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WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995

CITY OF MANDURAH

**WASTE MANAGEMENT
LOCAL LAW 2010**

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WASTE MANAGEMENT LOCAL LAW 2010

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**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995**

CITY OF MANDURAH

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 Mandurah resolved on 25 January 2011 to adopt the following local law.

PART 1—PRELIMINARY

1.1 Citation

This is the *City of Mandurah Waste Management Local Law 2010*.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

Part 4 of the *City of Mandurah Health Local Laws 1996*, published in the *Government Gazette* on 23 August 1996, is repealed.

1.5 Defined terms and interpretation

(1) In this local law—

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

“**City**” means the City of Mandurah, the body corporate or legal entity established under section 2.5 of the *Local Government Act 1995*;

“**collectable waste**” 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—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

“**collectable waste receptacle**” means a receptacle for the use of collectable waste;

“**collection**”, when used in relation to a receptacle, means the collection and removal of waste from the receptacle by the City or its contractor;

“**collection day**” means the day or days in the week designated for collection service for each particular area of the district as directed by the City;

“**commencement date**” means the date on which this local law commences operation under clause 1.2;

“**costs**” of the City include administrative costs;

“**DEC waste classifications**” means the *Landfill Waste Classification and Waste Definitions 1996*, published by the Department of Environment and Conservation on 17 December 2009 pursuant to items 63, 64, 65 and 66 in Schedule 1, Part 1 of the *Environmental Protection Regulations 1987*, as amended from time to time;

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

“**Gordon Road Waste Management Centre**” means the Waste Management Centre located in Gordon Road, Mandurah;

“**inert waste**” means—

- (a) “Clean fill” as defined in the DEC waste classifications; and
- (b) “Inert Waste Type 1” as defined in the DEC waste classifications;

- “**LG Act**” means the *Local Government Act 1995*;
- “**LG Regulations**” means the *Local Government (Functions and General) Regulations 1996*;
- “**licence**” means a licence, under Part 6, to remove or dispose of liquid waste;
- “**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;
- “**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;
- “**non-collectable waste**” has the meaning set out in clause 3.7(1);
- “**occupier**” in relation to premises, means any or all of the following—
- a person by whom or on whose behalf the premises are actually occupied; or
 - a person having the management or control of the premises;
- “**public place**” includes a place to which the public ordinarily have access, whether or not by payment of a fee;
- “**receptacle**”, where used in connection with any premises, means a collectable waste receptacle or a recycling waste receptacle—
- that has been supplied to the premises by the City or its contractor, or which has otherwise been approved by the City or an authorised person; and
 - the waste from which is collected and removed from the premises by the City or its contractor;
- “**recycling waste receptacle**” means a receptacle for the use of recycling waste;
- “**recycling waste**” means—
- paper such as newspaper, office paper, magazines, junk mail, phone books, books, envelopes, cards and wrapping paper;
 - cardboard;
 - cereal boxes;
 - drink cartons (excluding silver-lined UHT cartons);
 - all types of plastic bottles and containers that contain the recycling symbol;
 - glass bottles and jars;
 - steel and aluminium cans;
 - aerosol cans;
 - any other items approved by the City or an authorised person;
- “**Residential Design Codes**” means State Planning Policy 3.1 Residential Design Codes (Variation 1);
- “**septic tank**” includes—
- a holding tank approved by the City or an authorised person; and
 - an apparatus for the treatment of sewerage approved by the City or an authorised person;
- “**suitable enclosure**” means an enclosure—
- of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than 3 metres by 3 metres;
 - constructed of brick, concrete, corrugated compressed fibre cement sheet or colourbond sheeting;
 - having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
 - containing a smooth, non-slip and impervious floor—
 - of not less than 75 millimetres in thickness; and
 - which is evenly graded to a grated outlet connected to sewer or an effluent disposal system approved under the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*;
 - which is easily accessible to allow for the removal of the receptacles;
 - provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by the local government; and
 - provided with a tap connected to an adequate supply of water.
- “**street alignment**” means the boundary between the land comprising a street and the land that abuts the street;
- “**Tims Thicket Road landfill site**” means the Tims Thicket Septage and inert waste disposal site located at Tims Thicket Road, Tims Thicket;
- “**WARR Act**” means the *Waste Avoidance and Resource Recovery Act 2007*;
- “**WARR Regulations**” means the *Waste Avoidance and Resource Recovery Regulations 2008*;
- “**waste**” has the same meaning as in the WARR Act;

“waste container” means a container, other than a receptacle, used or to be used for the storage of waste on premises;

“waste facilities” means—

- (a) the Gordon Road Waste Management Centre; and
- (b) the Tims Thicket Road landfill site; and

“waste service” has the same meaning as in 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.

1.6 Rates, fees and charges

The City’s powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and section 6.16 and 6.17 of the LG Act.

PART 2—WASTE MANAGEMENT PLANS

2.1 Defined terms

In this Part—

“grouped dwelling” has the same meaning as in the Residential Design Codes;

“multiple dwelling” has the same meaning as in the Residential Design Codes;

“relevant proposed use” means any use of premises, commenced or proposed to be commenced on or after the commencement date, other than a use of the premises for—

- (a) a single house; or
- (b) a grouped dwelling or a multiple dwelling consisting of no more than 3 dwellings;

“relevant existing use” means any use of premises, commenced before the commencement date, of premises, other than the use of the premises for—

- (a) a single house; or
- (b) a grouped dwelling or a multiple dwelling consisting of no more than 3 dwellings; and

“single house” means has the same meaning as in the Residential Design Codes.

2.2 Requirement for a waste management plan

(1) Unless subclause (2) applies, an owner or occupier of premises must not commence a relevant proposed use of the premises unless—

- (a) he or she lodges with the City a waste management plan, in a form approved by the City;
- (b) the City or an authorised person has approved a waste management plan; and
- (c) he or she complies with the terms and any conditions of the waste management plan.

(2) The City or an authorised person, if satisfied that a relevant proposed use may be undertaken without the need for a waste management plan, may, by written notice given to the owner or occupier, determine that the relevant proposed use does not require a waste management plan.

(3) The City or an authorised person may, by written notice, require an owner or occupier of premises at which a relevant existing use is carried out to lodge with the City, within 21 days of the receipt by the owner or occupier of the written notice, a waste management plan.

(4) The power to issue a notice under subclause (3) is not to be exercised unless the City or an authorised person reasonably forms the opinion that waste management measures operating in respect of the relevant premises are materially deficient having regard to one or more of the matters specified in clause 2.3(1).

(5) An owner or occupier of premises who has been given a notice under subclause (3) must lodge with the City, within the time specified in the notice, a waste management plan in a form approved by the City.

(6) An owner or occupier of premises referred to in subclause (1) or (3) must use the premises, and ensure that the premises are used, only in accordance with the terms and conditions of the waste management plan approved by the City or an authorised person.

2.3 Content of waste management plan

(1) In this clause—

“waste facility”, in relation to premises, means a structure, facility or equipment used in connection with the collection or storage of waste on the premises.

(2) A waste management plan for premises must specify—

- (a) the estimated volume and type of waste to be generated on the premises;
- (b) the number and type of receptacles, waste containers and waste facilities used or to be used, for the premises;
- (c) the location of the waste facilities;
- (d) the storage area used, or to be used, for the receptacles and waste containers;
- (e) the collection point for the receptacles and waste containers;

- (f) when the receptacles and the waste containers are, or are to be, collected;
 - (g) how and where vehicles are to enter and service the premises;
 - (h) the person responsible for maintaining the receptacles, waste containers, waste facilities and storage area;
 - (i) how the receptacles, waste containers, waste facilities and storage area are to be kept clean; and
 - (j) any other details determined by the City.
- (3) A waste management plan in respect of particular premises must—
- (a) be signed by the owner or occupier of the premises;
 - (b) be lodged with the City and accompanied by whatever plans, documents or other information that the City or an authorised person may reasonably require; and
 - (c) be accompanied by any relevant fee or charge imposed by the City.

2.4 Approval of waste management plan

- (1) The City or an authorised person may, in respect of any premises, approve a waste management plan—
- (a) with or without conditions; and
 - (b) in the terms of a waste management plan (if any) lodged with the City under clause 2.3, or in whatever other terms that the City or the authorised person considers to be appropriate.
- (2) The City is to give, to the owner and occupier of the premises, a copy of an approved waste management plan and that plan takes effect 7 days after the copy is given unless a longer period is determined by the City or an authorised person (in which case the longer period applies).

2.5 Amendment of waste management plan

- (1) An owner or occupier of premises may apply in writing to the City for an amendment to the waste management plan for those premises.
- (2) The City or an authorised person may—
- (a) refuse to grant; or
 - (b) grant, with or without conditions,
- an application under subclause (1).
- (3) The City or an authorised person may, at any time, amend a waste management plan in respect of particular premises.
- (4) An amendment to a waste management plan under subclause (2) or (3) takes effect 7 days after notice of it is given to the owner and occupier of the premises unless a longer period is determined by the City or an authorised person (in which case the longer period applies).

2.6 Objection and appeal rights

Division 1 of Part 9 of the LGA applies to a decision under this local law—

- (a) to approve or amend a waste management plan; and
- (b) to refuse to grant an application to amend a waste management plan.

PART 3—COLLECTABLE WASTE AND RECYCLING WASTE

3.1 Power to provide waste services

The City's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

3.2 Removal of collectable waste by owner or occupier

- (1) An owner or occupier of premises must not remove any collectable waste from the premises other than in accordance with this local law.
- (2) The City or an authorised person may in writing authorise the occupier of premises to remove or dispose of collectable waste from or on the premises if—
- (a) the collectable waste on the premises is not available for removal at regular periods and is of such a nature or quantity as to be unsuitable for removal by the City or its contractor; or
 - (b) there is installed on the premises efficient apparatus for the destruction of the collectable waste and the apparatus is used to dispose of the collectable waste on the premises without causing a nuisance or permitting the discharge of smoke into the atmosphere in such quantities or of such a nature as to cause annoyance to persons.
- (3) Where any collectable waste is removed from the premises under a written authority under this clause, the person removing it must—
- (a) dispose of it at the place set apart by the City for the disposal of that type of collectable waste; and
 - (b) pay to the City the fee for its disposal as determined by the City.

3.3 Supply of receptacles

(1) Other than premises to which Part 4 applies, any premises that are, or are capable of being, occupied or used for residential or commercial purposes are to be supplied, by the City, with one or more receptacles for the collection and removal, from those premises, of collectable waste and recycling waste.

(2) The owner of premises to which subclause (1) applies must—

- (a) ensure that each receptacle is used, in respect of those premises, in accordance with this local law; and
- (b) ensure that the fee or charge imposed by the City in relation to each receptacle is paid to the City.

3.4 Directions to place or remove a receptacle

(1) The City or an authorised person may give a written direction to an owner or occupier of premises—

- (a) to place a receptacle in respect of those premises for collection; or
- (b) to remove a receptacle in respect of those premises after collection.

(2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.

(3) An owner or occupier of premises must comply with a direction given under this clause.

3.5 Location and number of receptacles

An owner or occupier of premises must—

- (a) ensure that each receptacle is located as directed by the City or an authorised person for collection on collection day, and is returned to its storage space after collection;
- (b) keep each receptacle in a storage space or area that is behind the street alignment on non-collection days;
- (c) place each receptacle on the verge, or other area as determined in writing by the City or an authorised person, adjoining the premises—
 - (i) within 1 metre of the carriageway;
 - (ii) so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriage way;
 - (iii) facing squarely to the edge of and opening towards the carriage way,or in such other position as is approved by the City or an authorised person; and
- (d) ensure that the premises are provided with an adequate number of receptacles.

3.6 Exemption

(1) An owner or occupier of premises may apply in writing to the City for an exemption from compliance with the requirements of clause 3.5(b) and (c).

(2) The City or an authorised person 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 or the authorised person.

(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.

3.7 Use of receptacles

(1) In this clause—

“non-collectable waste” means—

- (a) hot or burning ash;
- (b) oil, motor spirit, other flammable liquid, or any cylinders used for the storage of flammable gas;
- (c) liquid, including liquid paint or other solvent;
- (d) bricks, concrete, building rubble, earth or other like substances;
- (e) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
- (f) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
- (g) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious and leak-proof container;
- (h) asbestos or any material containing asbestos;
- (i) cytotoxics, radioactive substances and dangerous chemicals;
- (j) sewage, manure, faeces or urine (other than waste from an animal that is a household pet);

- (k) commercial swill;
 - (l) 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
 - (m) waste which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container;
 - (n) fluorescent tubes, compact fluorescent lamps, high intensity discharge lamps, and all mercury bearing waste;
 - (o) 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
 - (p) batteries, other than standard household batteries.
- (2) An owner or occupier of premises must—
- (a) not deposit or permit to be deposited in a receptacle any non-collectable waste;
 - (b) not deposit or permit to be deposited in a collectable waste receptacle—
 - (i) where the receptacle has a capacity of 240 litres—more than 60 kilograms of collectable waste; or
 - (ii) where the receptacle has any other capacity—more than the weight determined in writing by the City;
 - (c) not deposit or permit to be deposited in a recycling waste receptacle—
 - (i) anything other than recycling waste;
 - (ii) where the receptacle has a capacity of more than 240 litres—more than 60 kilograms of recycling waste; or
 - (iii) where the receptacle has any other capacity—more than the weight determined in writing by the City;
 - (d) unless authorised by the City or an authorised person, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark; and
 - (e) if the receptacle is lost, stolen, damaged or defective, notify the City within 3 days after the event.
- (3) 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.

3.8 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 the City or an authorised person, remove a receptacle from any premises to which it was delivered by the City or its contractor.

3.9 Verge collections

Where the City has advertised a verge waste collection (such as a green waste, or a junk and metals, verge collection) a person, unless with and in accordance with the approval of the City or an authorised person—

- (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the City in relation to that verge waste collection; and
- (b) must otherwise comply with those terms and conditions.

PART 4—WASTE CONTAINERS

4.1 Use of waste containers

(1) In this clause—

“**premises**” means any premises other than premises used for—

- (a) a single house; or
- (b) a grouped dwelling or multiple dwelling consisting of no more than 3 dwellings; and

“**grouped dwelling**”, “**multiple dwelling**” and “**single house**” each has the meaning set out in clause 2.1.

(2) In the case of premises to which this clause applies, the City or an authorised person may authorise waste from the premises to be deposited in a waste container.

(3) The owner or occupier of premises who is authorised under this clause to deposit waste in an waste container must—

- (a) ensure that the waste container is kept in the suitable enclosure on the premises; and
- (b) ensure that the waste container is not visible from the street but is readily accessible for the purposes of collection.

- (4) An owner or occupier of premises must—
- (a) ensure that, unless otherwise approved in writing by the City or an authorised person, each waste container on the premises—
 - (i) has a close-fitting lid;
 - (ii) is constructed of non-absorbent and easily cleanable material; and
 - (iii) is clearly marked, for the use of, and is used only for, the temporary deposit of waste;
 - (b) place any waste in, and only in, a waste container marked for that purpose;
 - (c) keep the cover on each waste container except when it is necessary to place something in, or remove something from it; and
 - (d) ensure that each waste container is emptied at least weekly or as directed by the City or an authorised person.

PART 5—GENERAL DUTIES

5.1 Duties of an owner or occupier

An owner or occupier of premises must—

- (a) ensure that a sufficient number of receptacles or waste containers are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle and waste container is kept thoroughly clean and in good condition and repair;
- (c) keep the lid or cover of each receptacle or waste container closed except when it is necessary to place something in or remove something from it, or when cleaning it;
- (d) whenever directed to do so by the City or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle and waste container;
- (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 each receptacle and waste container; and
- (f) ensure that each receptacle and waste container does not cause a nuisance to an occupier of adjoining premises.

5.2 Removal of waste from premises

(1) A person must not remove any waste 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 or an authorised person.

(2) A person must not, without the approval of the City, an authorised person or the owner or custodian of the receptacle or waste container, remove any waste from a receptacle or waste container.

5.3 Receptacles and containers for public use

A person must not, without the approval of the City or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle or waste container provided for the use of the general public in a public place.

PART 6—LIQUID REFUSE AND LIQUID WASTE

6.1 Deposit of liquid refuse or liquid waste

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 that has been approved by the City or an authorised person for that purpose.

6.2 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 a septic tank; or
- (c) collecting and disposing it, in a manner approved by the City or an authorised person, at a liquid waste disposal site approved under clause 6.1(c).

6.3 Removal or disposal of liquid waste

A person must not remove or dispose of liquid waste—

- (a) unless he or she is the holder of a licence; and
- (b) otherwise than in accordance with the terms and conditions of the licence.

6.4 Application for licence

(1) An application for a licence to remove or dispose of liquid waste must be—

- (a) made by the proposed operator;
- (b) made in the form set out in Schedule 2; and
- (c) forwarded to the City with the fee that is imposed by the City under the WARR Act or the LG Act.

(2) The City may refuse to consider an application that does not comply with each of the requirements of subclause (1).

(3) The City or an authorised person may—

- (a) grant, subject to conditions; or
- (b) refuse,

an application made under this clause.

(4) The conditions that may be imposed by the City or the authorised person include—

- (a) conditions relating to the time and method of removal or disposal of the liquid waste;
- (b) conditions relating to the route to be followed by a vehicle used in the removal or disposal of the liquid waste; and
- (c) any other conditions that the City or the authorised person considers to be appropriate.

(5) A licence must—

- (a) be in the form determined by the City;
- (b) specify the conditions to which the licence is subject;
- (c) specify the period during which the licence is in force; and
- (d) be issued by the City or an authorised person to the licensee.

6.5 Variation or cancellation of licence

(1) The City or an authorised person may, at any time, vary the conditions of a licence.

(2) If the conditions of a licence are varied, the City or an authorised person must give written notice of the variation to the licensee.

(3) The City or an authorised person may cancel a licence—

- (a) on request of the licensee; or
- (b) following a breach of this local law or any other written law relating to the subject of the licence.

(4) If a licence is cancelled, the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

6.6 Transfer of licence

(1) An application for the transfer of a licence must be—

- (a) made by the proposed transferee;
- (b) made in the form determined by the City; and
- (c) forwarded to the City with any fee that is imposed and determined by the City under sections 6.16 to 6.19 of the LG Act.

(2) The City may refuse to consider an application that does not comply with each of the requirements in subclause (1).

(3) The City or an authorised person may—

- (a) grant, subject to any of the conditions that may be imposed under clause 6.4(4); or
- (b) refuse,

an application made under this clause.

(4) Where the application for the transfer of a licence is approved, the transfer may be effected by—

- (a) an endorsement on the licence signed by the City or an authorised person; or
- (b) issuing to the transferee a licence in the form determined by the City.

(5) The transfer takes effect on and from the date of the endorsement of the licence or from the date on which the new licence is issued.

(6) Where an application for transfer of a licence is approved, the City is not required to refund any part of the fee paid by the former licensee.

PART 7—OPERATION OF WASTE FACILITIES**7.1 Operation of this Part**

This Part applies to a person who enters a waste facility.

7.2 Hours of operation

The City or an authorised person may from time to time determine the hours of operation of a waste facility and is to advertise those hours by local public notice in accordance with section 1.7 of the LG Act.

7.3 Signs and directions

(1) The City or an authorised person may regulate the use of a waste facility—

- (a) by means of a sign; or
- (b) by giving a direction to a person within a waste facility.

(2) A person within a waste facility must comply with a sign or direction under subclause (1).

(3) A person who does not comply with subclause (2) commits an offence.

(4) The City or an authorised person may direct a person who commits, or is reasonably suspected by the City or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.

(5) A person who does not comply with a direction under subclause (4) commits an offence.

7.4 Fees and charges

(1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the City or an authorised person, pay the fee or charge as assessed by the City or an authorised person.

(2) The City or an authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.

(3) Subclause (1) does not apply—

- (a) to a person who disposes of waste in accordance with the terms of—
 - (i) a credit arrangement with the City; or
 - (ii) any other arrangement with the City to pay the fee or charge at a different time or in a different manner; and
- (b) to the deposit of waste owned by the City, or in the possession of an employee on behalf of the City.

7.5 Depositing waste

(1) A person must not deposit at the Tims Thicket Road landfill site—

- (a) any waste other than inert waste or liquid waste; or
- (b) any type of inert waste or liquid waste that the City has determined cannot be deposited at that site.

(2) A person must not deposit waste at a waste facility other than—

- (a) at a location designated by a sign and in accordance with the sign; and
- (b) in accordance with the direction of the City or an authorised person.

(3) The City or an authorised person may determine the classification of any waste that is, or is to be, deposited at a waste facility.

7.6 Prohibited activities

A person must not—

- (a) remove any waste or any other thing from a waste facility without the prior written authorisation of the City or an authorised person;
- (b) deposit at the Tims Thicket Road landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
- (c) deposit any liquid waste or liquid refuse at the Gordon Road Waste Management Centre;
- (d) light a fire, except in accordance with the express approval of the City or an authorised person;
- (e) act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility;
- (f) remove, damage or otherwise interfere with any flora;
- (g) trap, chase, worry, remove or otherwise interfere with any fauna except in accordance with the express approval of the City or an authorised person; or
- (h) damage, deface or destroy any building, equipment, plant or property within a waste facility.

PART 8—ENFORCEMENT**8.1 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.

8.2 Other costs and expenses

(1) A person who is convicted of an offence under Part 4 is to be liable, in addition to any penalty imposed under clause 8.1, to pay to the City the costs and expenses incurred by the City in taking remedial action such as—

- (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; and
- (b) making good any damage caused to a waste facility.

(2) The costs and expenses incurred by the City are to be recoverable, as a debt due to the City, in a court of competent civil jurisdiction.

8.3 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.

8.4 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;

(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; and

(3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

Schedule 1 PRESCRIBED OFFENCES

[cl 8.3]

Clause	Description	Modified Penalty
2.2(1)	Commencing a use without an approved waste management plan	\$350
2.2(5)	Failure to comply with a notice to lodge a waste management plan	\$350
2.2(6)	Use of premises otherwise than in accordance with an approved waste management plan	\$350
3.2(1)	Unauthorised removal of collectable waste from premises	\$250
3.2(3)(a)	Unauthorised disposal of collectable waste	\$350
3.4(3)	Failure to comply with a direction to place or remove a receptacle	\$250
3.5(b)	Failure to keep receptacle behind street alignment or in an otherwise approved location or enclosure	\$250
3.5(c)	Failure to keep a receptacle in the correct location	\$250
3.7(2)(a)	Depositing non-collectable waste in a receptacle	\$250
3.7(2)(b)	Exceeding weight capacity of a receptacle	\$250
3.7(2)(c)(i)	Depositing waste, other than recycling waste, in a recycling waste receptacle	\$250
3.7(2)(c)(ii)	Exceeding weight capacity of a recycling waste receptacle	\$250
3.7(2)(d)	Marking or disfiguring a receptacle	\$250
3.7(3)	Depositing refuse in a receptacle set aside for use by other premises	\$250
3.8(a)	Damaging, destroying or interfering with a receptacle	\$400
3.8(b)	Removing a receptacle from premises	\$400
3.9	Failure to comply with a term or condition of verge waste collection	\$400

Clause	Description	Modified Penalty
4.1(3)(a)	Failure to keep a waste container in an approved enclosure	\$250
4.1(4)(c)	Failure to keep a cover on a waste container	\$200
4.1(4)(d)	Failure to have a waste container emptied weekly or as directed	\$200
5.1(a)	Failure to provide a sufficient number of receptacles or waste containers	\$250
5.1(b)	Failure to keep a receptacle or waste container clean and in a good condition and repair	\$250
5.1(c)	Failure to keep the lid of a receptacle or waste container closed	\$250
5.1(d)	Failure to comply with a direction to clean, disinfect or deodorise receptacle or waste container	\$300
5.1(e)	Failure to prevent fly breeding or the emission of offensive odours from a receptacle or waste container	\$350
5.1(f)	Allowing a receptacle or waste container to cause a nuisance	\$350
5.2(1)	Removal of waste from premises or verge without approval	\$250
5.2(2)	Removal of waste from a receptacle in a public place	\$250
5.3	Unauthorised deposit or removal of waste from a receptacle or waste container provided for public use	\$400
6.1	Depositing liquid refuse or liquid waste in a place not approved for that purpose	\$400
6.2(1)	Failure to provide or maintain an approved method for disposal of liquid waste	\$400
6.3(a)	Removal or disposal of liquid waste without a licence	\$500
6.3(b)	Failure to comply with a term or condition of a licence	\$250
7.3(2)	Failure to comply with a sign or direction	\$500
7.3(4)	Failure to comply with a direction to leave	\$500
7.4(1)	Disposal of waste without payment of fee or charge	\$500
7.5(1)	Depositing of unauthorised waste	\$500
7.5(2)	Depositing of waste contrary to sign or direction	\$500
7.6(a)	Removal of waste without authority	\$250
7.6(b)	Depositing of toxic, poisonous or hazardous waste	\$500
7.6(d)	Lighting a fire without authority	\$300
7.6(e)	Acting in an abusive or threatening manner	\$300
7.6(h)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	\$500

Schedule 2

FORM

APPLICATION FOR LICENCE TO REMOVE OR DISPOSE OF LIQUID WASTE

[cl 6.4(1)(b)]

To: Chief Executive Officer
City of Mandurah

I.....
(full name of individual in block letters)

.....
(full name of company and applicant's position in that company)

of.....
(full residential address)

.....
apply for a licence to remove or dispose of liquid waste

Type of liquid waste:

.....

Application fee of \$.....is enclosed.

Dated

.....

(signature of applicant)

Dated this 7th day of February 2010.

The Common Seal of the City of Mandurah was affixed by authority of a resolution of the Council of the City of Mandurah in the presence of—

PATRICIA M. CREEVEY OAM, Mayor.
MARK R. NEWMAN, Chief Executive Officer.

Consented to—

KEIRAN McNAMARA, Chief Executive Officer,
Department of Environment and Conservation.

Dated this 29th day of December 2010.
