

Waste Management in Public Places

(Local Approvals Policy)

Resolution of Council: 28 August 2006



Responsibility:
Cleansing & Waste

city of villages

TABLE OF CONTENTS

INTRODUCTION	2
PART A - PRELIMINARY	4
1. What is the title of this Policy?.....	4
2. What is the purpose of this Policy?	4
3. What is a Local Approvals Policy?	4
4. What are the aims of this Policy?	5
5. When did the Policy commence?	6
6. When have amendments been made to the Policy?.....	6
7. When will the Policy be revoked?.....	6
8. Where does the Policy apply?.....	6
9. To what approvals does the Policy relate?.....	6
10. What definitions apply?	6
11. What are the notes in the text?	7
12. What are other relevant documents?	7
13. What are the implications for non-compliance with this Policy?.....	8
PART B - EXEMPTIONS FROM THE NECESSITY TO OBTAIN APPROVAL	9
1. What exemptions are provided for under the Regulations?	9
2. What exemptions are provided for under this Policy?	9
PART C – SCHEDULE OF EXEMPTIONS	10
Part C (1) Transporting waste over or under a public place for fee or reward	11
Part C (2a) Placing commercial waste in a public place	12
Part C (2b) Placing domestic waste in a public place	14
PART D - CRITERIA FOR CONSIDERATION	16
PART E - OTHER MATTERS RELATING TO APPROVALS	18
APPENDIX ONE – MAPS OF COLLECTION TIME ZONES	19
APPENDIX TWO – INFRINGEMENTS, PENALTIES AND ORDERS	25
APPENDIX THREE - DEFINITIONS	34

Sydney is a global city and within its boundaries there are 161,000 Residents, 25,000 businesses, 365,000 workers coming to and from the City and visitors who enjoy so much of what Sydney offers. Literally hundreds of thousands of people move in and around the City on any single day of the week.

As part of every day living and working waste materials accumulate. All these materials need to be collected and disposed of effectively and efficiently, and this occurs through a range of domestic and commercial waste service providers.

This Policy provides a framework for the collection and presentation of waste in all public places throughout the City's Local Government Area.

PART A - PRELIMINARY

1. What is the title of this Policy?

This Policy ('the Policy') is called the Waste Management in Public Places (Local Approvals Policy).

2. What is the purpose of this Policy?

The City of Sydney ('the City') is committed to the promotion and implementation of responsible management practices for waste storage and collection. The City's long-term aim is to create a vibrant, living, world-standard city, with an exciting and prosperous future.

This Policy will help to achieve these aims by:

- Improving the environmental amenity of the City's streets, lanes and footpaths;
- Reducing potential obstructions and dangers to pedestrians and through traffic;
- Reducing the incidences of dumped waste;
- Ensuring waste is presented appropriately and collected within the City's allocated time zones to minimise traffic and pedestrian interruptions;
- Minimising incidences of noise and their effect on residents;
- Ensuring all waste in the City is containerised and managed safely; and
- Outlining the potential implications of non-compliance with this Policy, for example fines and clean-up notices.

3. What is a Local Approvals Policy?

This Policy is prepared and adopted under the Local Government Act 1993 ('the LG Act 1993' or 'the Act'). The purpose of this Policy is to supplement provisions of the Act and the Local Government (General) Regulation 2005 by:

- Part 1 – Specifying the circumstances in which a person is not required to obtain a particular approval from the City;
- Part 2 – Specifying criteria which the City must consider when determining whether or not to grant approval to a particular activity; and
- Part 3 – Specifying other matters relating to approvals not dealt with by the Act or Regulations.

Note:

- *Chapter 7 - s68 refers to activities that require the approval of the City.*

4. What are the aims of this Policy?

The Policy aims to:

- Combine and replace the former policies (where applicable) of Leichhardt Municipal Council, the former City of Sydney Council and the former South Sydney City Council into a single functional Policy for the new Council of the City of Sydney as proclaimed on 5 April 2004;
- Provide conditions for the safe and lawful use of public places for the management of waste without approval from the City of Sydney;
- Provide conditions for residents to use bulk bins/skips for waste storage in public places, as part of a household clean-up, complying development activity, demolition or renovation works;
- Provide conditions for the presentation and collection of residential and commercial waste from public places;
- Provide time zones for the collection of waste;
- Make the City's policies and requirements for approvals readily accessible and understandable;
- Apply common or consistent requirements and procedures for approvals relative to waste management;
- Provide a schedule of fines and clean-up notices for non-compliance with this Policy and the Local Government Act 1993; and
- Use plain English and explanatory notes throughout the text of the Policy.

5. When did the Policy commence?

This Policy was approved by the City in August 2006, consent was granted by the Director General (Department of Local Government) on the 13 March 2007 and was advertised on 12 June 2007.

6. Have amendments been made to the Policy?

This is a new Policy document and incorporates no amendments.

7. When will the Policy be revoked?

The Policy will automatically be revoked 12 months after the declaration of the poll for the next general election of Council, (LG Act 1993 s165(4)) unless the Council revokes it sooner.

8. Where does the Policy apply?

The Policy applies to all land within the City's local government area.

9. To what approvals does the Policy relate?

This Policy specifically refers to the following approvals; LG Act 1993 s68, and applies to:

- Part C (1) – Transporting waste over or under a public place for fee or reward
- Part C (2) – Placing waste in a public place
- Part C (3) – Placing a waste storage container in a public place

10. What definitions apply?

Definitions used in this Policy are in Appendix Three.

11. What are the notes in the text?

Notes in the text are explanatory notes provided to assist in understanding the Policy.

12. What are other relevant documents?

The following documents are related, either directly or indirectly, to the Policy:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Interim Guidelines for the Placement of Building Waste Containers, Roads and Traffic Authority (RTA) 1988
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Waste) Regulation 2005

This is not an exhaustive list. This Policy does not override state or federal legislation that may apply from time to time. Please consult the appropriate state and federal government departments to ensure that legislation at those levels is complied with.

Note:

- *The Local Government Act s.163 provides that the Policy is void if it is inconsistent with the Act or the regulations, to the extent of the inconsistency. Where the Policy contains more onerous criteria than those prescribed by the Act or Regulations, s64 of the Act renders that portion of the Policy void.*
- *The Act provides councils with: the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of the local communities and of the wider public; the responsibility for administering some regulatory systems under this Act; a role in the management, improvement and development of the resources of their areas; a requirement to have regard to the principals of ecologically sustainable development in carrying out their responsibilities.*
- *The Roads and Traffic Authority Interim Guidelines for the Placement of Building Waste Containers on footpaths and carriageways. While the RTA does not condone the practice of the placement of objects on public streets or in public places, it believes that where it is necessary to place building waste in a container, such containers can only be placed on the public streets or in public places where good and safe practices are to be adopted by all concerned.*

13. What are the implications for non-compliance with this Policy?

City Rangers or other Authorised Officers may issue penalty infringement notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with this Policy and all related offences. Serious pollution incidences can also be prosecuted by state agencies such as the NSW Department of Environment and Conservation.

If a person transports waste or places waste or a waste storage container in a public place other than in compliance with this Policy and without the City's written prior approval, Council may take action under LG Act 1993, s626 and s627. The maximum penalty: 20 Units. (Each penalty unit has a value of \$110).

Action may also be taken under the Protection of the Environment Operations (POEO) Act 1997 for noise, disposal of waste (harm to the environment) and litter offences. For more information please refer to the relevant Act or excerpts in Appendix Two.

A person who is guilty of an offence under the POEO Act may be liable, on conviction for maximum penalties as detailed below:

- in the case of a corporation—to a penalty not exceeding \$1,000,000, or
- in the case of an individual—to a penalty not exceeding \$250,000 or 7 years imprisonment, or both.

Parties not acting in accordance with this Policy may be given 7 days notice in writing to comply before infringements will be issued. The City, at all times, reserves the right to issue an immediate infringement depending on the seriousness of the circumstance and at the discretion of the Authorised Officer.

PART B - EXEMPTIONS FROM THE NECESSITY TO OBTAIN APPROVAL

1. What exemptions are provided for under the Regulations?

The following activities may be carried out *without* the prior approval of the City subject to such conditions as are specified under section 48 of the Local Government (General) Regulation 2005.

(a) Transporting waste

The transporting of waste over or under a public place for fee or reward if:

- (i) the activity is licensed under the *Protection of the Environment Operations Act 1997*, or
- (ii) the activity is being carried out in the Sydney metropolitan area as defined in Part 3 (Interpretative provisions) of Schedule 1 to that Act, or
- (iii) the waste is being transported through the area of the council and is not being collected or deposited in that area.

Note:

- *A person who transports waste for fee or reward in circumstances that do not require a pollution control licence issued by the Environment Protection Authority must comply with the relevant requirements of the Regulations made under the Protection of the Environment Operations Act 1997.*

(b) Placing waste in a public place

The placing of waste in a public place, if it is done in accordance with the requirements of the City.

2. What exemptions are provided for under this Policy?

A person is exempt from the necessity to obtain a particular approval from the City as outlined in this part and Part C as follows.

PART C – SCHEDULE OF EXEMPTIONS

Under the LG Act 1993, s158(3) a person is exempt from the necessity to obtain the prior approval of the City for the following activities provided they comply with the schedule of exemptions set out below:

- Part C (1) – Transporting waste over or under a public place for fee or reward
- Part C (2a) – Placing commercial waste in a public place
- Part C (2b) – Placing domestic waste in a public place

It is a condition of exemption that the person carrying out an activity specified in this Part must comply with:

- the relevant circumstances or requirements; and
- the relevant performance standards currently prescribed in the Local Government Act 1993, Local Government (General) Regulation 2005, and the Road and Traffic Authority – Interim Guidelines for the Placement of Building Waste Containers.

Note:

- *A person may apply for approval under the Act for the carrying out of an activity, and the application may be determined, even though the person is exempted from the necessity to obtain approval by this Policy under the Local Government (General) Regulation 2005 s80.*
- *The exemptions do not relate to Development Applications or consents required under any other legislation.*
- *Should any doubt exist as to whether a particular activity requires approval, consultation should be arranged with the City's officers prior to work commencing.*

Activity - Part C (1)

Transporting waste over or under a public place for fee or reward

This section refers to the transportation and collection of waste over or under a public place.

Exemption Circumstances/Requirements

1. Waste collection may only occur during the designated time zones, as shown in Appendix One.
2. Time zones apply 7 days.
3. On Sundays and Public Holidays domestic and day time commercial collections must take place between 8am and 10pm.
4. Manual sorting of glass bottles is not permitted in 'night' collection zones between 10pm and 6.30am.
5. A vehicle used to transport waste must not be driven on any kerb or footpath forming part of the public place.
6. Collection of waste or delivery of a waste storage container must be carried out in such a way as not to damage the roadway, footpath or services under the ground or cause damage or obstruct access to adjacent premises or roadways.
7. All waste transporters must indemnify the City for any property loss or injury arising out of the supply and use of the bin in a public place.
8. All waste must be containerised in a mobile garbage bin, maximum 1100 litres; with a permanently fixed, close fitting lid; smooth internal washable surface; be fully intact; be free of stains, odours and debris; and in full working order with no cracks, missing wheels, lids or pins.
9. Bins in excess of 240 litres must be light in colour, have fitted and working brakes and have reflectors or warning lights on outer corners.
10. Waste placed in or transported over or under a public place must not impact on public property, i.e. it must not scratch, stain or damage any public property.
11. All waste containers must be permanently labelled with the name, all hours telephone number and/or address of both the waste generator and waste collector.

Advisory Note:

- *City approved containers must be used wherever the waste is transported over or under a public place.*
- *Waste generators that have internal waste collections are allowed to use any waste storage container that suits their needs but these containers cannot enter a public place, unless they comply with this Policy.*
- *Plastic bags of waste and loose cardboard boxes are not permitted to be placed in a public place for collection.*
- *Bins over 1100 litres in size may be serviced across the footpath, but must be stored internally.*

Activity - Part C (2a)

Placing commercial waste in a public place

This section applies to commercial premises in the City's local government area.

Exemption Circumstances/Requirements

1. Waste may only be placed in a public place for the purposes of collection by a waste contractor.
2. Waste collection may only occur during the designated commercial time zones, as shown in Appendix One.
3. Time zones apply 7 days excluding Sundays and Public Holidays in "day" collection zones where collections must take place between 8am and 10pm.
4. Containers may only be placed in a public place for the purposes of collection and must be removed from the public place as soon as possible after servicing.
5. Waste storage containers must be removed after each service and returned to the internal storage area. In the event of service disruption, containers must be brought inside until service can be provided.
6. Waste must be placed immediately adjacent to the premises. If the bin is placed beyond the user's property, prior consent is required from the adjacent owner.
7. The commercial waste generator must produce on request, evidence of a valid contract for waste collection detailing the method, timing and the disposal of the collection to a licensed waste facility.
8. All waste must be containerised in a mobile garbage bin, maximum 1100 litres; with a permanently fixed, close fitting lid; smooth internal washable surface; be fully

intact; be free of stains, odours and debris; and in full working order with no cracks, missing wheels, lids or pins.

9. Bins in excess of 240 litres must be light in colour, have fitted and working brakes and have reflectors or warning lights on outer corners.
10. All waste containers must be permanently labelled with the name, all hours telephone number and/or address of both the waste generator and waste collector.
11. Bins in excess of 240 litres must be light in colour, have fitted and working brakes and have reflectors or warning lights on outer corners.
12. The location of the waste container must not: disturb traffic flow, impede or endanger pedestrian movement, restrict driver sight lines or vehicle access; be placed in front of the premises of others without their agreement.
13. The area where the container is placed for collection should be cleaned on a daily basis by the generator or when directed by an Authorised Officer.
14. Placement and removal of waste storage containers must be carried out in such a way as not to damage the roadway, footpath or services under the ground, cause damage or obstruct access to adjacent premises.
15. The waste storage container lid must remain closed, and the container surrounds must be kept tidy at all times.
16. Un-containerised waste for example plastics bags and loose cardboard boxes are not permitted to be placed next to or on top of containers in the public place.

Advisory Notes:

- *This applies only to containers for commercial waste generated by the particular use of the premises. It does not relate to bulk bins for the purpose of builders waste.*
- *All individual commercial waste generators are responsible for the handling and storage of waste generated in their premises to meet public health, safety and environmental requirements.*
- *Individual waste generators are also responsible for the costs involved with approved collection and disposal procedures.*
- *The container must not be used to store hazardous, liquid or clinical waste; it must be vermin proof; and be cleaned on a regular basis or as directed by an Authorised Officer without causing stormwater pollution.*
- *Waste oil drums are not permitted to be stored or placed in the public place at any time. Collection must be undertaken by a registered waste collection agency and occur from within the subject premises.*
- *Commercial waste must be collected and disposed of by a commercial contractor. Waste cannot be removed from the premises to be disposed of in a street litter bin or domestic waste bin.*

Activity - Part C (2b)

Placing domestic waste in a public place

This section applies to residential premises in the City's local government area.

Exemption Circumstances/Requirements

1. Domestic waste may only be placed in a public place for the purposes of collection by the City or agents acting on their behalf.
2. Domestic waste and recycling must be containerised in the City's waste storage containers.
3. Un-containerised waste for example plastics bags and loose cardboard boxes are not permitted to be placed next to or on top of containers in the public place.
4. Waste storage containers should be put out for collection the night before the scheduled collection and must be removed from the public place as soon as possible on the day of collection and stored on private property.
5. Waste storage containers must be placed immediately in front of the residents property and no closer than ten (10) metres from the boundary of the cross street of the corner property. If the container is placed beyond the user's property, prior consent is required from the adjacent owner.
6. The waste storage container lid must remain closed, and the containers surrounds be kept tidy at all times.
7. Only un-containerised waste booked in for a clean-up with the City can be placed in a public place the evening before the collection is scheduled to take place as specified or directed by the City.
8. Un-containerised clean-up material must be stored on the nature strip in a neat pile, not exceeding a small trailer load. The items must not block any road or footway and must not endanger pedestrian or vehicle traffic or the environment.
9. The resident is responsible for the cleanliness of their waste and recycling storage containers. They must be: free of stains, odours and debris; and in full working order with no cracks, missing wheels, lids or pins (Bin repairs should be reported to City on 9265 9333).

Please note that these exemptions have been granted consent (Consent No. 88) by the Director General, Department of Local Government.

Advisory Notes

- *Residents with excess household waste including appliances, green waste and other household items must book in a clean-up service (no extra charge) by phoning 9265 9333;*
- *Clean-up requirements:*
 - *Household items only eg. furniture, appliances etc (not food waste);*
 - *Green waste - leaves and smaller cuttings must be stored in a bin/crate (available from the City – please do not use plastic bags) branches & tree cuttings must be stored in a bin/crate or bundled (max. 1 metre in length);*
 - *Fridge/oven doors must be removed;*
 - *Sharp or dangerous items should be wrapped eg. mirrors;*
 - *No building waste or renovation materials building rubble etc;*
 - *No hazardous materials eg flammable liquids, oil, poisons or other chemicals;*
 - *No large or solid metal items - car parts, roofing panels etc.*

PART D - CRITERIA FOR CONSIDERATION when issuing approvals

Placing a waste storage container (bulk bin/skip) in a public place

This section applies to residential (single dwelling) properties only. Space should be made available on your property for the storage of a bulk bin/skip bin. Where this is not possible, then approval must be obtained from the City's Health and Building Unit on 9265 9333. Note the relevant requirements for placement of a bulk bin/skip bin on a Public Place in APPENDIX 4.

Advisory Notes

- *Refers to bulk bins/skips for residential use.*
- *Bulk bins that do not comply with this Policy are not permitted in a public place without approval.*
- *Subject to compliance with the provisions of the Local Government (General) Regulation 2005.*

CLAUSE 27 Matters to be taken into consideration by council in determining applications for approval to place a building waste storage container on a road

'In determining an application for approval to place on a road a building waste storage container, the council is to take into consideration any requirements or guidelines relating to the location, size and visibility of building waste storage containers that are notified to the council from time to time by the Roads and Traffic Authority'.

- *The City may order the removal of the container if there is a failure to comply with the terms and conditions or if the placement of the container results in a nuisance or danger to the public.*
- *Transporting of waste over or under a public place in accord with the provisions of s68 of the LG Act 1993 and this policy.*
- *The City's approval is required for the placement of containers for a period greater than 14 days.*
- *These exemptions and requirements DO NOT override DA consent conditions.*

CONDITIONS OF APPROVAL - BIN on a PUBLIC PLACE

The following conditions will apply to an approval issued for the placement of a bulk bin/skip bin on a public place

1. Bulk bin is for the use of residential purposes only i.e. clean out, renovation, or 'complying development activity'.
2. Maximum container length of 3m.
3. Only one container can be stored at any one time at the property frontage.
4. Must not be placed on the footpath.
5. Must be positioned to comply with all restrictions and requirements of the Australian Road Rules as if they were a vehicle and are not to be placed contrary to kerbside parking provisions.
6. Container must not be placed in any disabled parking space.
7. Container must be located strictly in accordance with the requirements and guidelines of the Roads and Traffic Authority.
8. Should remain in place no longer than 14 days (it must be removed at the end of that period or at the completion of work, whichever is sooner).
9. Must not be used for the storage or transport of putrescible or hazardous material.
10. The supplier must indemnify the City for any property loss or injury arising out of the supply and use of the bin in a public place.
11. Bulk bin must be: **light in colour; have reflectors or warning lights on outer corners; be placed 400mm from the kerb alignment and parallel as not to impede stormwater or traffic flow; be covered outside working hours and during transport; bear legibly the name, address and all hours phone number of the owner/supplier.**
12. Must be placed immediately in front of the property of the user and no closer than ten (10) metres from the boundary of the cross street of the corner property. If the bulk bin is placed beyond the user's property, prior notice is required from the adjacent owner.
13. Waste must be containerised within the bulk bin, waste is not permitted to be stored outside or next to the bin.

PART E - OTHER MATTERS RELATING TO APPROVALS

This Policy does not override:

- state or federal legislation that may apply from time to time regarding the management of waste in public places;

OR

- Development Application (DA) Consent Conditions.

Authority:

- Resolution of Council August 2006.
- Please note that these exemptions have been granted consent (Consent No. 88) by the Director General, Department of Local Government 13th day of March 2007.

Review Date: February 2009

Ownership: Director, Services

File Reference: S032973

Related Policies: Policy for Waste Management in New Developments (2005)

APPENDIX ONE – MAPS OF COLLECTION TIME ZONES

The City has developed collection time zones to take into account waste collection requirements, traffic volumes (especially on main or arterial roads) and noise in residential areas as well as improving the look of City streets.

COMMERCIAL COLLECTION TIME ZONES

The three (3) collection time zones are:

Day – 6.30am – 10pm

(Sundays and Public Holidays 8am – 10pm)

Night – 10pm – 6.30am

Off-Peak – 10am – 3pm & 7pm -10pm

A map is attached to outline the collection zones. Zones relate to the street the waste container is presented on for collection. All CBD streets are night collection zones except for the residential streets in Dawes Point and Millers Point.

DOMESTIC COLLECTION TIME ZONES

There are two (2) collection time zones as follows:

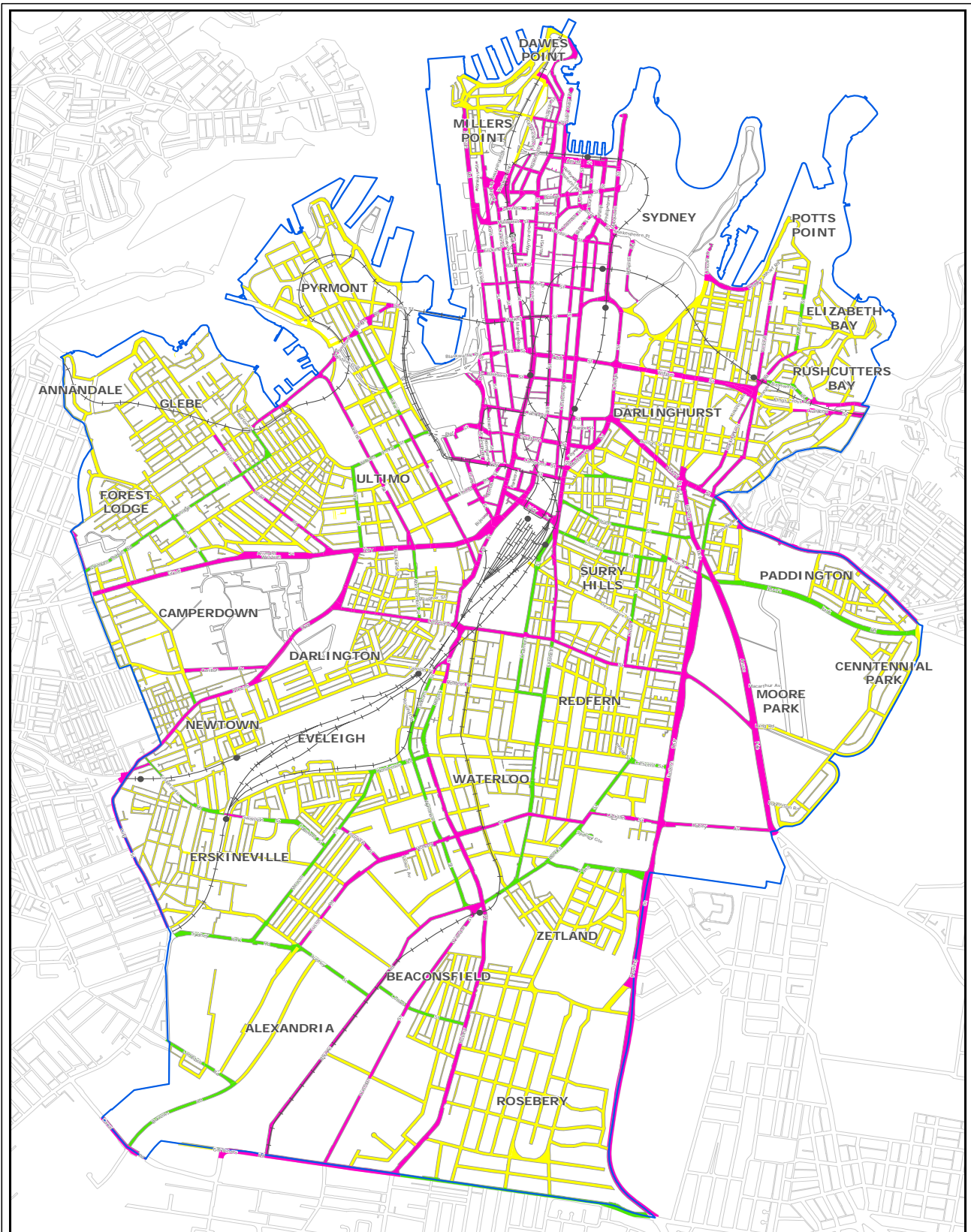
Main and Arterial Roads 5.30am – 10pm

Residential 6am to 10pm

(Sundays and Public Holidays 8am – 10pm)

Note:

- *Commercial time zones refer to commercial waste. Collection zones do not relate to the collection of waste internally or from private property, only waste presented in a public place for collection.*
- *Domestic collection time zones refer to the collection of domestic waste by the City or agents acting on its behalf.*
- *Zones relate to the street the waste container is presented on for collection.*



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Commercial Collection Time Zones

Legend

Commercial Waste Collection Time Zones

- Day (6:30am-10pm)(8am Sunday & Public Holidays)
- Night (10pm-6:30am)
- Off Peak (10am-3pm & 7pm-10pm)

- Railway Station
- Railway Line
- LGA Boundary



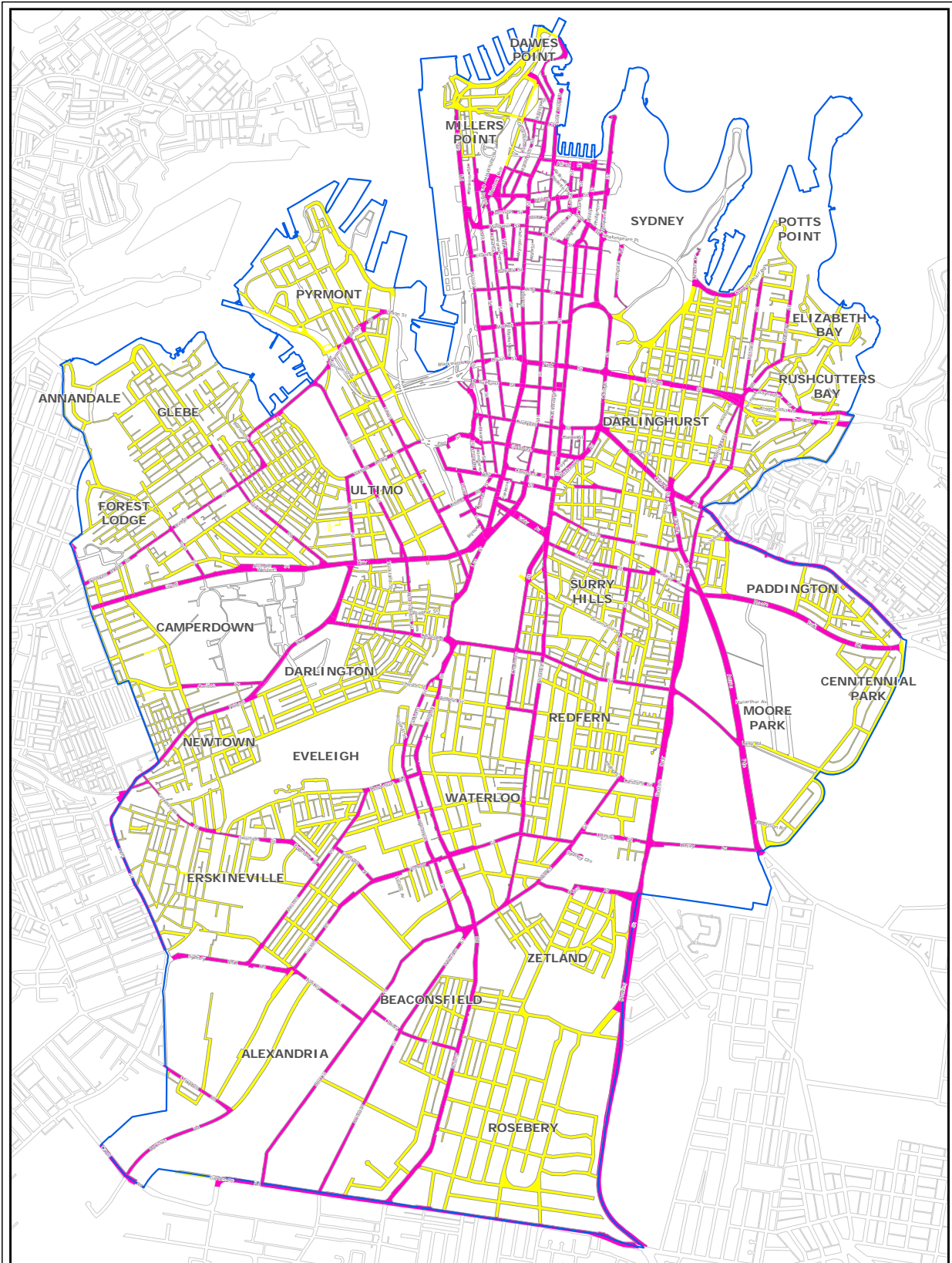
At a glance, commercial collection zones are as follows – please also refer to the Map

Road Name	Section From	Section To	Time Zone
Abercrombie Street	Broadway	Cleveland Street	Off-Peak
Albion Street	Elizabeth Street	Flinders Street	Off-Peak
Bay Street	Broadway	William Henry St	Off-Peak
Bayswater Road	Darlinghurst Road	Roslyn Street	Off-Peak
Bayswater Road	Ward Avenue	Neild Avenue	Night
Botany Road	Gardeners Road	Raglan Street	Night
Bourke Road	Gardeners Road	Botany Road	Night
Bourke Street	Botany Road	Crescent Street	Off-Peak
Burrows Road	Campbell Road	Canal Road	Off-Peak
Campbell Road	Barwon Park Road	Burrows Road	Off-Peak
Campbell Street	Mary Street	Riley Street	Off-Peak
Canal Road	LGA Boundary	Alexandra Canal	Night
Carillon Avenue	King Street	Missenden	Night
Chalmers Street	Elizabeth Street	Redfern Street	Off-Peak
Cleveland Street	City Road	Anzac Parade	Night
Collins Street	Bourke Road	Botany Road	Off-Peak
Copeland Street	Binning Street	Mitchell Rd	Off-Peak
Cowper Wharf Road	Brougham Street	Sir John Young Crescent	Night
Craigend Street	Ward Avenue	Neild Avenue	Night
Crescent Street	Bourke Street	South Dowling Street	Off-Peak
Crown Street	Cleveland Street	Devonshire Street	Night
Crown Street	Devonshire Street	Foveaux Street	Off-Peak
Darlinghurst Road	Oxford Street	Macleay Street	Night

Road Name	Section From	Section To	Time Zone
Elizabeth Street	Cleveland Street	Bourke Street	Off-Peak
Elizabeth Street	Cleveland Street	Thru CBD	Night
Erskinville Road	King Street	Railway Parade	Off-Peak
Euston Road/McEvoy Street	Huntley Street	Bourke Street	Night
Fitzroy Street	Bourke Street	South Dowling Street	Night
Flinders St/ Anzac Pde	Oxford Street	Dacey Avenue	Night
Fountain Street	Mitchell Road	McEvoy Street	Night
Foveaux Street	Elizabeth Street	Bourke Street	Off-Peak
Gardeners Road	Kent Rd	Botany Road	Night
Gardeners Road	Botany Road	Southern Cross Dr	Off-Peak
Gibbons St	Henderson Street	Redfern Street	Off-Peak
Gibbons St	Redfern Street	Cleveland Street	Night
Glebe Point Road	Broadway	Wigram Road	Night
Harris Street	Broadway	Quarry Street	Night
Harris Street	Quarry Street	Pymont Bridge Road	Off-Peak
Henderson Road	Botany Road	Mitchell Rd	Off-Peak
Huntley Street	Euston Road	Bourke Street	Off-Peak
King Steet/Princes Hwy/City Road	Barwon Park Road	Broadway	Night
Lachlan St/Dacey Ave	Bourke Street	Anzac Parade	Night
Macleay Street	Darlinghurst Road	Challis Avenue	Off-Peak
Missenden Road	Campbell Street	King Street	Off-Peak
Mitchell Road	Princes Highway	Henderson Road	Off-Peak
Moore Park Road	South Dowling Street	Oxford Street	Off-Peak
O'Riordan Street	Botany Road	Gardeners Road	Night

Road Name	Section From	Section To	Time Zone
O'Dea Avenue	Bourke Street	South Dowling Street	Off-Peak
Oxford Street	College Street	Moore Park Road	Night
Parramatta Road/Broadway/George Street	Mallet Street	Thru CBD	Night
Pymont Bridge Road	Murray Street	Burton Street	Night
Pymont Bridge/Bridge Road	Burton Street	Mallet Street	Off-Peak
Redfern Street	Chalmers Street	Elizabeth Street	Off-Peak
Redfern Street	Regent Street	George Street	Night
Regent Street	Cleveland Street	Redfern Street	Night
Regent Street	Raglan Street	Redfern Street	Off-Peak
South Dowling St/ Southern Cross Dr	Flinders Street	Gardeners Road	Night
South Dowling Street	Oxford Street	Flinders Street	Off-Peak
Swanston Street	Railway Parade	Binning Street	Night
Sydney Park Road	Euston Road	Mitchell Rd	Off-Peak
Victoria Street	Oxford Street	Challis Avenue	Night
Wattle Street	Broadway	Pymont Bridge Road	Night
William Henry Street	Bay Street	Pymont Street	Off-Peak
William Street	Darlinghurst Road	CBD	Night
Wilson Street	King Street	Erskineville Road	Night
Wyndham Street	Henderson Street	O'Riordan Street	Off-Peak

All other roadways are daytime collection zones



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 Printing Date: August 2, 2006
 File: DomesticWasteCollectionTimeZonesA3.mxd

- Legend**
- Domestic Waste Collection Time Zones**
- Main and Arterial Roads (5.30am - 10pm)
 - Residential (6am - 10pm & Sundays and Public Holidays 8am - 10pm)

Domestic Waste Collection Time Zones



APPENDIX TWO – INFRINGEMENTS, PENALTIES AND ORDERS

The Appendix provides excerpts from the relevant legislation that may apply if a person fails to comply with this policy.

LOCAL GOVERNMENT ACT 1993

Section 626 - Failure to obtain approval

(3) A person who carries out an activity specified in Parts B–F of the Table to section 68 without having obtained a prior approval of the council under Part 1 of Chapter 7 required for the carrying out of that activity is guilty of an offence.

Maximum penalty: 20 penalty units*

(4) A person:

(a) who carries out an activity without having obtained a prior approval of the council under Part 1 of Chapter 7 required for the carrying out of that activity, and

(b) who so carries out the activity on the basis of an exemption granted by or under this Act, being an exemption that is subject to conditions, and

(c) who carries out the activity otherwise than in accordance with the conditions to which the exemption is subject, is guilty of an offence under subsection (1), (2) or (3) as if the exemption did not apply.

Section 627 - Failure to comply with approval

(3) A person who has obtained the approval of the council under Part 1 of Chapter 7 to the carrying out of an activity specified in Parts B–F of the Table to section 68 and who carries out that activity otherwise than in accordance with the terms of that approval is guilty of an offence.

Maximum penalty: 20 penalty units*

* A penalty unit is currently \$110

Section 124 - Orders

The waste related orders outlined in the LG Act 1993 s124 address circumstances where a Council may order a person to do or to refrain from doing a thing specified:

To do what?

- *To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees*
- *To do or to refrain from doing such things as are specified in the order to prevent environmental damage, to repair environmental damage or to prevent further environmental damage*

In what circumstances?

Land is in the immediate vicinity of a public place and is used for the storage of articles or matter so as to create or be likely to create unsightly conditions. Work carried out on land has caused or is likely to cause environmental damage, being damage to the physical environment that is caused by:

- a) drainage, or
- b) drainage works, or
- c) obstructing a natural watercourse other than by a work constructed or used under a water management work approval granted under the Water Management Act 2000, not being environmental damage arising from premises, works or equipment the subject of a licence issued under the Protection of the Environment Operations Act 1997 or the subject of a notice or direction issued by a regulatory authority under that Act

To whom?

Owner or occupier of land

To do what?

- *Not to conduct, or to cease conducting, an activity on premises (whether or not the activity is approved under this Act).*

In what circumstance?

The activity constitutes or is likely to constitute:

- a) a life threatening hazard, or
- b) a threat to public health or public safety and is not regulated or controlled under any other Act by a public authority

To Whom?

Any person apparently engaged in promoting, conducting or carrying out the activity

To do what?

- *To store, treat, process, collect, remove, dispose of or destroy waste which is on land or premises in the manner specified in the order, provided that it is not inconsistent with regulations made under the Protection of the Environment Operations Act 1997*

In what circumstance?

Waste is present or generated on the land or premises and is not being dealt with satisfactorily, and is not regulated or controlled by, or subject to, a licence or notice granted or issued under the Protection of the Environment Operations Act 1997

To Whom?

Owner or occupier of land or premises, owner of or person responsible for the waste or for any receptacle or container in which the waste is contained

Note:

This section does not affect the power of the City to give an order (or a notice or direction) under the authority of another Act. For example, some of those Acts and the orders (or notices or directions) that may be given include:

- *Protection of the Environment Operations Act 1997*
 - *Environmental Protection Notices*

- *Roads Act 1993*
 - *Order preventing the passage of traffic along a road or tollway*
 - *Order for the removal of an obstruction or encroachment on a road*

A person who fails to comply with an order is guilty of an offence – LG Act s628.

PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

Section 91 - Clean-up by occupiers or polluters

(1) Notices

The appropriate regulatory authority may, by notice in writing, do either or both of the following:

- a) direct an occupier of premises at or from which the authority reasonably suspects that a pollution incident has occurred or is occurring,
- b) direct a person who is reasonably suspected by the authority of causing or having caused a pollution incident, to take such clean-up action as is specified in the notice and within such period as is specified in the notice.

(5) Offence

A person who, without reasonable excuse, does not comply with a clean-up notice given to the person is guilty of an offence.

Maximum penalty:

- in the case of a corporation—\$250,000 and, in the case of a continuing offence, a further penalty of \$120,000 for each day the offence continues, or
- in the case of an individual—\$120,000 and, in the case of a continuing offence, a further penalty of \$60,000 for each day the offence continues.

Section 115 - Disposal of waste - harm to environment

(1) Offence

If a person wilfully or negligently disposes of waste in a manner that harms or is likely to harm the environment:

- a) the person, and
- b) if the person is not the owner of the waste, the owner, are each guilty of an offence.

(2) Defence—lawful authority

It is a defence in any proceedings against a person for an offence under this section if the person establishes that the waste was disposed of with lawful authority.

(3) Definitions

In this section:

- **dispose** of waste includes dumping, abandoning, depositing, discarding, rejecting, discharging or emitting anything that constitutes waste, and also includes to cause or permit the disposal of waste.
- **owner** of waste includes, in relation to waste that has been disposed of, the person who was the owner of the waste immediately before it was disposed of.
- **waste** includes any unwanted or surplus substance (whether solid, liquid or gaseous). A substance is not precluded from being waste merely because it may be reprocessed, re-used or recycled.

Section 119 - Maximum penalty for tier 1 offences

A person who is guilty of an offence under this Part is liable, on conviction:

- a) in the case of a corporation—to a penalty not exceeding \$1,000,000, or
- b) in the case of an individual—to a penalty not exceeding \$250,000 or 7 years imprisonment, or both.

Section 145 - Littering generally

(1) Offence of littering

A person who deposits litter in or on a public place or an open private place is guilty of an offence. Maximum penalty: 10 penalty units*

(2) Application of this section

This section applies whether the place is in or on land or is in or on waters, but (without limiting subsection 5b) does not apply to a place or class of places prescribed by the regulations as being excluded from this section.

(3) Exceptions:

Public places Subsection (1) does not apply to a person who deposited the litter in or on a public place, if the person:

- a) deposited the litter in or on the place:
 - I. in a receptacle provided by the custodian of the place for the depositing of litter, and in accordance with any conditions specified by the custodian, by means of a notice displayed on or in the vicinity of the receptacle, in relation to the depositing of litter in the receptacle, or
- b) placed a receptacle containing the litter in the place for the purpose of the litter being removed in the course of a litter removal service provided by the custodian of the place, or
- c) deposited the litter in the place:
 - I. in response to an invitation contained in a notice published by the custodian of the place, and
 - II. in accordance with any conditions specified in the notice in relation to the depositing of litter in that place, or

* A penalty unit is currently \$110

- d) deposited the litter in the place with the express consent of the custodian of the place.

(4) Exceptions:

Open private places Subsection (1) does not apply to a person who deposited the litter in or on an open private place, if the person:

- a) deposited the litter in or on the place in any receptacle:
 - I. that is provided for the deposit of litter, and
 - II. that is appropriate for litter of that size, shape, nature or volume, or
- b) at the relevant time was the custodian of the place or was acting with the express or implied consent of the custodian of the place.

(5) Exceptions:

Generally Subsection (1) does not apply to a person who deposited the litter in or on a place, if the person:

- a) deposited the litter in the place under an authority conferred by or under this or any other Act or any Commonwealth Act, or
- b) deposited the litter in accordance with any regulations made for the purposes of this section or in such circumstances as may be prescribed by any regulations made for the purposes of this section.

Section 277 - Contravention of noise abatement directions

1. A person to whom a noise abatement direction has been given under section 276 (a) must not, without reasonable excuse, while the direction remains in force:
 - a. fail to cause the emission of the offensive noise from the premises to cease promptly, or

- b. at any time within 28 days following the time at which the direction was given (or such shorter period as is specified in the direction), cause or permit offensive noise to be emitted from the premises.
2. A person to whom a noise abatement direction has been given under section 276 (b) must not, without reasonable excuse, while the direction remains in force:
 - a. fail to promptly cease making or contributing to the making of the offensive noise, or
 - b. at any time within 28 days following the time at which the direction was given (or such shorter period as is specified in the direction), make or contribute to the making of offensive noise that is emitted from the premises.
3. A noise abatement direction does not prevent the emission of noise that is not offensive noise.
4. A person who contravenes this section is guilty of an offence.

Maximum penalty: 30 penalty units*

Environment protection offences

The Act has a three tier regime of offences.

1. Tier 1 offences are the most serious offences and cover certain waste disposals, leaks, spillages and other escapes, and ozone depleting emissions. Tier 1 offences can be categorised as offences requiring:
 - a. proof of wilfulness or negligence and
 - b. harm or likely harm to the environment.

These offences carry maximum penalties of \$1,000,000 for corporations and \$250,000 and/or 7 years imprisonment for individuals.

* A penalty unit is currently \$110

2. Tier 2 offences consist of all other offences under the Act and regulations, including water pollution, air pollution, land pollution (eg littering) and noise pollution offences. These offences are generally categorised as 'strict liability' offences i.e. the prosecution is not required to prove intent.

Most Tier 2 offences carry a maximum penalty of \$250,000 for corporations and \$120,000 for individuals, and for continuing offences, further daily penalties of up to \$120,000 and \$60,000 respectively. Most noise offences carry a maximum penalty of \$60,000 for corporations and \$30,000 for individuals, and for continuing offences, further daily penalties of up to \$6,000 and \$600 respectively.

The maximum penalty for the general littering offence is 10 penalty units (\$1,100).

The following offences are introduced in this Act:

- a. the emission of offensive odour from scheduled activities
 - b. the unlawful transport of waste and
 - c. the failure to comply with a duty to notify certain pollution incidents.
3. Tier 3 offences are not separate offences. They are Tier 2 matters that have been designated in the regulations as being capable of being dealt with by way of penalty notice. The amount of the penalty is set by the regulations and may not exceed the maximum penalty that can be imposed by a court for the offence.

EPA officers and the staff of certain other public authorities such as local councils have been authorised to issue penalty notices. However, the EPA may direct that a penalty notice be withdrawn if it considers it appropriate to do so.

APPENDIX THREE - DEFINITIONS

Authorised Officer has the same meaning as "authorised person" in the Local Government Act 1993 - an employee of the City generally or specially authorised by the City whose duty it is to deal with, or to act in regard to, any Acts, matters or things in relation to which the expression is used.

Bulk Bin means a container of not more than 3 metres long and 1.5 metres wide, designed and used for the storage, transport and disposal of waste - also commonly referred to as a 'Skip Bin'.

Bulk Waste means dry household (domestic) refuse collected as part of a complying development activity, household clean-up or builders waste from demolition or renovation work. This definition does not include putrescible (food and organics), dangerous or hazardous waste.

Clean-up action has the same meaning as in the Protection of the Environment Operations Act 1997. 'Clean up Action' in relation to a pollution incident, includes:

- a) action to prevent, minimise, remove, disperse, destroy or mitigate any pollution resulting or likely to result from the incident, and
- b) ascertaining the nature and extent of the pollution incident and of the actual or likely resulting pollution, and
- c) preparing and carrying out a remedial plan of action. It also includes (without limitation) action to remove or store waste that has been disposed of on land unlawfully.

Collection Point means the street on which the waste container is placed for collection.

Commercial waste means business or commercial refuse (including recyclable materials) generated as part of business activities.

Containerised Waste means waste that is contained within an approved waste storage container. This definition does not include waste in plastic bags or cardboard boxes.

Domestic Waste means all residential waste collected by the City or its agents.

Public place has the same meaning as in the Local Government Act 1993.

- a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- b) a public road, public bridge, public wharf or public road-ferry, or
- c) a Crown reserve comprising land reserved for future public requirements, or
- 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 *Trustees of Schools of Arts Enabling Act 1902*, or
 - IV. land that has been sold or leased or lawfully contracted to be sold or leased, or
- e) land that is declared by the regulations to be a public place for the purposes of this definition.

Residential waste means household (domestic) refuse including putrescible (food and organics) and recyclable materials.

Services means facilities provided by utility authorities such as Telstra, AGL, Sydney Water or Energy Australia etc to provide important services to residents, businesses and landlords.

Skip Bin see 'Bulk Bin'

The Act means the NSW Local Government Act (1993).

The City means the Council of the City of Sydney as proclaimed on the 5th April 2004.

Trade Waste means the same as 'Commercial Waste'

Un-containerised waste means waste that is not contained within an approved waste storage container or contained in a plastic bag, loose cardboard etc.

Waste has the same meaning as in the Local Government Act 1993. For the purpose of this Policy the definition of waste will not include liquid or gaseous waste.

- a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- b) trade (commercial) waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- c) garbage, being all refuse other than trade (commercial) waste and effluent, and includes any other substance defined as waste for the purposes of the *Protection of the Environment Operations Act 1997*, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

Waste storage container means a container used for the storage of waste including recyclables and putrescible (food and organic waste). This definition includes mobile garbage bins with close fitting lids and not plastic bags.