By-law made under the Local Government Act 1999

WASTE MANAGEMENT BY-LAW 2022

By-law No. 6 of 2022

To regulate and control the removal of domestic, recyclable and green organic waste from premises, for the prevention and suppression of nuisances, and for regulating the management of property of the Council.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Waste Management By-law 2022*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

3.1 **carriageway** means that part of a road designed for and used by vehicular traffic (including bicycles) as distinct from that part of a road designed for and used by pedestrians;

3.2 **green organics** means any clean organic matter, free of any excess soil, consisting of lawn clippings, plants, vegetables, eggs, shells, bones, leaves, prunings, horse manure, pet waste, nesting material or other materials as specified by the Council;

3.3 **green organics container** means a container for the reception of green organics;

3.4 **hard rubbish** means any internal and external household items such as whitegoods, entertainment appliances, furniture and mattresses able to be lifted and carried by two persons but excludes any household waste;

3.5 **household waste** means any kind of domestic and kitchen waste generated from residences, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead, acid batteries and any dangerous or toxic waste;

3.6 **household waste container** means a container for the reception of household waste;

3.7 **recyclables** means newspapers, magazines, paper, cardboard, plastic containers of a type specified by the Council, tins, cans, glass, milk and juice containers, solid plastic material and other materials as specified by the Council;

3.8 **recyclables container** means a container for the reception of recyclables.

Part 2 – Waste Collection

4. Provide Containers

4.1 An occupier of domestic premises must keep on his or her premises a household waste container and a recyclables container as approved by the Council.

4.2 An occupier of domestic premises may keep on his or her premises a green organics container as approved by the Council.

5. Management of Waste Collection Service

An occupier of premises must:

5.1 **Household Waste**

5.1.1 ensure that the household waste container kept on his or her premises is approved by the Council; and

5.1.2 ensure that the household waste container contains only household waste;

5.2 **Recyclables**

5.2.1 ensure that the recyclables container kept on his or her premises is approved by the Council; and

5.2.2 ensure that the recyclables container contains only recyclables;

5.3 **Green Organics**

5.3.1 ensure that the green organics container be a container that is approved by the Council; and

5.3.2 ensure that the green organics container contains only green organics;

5.4 **Keep Container Clean**

cause each container to be kept in a clean and sanitary condition, maintained in good order and repair, and kept waterproof at all times;

5.5 **Sealing of Container**

cause the lid of each container to continuously and securely cover the container body except when waste is being deposited in or removed from the container;

5.6 **Damage**

ensure that each container is maintained so that it is not damaged or worn to the extent that:

5.6.1 it is not robust;

5.6.2 the container body is not watertight;

5.6.3 it is unable to be moved on its wheels efficiently;

5.6.4 the lid does not seal on the container when closed;

5.6.5 its efficiency or use is otherwise impaired;

5.7 **Collection Services**

5.7.1 An occupier of premises must facilitate the collection and removal of household waste, recyclables or green organics from their premises by placing the relevant waste container out for collection in accordance with:

5.7.1.1 the **collection service requirements** specified in clause 5.7.2; or

5.7.1.2 the terms of any permit granted by the Council for the placement of waste containers; or

5.7.1.3 as otherwise approved by the Council.

5.7.2 The collection service requirements for the collection of household waste containers, recyclables containers and green organics containers are:

5.7.2.1 the container must be placed out for collection no earlier than 24 hours prior to the appointed collection time;

5.7.2.2 where there is a kerb, the container must be placed on the footpath, verge or nature strip directly adjacent the premises, as near as practicable to the kerb so that the side of the container on which the hinges of the lid are situated face the premises;

5.7.2.3 where there is no kerb, the container must be placed on the road verge directly adjacent 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 face the premises;

5.7.2.4 the container must not be placed within 1 meter of another waste container;

5.7.2.5 the container must not be placed under the overhanging branches of any tree;

5.7.2.6 the container must be removed from its position on the same day as the collection, after the collection has taken place.

6. **Interference With Garbage/Hard Rubbish**

A person must not remove, disturb or interfere with any recyclables or hard rubbish (including bottles, newspapers, cans, containers or packaging) that has been placed:

6.1 for disposal in or near a container; or

6.2 on a public street or road for collection by the Council, its agents or contractors, except with the permission of the Council or with the authority of the owner.

Part 3 – Miscellaneous

7. **Revocation**

Council's *Waste Management By-law 2015*, published in the *Gazette* on 1 October 2015, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Prospect on the 23rd day of August 2022 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Mr Chris White
Chief Executive Officer