



CITY OF PORT ADELAIDE ENFIELD
WASTE MANAGEMENT BY-LAW 2022

By-law No. 7 of 2022

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 2022* 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*, 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. 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 operation¹:

*By-law No. 7 – Waste Management 2015.*²

- 4.2 This By-law will expire on 1 January 2030.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
2. 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 2022*.
- 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** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **Council** means the City of Port Adelaide Enfield;
- 6.4 **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;
- 6.5 **domestic waste container** means a container for the disposal of domestic waste to be collected by the Council that is approved by the Council (whether or not it is provided by the Council);
- 6.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.7 **hard waste** means white goods, furniture, mattresses, roofing and fencing iron, bundled pruning's no longer than 2m length and 30cm 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;
- 6.8 **occupier** has the same meaning as in the *Local Government Act 1999*;
- 6.9 **organics container** means a container for the disposal of organic waste to be collected by the Council that is approved by the Council (whether or not it is provided by the Council);
- 6.10 **organic waste** is compostable waste, and includes food waste, garden organic waste, paper towel and tissues;
- 6.11 **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;
- 6.12 **premises** means premises to which the Council's domestic waste collection service is made available;
- 6.13 **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;
- 6.14 **recyclables container** means a container for the disposal of recyclables to be collected by the Council that is approved by the Council (whether or not it is provided by the Council);
- 6.15 **road** has the same meaning as in the Act;
- 6.16 **waste** means domestic waste, recyclable, hard waste, organic waste or any other item being disposed of as it is no longer required; and

- 6.17 **waste containers** means domestic waste containers, recyclables containers and green organics containers or any other container used to store waste.

PART 2 – REGULATION OF WASTE MANAGEMENT ACTIVITIES

7. 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.

8. 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:

- 8.1 the domestic waste, organic waste and recyclables are contained within a waste container designated for that type of waste and that is approved by the Council;
- 8.2 the number of waste containers placed out for collection does not exceed the number permitted by the Council; and
- 8.3 the domestic waste, organic waste and recyclable materials are placed as required by the Council (including in any location specified by the Council and in accordance with this By-law) and stated on the Council's website or as otherwise notified to the occupier by the Council in writing.

9. Obligations of occupiers

Every occupier of premises must:

9.1 Domestic waste

not place, cause, suffer or permit any waste other than domestic waste to be in a domestic waste container;

9.2 Recyclables

not place, cause, suffer or permit waste other than recyclables to be in a recyclables container;

9.3 Organics waste

not place, cause, suffer or permit waste other than organic waste to be in an organics container;

9.4 Damage

immediately arrange for the replacement or repair of a waste container kept on the premises if the same becomes damaged or worn to the extent that:

- 9.4.1 it is not robust or watertight;
- 9.4.2 it is unable to be moved on its wheels efficiently when empty or full;
- 9.4.3 the lid does not seal the container when closed; or
- 9.4.4 its efficiency or use is otherwise impaired;

9.5 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;

9.6 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;

9.7 Collecting services

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

9.7.1 on the day appointed by the Council for the collection of waste from those premises or after 4pm the night before (and not before this time); and

9.7.2 in a position:

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

9.7.2.2 as may otherwise be required by the Council (including in any location specified by the Council) and stated on the Council's website or as otherwise notified to the occupier by the Council in writing;

9.8 Removal of container

remove all waste containers from the road no later than 11:59pm on the day following the date that the collection of waste has occurred;

9.9 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

9.10 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 specified on the Council's website.

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 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

- 12.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council officer or Council 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.
- 12.2 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.3 An exemption:
- 12.3.1 may be granted or refused at the discretion of the Council;
 - 12.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 12.3.3 is subject to any conditions specified in the instrument of exemption.
- 12.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Port Adelaide Enfield 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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MARK WITHERS
Chief Executive Officer