

# WASTE IN PUBLIC PLACES POLICY

## 1.0 PURPOSE

The Waste in Public Places Policy establishes the framework for the use and placement of Commercial and Residential Waste Bins, Skip Bins, Clothing Recycling bins and Container Recycling Equipment for the container deposit scheme, on land under the care and control of Canterbury-Bankstown Council. This Policy is in accordance with the *Local Government Act 1993*, the *Environmental Planning and Assessment Act 1979* and relevant regulations and guidelines.

## 2.0 SCOPE

This policy applies to requests for placing waste on land under the care and control of Council and is to be read in conjunction with Council's *Waste in Public Places Guidelines*.

This policy does not apply to waste on private property. Waste on private property is guided by the provisions of the *NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Canterbury-Bankstown Council's *Local Orders Policy*, the *Bankstown Local Environment Plan 2015* and *Canterbury Local Environment Plan 2012*.

## 3.0 POLICY STATEMENT

Canterbury-Bankstown Council (Council) is committed to promoting and implementing responsible and sustainable management practices for waste storage and collection in order to improve the environmental amenity of its land and reduce the number of incidents of litter and dumped or abandoned waste.

This policy outlines:

- responsibilities for use of the Council's waste services by residents
- responsibilities for managing and presenting commercial waste for collection by businesses
- conditions for the safe and lawful use of Public Places for managing waste
- the basis for Council to make orders in relation to waste placed in Public Places; and
- the implications of non-compliance with this policy, the *Local Government Act 1993*, and other relevant laws and regulations on the management of Waste in Public Places.

### 3.1 Activities that are exempt from Council approval

The following activities may be carried out without the prior approval of the Council if they are carried out in accordance with the requirements set out in the *Waste in Public Places Guidelines*.

- a) Transporting commercial waste over or under a Public Place for fee or reward.
- b) Placing waste or placing a bin in a Public Place, if that activity includes residential waste.
- c) Placing waste or placing a bin in a Public Place, if that activity includes commercial waste.

### **3.2 Activities requiring Council approval**

The placing of waste or placing a bin in a Public Place, if that activity includes Skip Bins, is not to be carried out without the prior approval of the Council and payment of the fee set out in Council's Schedule of Fees and Charges for the applicable period. Approval is provided in accordance with the *Waste in Public Places Guidelines*.

Where possible, and with the explicit consent of the property owner, Skip Bin suppliers should place these bins on private property.

### **3.3 Activities not approved by Council**

#### **a) Placing a Clothing Recycling bin in a Public Place**

Council does not permit Clothing Recycling bins to be placed in a Public Place. Council will remove or relocate any Clothing Recycling bin placed in a Public Place.

#### **b) Container Recycling Equipment in a Public Place**

Council does not permit Container Recycling Equipment to be placed in a Public Place. Council will remove or relocate any Container Recycling Equipment placed in a Public Place.

Container Recycling Equipment on private property are exempt development under the *NSW State Environmental Planning Policy*.

### **3.4 Non-compliance with this policy**

Waste on private land causing or likely to cause a threat to public health is addressed under the relevant provisions of Council's Local Orders Policy.

Authorised Council Officers may issue penalty notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with relevant legislation identified in this policy. Serious incidents of pollution may be prosecuted by State agencies such as the NSW Environment Protection Authority.

If a person puts waste or a bin in a Public Place in contravention of this policy and the related guidelines or any approval issued by the Council, the Council may take action under sections 626(3) and 627(3) of the *Local Government Act 1993*. The maximum penalty for an offence under each of these sections is currently 20 Penalty Units.

The Council may also take action under the *Protection of the Environment Operations Act 1997* for noise, disposal of waste (harm to the environment) and litter offences.

Food premises must comply with their obligations under the *Food Act 2003* and the accompanying Food Standards Code and ensure that they have adequate facilities for the storage of garbage and recyclable matter.

Any parties acting in a manner which is not in accordance with this policy may be given up to seven (7) days' notice in writing to comply before any penalties are issued. The Council does, however, reserve the right to take immediate action if circumstances warrant.

Council may order the removal of any bin placed in a Public Place or the termination of any activity associated with it, which causes a nuisance or creates a danger. Upon receipt of such order, the applicant shall comply immediately.

Commercial Waste Bins or Skip Bins left in a Public Place that do not clearly identify the supplying company or meet the required safety provisions set out in this policy and the related guidelines 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.

### **3.5 Exceptional circumstances related to placement of bins in a Public Place**

All premises are to comply with Council's Local Orders Policy relating to storage of waste containers. Council acknowledges that there may be exceptional circumstances where it is not possible for a resident, business or organisation to fully comply with the requirement that their bins are:

- (a) removed from a Public Place following scheduled collections; or
- (b) stored on their own premises

Council recognises that such circumstances may exist from time to time and will discuss any placement of bins in a Public Place on a case-by-case basis only.

#### **3.5.1 Ineligible applicants**

The following premises or developments are ineligible for seeking bin placement not compliant with Council's Local Orders Policy:

- Any premises or development (including single and multi-unit dwellings) that have some form of storage space in which their bin(s) can be kept on their premises, irrespective of whether that space is currently used for a different purpose;
- Any premises or development where conditions of consent have provided for storage of bins on the premises; or
- Any premises or development with a development application lodged at or after the time of Council's endorsement of this policy and subsequently occupied.

## **4.0 RELATED RESOURCES**

### **4.1 Legislation**

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (Waste) Regulation 2005*
- *Charitable Fundraising Act 1991*
- *Food Act 2003*
- *Impounding Act 1993*
- *Roads Act 1993*

## 4.2 Associated Documents

- Waste in Public Places Guidelines
- Local Orders Policy
- Schedule of Fees and Charges
- Application for Waste or Shipping Container on Public Street

## 4.3 Definitions

<b><i>Authorised Council Officer</i></b>	An authorised Council officer, as defined in the <i>Local Government Act 1993</i> , is an employee of the Council generally or specially authorised by the Council to deal with, or to act in regard to, any Acts or related matters.
<b><i>Bin</i></b>	A container for the storage of waste, either recyclables or garbage (which is mixed waste materials including organic waste). This definition includes mobile garbage bins with close-fitting lids. It does not include plastic bags, boxes, cartons or crates.
<b><i>Clothing Recycling bin</i></b>	A container for the interim storage and collection of donated or disposed clothing for re-use or recycling.
<b><i>Commercial waste</i></b>	Business or commercial waste (including recyclable materials) generated as part of ordinary business activities. It does not refer to construction and demolition waste or asbestos, tires, liquid waste and restricted solid waste such as contaminated soil.

<b>Commercial waste Collector</b>	A company or person engaged by a Commercial waste Generator to manage the collection and transport of waste, typically from commercial or industrial premises, to recyclers and/or lawful waste processing facilities.
<b>Commercial waste Generator</b>	Any owner or tenant, or their respective agent that generates, produces, or is in part or whole, responsible for an activity that results in Commercial waste.
<b>Container Recycling Equipment</b>	As defined in the <i>NSW State Environment Planning Policy (Exempt and Complying Development Codes) Amendment (Container Recycling) 2017</i> , means: <ul style="list-style-type: none"> <li>a) a reverse vending machine;</li> <li>b) a mobile reverse vending machine; or</li> <li>c) a container collection cage (whether transportable or stationary).</li> </ul>
<b>Residential waste</b>	All waste generated by the ordinary use of residential premises and collected by the Council or its agents.
<b>Residential waste Collector</b>	The Council or agents acting on the Council's behalf that collects and delivers waste to a licenced processing or disposal facility.
<b>Public Place</b>	As defined in the <i>Local Government Act 1993</i> , the term includes Council's roads, lanes and footpaths. 'Public Place' means one of the following: <ul style="list-style-type: none"> <li>a) a public reserve, public bathing reserve, public baths or public swimming pool;</li> <li>b) a public road, public bridge, public wharf or public road-ferry;</li> <li>c) a Crown reserve comprising land reserved for future public requirements;</li> <li>d) public land or Crown land that is not: <ul style="list-style-type: none"> <li>(i) a Crown reserve (other than a Crown reserve that is a Public Place because of paragraph (a), (b) or (c)); or</li> <li>(ii) a common; or</li> <li>(iii) land subject to the <i>Trustees of Schools of Arts Enabling Act 1902</i>; or</li> <li>(iv) land that has been sold or leased or lawfully contracted to be sold or leased; or</li> </ul> </li> <li>e) land declared by the regulations to be a Public Place.</li> </ul>

<b>Skip bin</b>	Bulk containers for the storage and collection of building, renovation, demolition, construction and/or other bulky wastes.
<b>Street/Park Litter bin</b>	Council receptacle for convenient disposal in public areas of small quantities of away-from-home consumer waste, such as wrappings and used containers for food.
<b>Waste</b>	All refuse other than trade waste and effluent, defined as 'waste' in the <i>Local Government Act</i> 1993. It also includes any other substance defined as waste under the <i>Protection of the Environment Operations Act</i> 1997.

## 5.0 POLICY OWNER

Manager Sustainable Future

## 6.0 AUTHORISATION

Adopted by Canterbury-Bankstown Council on [INSERT DATE].