



District Council of ORROROO CARRIETON

DISTRICT COUNCIL OF ORROROO CARRIETON

WASTE MANAGEMENT BY-LAW 2023

By-law No. 7 of 2023

This By-law is to regulate the removal of domestic waste and recyclables 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 2023* and is By-law No. 7 of the District Council of Orroroo Carrieton.

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 and other waste;
- 3.2 to prevent damage to Council property and land;
- 3.3 to outline 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's area; and
- 3.6 for the good rule and government of the Council's 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 2016.*²

- 4.2 This By-law will expire on 1 January 2031.³

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 2023*.
- 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 District Council of Orroroo Carrieton;
- 6.4 **domestic waste** means any kind of domestic waste generated from domestic 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 that is specified by the Council and noted on its website;
- 6.5 **domestic waste container** means a container to facilitate the disposal of domestic waste by collection 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 any internal and/or external domestic items such as (but not limited to) fridges, and mattresses but excludes any Domestic Waste;
- 6.8 **occupier** of premises has the same meaning as in the *Local Government Act 1999* and if there are multiple occupiers of premises, means all occupiers jointly and severally;
- 6.9 **premises** means premises, excluding vacant land, to which the Council's domestic waste collection service is made available;
- 6.10 **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 any other item specified by the Council and noted on its website;
- 6.11 **recyclables container** means a container to facilitate the disposal of recyclables by collection by the Council that is approved by the Council (whether or not it is provided by the Council);
- 6.12 **road** has the same meaning as in the Act;
- 6.13 **waste** means domestic waste, recyclables, hard waste, or any other item being disposed of as it is no longer required; and
- 6.14 **waste containers** means domestic waste containers and recyclables 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. Provide Containers

- 8.1 A person who is an occupier of premises must keep on the premises that the person occupies a domestic waste container and a recyclables container.

- 8.2 To facilitate compliance with clause 8.1, the Council will provide to each premises one domestic waste container and one recyclables container.
- 8.3 If additional or replacement containers are required at a premises, the occupier of the premises may apply to the Council for such additional or replacement containers.

Note-

A fee may apply for the supply of an additional or replacement container.

The supply of additional containers will result in an Annual Service Charge being applied to the assessment for the premises.

9. Management of Waste Collection Services

Every occupier of premises must take all reasonable steps so that:

- 9.1 the number of waste containers placed out for collection does not exceed the number permitted by the Council; and
- 9.2 the domestic waste, and recyclable materials generated on the premises and placed out for collection by the Council are placed as required by the Council (including in any location specified by the Council and in accordance with this By-law) or as otherwise notified to the occupier by the Council in writing.

10. Obligations of Occupiers

Every occupier of premises must:

10.1 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:

- 10.1.1 on the day appointed by the Council for the collection of waste from those premises or the night before (and not before this time); and
- 10.1.2 in a position:
- 10.1.2.1 adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road;
 - 10.1.2.2 not under the overhanging branches of any trees; and
 - 10.1.2.3 as may otherwise be approved or 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;

10.2 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:

- 10.2.1 it is not robust or watertight;
- 10.2.2 it is unable to be moved on its wheels efficiently;

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

10.2.4 its efficiency or use is otherwise impaired;

10.3 Domestic Waste

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

10.4 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 as specified on the Council's website.

10.5 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;

10.6 Recyclables

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

10.7 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;

10.8 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

10.9 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.

11. 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**12. 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.

13. Exemptions

13.1 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.

13.2 An exemption:

13.2.1 may be granted or refused at the discretion of the Council;

13.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and

13.2.3 is subject to any conditions specified in the instrument of exemption.

13.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

13.4 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 District Council of Orroroo Carrieton held on 27 September 2023 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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PAUL SIMPSON
Chief Executive Officer