



## DISTRICT COUNCIL OF ORROROO CARRIETON

### WASTE MANAGEMENT BY-LAW 2016

#### By-law No. 7 of 2016

*A By-law to regulate the removal of domestic waste recyclable 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 2016* 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 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; and
- 3.3. to define the requirements for the use of Council's domestic kerbside waste collection service; and
- 3.4. to protect the convenience, comfort and safety of members of the public; and
- 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. This By-law will expire on 1 January 2023.<sup>3</sup>

#### 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 2016*.
- 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. **Council** means the District Council of Orroroo Carrieton;

- 6.3. **Container** includes a Green Organics Container, Domestic Waste Container or Recyclables Container;
- 6.4. **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;
- 6.5. **Hard Waste** means any internal and/or external domestic items such as (but not limited to) fridges, and mattresses but excludes any Domestic Waste;
- 6.6. **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;
- 6.7. **Domestic Waste Container** means a container for the disposal of Domestic Waste that is approved by the Council;
- 6.8. **Premises** means premise, excluding vacant land, s to which the Council's Waste collection services is made available;
- 6.9. **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;
- 6.10. **Recyclables Container** means a container for the disposal of Recyclables that is approved by the Council;
- 6.11. **Road** has the same meaning as in the *Local Government Act 1999*;
- 6.12. **Waste** means Domestic Waste, Recyclables and Green Organics; and
- 6.13. **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. For the purposes of clause 7.1, the Council will provide to each premises one (1) Domestic Waste Container and one (1) Recyclables Container.
- 7.3. If additional bins are required at a premises, or replacement bins are required, the occupier of the premises is to apply to the Council for such additional bins, the supply of which will have a declared Annual Service Charge applied.
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.

**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.

**8.3. 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

**8.4. Sealing of Container**

cause each container to be continuously and securely covered or sealed except when waste is being deposited in or removed from the container.

**8.5. 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:

- 8.5.1 it is not robust or watertight; or
- 8.5.2 it is unable to be moved on its wheels (if any) efficiently; or
- 8.5.3 the lid does not seal on the container when closed; or
- 8.5.4 its efficiency or use is otherwise impaired.

**8.6. Collection Services**

- 8.6.1 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) as may otherwise be approved or directed by the Council and, wherever practicable, notified to the occupier in writing; and
- 8.6.2 remove all Waste Containers from the road on the same day as the collection of waste has occurred.

**8.7. 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.

**8.8. 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.

**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 District Council of Orroroo Carrieton held on [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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Stephen Rufus  
Chief Executive Officer