

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

City of Norwood, Payneham and St Peters

By-law No 6 – Waste Management By-Law 2018

To regulate the removal of domestic waste, recyclables and green organic waste from premises within the Council's area.

and do certify that in my opinion:

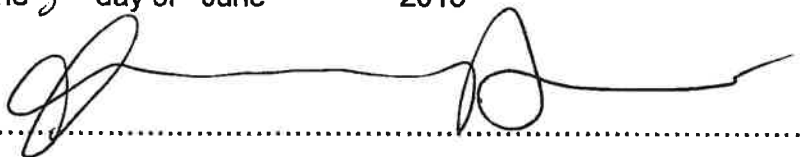
City of Norwood, Payneham and St Peters

has the power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1999: sections 238, 239 and 246
Local Government (General) Regulations 2013: regulation 28(b)

and the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 30 day of June 2018

A handwritten signature in black ink, consisting of a large, stylized initial 'C' followed by a long horizontal line that ends in a small loop. The signature is written over a dotted horizontal line.

Cimon Burke, Legal Practitioner



City of
Norwood
Payneham
& St Peters

CITY OF NORWOOD PAYNEHAM & ST PETERS

WASTE MANAGEMENT BY-LAW 2018

By-law No. 6 of 2018

A By-law to regulate the removal of domestic waste, recyclables and green organic waste from premises in the Council's area.

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PART 1 – PRELIMINARY

1. Title

This By-law may be cited as the *Waste Management By-law 2018* and is By-law No. 6 of the City of Norwood Payneham & St Peters.

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 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. Commencement and Expiry

This By-law will commence in accordance with section 249(5) of the Act and will expire on 1 January 2026.

5. Application

- 5.1. This By-law operates subject to the Council's *Permits and Penalties By-law 2018*.
- 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 Norwood Payneham & St Peters;
- 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 materials for which permission has been given by the Council;

- 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;
- 6.8. **Domestic Waste** means any kind of domestic and kitchen 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 and any toxic waste;
- 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, excluding vacant land, 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 materials for which permission has been given by the Council;
- 6.12. **Recyclables Container** means a container for the disposal of Recyclables that is approved by the Council;
- 6.13. **Road** has the same meaning as in the *Local Government Act 1999*;
- 6.14. **Waste** means Domestic Waste, Recyclables and Green Organics; and
- 6.15. **Waste Containers** means Domestic Waste Containers, Recyclables Containers and Green Organics Containers.
- 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.

9. **Interference with Waste/Hard Waste**

A person must not, without the Council's permission, remove, disburse or interfere with any Waste, or Hard Waste that has been placed on a road or in a Waste Container on a road for the apparent purpose of collection by the Council, its agents or contractors.

PART 2 – ENFORCEMENT

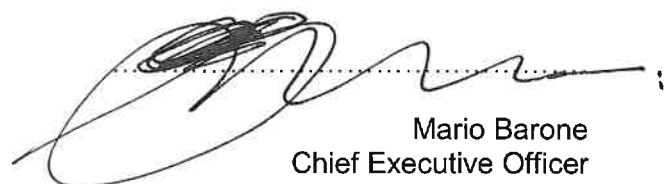
10. **Orders**

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.

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 Norwood Payneham & St Peters held on the **6 August 2018** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



Mario Barone
Chief Executive Officer