



WAVERLEY  
COUNCIL

# Waste in Public Places Policy

Policy owner	Director, Planning, Environment and Regulatory
Approved by	Council
Date approved	05/04/2022
Commencement date	14/04/2022
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Next revision date	2 years from date of commencement
Relevant legislation/codes	<ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Environmental Planning and Assessment Act 1979</li> <li>• Protection of the Environment Operations Act 1997</li> <li>• Food Act 2003</li> <li>• Impounding Act 1993</li> <li>• Roads Act 1993</li> </ul>
Related policies/procedures/guidelines	<ul style="list-style-type: none"> <li>• Waverley Council's <a href="#">Compliance and Enforcement Policy</a></li> </ul>
Related forms	<ul style="list-style-type: none"> <li>• <a href="#">APPLICATION TO STAND</a>: To place a skip bin, storage container on a public road</li> </ul>

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## 1. Background

Waverley Council (Council) is committed to promoting and implementing responsible and sustainable management practices for waste presented for collection on land that is under the care and control of Council to improve the environmental amenity of its land and reduce pollution, litter, dumped or abandoned waste.

## 2. Purpose

The Waste in Public Places Policy establishes the framework for the use and placement of commercial and domestic waste/recycling and bins on land under the care and control of Waverley Council. This Policy is in accordance with the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*, the *Protection of the Environment Operations 1997*, and relevant regulations and guidelines.

This policy applies to residents and businesses that place waste/recycling on land under the care and control of Council for collection and is to be read in conjunction with Council's *Waste in Public Places Guidelines*.

This policy does not apply to waste/recycling on private property. Waste on private property is guided by the provisions of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the *Waverley Local Environment Plan 2012* and the *Waverley Development Control Plan 2012*.

## 3. Policy Content

This policy outlines:

- Responsibilities for use of Council's waste/recycling services by residents
- Responsibilities for businesses in managing and presenting commercial waste/recycling for collection
- Conditions for the safe and lawful use of Public Places for managing waste/recycling
- The basis for Council to make orders in relation to waste/recycling placed in Public Places; and
- The implications of non-compliance with this policy, the *Local Government Act 1993* and other relevant laws and regulations on the management of Waste in Public Places

The following activities may be carried out without the prior approval of Council if they are carried out in accordance with the requirements set out in the *Waste in Public Places Guidelines*.

- Placing domestic waste or placing a bin in a Public Place
- Placing commercial waste or placing a bin in a Public Place

The placing of waste container (e.g. Skip Bin), is not to be carried out without the prior approval of Council in accordance with information on Council's website.

## 4. Non-compliance with this policy

Authorised Council Officers may issue penalty notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with relevant legislation identified in this policy. Serious incidents of pollution may also be prosecuted by State agencies such as the NSW Environment Protection Authority.

If a person puts waste/recycling or a bin in a Public Place in contravention of this policy and the related guidelines or any approval issued by Council, Council may take enforcement action in accordance with the relevant legislative provisions.

Council may also take action under the *Protection of the Environment Operations Act 1997* for noise, disposal of waste (harm to the environment) and litter offences.

Food businesses must comply with their obligations under the *Food Act 2003* and the accompanying *Food Standards Code* and ensure that they have adequate facilities and services in place for the storage and disposal of garbage and recyclable matter.

The requirement of this policy must be met in addition to any requirements contained within the Conditions of Consent for any approved development application *in accordance with the Environmental Planning and Assessment Act 1979*.

Any parties not acting in accordance with this policy may be given up to seven (7) days written notice to comply before the commencement of enforcement action. Council reserves the right to take immediate action if circumstances warrant.

Council may order the removal of any bin placed in a Public Place or the termination of any activity associated with it, which causes public amenity, safety concerns or environmental pollution risks. Upon receipt of such order, the recipient must comply with the terms of the order.

## 5. Review of Policy

The policy will be reviewed every year and updated with relevant legislation changes.

## 6. Definitions

Term	Definition
<b>Authorised Council officer</b>	An employee of the Council authorised by Council to deal with, or to act regarding any Acts or related matters. It has the same meaning as Authorised Person in the dictionary to the <i>Local Government Act 1993</i> .
<b>Bin</b>	A container for the storage of waste including recyclables and general solid waste (putrescible) This definition includes mobile garbage bins with close-fitting lids. It does not include other types of storage like plastic bags, boxes, cartons or crates.
<b>Commercial waste</b>	Business or commercial waste (including recyclable and putrescible materials) generated as part of ordinary business activities. It does not include construction and demolition waste, or the types of waste defined by the NSW EPA <i>Waste Classification Guidelines 2009</i> for special waste (such as clinical and related waste including pharmaceutical, sharps, asbestos and tyres), liquid waste and restricted solid waste (such as contaminated soil).
<b>Domestic waste</b>	All waste (including recycling and organics) generated by the ordinary use of residential premises and collected by Council.

<b>Public Place</b>	<p>Has the same meaning as in the dictionary for the <i>Local Government Act 1993</i>. 'Public Place' means one of the following:</p> <ul style="list-style-type: none"><li>a) a public reserve, public bathing reserve, public baths or public swimming pool</li><li>b) a public road, public bridge, public wharf or public road-ferry</li><li>c) a Crown reserve comprising land reserved for future public requirements</li><li>d) public land or Crown land that is not: (i) a Crown reserve (other than a Crown reserve that is a Public Place because of paragraph (a), (b) or (c)), or (ii) a common, or (iii) land subject to the <i>Trustees of Schools of Arts Enabling Act 1902</i>, or (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or (v) land declared by the regulations to be a Public Place.</li></ul>
<b>Skip bin</b>	<p>A large open-topped waste container, also called a building waste bin, designed for storage of waste which is then loaded onto a special type of collection vehicle for transport.</p>
<b>Waste</b>	<p>All refuse other than trade waste and effluent, defined as 'waste' in the <i>Local Government Act 1993</i>. It also includes any other substance defined as waste under the <i>Protection of the Environment Operations Act 1997</i>. A substance is not precluded from being waste merely because it can be refined or recycled.</p>