

CITY OF SALISBURY
WASTE MANAGEMENT BY-LAW 2015

By-law No. 6 of 2015

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 2015* and is By-law No. 6 of the City of Salisbury.

2. Authorising law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999*, sections 667(1) 4.I and 9.XVI of the *Local Government Act 1934*, 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;
- 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:

4.1.1 *By-law No. 6 – Waste Management 2008*.²

- 4.2. This By-law will expire on 1 January 2023.³

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 2015*.
- 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 City of Salisbury;
- 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. **Green Organics Container** means a container for the disposal of Green Organics that is approved by the Council;
- 6.6. **Hard Waste** means any internal and/or external domestic items such as (but not limited to) fridges, and mattresses but excludes any Domestic Waste;
- 6.7. **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;
- 6.8. **Domestic Waste Container** means a container for the disposal of Domestic Waste that is approved by the Council;
- 6.9. **Premises** means premise, excluding vacant land, s to which the Council's Waste collection services 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 other materials for which permission has been given by the Council;
- 6.11. **Recyclables Container** means a container for the disposal of Recyclables that is approved by the Council;
- 6.12. **Road** has the same meaning as in the *Local Government Act 1999*;
- 6.13. **Waste** means Domestic Waste, Recyclables and Green Organics; and
- 6.14. **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 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:

- (a) adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road; and
- (b) not under the overhanging branches of any trees; and
- (c) 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.

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.

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.

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 Salisbury held on the 17 August 2015 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



John Harry
Chief Executive Officer

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 Salisbury

By-law No 6 – Waste Management By-Law 2015

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 Salisbury

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

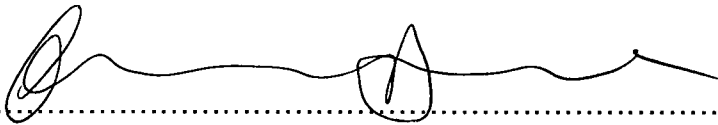
Local Government Act 1999: sections 238, 239 and 246

Local Government Act 1934: sections 667(1) 4.I and 9.XVI

Local Government (General) Regulations 2013: regulation 28(b)

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

DATED the 11 day of June 2015

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a final horizontal stroke.

Cimon Burke, Legal Practitioner