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

CITY OF GOSNELLS

WASTE LOCAL LAW 2011

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WASTE LOCAL LAW 2011

Under the powers conferred by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Gosnells resolved on 12 July 2011 to make this local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Gosnells Waste Local Law 2011*.

1.2 Repeal

Part 4—Waste Food and Refuse of the *City of Gosnells Health Local Laws 1999* adopted by the City of Gosnells and published in the *Government Gazette* on 24 November 1999 as amended from time to time is repealed.

1.3 Interpretation

In this local law unless the context otherwise requires—

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

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

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

“**collection day**” means the day of the week on which waste is collected and removed by the City or its contractor;

“**collection time**” where used in connection with any premises, means the time of the day on which waste is collected and removed from the premises by the City or its contractor;

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

“**food business**” has the meaning given to it in the *Food Act 2008*;

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

“**occupier**” where used in relation to land, has the meaning given in section 1.4 of the LG Act;

“**owner**”, in relation to premises comprised of or on land, has the meaning given in section 1.4 of the LG Act;

“**private container**” means a container that is not supplied by the City or its contractor, which has been approved by the City for the depositing of waste from a premises;

“**public place**” includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not on private property;

“**receptacle**” 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 120 litres; and

(c) has been supplied to the premises by the City or its contractor, or has otherwise been approved by the City;

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

“**street**” includes a highway and a thoroughfare which the public are allowed to use and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it;

“**street alignment**” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed;

“**waste**” includes 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;

“**waste facility**” means premises used for the storage, treatment, processing, sorting, recycling or disposal of waste; and

“**waste service**” means—

- (a) the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or
- (b) the provision of receptacles for the temporary deposit of waste; or
- (c) the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste.

PART 2—WASTE SERVICES

2.1 Provision of waste service

The City shall undertake or contract for the removal of City waste from premises within the district.

2.2 Obligations of owner or occupier of premises

(1) An owner or occupier of premises shall—

- (a) not remove any waste from a premises other than in accordance with this local law;
- (b) pay to the City the annual waste collection rate imposed under section 66 of the Act;
- (c) pay to the City the annual receptacle charge made in lieu of, or in addition to the annual waste collection rate, under section 67 of the Act.

(2) The City may in writing authorise the occupier of premises within the district to remove or dispose of waste from or on the premises if—

- (a) the waste on the premises is not available for removal at regular periods; and
- (b) is of such a nature or quantity as to be unsuitable for removal by the City or its contractor.

(3) Where any waste is removed from a premises under a written authority of the City, the person removing it shall not dispose of the waste other than at a waste facility in accordance with clause 2.10.

2.3 Receptacles

An owner or occupier of premises shall—

- (a) ensure that there are a sufficient number of receptacles to contain all waste which accumulates or may accumulate on the premises and maintain the receptacles in a serviceable condition;
- (b) at all times keep the lid of each receptacle closed except when depositing waste or cleaning each receptacle;
- (c) except for a reasonable period before and after collection time, keep each receptacle on the premises and located—
 - (i) behind the street alignment 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;
- (d) within a reasonable period before collection time, and no later than 6:00 a.m. on the designated collection day, place each 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 so that it does not obstruct any footpath, cycleway, right-of-way or carriageway and positioned facing square to the carriageway with the handle facing away from the kerb line.

2.4 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 2.3(c) and (d).

(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.

2.5 Use of receptacles

An owner or occupier of premises shall—

- (a) not deposit or permit to be deposited in a receptacle—
 - (i) more than 50kg of waste (or as otherwise authorised by the City or an authorised person);
 - (ii) hot or burning ash;
 - (iii) oil, motor spirit or other flammable liquid, or any cylinders used for the storage of flammable gas;

- (iv) liquid paint, solvent or other liquid;
- (v) bricks, concrete, building rubble, asbestos, earth or other like substances;
- (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
- (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
- (viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a durable, impervious and leak-proof container;
- (ix) cytotoxics, radioactive substances and dangerous chemicals;
- (x) sewage, manure, nightsoil, faeces or urine;
- (xi) 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;
- (xii) 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 container;
- (xiii) hazardous products including ammunition and flares;
- (xiv) fluorescent tubes, compact fluorescent lamps, high intensity discharge lamps, or any 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) at all times keep the receptacle in a clean condition;
- (c) whenever directed to do so by an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
- (d) 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 and noxious odours from the receptacle; and
- (e) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

2.6 Ownership of receptacles

- (1) A receptacle supplied by the City or its contractor to a premises remains the property of the City or its contractor, as the case may be.
- (2) The owner or occupier of a premises supplied with a receptacle remains responsible for any waste placed or deposited in the receptacle until such time as it has been removed by the City or its contractor.

2.7 Damage to receptacles

- (1) Where a receptacle is supplied under clause 2.6 a person shall not, unless approved by an authorised person—
 - (a) damage, destroy or interfere with a receptacle;
 - (b) mark or disfigure the receptacle in any manner other than by placement of a street number or other property identifying mark; or
 - (c) remove a receptacle from any premises unless permitted by this local law.
- (2) If the receptacle of a premises is damaged, destroyed, defective, lost or stolen, the owner or occupier of the premises shall notify the City within 7 days after the event.

2.8 Use of private containers

- (1) The City may authorise waste to be deposited in a private container when—
 - (a) premises consist of more than 3 dwellings;
 - (b) premises are used for commercial or industrial purposes; or
 - (c) premises are used for a food business.
- (2) Where the City has authorised waste from a premises to be deposited in a private container the owner or occupier of the premises, or any other person authorised by the owner or occupier of the premises to manage the private container, shall—
 - (a) unless approved by the City not deposit or permit to be deposited in the private container anything specified in clause 2.5(a)(ii) to (xvi);
 - (b) take all reasonable steps to prevent flies breeding in, or the emission of offensive or noxious odours from, the private container;
 - (c) whenever directed by an authorised person to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the private container;
 - (d) where required by an authorised person cause the private container to be located on the premises in a suitable enclosure as defined in clause 2.9(3);

- (e) ensure the private container is not visible from the street but is readily accessible for the purposes of collection;
- (f) ensure the private container does not cause a nuisance to an occupier of adjoining premises;
- (g) ensure a sufficient number of private containers are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (h) ensure each private 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 waste;
- (i) keep or cause to be kept each private container thoroughly clean and in good condition and repair;
- (j) place any waste in, and only in, a private container marked for that purpose;
- (k) keep the cover on each private container closed except when it is necessary to place something in, or remove something from the private container; and
- (l) ensure each private container is emptied at least weekly or as directed by an authorised person.

2.9 Suitable enclosure

(1) An owner or occupier of premises—

- (a) consisting of more than 3 dwellings; or
- (b) used for commercial or industrial purposes, or a food premises;

shall if required by the City provide a suitable enclosure for the storage and cleaning of receptacles or private containers on the premises.

(2) An owner or occupier of premises required to provide a suitable enclosure under this clause shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this clause, a “suitable enclosure” means an enclosure—

- (a) of sufficient size to accommodate all receptacles or private containers used on the premises—
 - (i) where the premises comprises 3 or more dwellings, twice the size of the combined floor area of the total number of receptacles provided to each dwelling but in any event having a floor area not less than 3m by 3m;
 - (ii) where the premises is used for commercial or industrial purposes, or a food premises, twice the size of the combined floor area of all receptacles used on the premises but in any event having a floor area not less than 3m by 3m;
 - (iii) where there is in use on the premises a container or containers approved under clause 2.8, twice the size of the combined floor area of all containers approved for use in the premises but in any event having a floor area not less than 3m by 3m;
- (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or colourbond sheeting;
- (c) having walls not less than 1.8m in height and having an access way of not less than 1m in width and fitted with a self-closing gate;
- (d) containing a smooth, non-slip and impervious floor—
 - (i) of not less than 75mm in thickness; and
 - (ii) which is evenly graded to a grated outlet connected to the existing sewer disposal system connection to the property;
- (e) which is easily accessible to allow for the removal of the receptacles or private containers;
- (f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by the City; and
- (g) provided with a tap connected to an adequate supply of water.

2.10 Deposit of waste

(1) The driver of a vehicle, upon entering a waste facility, shall present or display a current pass issued by the City to the attendant or person in charge of the site and shall not deposit any waste until authorised to do so by that attendant or person in charge.

(2) A person shall not deposit waste in or on a waste facility except—

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

2.11 Removal of waste from waste facility

(1) A person shall not remove any waste from a waste facility without the written approval of the City.

(2) A person who obtains approval from the City shall comply with any conditions imposed by the City as set out in the approval.

2.12 Removal of waste from premises or receptacle

(1) A person shall not remove any waste from 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 an authorised person.

(2) A person shall not, without the approval of the authorised person or the owner of a receptacle, remove any waste from a receptacle or other container provided for the use of the general public in a public place.

(3) An occupier of premises shall comply with and observe the directions given by an authorised person, the City or its contractor in relation to—

- (a) a collection service for recyclable material; or
- (b) a collection for bulk material;

(4) Where additional collection services are provided by the City upon request by an occupier of premises, fees as set by the City from time to time under sections 6.16 and 6.19 of the LG Act, shall be paid by the occupier requesting the service.

2.13 Waste removal vehicles

A vehicle used by the City or any contractor for the collection and transport of waste from a receptacle or private container shall—

- (a) be fitted with a compartment in which all waste shall be deposited for removal, and of which the interior is constructed from or surfaced with impermeable material; and
- (b) have a cover over the compartment at all times when the vehicle is engaged in the transport of waste.

2.14 Method of removal of waste

A person authorised by the City to remove waste from premises shall—

- (a) convey all waste from the receptacles or private containers of each premises and deposit the waste in the portion of the collection vehicle intended to hold the waste; and
- (b) replace each receptacle or private container as designated by the City and otherwise in a manner consistent with clause 2.3(d).

PART 3—OFFENCES AND PENALTIES**3.1 Offences and penalties**

(1) A person who—

- (a) fails to do anything required or directed to be done under this local law; or
- (b) does anything which under this local law that person is prohibited from doing,

commits an offence.

(2) A person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

3.2 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.

3.3 Form of infringement notices

For the purposes of this local law—

- (a) 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 *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the notice given under section 9.20 of the LG Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule 1
PRESCRIBED OFFENCES

[cl. 4.2]

Clause	Offence	Modified Penalty (\$)
2.2(1)(a)	Removing waste from a premises other than in accordance with this local law	150
2.3(b)	Failure to keep lid of refuse receptacle closed	75
2.3(c)	Failing to keep receptacle on premises so as not to be visible from a street or public place	150
2.3(d)	Failing to place receptacle in prescribed position on collection day	150
2.5(a)	Depositing a prohibited substance in a receptacle.	150
2.5(b)	Failure to keep a receptacle clean.	150
2.7(1)	Damaging, destroying, disfiguring or interfering with a receptacle	150
2.8(2)(g)	Failing to provide a sufficient number of private containers.	150
2.8(2)(l)	Failing to empty a container as directed.	150
2.9(1)	Failing to provide a suitable enclosure for a receptacle	150
2.9(2)	Failure to keep an enclosure clean	150
2.12(3)(b)	Failing to comply or observe the direction of the City in relation to bulk material collection	150
3.1(1)	Any other offence not specified	150

Dated: 12 July 2011.

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

OLWEN SEARLE JP, Mayor.
IAN COWIE, Chief Executive Officer.

Consented to by—

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

Dated: 30 May 2011.
