illegally dumped waste or litter.
- d) Bins containing medical, pharmaceutical, clinical or related waste (such as may be generated from healthcare sector premises, sex services premises, tattoo parlours or acupuncture clinics) must not be placed out in a public place prior to collection. Bins containing these waste types may be expediently serviced across a footpath, but must then be immediately returned to the commercial waste generator's premises and are to be stored on the premises at all other times. Medical, pharmaceutical, clinical or related waste are not permitted in public place bins, residential waste bins, or commercial waste bins not designated for that waste type.

Note: Waste of this type may be subject to waste tracking requirements by the NSW Government. It is the responsibility of the commercial waste generator to ensure that the correct documentation is completed prior to the waste being transported off-site.

- e) All bins must have a permanently fixed close-fitting lid, have a smooth internal washable surface, be free of stains, leaks, odours and

debris, and be in full working order with no cracks, splits, missing wheels, lids or pins.

- f) Bins exceeding 240 litres must have fitted and working brakes, and be lockable.
- g) All bins must be permanently labelled in such a manner that an Authorised Council Officer can easily identify the premises to which it was issued. It is the commercial waste generator's responsibility to ensure their bins are clearly labelled; that the information provided on the label is current and contains the name (or the business name under which they operate) and address of the commercial waste generator at the premises.
- h) All commercial waste bins must clearly display the name, address and 24-hour contact telephone number of the commercial waste collector and be marked with a unique identification number that can be traced to the premises to which it was issued.
- i) Bins left in a public place that do not clearly identify the premises to which it was issued may be removed and impounded by the Council in accordance with the *Impounding Act 1993*. This will also apply where the owner of the bin has been given notice to remove the bin, but has failed to do so in a timely manner.
- j) Items such as bread or pastry crates or milk crates or kegs left on the footpath or in lanes or roadways deemed by an Authorised Council Officer to be abandoned articles may be seized and subsequently recycled and or sold by the Council in accordance with the *Impounding Act 1993*.
- k) Waste oil drums are not permitted to be stored or placed in public places at any time. Waste oil drums must be collected by a commercial waste collector from within the subject premises.
- l) Bins must be placed immediately in front of or directly adjacent the premises from which the waste is generated, or at the approved waste

collection point for the development in which the premises are located. If the bin is placed beyond the user's property boundary, prior consent must be obtained from the owner or occupier of the premises adjacent to where the bin is placed.

- m) The placement of bins must not: disturb traffic flow or parking; impede or endanger pedestrian movement; scratch, stain, or damage any public property; restrict driver sight lines or vehicle access; block access to emergency exits or equipment; block any type of door; and/or be placed in front of or in close proximity to any opening window or any window or other opening providing ventilation or visual amenity to the premises or a neighbouring premises.
- n) Placement and removal of bins must be carried out in such a way as not to damage the roadway, footpath or utility services under the ground, cause damage or obstruct access to adjacent premises.
- o) The area where the bin is placed for collection must be kept tidy at all times and should be cleaned by the commercial waste generator on a daily basis and on any occasion when directed to do so by an Authorised Council Officer.
- p) A person must not keep or allow a commercial waste bin to remain in or on a public place for more than four (4) hours following the collection of waste from the bin, or beyond any period specified in the development conditions of consent for the premises. Bins must be stored on the owner or occupier's premises at all other times and not in a public place unless prior approval from the Council has been obtained authorising such action. Bins left in a public place for more than four (4) hours following collection may be impounded and further action may be initiated at the discretion of Council.
- q) Commercial waste generators must produce evidence of a valid contract or similar arrangement for waste collection detailing the

method, timing and the disposal of the collection to a licensed waste facility if requested to do so by an Authorised Council Officer.

Notes:

- *The above applies only to bins for commercial waste generated by the particular use of the premises. It does not relate to skip bins for the purpose of storing waste. For skip bins refer to Section 4 of these guidelines.*
- *Commercial waste generators are responsible for the handling and storage of waste generated in their premises to meet Development Application Approval conditions, public health, safety and environmental requirements and applicable legislation.*
- *Commercial waste generators are responsible for all costs associated with collection and disposal of their waste.*
- *Bins must be vermin proof; and be cleaned without causing stormwater pollution on a regular basis or as directed by an Authorised Council Officer.*

3. Transporting Commercial Waste

- a) The collection of waste from a commercial waste generator's premises is allowed to take place only between the hours specified in the conditions of consent for the development on any day.
- b) Commercial waste generators are not to allow the sorting, collection or transport of separated glass bottles generated at their premises from a public place between 10:00 p.m. and 7:00 a.m. every day. Such behaviour could be considered a factor when determining offensive noise in accordance with the *Protection of the Environment Operations Act 1997* and may attract enforcement action by the Council on behalf of affected residents.
- c) Activities associated with the collection of waste or delivery of a bin must be carried out in such a way as not to damage the roadway, footpath or services under the ground or cause damage

or obstruct access to adjacent premises or roadways.

4. Approval for Skip Bins

- a) Approval for placing a Skip Bin in a public place will only be given if the waste placed there is to be sorted and recycled as far as practical.
- b) Skip Bins may only be placed on roads or road related areas when there is insufficient space on the property from which waste is to be disposed, or access to and from the property would be adversely affected by the placement of the Skip Bin on the property.
- c) No Skip Bin is to be placed in a public place until an application and payment of fee has been made, and approved by Council. An application is to include evidence of the Public Liability insurance to the value of twenty million dollars (\$20,000,000.00) held by the provider supplying the Skip Bin.
- d) The responsibility for obtaining an approval from the Council prior to placing a Skip Bin in a public place lies with the person engaging the Skip Bin from a provider.
- e) The application is to indemnify the Council against any clean-up costs that may be incurred and acknowledge that said costs may be recovered by the Council as a debt.
- f) Council may direct the placement location or change of placement location of any Skip Bin placed in public places.
- g) Placement of the Skip Bin should not cause any damage to a road or road related area, or property located on or nearby a road or road related area and should not create a hazard to the safety of any person or property.
- h) The placement of Skip Bins is not permitted on sections of roads and road related areas where

signposted kerbside timed parking restrictions apply.

- i) Skip Bins cannot be placed where motor vehicles are prohibited from parking or stopping as set out in the *NSW Road Rules 2014*.
- j) The placement of Skip Bins is not permitted in any of the following situations:
 - (i) On driveways or in areas where the bin may obstruct vehicular traffic entering or leaving premises;
 - (ii) On locations that interfere with the sight lines of, or visibility to, drivers/vehicles, cyclists or pedestrians entering or leaving premises;
 - (iii) On locations which obstruct pedestrians from entering or leaving premises, or which obstruct cyclists and pedestrians travelling along footpaths or shared paths;
 - (iv) On locations that obstruct access to utility services or other devices that may require 24-hour servicing (for example, traffic signal boxes, fire hydrants and telecommunications poles);
 - (v) Potentially unsafe locations including placement on steep gradients or places that may cause public inconvenience;
 - (vi) In narrow streets and shared paths where the placement of the Skip Bin may restrict traffic and other road user movements;
 - (vii) At locations where there is a high volume of pedestrian or cyclist traffic;
 - (viii) At locations where access by delivery or waste collection service vehicles may be hindered;
 - (ix) At locations that will interfere or block the movement of vehicles in travelling lanes;
 - (x) At locations where there is insufficient sight distance to the bin by approaching or turning drivers and cyclists;
 - (xi) At locations which may block or restrict the drainage capacity of the road/gutter, or along drainage lines; and
 - (xii) The placement of a Skip Bin must not restrict access to any service that may be contained in the road reserve. A person

should contact the relevant authority if they are unsure whether the placement of a Skip Bin will cause any risk of injury to a person or property or inconvenience to the public.

- k)** Skip Bins placed in public places are not to exceed the following dimensions:
- (i) Length = 4.0 metres
 - (ii) Width = 2.0 metres
 - (iii) Volume capacity = 20 cubic metres
 - (iv) Weight capacity = 10 tonnes

Skip Bins that exceed these criteria will require a separate activity application for approval by Council.

- a)** Skip Bins are to display name and contact details for the bin provider, including a 24-hour contact phone number. However, a total of no more than twenty (20) per cent of each side of the Skip Bin may be used to display this information and/or company logos.
- b)** Irrespective of the colour of the Skip Bin, retro-reflective tape must be used. This tape is to be applied around the entirety of the rim on all bins and is to have a minimum width of 50mm. In locations considered to be dangerous, retro-reflective tape should also be applied to the faces of the bins.
- c)** Flashing yellow lights should be mounted on Skip Bins when placed within the road reserve or bicycle pathways at locations that are poorly lit (such as where there is no street lighting or obstructions to lighting exist creating deep shadow). These lights are to be mounted on the front and rear panels, so that they are visible to oncoming traffic in both directions and are to operate during hours of darkness. These lights are to be secured against vandalism or theft.
- d)** All vehicles used to deliver or retrieve Skip Bins must be fitted with an external flashing yellow light. This light must be used whilst the vehicle is in the process of delivering or retrieving a bin.
- e)** The area where the bin is placed for collection must be kept tidy at all times and should be cleaned by the applicant for a Skip Bin permit on a daily basis

and on any occasion when directed to do so by an Authorised Council Officer.

- f)** Materials placed into Skip Bins are not to include any food waste or dangerous or hazardous waste.
- g)** Maximum duration of the approval is for a period of seven (7) days from the date of placement in a public place to date of removal of the bin from a public place.
- h)** Skip Bins must only be used in conjunction with an approved activity on site. Bins that are required for long term use without a valid reason, or that are subject to complaints may be required to be removed.

Notes:

Prior to an application for approval from Council, permission to place Skip Bins on any State Roads must be obtained from the Roads and Maritime Services (RMS). Consideration of Council approval will be then subject to any conditions imposed by the RMS.