

ITEM 2. DRAFT WASTE MANAGEMENT LOCAL APPROVALS POLICY - ADOPTION**FILE NO: X006529.001****SUMMARY**

On 26 June 2017, Council resolved that the draft Waste Management Local Approvals Policy (the Policy) be placed on public exhibition. A further report was to be submitted to Council following the public exhibition process with any proposed changes.

The City has now completed the public exhibition process. The key matters raised during the public exhibition included the times permitted to collect waste, noise associated with collections, labelling of commercial bins and definitions of terms used. The Policy has been amended as required.

This report is seeking Council's adoption of the draft Waste Management Local Approvals Policy.

RECOMMENDATION

It is resolved that Council adopt the Waste Management Local Approvals Policy as shown at Attachment A to the subject report.

ATTACHMENTS

Attachment A: Draft Waste Management Local Approvals Policy

BACKGROUND

1. The draft Waste Management Local Approvals Policy (the Policy) covers activities related to waste management throughout the City. It addresses the impacts waste issues can have on the community, and establishes rules that help minimise traffic impacts and offensive noise associated with domestic and commercial waste collections.
2. The Policy replaces the 2013 Local Approvals Policy for the Management of Waste in a Public Place.
3. The Policy is a Local Approvals Policy, dealing with the management of the placement of waste in public places in accordance with section 68 of the *Local Government Act 1993* and is prepared in accordance with Part 3 s.158 of the *Local Government Act 1993* 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.
4. Activities related to waste management can impact the community in a number of ways. Uncontrolled 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 to create noise and environmental pollution. The Policy seeks to address these impacts in a sensitive, sustainable and effective way.
5. The City is responsible for collecting domestic waste from residential properties throughout the local government area.
6. The City does not collect commercial waste. Businesses are responsible for engaging commercial waste contractors to collect and dispose of their waste.
7. The Policy provides clear guidelines for residential and commercial properties to help better manage their waste collection activities and addresses issues such as collection times, correct use of bins and requirements for bin storage. It also includes provisions explaining the criteria which will be applied when premises are seeking approval for the ongoing storage of bins in a public place.
8. The 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 and stored on their own premises.
9. The Policy provides a process for an owner or occupier of a premises 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.
10. City Waste officers will work with residents and businesses where waste storage is identified as a problem and will help to find suitable solutions.

11. The City’s website explains the waste storage responsibilities for residents and businesses and the range of bin options that are available to them.
12. The Policy includes criteria relating to the use of skip bins for building waste. This was included in the 2006 Policy but removed in 2013 with the intention that a separate policy for the use of skip bins would be developed. After further review, it was determined that the best place for skip bin criteria is in the Policy, hence its reintroduction.
13. The Policy specifies times that the City, or the City’s contractors, will collect domestic waste.
14. Domestic waste will only be collected between the hours of 6am and 10pm Monday to Saturday and between 8am and 10pm on Sunday for most of the City. Main and arterial roads are the exception, where domestic waste can be collected between the hours of 5.30am and 10pm each day.
15. The addition of the CBD light rail collection zone is the only change to the domestic waste collection criteria from the former policy and does not affect any existing CBD properties receiving domestic waste collection services from the City.
16. The Policy specifies times where the collection of commercial waste should take place. These are detailed in the following table:

Collection Zone	Draft Waste Policy Collection Time
Open Collection Zone	24-hour collection access every day
Limited Collection Zone	6am – 10pm Monday to Friday 8am – 10pm weekends and public holidays
CBD Collection Zone	7pm – 6am every day
CBD Light Rail Collection Zone	1am – 5.30am every day
Grease Trap Waste Collection Across Bike Paths	1am – 5.30am every day
Glass Bottle Collection	CBD Monday to Friday: 12pm – 10pm CBD weekends: 8am – 10pm All other zones: 8am – 10pm every day CBD light rail: 1am – 5.30am every day

17. Some commercial waste collection times and criteria in the Policy differ from the times allowed in the current Policy. These are as follows:
 - (a) The new CBD Collection Zone in the Policy sets new commercial waste collection times in the CBD, changing from 24 hours (as per the current Policy) to night time only. The change will reduce day time vehicular movements to alleviate traffic congestion and will improve the appearance and amenity of CBD streetscapes and footpaths. It is also similar to the former night time collection zone in the City’s 2006 Policy.

- (b) The CBD Light Rail Collection Zone is a new feature in the Policy to support safe waste operations along the Light Rail corridor by aligning collection times to match the times when the Light Rail is not operating.
 - (c) Glass bottles can be collected anywhere in the City between 8am and 10pm in the current Policy. There are two changes to glass bottle collections in the draft Policy. The first restricts collections in the CBD Collection Zone to between 12pm and 10pm on weekdays to support CBD morning traffic decongestion. The second restricts glass bottle collections to between 1am and 5.30am in the CBD Light Rail Collection Zone to support safe operations along the Light Rail corridor by aligning collection times to match the times where the Light Rail is not operating. Glass bottle collections can cause offensive noise which is why they are not allowed in public places after 10pm anywhere in the City of Sydney except for the CBD Light Rail Collection Zone.
 - (d) Grease trap waste collection across bike paths is a new issue being addressed in the draft Policy to minimise risks to cyclists and motorists from activities associated with pumping out grease traps. Collection activity is being limited to between 1am and 5.30am when cyclist and motorist movements are low and requires collection personnel to place high visibility warning barriers on both sides of their pump out hose. This solution has been reached in consultation with the waste collection industry and is believed to only affect a small number of premises in the city.
18. Maps of all collection time zones are included in Appendix 1 of Attachment A.
19. Pending Council adoption of the Policy, the City will undertake an education campaign to communicate the Policy'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.
20. The 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

21. On 26 June 2017, Council endorsed the 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.
22. The Policy was subsequently exhibited for public comment from Monday 3 July to Monday 14 August 2017.
23. The public notice of the exhibition was advertised in Central News and the Sydney Morning Herald, as well as the City of Sydney website with links to the Sydney Your Say website. Hard copies were available at Council venues throughout the City. Face-to-face engagement was also undertaken with letters delivered to street level businesses facing the light rail corridor.

Community Response

24. During the public exhibition, four submissions were received. The submissions were from a government organisation, a waste collector industry association, a community member and a commercial waste collection company. The following key issues were raised, and considered:

- (a) Consequences of service delivery outside proposed time restrictions for CBD commercial collection zones - Part 3 of the Policy addresses implications for non-compliance and the relevant legislation under which the City may take action. The proposed times are similar to those that were in place prior to the 2013 Policy. These are considered necessary to reduce traffic during peak periods, particularly as a result of the changes implemented to traffic to cater for the Light Rail. No further change to the draft Policy is considered to be warranted for this item.
 - (b) Noise pollution associated with waste collections - noise offences relating to the collection of waste from private or public property are enforceable under the Protection of the Environment Operations Act 1997. No further change to the Policy is considered to be warranted for this item.
 - (c) Permanent bin labelling – the concern is that this will likely create competition issues, and if a contract is lost, such labelling will result in the bin being unusable on any other site. A change to the Policy is proposed to cater for this concern. The word ‘permanently’ has been removed from this section. Commercial bins must be labelled so that an authorised City officer can easily identify the premises to which it was issued. The commercial waste generator must ensure their bins are clearly labelled, that the information on the label is current and contains the name, address, and contact phone number of the occupier of the premises.
 - (d) Definitions of waste terms - changes to the Policy are proposed to cater for this concern.
25. Three minor amendments are proposed to the Policy in response to these submissions.
- (a) Modification of the definition - domestic waste collectors. It was suggested that ‘processing facility’ is not always applicable and ‘lawful waste management facility’ is appropriate. For consistency, the definitions for both domestic and commercial waste contractors have been updated with the words ‘lawful waste management facility’ in place of ‘processing facility’.
 - (b) Modification of definition – skip bin. It was suggested to substitute the words ‘building waste’ with ‘construction and demolition waste’. To avoid any exceptions, the words ‘building waste’ have been substituted with ‘waste’ for the skip bin definition.
 - (c) Modification of the requirement to label a skip bin - it was suggested to substitute the words ‘permanent labelling’ with ‘labelling’. The word ‘permanently’ has been removed and this has no material impact to the requirements of the Policy.

KEY IMPLICATIONS

Strategic Alignment – Sustainable Sydney 2030 Vision

26. This policy is aligned with the following *Sustainable Sydney 2030* 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, reduce waste generation and reduce 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 3 - Integrated Transport for a Connected City – The updates to this Policy work to reduce traffic congestion in the CBD by reducing the number of commercial waste collection trucks during peak hours.
- (d) Direction 4 - A City for Walking and Cycling - This Policy seeks to improve the amenity on the City's streets for pedestrian and cyclist safety.
- (e) 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

- 27. Key risks associated with the Policy are covered 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.
- 28. The City has limited ability to regulate the collection or transport of commercial waste. However, the City is working closely with the Waste Contractors, Recyclers Association of NSW (WCRA) and Transport for NSW on measures to standardise operational conduct of commercial waste transporters with the goal of minimising amenity impacts of waste collections, particularly in the CBD.

Social / Cultural / Community

- 29. 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 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.
- 30. The permanent storage of residential and commercial bins in public places 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 Policy's guidelines and requirements aim to address this issue.

Environmental

- 31. The Policy will deliver environmental benefits (such as reducing traffic congestion and 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.

32. Dumped waste and litter can be caused by businesses not disposing of their waste appropriately. The 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

33. The City envisages minimal economic impact with the implementation of this Policy.

BUDGET IMPLICATIONS

34. There are no significant budget implications associated with the implementation of the Policy.
35. Funding has been allocated in the City's Operational Budget for waste education, communication and marketing to implement this Policy.

RELEVANT LEGISLATION

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

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