



By-law made under the Local Government Act 1999

WASTE MANAGEMENT BY-LAW 2021

By-law No. 7 of 2021

To regulate and control the collection and removal of general (landfill) waste, co-mingled recycling and green organic recycling from premises, for the good rule and government of the Council's area, for the convenience comfort and safety of the Council's community, and for regulating the management of Council property.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Waste Management By-law 2021*.

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. Interpretation

In this by-law:

- 3.1 **co-mingled recycling** 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;
- 3.2 **co-mingled recycling container** means a container provided or designated by the Council for the reception of co-mingled recycling;
- 3.3 **green organic recycling** means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, vegetables, fruit, manure or any other organic material for which permission has been granted by Council but excludes any item larger than 15cm in diameter;
- 3.4 **green organic recycling container** means a container provided or designated by the Council for the reception of green organic recycling;
- 3.5 **general (landfill) waste** means any kind of waste, but excludes green organic recycling, co-mingled recycling, liquids, metals, building and construction materials, stones, bricks, soil, batteries and any hazardous or toxic waste;

- 3.6 **general (landfill) waste container** means a container provided or designated by the Council for the reception of general (landfill) waste.

Part 2 – Management of Waste

4. Provide Containers

- 4.1 Every occupier of premises shall keep on his or her premises those containers designated from time to time by resolution of the Council for the reception of green organic recycling, general (landfill) waste and co-mingled recycling unless exempted by the Council.
- 4.2 A designation under this paragraph may apply to all premises generally or to premises of a particular type.

5. Management of Waste Collection Service

5.1 General (Landfill) Waste

An occupier of premises must:

- 5.1.1 ensure that the general (landfill) waste container conforms with the container provided by the Council or otherwise designated from time to time by resolution of the Council;
- 5.1.2 ensure that the general (landfill) waste container has a hinged lid that, when closed, keeps the container rain and fly proof and is designed in such a way so as to allow it to be mechanically lifted from the position in which it was placed for emptying by apparatus on trucks employed in the collection of waste;
- 5.1.3 ensure that the general (landfill) waste container contains only general (landfill) waste.

5.2 Co-mingled Recycling

An occupier of premises must:

- 5.2.1 ensure that the co-mingled recycling container conforms with the container provided by the Council or otherwise designated from time to time by resolution of the Council;
- 5.2.2 ensure that the co-mingled recycling container has a hinged lid that, when closed, keeps the container rain and fly proof and is designed in such a way so as to allow it to be mechanically lifted from the position in which it was placed for emptying by apparatus on trucks employed in the collection of rubbish;
- 5.2.3 ensure that the co-mingled recycling container contains only co-mingled recycling.

5.3 Green Organic Recycling

An occupier of premises must:

- 5.3.1 ensure that the green organic recycling container conforms with the container provided by the Council or otherwise designated from time to time by resolution of the Council;
- 5.3.2 ensure that the green organic recycling container has a hinged lid that, when closed, keeps the container rain and fly proof and is designed in such a way so as to allow it to be mechanically lifted from the position in which it was placed for emptying by apparatus on trucks employed in the collection of rubbish;
- 5.3.3 ensure that the green organic recycling container contains only green organic recycling.

5.4 **Keep Container Clean**

An occupier of premises must cause each container to be kept in a clean and sanitary condition, maintained in good order and repair, and kept watertight at all times.

5.5 **Sealing of Container**

An occupier of premises must ensure that the lid of each container is kept closed except when waste is being deposited in or removed from the container.

5.6 **Damage**

An occupier of premises must 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 or watertight;
- 5.6.2 it is unable to be moved on its wheels (if any) efficiently;
- 5.6.3 the lid does not seal on the container when closed; or
- 5.6.4 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 general (landfill) waste, co-mingled recycling or green organic recycling 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 general (landfill) waste containers, co-mingled recycling containers and green organic recycling 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.

Part 3 – Enforcement

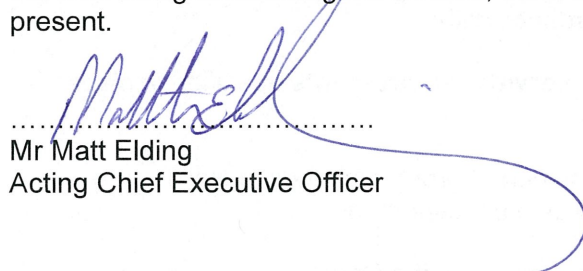
6. Interference with Waste

A person must not, without:

- 6.1 the permission of the Council; or
- 6.2 the authority of the occupier of the adjacent premises,

remove, disturb or interfere with any general (landfill) waste, co-mingled recycling or green organic recycling that have been placed in a general (landfill) waste container, a co-mingled recycling container or a green organic recycling container for collection by Council, its agents or contractors.

The foregoing by-law was duly made and passed at a meeting of The Barossa Council held on 21 day of SEPTEMBER 2021 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 Matt Elding
Acting Chief Executive Officer