

ITEM 3. DRAFT WASTE POLICY (LOCAL APPROVALS POLICY FOR MANAGING WASTE IN PUBLIC PLACES) – ADOPTION**FILE NO: S095019****SUMMARY**

This report recommends that Council adopt the draft Waste Policy (Local Approvals Policy for Managing Waste in Public Places).

The draft Waste Policy has been developed to replace the 2006 Local Approvals Policy for the Management of Waste in Public Places.

The purpose of the draft Waste Policy is to:

- explain the City's responsibilities for managing and collecting domestic waste;
- explain residents' responsibilities for using waste services;
- explain businesses' responsibilities for managing and disposing of commercial waste;
- provide conditions for the safe and lawful use of public places for managing waste;
- provide criteria for approving waste management activities in public places; and
- explain the implications of not complying with this policy, the Local Government Act and other laws related to the management of waste in public places.

The draft Waste Policy removes outdated information and provides new information about the City's waste services, alterations to waste collection times and an approvals process for permanent storage of bins. It also includes updated references to other Council policies and relevant legislation.

On 24 June 2013, Council endorsed the draft Waste Policy for public exhibition and the policy was subsequently exhibited for public comment from 8 July to 19 August 2013. Five submissions were received.

No amendments have been made to the Policy in response to these submissions. A summary of community feedback and the City's responses is provided in Attachment B.

RECOMMENDATION

It is resolved that Council adopt the Waste Policy (Local Approvals Policy for Managing Waste in Public Places), as shown at Attachment A to the subject report.

ATTACHMENTS

Attachment A: Draft Waste Policy (Local Approvals Policy for Managing Waste in Public Places)

Attachment B: Summary of Community Feedback and Responses Schedule

BACKGROUND

1. The draft Waste Policy replaces the 2006 Local Approvals Policy for the Management of Waste in a Public Place.
2. The purpose and intended outcomes of the draft Waste Policy are to:
 - (a) provide residents and businesses with clear and concise information about the waste services the City provides and how they are charged for these services;
 - (b) ensure residents have clearly defined responsibilities for using City waste services;
 - (c) ensure businesses have clearly defined responsibilities for managing and disposing of commercial waste;
 - (d) provide conditions for the safe and lawful use of public places for managing waste;
 - (e) establish criteria for the approval of waste management activities in public places;
 - (f) establish the City's position on locating charity clothing bins in public places; and
 - (g) communicate the implications of not complying with this policy, the Local Government Act and other laws related to the management of waste in public places.
3. The draft Waste Policy is a Local Approvals Policy dealing with the management of waste in accordance with section 68 of the Local Government Act 1993.
4. The draft Waste Policy is prepared in accordance with section 158 of the Local Government Act and supplements provisions of this Act and the Local Government (General) Regulation 2005 by specifying:
 - (a) the circumstances in which a person is not required to obtain a particular approval from the City;
 - (b) the criteria which the City must consider when determining whether or not to grant approval to a particular activity; and
 - (c) other matters relating to approvals not dealt with by the Act or Regulations.
5. Activities related to waste management can impact the community in a number of ways. The uncontrolled presence and collection of waste and recycling in public places can negatively impact the environmental amenity of the City's streets, lanes and footpaths. These activities have the potential to obstruct, interrupt and endanger pedestrian and traffic movement, as well as create noise and environmental pollution. The draft Waste Policy seeks to address these impacts in a sensitive, sustainable and effective way.
6. The City is responsible for collecting domestic waste from residential properties throughout the local government area.

7. The City does not collect commercial waste.
8. The draft Waste Policy provides clear guidelines for residential and commercial properties to help better manage their waste collection activities and addresses issues such as:
 - (a) collection times;
 - (b) correct use of bins; and
 - (c) requirements for bin storage, including provisions for seeking approval for the storage of bins in a public place under extenuating circumstances.
9. The draft Waste Policy acknowledges that there are certain circumstances where it may be impossible for a resident, business or organisation to comply with the requirement that their bins are removed from the public place following collection to be stored on their own premises.
10. The draft Waste Policy provides a process for an owner or occupier of a premise to apply for approval to permanently store their bins in a public place. This involves a detailed assessment by a City officer of the circumstances affecting a premises' bin storage capacity. Approval will only be granted where a strict set of criteria have been met. The former policy did not cover this.
11. City Waste Officers will work with residents and businesses where waste storage is identified as a problem and will help to find suitable solutions. This may include allowing bins to be stored in a public place where appropriate, but only after all other options have been exhausted. The permanent bin placement approvals process will be used by Waste Officers to fairly and transparently assess bin storage situations as they are identified.
12. A 'Q&A' resource will be developed for the City's website, which will clearly explain the waste storage responsibilities for residents and businesses and the storage and bin options that are available to them.
13. The draft Waste Policy removes all references to approvals relating to the use of skip bins for building waste. A separate policy will be developed by the City's Planning, Development and Transport division providing guidelines for the use of skip bins.
14. The draft Waste Policy specifies times that the City, or the City's contractors, will collect domestic waste.
15. Domestic waste will only be collected between the hours of 6:00am and 10:00pm Monday to Saturday and between 8:00am to 10:00pm on Sunday for most of the City, with the exception of main and arterial roads where domestic waste can be collected between the hours of 5:30am and 10:00pm each day. This is consistent with the former policy.
16. The draft Waste Policy specifies times where the collection of commercial waste should take place. There are two zones proposed for the collection of commercial waste.

17. Most main and arterial roads in the city are designated as an 'open collection zone', meaning that waste may be collected any day, at any time of the day or night. All CBD streets are designated within this zone except for the residential streets in Dawes Point and Millers Point.
18. The remainder of the City is specified as a limited collection zone where commercial waste should only be collected between the hours of 6:00am and 10:00pm Monday to Friday and between 8:00am and 10:00pm on weekends.
19. The commercial waste collection zones have been altered from the former Policy. This includes changing the existing night only collection zone to a 24 hour collection zone and adjusting certain areas in response to concerns raised by some residents who are adversely affected by the noise associated with night time collections. The zones have been developed with consideration to waste collection requirements, traffic volumes and noise in residential areas, as well as improving the look and amenity of City streets.
20. Maps of all collection time zones are included in Appendix 1 of Attachment A.
21. The draft Waste Policy details requirements for the sorting of glass bottles (Section 2, Part 2, Clause 18). An amendment to this section of the Policy was approved at the Council meeting of 24 June 2013 and the Policy was subsequently updated. The additional text in this clause is underlined in bold, below:

Premises should not allow the sorting of glass bottles in a public place in any collection zone between 10.00pm and 8.00am every day. **Regardless, and at any time**, such behaviour could be considered a factor when determining offensive noise under the *Protection of the Environment Operations Act 1997*. It may attract enforcement action by the City on behalf of affected residents."
22. The draft Waste Policy provides information about the City's waste services and domestic waste management charges. The former Policy did not cover this.
23. The draft Waste Policy provides guidelines for properties rated as non-residential, or non-rateable, to access the City's domestic waste collection services where they can demonstrate a residential component to their property. The waste collection service will be provided for domestic waste only and charged in accordance with the domestic waste management charges as required by legislation.
24. There are currently 19 schools within the local government area that receive a recycling service from the City. It is proposed that this arrangement is formalised through the draft Waste Policy to allow schools to have continued access to this service. The draft Waste Policy proposes that schools can access the weekly recycling service up to a maximum of four 240 litre commingled recycling bins. This is advantageous for waste education within schools and has the benefit of providing a consistent recycling service at schools and homes.
25. Once the draft Waste Policy is adopted, the City will undertake an education campaign to communicate the City's requirements to residents and businesses. This will ensure that waste management practices are understood and complied with in order to deliver improved outcomes for the community.

26. The draft Waste Policy is intended to provide clear requirements for waste collection in the City with the aim of minimising the need for any enforcement action.

PUBLIC EXHIBITION

27. On 24 June 2013, Council endorsed the draft Waste Policy for public exhibition and community comment for a minimum period of 28 days, with any recommended changes to be reported to Council following the exhibition period.
28. The draft Waste Policy was placed on public exhibition for 42 days from 8 July to 19 August 2013. The Policy was advertised in the local press on two occasions and on the City of Sydney website, as well as exhibited in hard copy at Council venues throughout the City.
29. Five submissions were received from the community. While all submissions were generally supportive of the Policy, the following issues were raised:
 - (a) request for additional bulky waste and illegal dumping collection services;
 - (b) support for free replacements of damaged bins, provision of communal waste bins and a way of identifying each bin to the address which it belongs;
 - (c) suggestions for exemptions to the Policy's requirement that bins be stored on private property between collections;
 - (d) night time commercial waste collections in rear lanes parallel to Oxford Street, Darlinghurst; and
 - (e) suggestions for compliance and enforcement procedures regarding waste-related offences.
30. More detail about the community feedback and the City's responses is provided in Attachment B.
31. No amendments were made to the draft Policy in response to these submissions.
32. The City did not receive a submission from the Waste Contractors and Recyclers Association of NSW (WCRA) or any individual waste contractors or operators.
33. The Executive Director of WCRA confirmed to City officers that despite him having notified his members (i.e. commercial waste contractors) several times of the opportunity to make a submission, none had done so, and that the City could interpret this as the industry being supportive of the Policy.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030

34. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The draft Waste Policy is aligned with the following strategic directions and objectives:
- (a) Direction 1 - A Globally Competitive and Innovative City – waste management is one of the City's key health and amenity activities. Effective waste collection services are essential to ensure the City is maintained to a world class standard for residents, business and visitors.
 - (b) Direction 2 provides a road map for the City to become A Leading Environmental Performer – this Policy aims to reduce illegal dumping, waste generation and stormwater pollutant loads to the catchment. By providing the community with guidelines about how to effectively utilise the City's waste collection services, the City will maximise collection of recyclable materials and reduce the amount of waste sent to landfill.
 - (c) Direction 4 - A City for Walking and Cycling – this Policy seeks to improve amenity on the City's streets for pedestrian and cyclist safety.
 - (d) Direction 10 - Implementation through Effective Governance and Partnerships – the implementation of this Policy will increase collaboration with relevant stakeholders associated with commercial waste collection in the City.

Risks

35. Key risks associated with the Policy are covered in detail within the Domestic Waste Collection Contract Risk assessment, the City's Risk Register and the City's Safety Management System. Risk assessments are regularly reviewed and updated.

Social / Cultural / Community

36. The collection of waste impacts residents, businesses and commercial waste operators on a daily basis. Noise from waste collection can be an issue where collections take place at night in areas that have a mix of residential and commercial properties. The draft Waste Policy acknowledges this issue and aims to minimise the impact by taking into consideration the needs of residents, businesses and the logistics of waste collection.
37. The permanent storage of residential and commercial bins in the public place is an on-going concern to residents and businesses, particularly with regard to public safety, public amenity and the high incidence of illegal dumping around bins. The draft Waste Policy's guidelines and requirements aim to address this issue.

Environmental

38. The draft Waste Policy will deliver environmental benefits (such as reducing traffic congestion, noise and improving the appearance and amenity of streetscapes and footpaths) by establishing regulations designed to reduce the incidences of illegal dumping and inappropriate storage of waste.

39. Dumped waste and litter can be caused by businesses not disposing of their waste appropriately. The draft Waste Policy addresses this by allowing the City to request evidence of a valid and current commercial waste contract and by providing guidelines about bin requirements, their use, placement and waste collection times.

Economic

40. The City does not envisage any additional economic impact with the implementation of this Policy.

BUDGET IMPLICATIONS

41. There are no significant budget implications associated with the implementation of the draft Waste Policy.
42. Funding has been allocated in the 2013/14 budget for education, communication and marketing associated with the implementation of the Policy.

RELEVANT LEGISLATION

43. Local Government Act 1993, Protection of the Environment Operations Act 1997, Environmental Planning and Assessment Act 1979, Impounding Act 1993 and Food Act 2003.

ADDITIONAL PUBLIC CONSULTATION

44. In February 2013, the City conducted a commercial waste stakeholder workshop in an effort to improve dialogue between the City, businesses and the waste industry around the challenges each group faces managing commercial waste. Issues raised included waste presentation, traffic, collection times, waste contracts, noise, litter from collections and frequency of collections. An outcome of this workshop supported the development of a Code of Practice, in partnership with the Waste Contractors and Recyclers Association of NSW, which would establish certain conditions for commercial waste management activities in the local government area and be voluntarily adhered to through a Memorandum of Understanding (or similar). This will support the draft Waste Policy and encourage a partnership between waste contractors and the City to work collaboratively to provide solutions to ongoing issues, such as residential noise complaints.

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