



CORPORATION OF THE CITY OF ADELAIDE

By-law made under the Local Government Act 1999

WASTE MANAGEMENT BY-LAW 2018

By-law No. 5 of 2018

For the prevention and suppression of nuisances, obstructions and risks to public health by regulating and controlling the management of public places, kerbside removal of domestic, recyclable and green organic waste from premises, for regulating the management of Council property and otherwise for the good rule and government of the area and for the comfort, convenience and safety of its inhabitants.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Waste Management By-law 2018*.

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 Act.

3. Definitions

In this by-law:

- 3.1 **Commercial and Industrial Waste (General)** has the same meaning as in the Environment Protection Authority Waste Guidelines;
- 3.2 **Commercial Cardboard** means non-contaminated cardboard generated by commercial premises but excludes Recyclables, contaminants such as wax boxes, milk cartons, boxes soiled by food, paints or oils, plastic or polystyrene;
- 3.3 **Container** includes without limitation any Domestic Waste Container, Green Organics Container or Recyclables Container provided by the Council or some other Container provided for the purposes of a private or commercial waste collection;
- 3.4 **Domestic Waste** means any kind of domestic waste including putrescibles generated from residences, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead acid batteries, any dangerous or toxic waste, Commercial and industrial Waste (General), Listed Waste, Hazardous Waste or Radioactive Waste;
- 3.5 **Domestic Waste Container** means a Container provided or designated by the Council for the reception of Domestic Waste (maximum weight 60 kg);

- 3.6 **Footpath Area** means:
- 3.6.1 that part of the Road between the boundary of the Road and the edge of the carriageway of the Road on the same side as that boundary; or
- 3.6.2 a footway, laneway or other place made or constructed for the use of pedestrians and not for the use of Vehicles;
- 3.7 **Green Organics** means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, horse manure or other materials for which permission has been given by the Council but excludes any item larger than 15 cm in diameter, Domestic Waste, Commercial and Industrial Waste (General), Listed Waste, Hazardous Waste or Radioactive Waste;
- 3.8 **Green Organics Container** means a Container provided or designated by the Council for the reception of Green Organics (maximum weight 70 kg);
- 3.9 **Hard Waste** means solid waste arising from domestic premises which is not suitable for collection using a kerbside bin system and includes any internal and external household items, but excludes any Domestic Waste, Commercial and Industrial Waste (General), Listed Waste, Hazardous Waste, Radioactive Waste or waste that is not deemed suitable for collection by the Council;
- 3.10 **Hazardous Waste** has the same meaning as in the Environment Protection Authority Waste Guidelines;
- 3.11 **Listed Waste** has the same meaning as in the Environment Protection Authority Waste Guidelines;
- 3.12 **Private Thoroughfare** means a private street, road, lane, footway, alley, court or thoroughfare that the public is allowed to use and have access to;
- 3.13 **Radioactive Waste** has the same meaning as in the Environment Protection Authority Waste Guidelines;
- 3.14 **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;
- 3.15 **Recyclables Container** means a Container provided or designated by the Council for the reception of Recyclables (maximum weight 60 kg);
- 3.16 **Road** has the same meaning as in the *Local Government Act 1999*.

Part 2 – Management of Waste System

4. Provide Containers

- 4.1 Every occupier of domestic premises, and every occupier of any other premises designated by the Council for that purpose, must keep on his or her premises the Domestic Waste Container, the Recyclables Container and the Green Waste Container provided to that premises by the Council.

- 4.2 No occupier of domestic premises, and every occupier of any other premises designated by the Council for that purpose, shall remove any or all of those Containers from his or her premises other than for the purpose of facilitating the relevant kerbside collection service.

5. Management of Kerbside Collection Services

5.1 Domestic Waste

- 5.1.1 The Council's Domestic Waste kerbside collection service will be provided only to premises outside of which a Domestic Waste Container is placed in accordance with this by-law.
- 5.1.2 An occupier of premises must ensure that the Domestic Waste Container only contains Domestic Waste.

5.2 Recyclables

- 5.2.1 The Council's Recyclables kerbside collection service will be provided only to premises outside of which a Recyclables Container is placed in accordance with this by-law.
- 5.2.2 An occupier of premises must ensure that the Recyclables Container only contains Recyclables.

5.3 Green Organics

- 5.3.1 The Council's Green Organics kerbside collection service will be provided only to premises outside of which a Green Organics Container is placed in accordance with this by-law.
- 5.3.2 An occupier of premises must ensure that the Green Organics Container only contains Green Organics.

5.4 Keep Container Clean

- 5.4.1 An occupier of premises must ensure that each Container is kept in a clean and sanitary condition, maintained in good order and repair and kept watertight at all times.
- 5.4.2 If a Container provided by the Council presented for collection is, in the opinion of the Council or the operator of the relevant kerbside collection service, in poor condition so as to make removal of the contents impracticable, the kerbside collection service will not be provided unless and until that condition is rectified.

5.5 Keep Container Closed

- 5.5.1 An occupier of premises must ensure that the lid of each Container is at all times able to be closed and kept closed except when waste is being deposited in or removed from the Container.
- 5.5.2 If a Container provided by the Council presented for collection is not closed, the kerbside collection service will not be provided unless and until that Container is presented for collection with the lid closed.

5.6 Damage

- 5.6.1 An occupier of premises must ensure that each Container is maintained so that it is not damaged or worn to the extent that:
- 5.6.1.1 it is not robust or watertight;
 - 5.6.1.2 it is unable to be moved on its wheels (if any) efficiently;
 - 5.6.1.3 the lid does not seal on the container when closed; or
 - 5.6.1.4 its efficiency or use is otherwise impaired.
- 5.6.2 If a Container provided by the Council presented for collection is, in the opinion of the Council or the operator of the relevant kerbside collection service, damaged or worn so as to make removal of the contents impracticable, the kerbside collection service will not be provided unless and until the damage or wear is rectified.

5.7 Collection Services

- 5.7.1 An occupier of premises must facilitate the collection and removal of household waste, commercial waste, Recyclables and Green Organics from his or her premises by placing the relevant Container in accordance with subparagraph 5.7.2 of this by-law on the day of or the night before (and not before these times) the scheduled collection day.
- 5.7.2 An occupier of premises must ensure that the Container containing the relevant kind of material is placed out for collection:
- 5.7.2.1 on the Footpath Area 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
 - 5.7.2.2 in another position as approved or directed by the Council; and
 - 5.7.2.3 not under the overhanging branches of street trees; and
 - 5.7.2.4 not so as to impede the passage of pedestrian or other traffic.
- 5.7.3 An occupier of:
- 5.7.3.1 commercial premises must remove the Container from the Footpath Area and Road:
 - (a) within one hour of the collection, if the collection has occurred during business hours; or
 - (b) by 9:00am on the day of collection, if the collection has occurred outside of business hours;

- 5.7.3.2 premises other than commercial premises must remove the Container from the Footpath Area and Road on the same day that the collection has taken place.
- 5.7.4 An occupier of premises must facilitate the collection and removal of Hard Waste from his or her premises by placing the Hard Waste out for collection:
 - 5.7.4.1 on the day of or the night before (and not before these times) the scheduled collection day;
 - 5.7.4.2 on the Footpath Area in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway, or in another position as approved or permitted by the Council; and
 - 5.7.4.3 not so as to impede the passage of pedestrian traffic.

5.8 Commercial Cardboard

Where the Council makes available a Commercial Cardboard kerbside collection service an occupier of commercial premises:

- 5.8.1 must ensure that any Commercial Cardboard presented for collection is flattened, bundled and stacked;
- 5.8.2 who presents Commercial Cardboard for collection must ensure that:
 - 5.8.2.1 any Commercial Cardboard which is bundled is tied with string or nylon and not with wire, cable or similar materials; or
 - 5.8.2.2 any Commercial Cardboard which is not bundled is placed in another cardboard box; and
 - 5.8.2.3 is placed on the Footpath Area or the Road at the collection point designated by the Council no earlier than 3 p.m. and no later than 6 p.m. on the collection day; and
- 5.8.3 must ensure that any Commercial Cardboard presented for collection is not placed on a Footpath Area or the Road so as to impede the passage of pedestrian or other traffic.

Part 3 – Enforcement

6. Interference with Waste Containers

A person must not remove, disburse or interfere with any Domestic Waste, Recyclables, Green Organics, Commercial Cardboard or Hard Waste contained within a Container (including bottles, newspapers, cans, containers or packaging) that has been placed on a Footpath Area, a Road or any other place for collection by the Council, its agents or contractors.

7. Private Thoroughfare

The owner or occupier of a Private Thoroughfare shall keep the thoroughfare clean and free of refuse, rubbish and waste material.

Part 4 - Miscellaneous**8. Revocation**

Council's *By-law No. 5 – Waste Management*, published in the *Gazette* on 20 March 2014, 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 Corporation of the City of Adelaide held on *14 August* 2018 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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Beth Davidson-Park
Acting Chief Executive Officer