



WASTE MANAGEMENT BY-LAW 2019

By-law No. 6 of 2019

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 2019* and is By-law No. 6 of the Port Augusta City Council.

2. Authorising law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999* and regulation 28 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 Council area.

4. Commencement and Expiry

This By-law will commence in accordance with section 249(5) of the Act and will expire on 1 January 2027.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2019*.
- 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** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.3 **Council** means the Port Augusta City Council;
- 6.4 **Council Landfill Site** means any land used by the Council for the purposes of the receipt and management of waste;

- 6.5 **Green Organics** means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, food scraps or other materials approved by the Council;
- 6.6 **Green Organics Container** means a 240 litre container (with green lid) for the disposal of Green Organics (maximum weight 75kg) or any other container that is approved by the Council for this purpose;
- 6.7 **Hard Waste** means any internal or external domestic items such as (but not limited to) fridges, television sets, and mattresses but excludes any Domestic Waste or other items as may be specified by the Council and noted on its website;
- 6.8 **Domestic Waste** means any kind of domestic and kitchen waste generated from residences including, but not limited to, broken crockery, clothing and, material, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead acid batteries and any dangerous or toxic waste;
- 6.9 **Domestic Waste Container** means a 140 litre container (with red lid) for the disposal of Domestic Waste (maximum weight 75kg) or any other container that is approved by the Council for this purpose;
- 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 materials approved by the Council;
- 6.11 **Recyclables Container** means a 240 litre container (with yellow lid) for the reception of Recyclables (maximum weight 75kg) or any other container that is approved by the Council for this purpose;
- 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

An occupier of domestic premises must keep on his or her premises a Domestic Waste Container and a Recyclables Container and a Green Waste Container (where the service is provided) in accordance with this by-law.

8. Management of Waste Collection Services

An occupier of domestic 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 Waste 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:
 - 8.7.1.1 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
 - 8.7.1.2 on the street in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the container on which the hinges of the lid are situated faces the premises or in any other position as may otherwise be approved or directed by the Council; and

- 8.7.2 remove all Waste Containers from the road on the same day as the collection of Waste has occurred; and

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; and

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 or on the Council's website.

9. Interference with Waste Containers

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.

10. Council Landfill Sites

A person must not, without the permission of the Council, remove any material, be it Waste or otherwise, from a Council Landfill Site.

PART 2 – 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

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 or in accordance with a direction of a Council officer.

This By-law was duly made and passed at a meeting of the Port Augusta City Council held on the **13 August 2019** 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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Mr John Banks
Chief Executive Officer