

CITY OF PORT ADELAIDE ENFIELD
BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999
By-law No. 7 of 2015—Waste Management

A by-law to regulate the removal of domestic waste from premises in the Council's area.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Waste Management By-law 2015 and is By-law No. 7 of the City of Port Adelaide Enfield.

2. *Authorising Law*

This by-law is made under Sections 238, 239 and 246 of the Local Government Act 1999, Sections 667 (1) 4.I and 9.XVI of the Local Government Act 1934 and Regulation 28 (b) of the Local Government (General) Regulations 2014.

3. *Purpose*

The objectives of this by-law are:

- 3.1 to prevent and suppress 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;
- 3.4 to protect the convenience, comfort and safety of members of the public;
- 3.5 to enhance the amenity of the Council area; and
- 3.6 for the good rule and government of the area.

4. *Application*

- 4.1 Subject to Clause 5.7, this by-law operates subject to the Council's Permits and Penalties By-law 2015.
- 4.2 This by-law applies throughout the Council's area.

5. *Interpretation*

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

- 5.1 *Domestic waste* includes, but it 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 and wood;

- 5.2 *Emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 5.3 *Hard waste* means white goods, furniture, mattresses, roofing and fencing iron, bundled prunings no longer than 2 m length and 30 cm diameter, broken toys and bikes, electrical items including toasters, TV's and computers, old and unwanted household items; but excludes ammunition, bricks, car bodies, concrete, explosives, gas bottles, liquid waste, large scrap metal, recyclable material that can be disposed of in the kerbside recycling bin and rocks;
- 5.4 *Occupier* has the same meaning as in the Local Government Act 1999;
- 5.5 *Organic waste* is compostable waste, and includes food waste, garden organic waste, paper towel and tissues;
- 5.6 *Permission* means a general permission given by the Council by notification from time to time to occupiers of premises in writing by delivery to letterbox or post box and which may contain conditions to which the grant of permission is subject;
- 5.7 *Public road* has the same meaning as in the Local Government Act 1999;
- 5.8 *Recyclable materials* means waste collected for the purpose of being recycled including aerosols, cans, cardboard, cartons, glass bottles and jars, paper products, rigid plastic containers, ferrous and non-ferrous metals;
- 5.9 *Road* has the same meaning as in the Local Government Act 1999; and
- 5.10 *Waste* means domestic waste, recyclable materials, hard waste and organic waste or any other item being disposed of as it is no longer required.

PART 2—REGULATION OF WASTE MANAGEMENT ACTIVITIES

6. *Rubbish and Waste Collection*

A person must not leave waste on a road or public place for collection by the Council except in accordance with this by-law or otherwise with the permission of the Council.

7. *Waste Collection Service*

An occupier of premises may put domestic waste, organic waste and recyclable materials out for collection by the Council or its contractors provided that:

- 7.1 the domestic waste, organic waste and recyclable materials are contained within a waste container or containers approved by the Council;
- 7.2 the number of waste containers used does not exceed the number permitted by the Council; and

7.3 the domestic waste, organic waste and recyclable materials are placed as required by the Council and advised to the occupier in writing from time to time.

8. *General Waste Container Types*

Waste containers approved by the Council must be:

8.1 a watertight mobile garbage bin of rigid plastic that:

8.1.1 is stamped with the City of Port Adelaide Enfield Council logo;

8.1.2 has a maximum capacity of 140 or 240 or 360 litres; and

8.1.3 has a hinged lid that when closed prevent access of pests, insects and rain; and

8.1.4 is designed in such a way that allows the bin 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 for the removal of rubbish, or

8.2 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*

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

9.2 *Damage*

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

9.2.1 it is not robust or watertight; or

9.2.2 it is unable to be moved on its wheels (if any) efficiently when empty or full; or

9.2.3 the lid does not seal the container when closed; or

9.2.4 its efficiency or use is otherwise impaired;

9.3 *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 waste specified by the Council will be regarded as prohibited and must be disposed of as the Council directs;

9.4. *Collecting Services*

facilitate the collection and removal of waste from the premises by ensuring all waste containers containing waste for collection are placed on the road for collection:

9.4.1 on the day appointed by the Council for the collection of waste from those premises; and

9.4.2 in a position:

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

(b) as may otherwise be directed by the Council in writing; and

9.5. *Removal of Container*

remove the waste container from the road on the same day as the collection of waste has occurred.

10. *Unlawful Interference with Waste*

A person must not, without the Council's permission, take or interfere with any waste that has been left on a road for the apparent purpose of collection by the Council, its contractors or agents.

PART 3—ENFORCEMENT

11. *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.

12. *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 Port Adelaide Enfield held on 14 July 2015, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

M. WITHERS, Chief Executive Officer