

Item 6.

Public Exhibition - Managing Waste in Public Places Local Approvals Policy

File No: X006529.004

Summary

The draft 'Managing Waste in Public Places Local Approvals Policy' ("Waste LAP") has been developed to replace the current Waste Policy that was adopted by resolution of Council in December 2017. Under the Local Government Act 1993, local approvals policies must be reviewed after each Council election.

The policy outlines:

- residents' responsibilities for managing residential waste in a public place; and
- businesses' responsibilities for managing and collecting commercial waste in a public place.

The purpose of the policy is to minimise the impact on the community from waste management activities by establishing criteria for those activities and identifying the activities that need to obtain relevant approvals.

The draft Waste LAP makes the following updates to the current Waste Policy:

- updated title of the policy to 'Managing Waste in Public Places Local Approvals Policy' to better communicate the scope of the policy and differentiate it from the 'Residential waste service and bin policy' that is currently under development;
- removal of sections that do not relate to local approvals including the Domestic Waste Management Charge (DWMC) and the provision of the residential waste and recycling service;
- structural change to better align with requirements under section 158 of the Local Government Act 1993;
- update to residential collection times to ensure efficient and timely service provision as the number of properties requiring servicing increases;
- update to the light rail collection zone times and requirements to match current light rail operation times and safety considerations;
- updates to the criteria for the use of skip bins in a public place to ensure apartment residents have the same eligibility as those in houses; and
- clearer articulation of the compliance mechanisms for noise offences and inability to enforce commercial waste collection times under the policy while retaining times as a best practice guide for commercial waste collectors and waste generators.

Recommendation

It is resolved that:

- (A) Council approve the draft Managing Waste in Public Places Local Approvals Policy as shown at Attachment A to the subject report for public exhibition for a period of 42 days in accordance with the requirements of the Local Government Act 1993;
- (B) Council note that the draft Managing Waste in Public Places Local Approvals Policy, including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (C) authority be delegated to the Chief Executive Officer to undertake minor editorial corrections prior to the exhibition of the draft Managing Waste in Public Places Local Approvals Policy.

Attachments

Attachment A. Draft Managing Waste in Public Places Local Approvals Policy

Background

1. The draft Managing Waste in Public Places Local Approvals Policy (Waste LAP) covers activities related to waste management in public places throughout the City. It addresses the impacts waste issues can have on the community and establishes rules that help to minimise amenity impacts associated with domestic and commercial waste collections.
2. The draft Waste LAP updates and replaces the 2017 Local Approvals Policy for managing waste in public places.
3. The draft Waste LAP 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.
4. The draft Waste LAP 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 2021 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. 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 create noise and environmental pollution. The draft Waste LAP aims to minimise these impacts in a sensitive, sustainable and effective way.

The Draft Waste Management in Public Places Local Approvals Policy

6. The draft Waste LAP provides clear guidelines for residential and commercial properties to help better manage their waste management activities conducted in public places and address issues such as the correct use of bins, requirements for bin storage and collection times.
7. The draft Waste LAP 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.
8. The draft Waste LAP sets out criteria and 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 premise's bin storage capacity. Approval will only be granted where the strict set of criteria have been met.
9. City officers will work with residents and businesses where waste storage is identified as a problem and will help to find suitable solutions.

10. The City’s website explains the waste storage responsibilities for residents and businesses and the range of bin options that are available to them.
11. The draft Waste LAP includes criteria for exemption from approval relating to the use of skip bins for building waste for minor works and renovations.
12. The draft Waste LAP specifies times that the City, or the City’s contractors, will collect residential waste.
13. Residential waste will only be collected between the hours of 6:00am and 10:00pm every day 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 10:00pm each day.
14. The draft Waste LAP provides best practice times when the collection of commercial waste should take place to minimise noise and truck movements. These are shown in Map 2, Appendix 1 of the draft Waste LAP and detailed in the following table:

Draft Waste LAP Commercial Waste Collection Time Zones	
Open Collection Zone	24-hour collection access every day
Limited Collection Zone	6am – 10pm Monday to Friday 8am – 10pm weekends/public holidays
CBD Collection Zone	7pm – 6am every day
CBD Light Rail Collection Zone	2am – 4am every day
Criteria for collection of special waste streams	
Grease Trap Waste Collection Across Bike Paths	2am – 4am 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: 2am – 4am every day

Updates

15. The draft Waste LAP has updated residential waste collection times from the current Waste Policy:
 - (a) The Residential Road Zone has been updated from 8am - 10pm on Sundays to between 6am and 10pm every day to align with operational requirements and the 10 year waste contract.

16. The draft Waste LAP retains commercial waste bin placement criteria and collection times from the current 2017 Waste LAP. These are as follows:
 - (a) The CBD Collection Zone between 7pm and 6am every day, which seeks to alleviate traffic congestion and improve the appearance and amenity of CBD streetscapes and footpaths.
 - (b) Glass bottles can be collected anywhere in the City between 8am – 10pm with two exceptions. 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 certain times in the CBD Light Rail Collection Zone to support safe operations along the light rail corridor when the light rail is not operating. Updated light rail collection zone times are detailed below. 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 the CBD Light Rail Collection Zone.
 - (c) Grease trap waste collection across cycleways 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.
17. The draft Waste LAP has updated the following commercial waste collection times and criteria from the current Waste Policy:
 - (a) The CBD Light Rail Collection Zone has been updated from between 1am - 5.30am every day to between 2am and 4am every day to align with light rail operation times to support safe waste operations along the light rail corridor.
18. Updated maps of all collection time zones are included in the Appendix 1 of Attachment A.
19. The draft Waste LAP has been updated to ensure apartment residents have the same eligibility as those in houses to place a skip bin in a public place when undertaking minor works.
20. The draft Waste LAP has been updated to clarify that the policy is not enforceable in itself and compliance action will be taken in accordance with relevant legislative provisions. Further notes and guidance have been added to indicate that complaints about offensive noise can only be investigated under the Protection of the Environment Operations Act 1997.
21. The draft Waste LAP has been updated to move the commercial waste collection time zones from the body of the policy (criteria for exemption from approval to place business waste in a public place) to the policy's appendix.
22. Existing sections on the residential waste and recycling service, bin provision and DWMC that do not relate to local approvals have been removed from the revised draft Waste LAP and will be placed in a new 'Residential Waste Service and Bin Policy' that is under development. This new policy will include details on the waste and recycling service, principles for setting the DWMC and responsibilities and requirements for the provision, repair and replacement of residential bins.

Consultation and Engagement

23. Pending Council adoption of the draft Waste LAP, 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.

Key Implications

Strategic Alignment - Sustainable Sydney 2030

24. 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. This 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 management and activities 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, litter 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 - This policy and continued inclusion of collection time guidance works 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 by providing requirements on the safe placement of residential and commercial bins.

Strategic Alignment – Leave nothing to waste: strategy and action plan 2017-2030

25. Leave nothing to waste targets the increase of resource recovery and reduction in how much of the City's waste goes to landfill to achieve the long-term goal of zero waste to landfill by 2030. It sets out six priority areas for better management of waste and resources in the city. The draft Waste LAP is aligned with the following priorities:
- (a) Priority 3 – Sustainable design – The draft Waste LAP provides a clear policy framework to support planning decisions for the management of waste in new developments.
 - (b) Priority 4 – Clean and clear streets – the draft Waste LAP aims to support targeted reduction in illegal dumping in litter, time that bins are left out on footpaths and the number of waste collection vehicles in the CBD during peak hour.

Risks

26. The City is limited in the tools that it can use to regulate the collection or transport of commercial waste. However, the City will continue to work with key stakeholders on the operational conduct of commercial waste transporters with the goal of minimising amenity impacts of waste collections, particularly in the CBD.

Social / Cultural / Community

27. 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 LAP acknowledges this issue and aims to minimise the impact by incorporating commercial waste collection time zones. These time zones provide critical guidance to the commercial waste industry to encourage the conduct of commercial collections reasonable hours. The time zones take into consideration the needs of residents, businesses and the logistics of waste collection.
28. 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 draft Waste LAP's guidelines and requirements aim to address this issue.

Environmental

29. The draft Waste LAP will deliver environmental benefits (such as reducing traffic congestion, noise, and improving the appearance and amenity of streetscapes and footpaths) by establishing regulations and requirements designed to reduce the incidences of illegal dumping and inappropriate storage of waste.
30. Dumped waste and litter can be caused by businesses not disposing of their waste appropriately. The draft Waste LAP 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

31. The City does not envisage any additional economic impact with the implementation of this policy.

Financial Implications

32. There are no significant budget implications associated with the implementation of the draft Waste LAP.

Relevant Legislation

33. Local Government Act 1993 (section 68 and section 158).
34. Protection of the Environment Operations Act 1997 (section. 96).
35. Environmental Planning and Assessment Act 1979.
36. Impounding Act 1993.

37. Food Act 2003.

Critical Dates / Time Frames

38. Mid-2022 – public exhibition and submission period.
39. Mid to late-2022 – final draft Waste LAP submitted to Council for adoption.
40. In accordance with the Local Government Act 1993, local approvals policies must be reviewed within 12 months after each Council election.

Public Consultation

41. Local Approvals Policies are required to have a 28 day public exhibition period and 42 day submission period. For this policy, engagement will be run through Sydney Your Say, and existing business networks, such as Business Precincts programs and Sustainability programs. Commercial waste generators will be engaged through Waste Contractors and Recycling Association.

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