

**City of Stirling**

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**WASTE MANAGEMENT LOCAL LAW 2010**

*Waste Avoidance and Resource Recovery Act 2007*

*Local Government Act 1995*

**City of Stirling**

**Waste Management Local Law 2010**

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*Waste Avoidance and Resource Recovery Act 2007*

*Local Government Act 1995*

**City of Stirling**

**Waste Management Local Law 2010**

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Stirling resolved on 6 July 2010 to make this local law.

**Part 1 - Preliminary**

**1.1 Citation**

This local law is the *City of Stirling Waste Management Local Law 2010*.

**1.2 Commencement**

This local law commences on the day that it is published in the *Government Gazette*.

**1.3 Application**

This local law applies throughout the district.

**1.4 Repeal**

The following local laws are repealed -

- (a) the *Perth Road Board Consolidation of Health By-Laws* clauses 57-60A, 60C – 60F and the Third Schedule, published in the *Government Gazette* on 30 May 1961 and as amended and published in the *Government Gazette* on 6 January 1966; and
- (b) the *City of Stirling Constitution and General Bylaws* clauses 524-526 relating to refuse adversely affecting neighbours published in the *Government Gazette* on 12 May 1971.

**1.5 Definitions and interpretation**

(1) In this local law -

“**approved**” means approved by the CEO;

“**access way**” means any traffic route through a waste management facility;

“**authorised person**” means a person authorised by the City under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

“**CEO**” means the chief executive officer of the City;

“**City**” means the City of Stirling;

“**Council**” means the council of the City;

“**LG Act**” means the *Local Government Act 1995*;

“**LG Regulations**” means the *Local Government (Functions and General) Regulations 1996*;

“**occupier**” has the same meaning as given to it in the LG Act;

“**owner**” has the same meaning as given to it in the LG Act;

“**public place**” includes a place to which the public ordinarily have access, whether or not by payment of a fee;

“**WARR Act**” means the *Waste Avoidance and Resource Recovery Act 2007*;

“**WARR Regulations**” means the *Waste Avoidance and Resource Recovery Regulations 2008*; and

“**waste**” has the same meaning as in the WARR Act.

*Note: section 3(1) of the WARR Act defines ‘waste’ to include matter –*

(a) *whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or*

(b) *prescribed by the regulations to be waste.*

*Regulation 4(1) of the WARR Regulations prescribes ‘waste generated by the operations of a local government’ as local government waste for the purposes of paragraph (b) of the definition of ‘local government waste’ in section 3(1) of the WARR Act.*

- (2) If a term has a meaning in the WARR Act or the LG Act, it has the same meaning in this local law unless the contrary intention appears in this local law.
- (3) Where, in this local law, a duty or liability is imposed on an ‘owner or occupier’, or on an ‘owner and occupier’, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

## **Part 2 - Liquid refuse**

### **2.1 Definitions**

In this Part -

“**liquid refuse**” includes all washings from windows and vehicles, overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and other liquid used for cooling purposes and swimming pool discharges; and

**“liquid waste”** means bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage.

## 2.2 Deposit of liquid refuse

A person must not deposit, or cause or permit to be deposited, liquid refuse or liquid waste -

- (a) on a street;
- (b) in a stormwater disposal system; or
- (c) on any land or place other than a place or depot duly authorised for that purpose.

## 2.3 Disposal of liquid waste

- (1) The owner or occupier of premises must -
  - (a) provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and
  - (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste must be disposed of by one of the following methods—
  - (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
  - (b) discharging it into an approved apparatus for the treatment of sewage and disposal of effluent and liquid waste; or
  - (c) collecting and disposing it at an approved liquid waste disposal site in a manner approved by the CEO.

# Part 3 - Disposal of refuse

## 3.1 Definitions

In this Part -

**“collection time”**, where used in connection with any premises, means the time when refuse is collected and removed from the premises by the City or its contractor;

**“litter”** includes paper, plastic, food waste, wrappings and the like;

**“litter bin”** means a container located in a public place for the public to deposit litter;

**“refuse”** includes any rubbish, filth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;

**“refuse facility site”** means premises used, and licensed under Part V of the *Environmental Protection Act 1986*, for storing, treating, processing, sending, recycling or disposal of refuse;

**“receptacle”**, where used in connection with any premises, means a polyethylene or other approved material cart that –

- (a) is fitted with wheels, a handle and a lid;
- (b) has a capacity of at least 240 litres (unless a smaller capacity has been approved by the City); and
- (c) has been supplied to the premises by the City or its contractor, or has otherwise been approved by the City; and

**“street alignment”** means the boundary between the land comprising a street and the land that abuts the street.

*Note: a local government may, by a local law made under the Local Government Act 1995, prescribe a new street alignment (see section 364 of the Local Government (Miscellaneous Provisions) Act 1960).*

### **3.2 Receptacles**

An owner or occupier of premises must—

- (a) at all times keep the lid of the receptacle closed except when depositing refuse or cleaning the receptacle;
- (b) except for a reasonable period before and after collection time as determined by an authorised person, keep the receptacle on the premises and located -
  - (i) behind the street alignment and so as not to be visible from a street or public place; or
  - (ii) in such other position as is approved by an authorised person;
- (c) within a reasonable period before collection time, and no later than 6am on the designated collection day, place the receptacle on the verge (or other area as stipulated by an authorised person) adjoining the premises as close as practicable to the street alignment of the premises but so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriage way;
- (d) if the receptacle is lost, stolen, damaged or defective, notify the City within 3 days after the event; and
- (e) ensure that the premises is provided with an adequate number of receptacles.

### **3.3 Exemption**

- (1) An owner or occupier of premises may apply in writing to the City for an exemption from compliance with the requirements of subclauses 3.2(b) or (c).

- (2) The City may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state -
  - (a) the premises to which the exemption applies;
  - (b) the period during which the exemption applies; and
  - (c) any conditions imposed by the City.
- (4) An exemption granted under this clause ceases to apply if and when the person to whom it is granted fails to comply with a condition of the exemption.

### **3.4 Use of receptacles**

- (1) An owner or occupier of premises must -
  - (a) not deposit or permit to be deposited in a receptacle -
    - (i) more than 70 kilograms (or as otherwise prescribed by a notice or sign on or near the receptacle) of refuse;
    - (ii) hot or burning ash;
    - (iii) oil, motor spirit, other flammable liquid, or any cylinders used for the storage of flammable gas;
    - (iv) liquid, including liquid paint or other solvent;
    - (v) bricks, concrete, building rubble, earth or other like substances;
    - (vi) drugs, dressings, bandages, swabs or blood samples;
    - (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood;
    - (viii) syringes, needles, surgical hardware or associated broken glass or sharps;
    - (ix) asbestos or any material containing asbestos;
    - (x) cytotoxics, radioactive substances and dangerous chemicals;
    - (xi) sewage, manure, faeces or urine;
    - (xii) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or
    - (xiii) refuse that -
      - (A) is offensive or a nuisance, or is likely to become offensive or a nuisance;



(B) gives off, or is likely to give off, an offensive or noxious odour; or

(C) attracts flies or causes fly breeding, or is likely to attract flies or cause fly breeding,

unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;

(xiv) fluorescent tubes, compact fluorescent lamps, high intensity discharge lamps, and all mercury bearing waste;

(xv) computers and all peripherals, televisions and home entertainment electronic equipment, mobile and digital telephones, communications equipment and other technology with a high content of printed circuit boards; or

(xvi) batteries;

(b) unless authorised by authorised person, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark;

(c) at all times keep the receptacle in a clean condition;

(d) whenever directed to do so by an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;

(e) take all reasonable steps to prevent -

(i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and

(ii) the emission of offensive or noxious odours from the receptacle; and

(f) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

(2) A person must not deposit refuse in a receptacle set aside for use by other premises without the consent of the owner or occupier of those premises.

### **3.5 Damaging or removing receptacles**

A person, other than the City or its contractor, must not -

(a) damage, destroy or interfere with a receptacle; or

(b) except as permitted by this local law or as authorised by an authorised person, remove a receptacle from any premises to which it was delivered by the City or its contractor.

### 3.6 Use of other containers

- (1) In the case of premises consisting of more than 4 dwelling houses, or premises used for commercial or industrial purposes or as food premises, the City may authorise refuse to be deposited in an approved container other than a receptacle.
- (2) The owner or occupier of premises who is authorised under this clause to deposit refuse in a container must -
  - (a) unless approved by an authorised person, not deposit or permit to be deposited in the container anything specified in subclauses 3.4(1)(a)(ii) - (xvi);
  - (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
  - (c) whenever directed by an authorised person to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
  - (d) cause the container to be located on the premises in a suitable enclosure constructed and located in accordance with clause 3.7;
  - (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
  - (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.
- (3) An owner or occupier must -
  - (a) provide a sufficient number of containers to contain all refuse which accumulates or may accumulate in or from the premises;
  - (b) ensure that each container on the premises -
    - (i) has a close fitting lid;
    - (ii) is constructed of non-absorbent and non-corrosive material; and
    - (iii) is clearly marked, for the use of, and is used only for, the temporary deposit of refuse;
  - (c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
  - (d) place any refuse in, and only in, a container marked for that purpose;
  - (e) keep the cover on each container except when it is necessary to place something in, or remove something from it; and
  - (f) ensure that the containers are emptied at least weekly or as directed by an authorised person.

### 3.7 Suitable enclosure

- (1) In this clause, a “**suitable enclosure**” means an enclosure -
  - (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than 3 square metres;
  - (b) constructed of brick, concrete or other material of suitable thickness approved by the City;
  - (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
  - (d) containing a smooth and impervious floor -
    - (i) of not less than 75 millimetres in thickness; and
    - (ii) that is evenly graded so that the enclosure is adequately drained; and
  - (e) that is easily accessible to allow for the removal of the receptacles.
- (2) Subclause (3) applies to premises that –
  - (a) have been provided by the City with receptacles; and
  - (b) either -
    - (i) consist of more than 4 dwelling houses that have not been provided with individual receptacles for each dwelling house; or
    - (ii) are used for commercial or industrial purposes or as a food premises.
- (3) An owner or occupier of premises must, if required by an authorised person -
  - (a) provide a suitable enclosure for the storage and cleaning of receptacles on the premises;
  - (b) install in the enclosure a tap connected to an adequate supply of water, and a floor waste connected to the public sewer; and
  - (c) adequately roof the enclosure.
- (4) An owner or occupier of premises required to provide a suitable enclosure under this clause must keep the enclosure thoroughly clean and disinfected.

### 3.8 Deposit of litter

A person must not deposit litter in any public place other than in a litter bin or receptacle.

### **3.9 Deposit of refuse**

- (1) A person must not deposit or cause or permit to be deposited any refuse in or on any street or on any land other than a refuse facility except in accordance with the terms and conditions, and during the period of time, advertised by the City in connection with a bulk rubbish collection under a verge collection program.

*Under the City's Thoroughfares and Public Places Local Law 2009 –*

‘... A person must not, without a permit—

- (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the City under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised by the City in connection with that collection...’

[Clause 2.2(1)(b) of the City of Stirling Thoroughfares and Public Places Local Law 2009]

- (2) A person must not deposit refuse in or on a refuse facility except -
  - (a) at such place on the site as may be directed by the person in charge of the site; or
  - (b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

### **3.10 Removal from refuse facility**

- (1) A person must not remove any refuse from a refuse facility without the written approval of the City.
- (2) A person who obtains approval from the City must comply with any conditions imposed by the City and set out in the approval.

### **3.11 Removal of refuse from premises or receptacle**

- (1) A person must not remove any refuse from premises, or the verge associated with premises, unless that person is -
  - (a) the owner or occupier of the premises;
  - (b) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the City.
- (2) A person must not, without the approval of the City or the owner of a receptacle, remove any refuse from the receptacle or other container provided for the use of the general public in a public place.

### **3.12 Burning refuse**

- (1) Subject to any other written law, a person must not set fire to, or cause to be set on fire, any refuse either -
  - (a) in any incinerator; or

- (b) on the ground.
- (2) A person must not clear - by burning - firebreaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation whether the material is alive or dead, standing or not standing.

## **Part 4 - Enforcement**

### **4.1 Offences and general penalty**

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

### **4.2 Prescribed offences**

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

*Note sections 9.16(1), 9.17(1) and (2) and 9.18 of the Local Government Act 1995:*

**“9.16 Notice, giving of to alleged offender**

- (1) *An authorised person who has reason to believe that a person has committed a prescribed offence against a regulation or local law made under this Act may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.”*

**“9.17 Notice, content of**

- (1) *An infringement notice is to be in the prescribed form and is to –*
  - (a) *contain a description of the alleged offence; and*
  - (b) *advise that if the alleged offender does not wish to be prosecuted for the alleged offence in court, the amount of money specified in the notice as being the modified penalty for the offence may be paid to an authorised person within a period of 28 days after the giving of the notice; and*
  - (c) *inform the alleged offender as to who are authorised persons for the purposes of receiving payment of modified penalties.”*

**“9.18 Notice placing onus on vehicle owner**

- (1) *If the alleged offence is one for which a notice under section 9.13 can be given to the owner of a vehicle involved in the commission of the offence, that notice can be included in the same*

*document as an infringement notice to the owner for the alleged offence.”*

*Also note in regard to section 9.17(1), section 9.23:*

**“9.19     *Restriction on appointment of authorised persons***

*A person who is authorised to give infringement notices under section 9.16 is not eligible to be an authorised person for the purposes of section 9.17, 9.19 or 9.20 (extension of time for payment and withdrawal of infringement notice).”*

### **4.3     Form of notices**

- (1)     Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations; and
- (2)     The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.

## SCHEDULE 1

### Prescribed offences

Clause	Description	Modified Penalty
2.2	Depositing liquid refuse or liquid waste on a street, stormwater disposal system, or land not authorised for that purpose	\$250.00
2.3	Failure to provide or maintain an approved method for disposal of liquid waste	\$250.00
3.2(a)	Failure to keep lid of refuse receptacle closed	\$75.00
3.2(b)	Failure to keep refuse receptacle behind street alignment or in an otherwise approved location	\$75.00
3.2(c)	Failure to place refuse receptacle as close as practicable to street alignment or placing refuse receptacle so as to cause undue obstruction to footpath, cycle way, right-of-way or carriage way	\$75.00
3.4(1)(a) 3.6(2)(a)	Depositing prohibited material in a refuse receptacle or container	\$250.00
3.4(1)(b) 3.5 (a), (b)	Damaging, unauthorised marking, unauthorised removal or disfiguring of a refuse receptacle	\$250.00
3.4(1)(c)	Failure to keep refuse receptacle in a clean condition	\$75.00
3.4(1)(d) 3.6(2)(c)	Failure to obey instruction to disinfect receptacle or container or apply insecticide	\$150.00
3.4(1)(e) 3.6(2)(b)	Failure to take reasonable steps to keep refuse receptacle or container free of flies, maggots, cockroaches, rodents or other vectors of disease	\$150.00
3.4(2)	Depositing refuse in receptacle provided for use by other premises without owner's or occupier's consent	\$75.00
3.6(2)(d), (e)	Failure to keep refuse container in approved enclosure or accessible location	\$75.00
3.6(2)(f)	Refuse container causing a nuisance to occupier of adjoining premises	\$75.00
3.6(3)	Failure to provide sufficient numbers of refuse containers, provide lids or covers, keep clean and in good condition or repair, or regularly emptied	\$75.00
3.7	Failure to provide, clean or maintain a suitable enclosure for refuse receptacles	\$150.00
3.10 3.11	Removal of refuse from refuse facility, premises, receptacle or verge area without written approval of City, or failure to comply with conditions of approval	\$150.00
3.12	Burning of refuse	\$150.00

Dated: 6 July 2010

The Common Seal of the )  
City of Stirling was affixed )  
by authority of a resolution )  
of the Council in the presence of )

.....  
Mayor

.....  
Chief Executive Officer

Consented to –

.....  
Chief Executive Officer  
Department of Environment and Conservation