# **Attachment C**

**Engagement Report - Managing Waste in Public Places Local Approvals Policy** 

# Engagement report: Managing Waste in Public Places - Local Approvals Policy

## **Engagement overview**

From 28 June 2022 to 10 August 2022, the City placed the draft Managing Waste in Public Places Local Approvals Policy (draft Waste LAP) on public exhibition.

Consultation on the draft provided an opportunity for key stakeholders and the wider community to provide feedback on the draft documents before they are finalised and adopted by Council.

This report summarises the key findings from the consultation. Appendix A outlines the community engagement activities that took place to support the public exhibition.

# Purpose of the engagement

The purpose of the engagement was to:

- meet requirements of the Local Government Act 1993 on the exhibition of a local approvals policy
- gather feedback from stakeholders and the community and update the policy accordingly
- finalise the documents and proceed to Council for adoption

## Outcomes from the consultation

A total of eight submissions were received and considered:

- six online surveys
- one email submission
- feedback received via a marked up document from Transport for NSW was considered as a submission

Submissions received from the following organisations:

- Waste Contractors and Recyclers Association of NSW
- Transport for NSW

Key themes raised in submissions focused on the specifics of commercial waste bin provision and labelling, the need for regulation of the commercial waste industry and noise relating to waste collection.

Two of six submissions from individuals related to location specific waste management and compliance issues.

Submissions are detailed in the table below.

Organisation / Individual	Submission	Response	Recommendation
Organisation (Waste Contractors and Recyclers Association of NSW)	'The policy does not detail the procedures to be followed in the event of an emergency that requires a solid waste truck or liquid waste tanker to attend a site outside of the stipulated collection times.  B. Placing commercial waste in a public place - point 5: not all bins exceeding 240 litres can be fitted with brakes such as 360 Litre bins. Reflectors aren't common practice.  B. Placing commercial waste in a public place, - point 6 & 7, the permanent labelling of bins with business name and contact details is likely to create competition & privacy issues. Not all companies will do this and the bins do not belong to waste generators. Address of waste collection company should not be required.'	Appendix 2 of the draft Waste LAP makes provision for emergency overflow incidents in relation to collection of grease trap waste across cycleways. It allows for response to emergency overflow incidents irrespective of timing provided all reasonable measures are taken to conduct the service safely and to minimise traffic congestion impacts.  Part 3 addresses the implications for noncompliance and the relevant legislation under which the City may take action. It is unlikely that ad hoc emergency collection of waste would attract enforcement action.  The requirement for bins greater than 240 litres does not take into account the use of 360L bins by businesses. Reflectors on larger bins with four wheels allow for potential hazards to be more visible to pedestrians, cyclists and vehicles. The requirement for reflectors is a guide on best practice but is not likely to be enforced.  Commercial bins must be labelled so that an authorised City officer can easily identify the premises to which it was issued. This label has also been found to introduce a degree of self-enforcement by removing the anonymity of bins placed out in a public place.  The word 'permanently' has been removed from this item to ensure that bins can be reused by commercial waste contractors.	The draft Waste LAP has been amended under the heading B Placing commercial waste in a public space to:  - update the size class of bin that requires brakes. Bins that are 660 litres or greater, must have fitted and working brakes.  - remove the term 'permanently' from the clause relating bin labels for commercial waste generators.  - remove the requirement for the address of the commercial waste contractor to be visible on a business bin.  Other comments are noted with no change to the document as exhibited.

Organisation	'Consider how residential collection time zones might coincide with other traffic operations and requirements. E.g. alongside light rail or cycleways.  Commercial bin requirement for reflectors also note that they need to ensure the reflectors are visible at all times? (i.e. not covered/obscured by dirt)  Skip bin requirements should include requirement to ensure visibility of these reflectors/lights.'	A CBD light rail collection zone has been included in the residential collection time zones. This in addition to internal procedures are deemed sufficient to manage the collection of residential waste while managing other requirements including cycleways.  The requirements for reflectors for bins on four wheels and for skip bins will be updated to state that these must be 'visible' to ensure that they are not obscured.	The draft Waste LAP has been amended under the heading B Placing commercial waste in a public space to include a requirement for reflectors to be visible.  The draft Waste LAP has been amended under the heading C. Placing a skip bin in a public space to include a requirement for reflectors or lights to be visible on skips.  Other comments are noted with no change to the document as exhibited.
Individual	I appreciate the policy and its efforts to minimize the impact of noise on residents. Thank you.  I live in a dense but residential area of Ultimo. Waste collection is perhaps the greatest cause of sleep disturbances to residents in the area. In particular, I experience several challenges:  • Waste collection occurs at early times of the day (i.e., 6am or earlier)  • In some weeks, waste collection occurs nearly every morning - there is no reprieve	Regarding the request to shift waste collection time zones to commence at 8am, this does not reflect the reality of the delivery of waste services either for residential or commercial waste. The preference for early waste collection comes from a need to undertake collections when traffic is low for safety, efficiency and to minimise disruption to traffic.  Garbage collection is considered an essential service and as such is not subject to any specific legislated time restrictions. We must balance the essential nature of this service, safety and efficiency considerations with amenity and noise	That the submission is noted with no change to the document as exhibited.

- Many collections are earlier than permitted (sometimes several hours earlier) but it difficult to enforce compliance and catch non-compliance (the truck typically moves on before residents are able to get out of bed, leave their residence and locate the truck)
- Reversing alarms are particularly disruptive when waste collection trucks reverse to collect waste

As such, I would like to suggest some ideas to improve the "Limited Collection Time Zone" for commercial waste collection:

- Shifting the start time one or two hours later (e.g., 8am-10pm or 7am-10pm for weekdays in "Limited Collection Time Zones")
- Specifying quiet days or noisy days in limited collection time zones that align with the city's waste collection services (e.g., 8am-8pm all week, but 6am-10pm is only allowed by commercial operators on the same day as the city's bin collection days)
- Not allowing collections before 8am where a route requires reversing in a "Limited Collection Time Zone"
- Requiring self-adjusting white noise or broadband reversing alarms, as opposed to tonal alarms, to be used on trucks collecting waste in the City of Sydney or just its residential areas

In addition, I would suggest that the policy might be improved by including provisions by which waste collection operators could be held accountable when they violate the policy. e.g., That permission to collect waste may be rescinded by the city if there are complaints about violations of the approvals policy; ways that residents can easily report violations of the policy, clear contact details visible on both truck and bin, and simple mechanisms for enforcement through fines and penalties.

issues. Our best practice guidance on times seeks to balance this range of requirements. These times zones consider waste collection requirements, traffic volumes (especially on main or arterial roads) and the safety and amenity of city streets for our communities.

Local governments are limited in what can be incorporated into a local approvals policy. The enforceability of the policy is dependent on the legislative provisions in the Protection of Environment Operations Act and Local Government Act. Complaints about the timing of waste collections can only be investigated in relation to any offensive noise under the Protection of the Environment and Operations Act.

The City does not have the ability to regulate commercial collection, set fixed collection days or set fines and penalties. For example, the City cannot provide or rescind approval for trucks to enter or collect within our boundaries. Waste is considered an essential service and there is an exemption placed on the regulation of waste trucks transporting waste in the Sydney Metropolitan area within the Local government regulations. This means the City cannot regulate the movement of commercial waste trucks and collection of waste. However, we do contact commercial waste peak bodies and advocate for our residents and can raise some of the ideas you have put forward, including the use of white noise or broadband reversing alarms, as opposed to tonal alarms.

#### Individual

Waste management is a vital system in any city, town, village, home or community. A place with poor waste management has a poor quality of life. I appreciate that the City of Sydney does a valiant job of keeping our city beautiful, healthy and functioning in complex circumstances. This requires a complex, clear and fit for purpose Policy that will govern the processes, practices, monitoring, measurement and reporting of the Waste Management System. We are all (including CoS) customers of this service to ourselves. It is an outsourced function, and as such, the contractors are paid to deliver what we (the CoS and the people) have defined in this policy.

I have the following feedback for your consideration please.

#### 1. Clarify the objectives for all parties

The objectives of the policy are not clearly stated and are open to ambiguity and different opinions about what is trying to be achieved. This causes problems when trying to get Waste Management contractors, households and businesses to do what is intended by the City.

# 2. Identify the Customers and Providers of the System, and all their requirements

As I read this Policy, it does not seem to serve all the customer or stakeholder groups of the service. The City is included, with requirements and rules to suit.

The full set of customers (and some of their requirements) include:

- Businesses including shops, food outlets, offices, warehouses etc
- Organisations, including schools, health, charities, religious groups
- Home owners and renters
  - Peaceful use of their homes (noise, exhaust and litter pollution)

That the submission is noted with no change to the document as exhibited.

- 1. The draft policy is a Local Approvals Policy, the requirements and scope of which are set out by Section 158 of the Local Government Act NSW 1993. The objectives of this particular policy are subsequently narrow in scope. It does not seek to set objectives for or guide the entire waste management system, but rather seeks to guide a certain activity included under s68 of the local government act NSW- the management of waste in a public place. The guidance of this activity aims to minimise the impacts that waste management can have on our community.
- 2. Some of the stakeholders and rights identified do not fall under the scope of the policy, for example landfill operators. The key stakeholders of this policy are Council (including council officers and contracted waste management service providers), residents, businesses. Commercial waste collection service providers are also covered via the ancillary activity of commercial waste collection.

The draft policy seeks to balance the essential nature of waste and recycling services with residential amenity. There is an exemption within

- Apartment dwellers
  - Peaceful use of their homes (noise, exhaust and litter pollution)
  - Waste collection appropriate to homes without yards (nowhere to store things)
  - Full range of product collection (textiles, food waste, batteries, hazardous waste, hard rubbish, green waste, electrical goods, re-useable goods such as furniture)
- Strata managers, committees and members
  - Resources to assist with educating residents
  - Rules/legislation/authority to compel residents to dispose of waste correctly
- · Ratepayers (paying for the services)
- Members of the public (footpath, cycleway and road users etc)
- Recycling businesses (receiving material for processing)
  - Rules/legislation/authority to compel all to dispose of waste correctly in order to receive uncontaminated material
  - Landfill operators (receiving waste for disposal)
- City of Sydney

Each of these groups have numerous requirements which I don't see reflected in this draft policy.

Providers of the service include:

- Waste collection service providers
- Bin providers
- Waste transfer stations

Controllers of the service require the authority and resources to elicit compliance from the community, and include:

- CoS Contract Managers
- City Rangers
- Waste Management Compliance Officers

the Local Government Act regulations placed on the regulation of waste trucks transporting waste in the Sydney Metropolitan area. The policy sets guidance times for waste collection as we cannot regulate the activities of the commercial waste industry.

#### 3. Noise disturbance from Waste Collections

Some objectives are implied, such as the following about noise disturbance:

"Premises must not allow the sorting or collection of glass bottles in a public place outside of the Glass Bottle Collection Times listed in the table above. 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."

This implies that the intent is to acknowledge that glass collection in particular disturbs the peace, and there is an intention to protect the rights of residents to undisturbed sleep. However this intent is not extended to disturbances caused by general collections at residential areas and strata buildings by the noise of waste collection vehicles (squealing brakes, roaring engines, reversing alarms (beeping and white noise), emptying bins into trucks, and voices (sometimes shouting over the noise of the trucks) of the workers.

Clearly the City acknowledges the disturbance caused by some waste collection, and has developed a policy to minimise the disturbance caused by glass collection. However, there are other matters for inclusion.

Most stratas have rules about disallowing noise disturbance before 7.30am on any day, and later on weekends. Tradespeople are not allowed to start work before then, in order to protect the peaceful enjoyment of resident's homes. This draft policy allows collections (and therefore major noise disturbance from 6am. This would not be acceptable if it were put to the residents as a proposal.

Residents of houses around me have expressed their annoyance at constantly being woken at 6am by garbage trucks. They also have not given and would not give (should

3. This draft policy seeks to guide commercial waste collection activities in a number of ways, including via best practice waste collection time zones. These times zones consider waste collection requirements, traffic volumes (especially on main or arterial roads) and the safety and amenity of city streets for our communities. These times are a guide and complaints about the timing of waste collections can only be investigated in relation to any offensive noise under the Protection of the Environment and Operations Act. The draft policy also requires businesses to contract waste collection services that involve collection within proposed best practice waste collection times.

Regarding the request to shift waste collection time zones to commence at 8am, this does not reflect the reality of the delivery of waste services for residential or commercial waste. The preference for commencing waste collections early comes from a need to undertake collections when traffic is low for safety, efficiency and to minimise disruption to traffic. We must balance the essential nature of this service, safety and efficiency considerations with amenity and noise issues. Garbage collection is considered an essential service and as such is not subject to any specific legislated time restrictions.

they be consulted) their approval for this. We are not on a "main or arterial road". We are on residential roads.

I propose that an objective be included, to guide the policy, such as:

Objective: To avoid (and minimise where avoidance is impossible) noise disturbance to residents, particularly during generally accepted sleeping hours (for non-shift workers) of 10pm to 7.30am, with variations for later waking times on weekends and public holidays (8am) when residents look forward to later waking times.

#### 4. Waste Collection Times

There are contradictions within the policy re collection times:

In Part 2 A 10, the collection times for residential road zones is 6am – 10pm Monday to Saturday, and 8am to 10pm on Sundays.

In Appendix 1, Part 1, Map1, the collection times for residential road zones is 6am – 10pm Monday to Friday, and 8am to 10pm on weekends. There is no mention of public holidays.

In Section 2, Part 2, B, 19, the very noisy glass collection from those commercial properties in residential areas is limited to noon – 10pm on Monday to Friday: and 8am – 10pm on weekends in the CBD. For all other zones glass collection is limited to 8am – 10pm every day. This recognises the need to control noise between 10pm and 8am and allow sleep in residential areas.

Additional definition needed – weekends = Saturdays, Sundays and public holidays.

Objective required – "to enhance the quality of life and mental health of residents by avoiding noise disturbance to sleeping residents before 6am on weekdays and before 8am on weekends".

4. The guidance on times for glass bottle collection for commercial businesses is specific for glass bottles as they are a discrete collection type known to be likely to cause a loud noise. The application of this time across all waste collections does not reflect the reality of waste collection services, particular in busy urban environments as I have outlined above.

The residential collection times for our residential road zones allow for the efficient collection of waste across our local government area. A later start for waste collections would negatively impact collection operations across the LGA. During the last 12 months the City has experienced a significant increase in daily volumes of domestic waste to be collected. With increasing waste volumes, increasing residential population and the increasing number of vehicles on the road, the 6am commencement is necessary to collect waste and meet the contractual requirements associated with the collection, transfer and processing of our waste and recycling. Any reports of waste collections prior to 6am in the residential road zone will be raised with our contractor.

The draft policy that was available on the public exhibition page states that residential collections

I suggest that the collections times for Residential Road Zones be amended to:

7.30am to 10pm Monday to Friday (excluding Public Holidays) 8am to 10pm on Saturdays, Sundays and Public Holidays.

#### 5. Recycling matters

The draft policy does not include a specific objective with targets for recycling, and does not include something to enable policing of the recycling system. I am particularly thinking of strata schemes, but in my experience households and commercial premises are also irresponsible in regard to their own waste streams. Contamination in my own strata is rife, and despite much signage, recyclables are constantly binned in plastic bags, wrong items are placed in yellow bins and recyclables go into the landfill bins.

Until the CoS has clear objectives and rules, and penalties that can be imposed, there can be no pressure on strata communities and businesses to establish good systems and manage compliance from their residents or workers. We need a way to get people to learn the system, put things in the right bins, and not put the wrong things in. They need to truly understand why we are doing this, the damage caused if not done properly, the benefits of doing it right, and the penalties that can be incurred. This will also require increased funding, well spent.

I propose that an objective be included, to guide the policy, such as:

Objective: To minimise contamination of recyclable materials collected from premises in the City in order to maximise the amount of material actually collected and recycled, in order to reach a target of 100% recycled and zero recyclable material going to landfill.

are restricted to 6am – 10pm every day in residential road zones. The screenshots provided appear to be from the existing Waste Policy not the new draft policy.

5. As outlined above, the scope of the draft policy is restricted to the approvals and criteria for exemption from the need to seek approval to place waste in the public domain. Our ambitious targets for waste avoidance and recycling/resource recovery are within our Waste Strategy and action plan 2017-2030. This Strategy guides our actions and programs to improve recycling in the residential sector. It is not within the City's authority to set rules and fines for not recycling, but we do work with apartment buildings to educate and facilitate better recycling systems. We are continually looking for other ways we can incentivise and encourage recycling and will continue to work with our community to reach these targets.

Local governments are limited in what can be incorporated into a local approvals policy. The scope, weight and enforceability of the policy is dependent on the legislative provisions in the Protection of Environment Operations Act and Local Government Act.

I could not find anything in the draft policy that amounts to enforceable rules about disposing of recyclables. Are there places on the planet that legislate that we must separate our waste streams and dispose of them in a way that enables recycling? Having such rules would enable our City Rangers and Waste Officers to inspect bins and issue notices that would in turn encourage strata communities, households and businesses to achieve better outcomes. Maybe this is already in place, but not enforced?

This draft policy does not offer me any hope that this situation can be improved.

#### 6. Management of Waste Management Contractors

The Policy does not contain detail for the direction and management of collection contractors, apart from the ambiguous collection times.

I believe it would be beneficial to the quality of life in the City if the collection vehicles were required to be quiet when operating. They currently have brakes that squeal very loudly, engines that can be heard several blocks away, and extremely loud backing alarms. This all amounts to noise pollution.

It is my opinion that backing alarms are discriminatory as they do not alert the hearing impaired, and assume that everyone who does hear them can get out of the way, but small children and immobile people cannot. People who don't understand what the alarm means may not get out of the way.

I believe the onus should be on the driver and the vehicle to monitor for danger and to take evasive action. Modern cars have excellent cameras and sensors that alert the driver of danger. Why can't these trucks have the same systems?

The "white noise beepers" are also too loud for use in a quiet neighbourhood to maintain the peace. These forms of noise pollution should be disallowed in our City. 6. The City does not have the ability to regulate commercial collection or set requirements for emissions, safety and notification or reversing alarms. However we do have contact with commercial waste peak bodies and advocate for our residents and can raise some of the ideas you have put forward including the use of cameras and sensors as opposed to reversing alarms and low emissions vehicles.

	The trucks also emit polluting fumes in our driveway directly adjacent to gardens and open windows. This policy could include direction to contractors to use non-polluting vehicles for our waste collections.		
		7. The City has an established customer	
	The policy does not include anything about complaints management and continual improvement. The policy should include clear requirements for a system.	complaint management system by which all enquiries and complaints are managed. We also have a complaints management policy (here) that covers all complaints received by the City. The	
	It is very difficult to navigate the current CoS complaints system in regards to waste management. This will discourage people from submitting feedback, complaints and suggestions, thereby silencing a major group of stakeholders.	City has worked to ensure that reporting an issue is streamlined and allows the provision of necessary information to assist Council officers in resolving the issue. You can use this page to	
	"Complaints are like jewels. They provide highly valuable information."	report issues, these will then be allocated to a responsible officer - <a href="https://online.cityofsydney.nsw.gov.au/ReportIssue">https://online.cityofsydney.nsw.gov.au/ReportIssue</a>	
Individual	This appears to be long overdue and provides clearer advice to residents dealing with commercial waste issues, however in the past we have experienced significant issues with improper waste collections times: - glass bins being collected at 1 am - commercial bins left out all week - commercial bins being left out with other rubbish in bins - residents from other building dumping rubbish in or more often on top of bins and the council take very little action in relation to these issues and complaints, lets hope the Council more proactive manages these issues in the future.	Part 3 addresses Implications for non-compliance and the relevant legislation under which the City may take action.  The City regularly responds to complaints from residents regarding noisy night time waste collections by investigating the situation and contacting the waste contractors and businesses concerned. Such interventions are typically successful and result in changes to the offending collection practices or the identification of new locations for the bins to be collected.	That the submission is noted with no change to the document as exhibited.
Individual	I have no issues with the draft policy as such. However, it will be a meaningless token if there is no effort to police the regulations covered to ensure compliance, as is presently the case. This is particularly so with respect to the hours within which waste collection (especially commercial) is not	Part 3 addresses the implications for non-compliance and the relevant legislation under which the City may take action.  The City regularly responds to complaints from residents regarding noisy night time waste	That the submission is noted with no change to the document as exhibited.

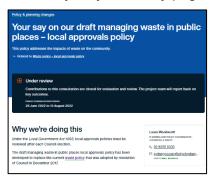
	permitted. These regulations are constantly flouted. Also the manner in which commercial bins are left out, overflowing with rubbish, as would be attested to by a walk along Brown Lane, Whateley Lane or many of the other lanes in Newtown behind restaurants.	collections by investigating the situation and contacting the waste contractors and businesses concerned. Such interventions are typically successful and result in changes to the offending collection practices or the identification of new locations for the bins to be collected.	
Submissions r	relating to specific waste issues and compliance		
Individual	While the objectives and coverage of the policy are extensive and commendable they are of little consequence if Council does not ensure that those policies are monitored and enforced effectively.	Individual was advised on how to report specific waste issues via customer service and the online report an issue tool.	That the submission is noted with no change to the document as exhibited.
	The attached photographs of Experiment Street, Pyrmont illustrate lack of effective management or enforcement although the matter has been brought to Council attention before. They show.		
	1.Complete blocking of the footpath by rubbish bins     2.Public health issues caused by the presence of those bins     3.Failure by Council to enforce regulations governing such bins		
	The photographs were taken on Sunday 17 July 2022 and typify the situation each week in Experiment Street'.		
	Photo 1: After collection day on Thursday. Typically, numerous bins remain on a very narrow footpath blocking pedestrians and forcing them to walk on the equally narrow footpath on the other side. Many pedestrians walk on the roadway which carries frequent traffic and is a major access way for the Fire Station at the northern end.		
	Photo 2. Unattended bins and rubbish on the footpath. Note that Experiment Street is not only the rear of houses in Harris Street but also is faced by balconies of many units in the		

	buildings between Bunn Street and Allen Street. As such the rubbish constitutes a health hazard for residents of those units.  Photo 3. These commercial rubbish bins completely block pedestrian access, overflow with food rubbish and attract lbis and other scavengers, further spreading food scraps onto Experiment Street. According to your policies, these bins should not even be on the footpath, other than when contractors are collecting them.		
Individual	I'm not sure if my concerns are relevant to this survey but there is a problem in Glebe at the intersection of Grose and Francis Streets. There are skips there next to Badde Manors Cafe (the cafe is currently closed for renovations) that are locked and for private use only. Unfortunately some people are dumping their rubbish there on the footpath. Lots of the illegally dumped rubbish has food in it. I've seen rats there in the night and during the day. Thanks for reading this.	Individual advised on how to report specific waste issues via customer service and the online report an issue tool.	That the submission is noted with no change to the document as exhibited.
	One the corner of Grose and Francis Streets in Glebe there is a problem with illegally dumped rubbish. People leave trash with food in it on top of and around private locked bins just outside of Badde Manors cafe. I recently have seen rats at this site during the day and at night. Is there anything that can be done about this problem?		

# Appendix A: activities to support the consultation

### Sydney Your Say webpage and survey

- Open for feedback from Tuesday 28 June to Wednesday 10 August 2022
- 143 unique page views
- 53 document downloads
- Sydney Your Say page was promoted on the current Waste Policy webpage.





Screenshots of Sydney Your Say page and Waste Policy webpage.

#### **eNewsletters**

An item was included in the City's Sydney Your Say eNewsletter, sent on Thursday 7 July 2022 to 7,152 subscribers.



Screenshot of email to Sydney Your Say database

#### Stakeholder notification

Email notification was sent to 101 stakeholders including residents action groups, peak bodies and state government agencies including:

- Transport for NSW
- Sydney Water
- Transdev
- Waste Contractors and Recyclers Association of NSW
- Waste Management and Resource Recovery Association Australia