

# Policy on Prohibition of Disposal of Domestic, Rural, Business, Commercial, Industrial, Building Construction & Demolition Waste in Public Place Litter Bins

## 1.0 Purpose

This policy aims to address the illegal disposal of domestic, business, commercial, industrial and demolition waste in public place litter bins located throughout the Kiama Local Government area.

## 2.0 Objectives

The objectives of this Policy and Procedures are:

- To make the depositing or placement of waste that is generated or originated from domestic, rural, business, commercial and/or industrial premises or from building construction and demolition activities, in public place litter bins prohibited.
- To take enforcement action, namely the issue of a Notice to Comply warning, Penalty Infringement Notice or Court action for breaches as identified.
- To reduce and prevent the illegal disposal of waste in public place litter bins.
- To minimise the costs associated with the illegal disposal of waste.

## 3.0 Scope

This policy applies to all public places, Council facilities, streets, parks and reserves and other areas where public place litter bins are located in the Kiama Local Government area.

## 4.0 References

This document should be read in conjunction with:

- Local Government Act 1993
- Protection of the Environment Operations Act 1997 and as amended.
- Protection of Environment Operations (General) Regulation 2009 and as amended.
- Kiama Municipal Council's Enforcement Policy

## 5.0 Definitions

For the purpose of this document the following definitions apply:

*Building construction and demolition waste* includes waste from building and construction sites and activities including but not limited to soil, rock and asbestos.

*Business commercial premises* means building or place at or on which:

- a) An occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis; or
- b) A service is provided directly to a member of the public on a regular basis and may include without limitations premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, medical centres, betting agencies, restaurants, shops, offices, shopping centres and the like.

*Business/commercial waste* is all waste emanating from business premises.

*Domestic premises* includes urban and rural residential dwellings including single dwellings, duplexes and multi-unit dwellings and the like.

*Industrial premises* means any premises involved in the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting or the research or development of any goods, chemicals, substances, food, agricultural or beverage products or articles for commercial purposes.

*Litter* includes any glass and plastic bottles, metal cans, cigarette butts and packets, paper, food scraps, take away and food packaging and wrappings and any other waste that not come from domestic premises, business premises, industrial premises, commercial premises or activities associated with these premises.

*Public place* includes a public place within the meaning of the Local Government Act 1993 as amended means:

- a) A public reserve, a public bathing reserve or public baths.
- b) A public road, footpath, public bridge, public wharf, public carparking.
- c) A Crown Reserve or piece of land reserved for future public requirements.
- d) A place that is open to the public or used by the public, whether or not on payment of money or other consideration, whether or not the place is ordinarily so open or used, whether or not the public to whom the place is open, or by whom the place is used, consists only of a limited class of persons.
- e) A National Park, State conservation area, historic site, nature reserve, State game reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act 1997.

*Waste* includes:

- a) Any substance (with solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment.
- b) Any discarded, rejected, unwanted, surplus or abandoned substance.
- c) Any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance.

- d) Any processed, recycled, reused or recovered substance produced wholly or partly from waste that is applied to land or used as fuel but only in the circumstances prescribed by the regulations.
- e) Any substance prescribed by the regulations and legislation to be waste
- f) Construction or demolition materials
- g) Garden remnants, soil, sand or rock.

## **6.0 Policy**

- 6.1 This policy prohibits the placement and disposal of waste in or around public place bins generated or originated from domestic, rural, business, commercial, industrial premises or from building and construction activities.
- 6.2 Enforcement action, namely issuing a Notice to Comply warning, Penalty Infringement Notice or Court Action will be taken for a breach of Section 145 of the Protection of the Environment Operations Act 1997 (as amended), and Protection of the Environment Operations Regulation (General).
- 6.3 A notice is to be displayed on or in the vicinity of public place bins in relation to this policy.

## **7.0 Review**

- 7.1 This policy was adopted by Council on 18 October 2011 and is due for review as part of a newly elected Council's review of all policies.

## **8.0 Attachments – Wording of notification notice.**

**Authorised by:** Michael Forsyth, General Manager.

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