

Item 3.

Public Exhibition – Managing Waste in Public Places - Local Approvals Policy

File No: X116416

Summary

The Managing Waste in Public Places - Local Approvals Policy (Waste LAP) helps to minimise amenity impacts associated with residential and commercial waste management and collections in the public domain.

The policy outlines:

- residents' responsibilities for managing residential waste in a public place
- businesses' responsibilities for managing and collecting commercial waste in a public place
- waste management activities undertaken in public places that require approval.

Under the Local Government Act 1993, local approvals policies must be reviewed after each Council election. This review has been conducted of the current Waste LAP (last updated in 2022) and found there were no substantial changes required.

Only small housekeeping updates have been made to ensure the policy is current and to improve its readability. These minor updates included:

- editorial updates to improve clarity and readability
- updates to reflect changes to legislation and relevant state authorities
- updates to incorporate strategic directions including pedestrian priority and accessibility
- updates to Part 2 approvals section.

Recommendation

It is resolved that:

- (A) Council endorse the draft Managing Waste in Public Places - Local Approvals Policy as shown at Attachment A to the subject report for public exhibition and community comment 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 consideration following the exhibition period; and
- (C) authority be delegated to the Chief Executive Officer to make minor editorial amendments for clarity or correction of drafting errors 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

Attachment B. Draft Managing Waste in Public Places - Local Approvals Policy
(tracked changes version)

Background

1. The Managing Waste in Public Places - Local Approvals Policy (Waste LAP) covers activities related to waste management throughout the City of Sydney. It seeks to address the impacts waste issues can have on the community and establishes requirements that help to minimise amenity impacts associated with residential and commercial waste collections.
2. The draft Waste LAP updates and replaces the 2022 Waste LAP.
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 of Sydney
 - (b) the criteria which the City of Sydney 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 streets, lanes and footpaths. These activities have the potential to obstruct, interrupt and endanger pedestrian and traffic movement as well as create environmental pollution. The draft Waste LAP aims to minimise these impacts in a sensitive, sustainable and effective way.

The Waste Management in Public Places – Local Approvals Policy

6. The Waste LAP:
 - (a) provides clear requirements for residential and commercial properties to help better manage their waste management activities and addresses issues such as the correct use of bins, requirements for bin storage and collection times.
 - (b) acknowledges that there are certain circumstances where a resident, business or organisation cannot comply with the requirement that their bins are removed from the public place following collection to be stored on their own premises and sets out criteria and a process for an owner or occupier of a premise to apply for approval to place their bins in a public place.

This involves a detailed assessment by a City officer to explore the circumstances affecting a premises' bin storage capacity. Approval will only be granted where the relevant criteria have been met. City officers will work with residents and businesses where a waste storage is identified as a problem and will assist in exploring viable solutions.
 - (c) includes requirements that must be met for an exemption from approval relating to the use of skip bins for building waste for minor works and renovations.

- (d) specifies collection times that the City of Sydney, and its contractors, will collect residential waste.
- (e) provides best practice times when the collection of commercial waste should take place, accounting for waste collection requirements, traffic volumes and safety and amenity for our communities.

Updates

7. There are no significant updates required to the Waste LAP for this review, noting that the policy had a significant review in 2022.
8. The changes proposed are minor housekeeping updates that include:
 - (a) editorial changes to improve clarity and readability in line with the City of Sydney's Writing and style guide.
 - (b) updating new legislation and changes to relevant authorities including updating references from the previous Impounding Act 1993 to the Public Spaces (Unattended Property) Act 2021 and references to Roads and Maritime Services updated to Transport for NSW.
 - (c) updated references to City of Sydney strategic priorities and policies including the 'A City for Walking' Strategy and Action Plan and the Inclusive and Accessible Public Domain Policy.
 - (d) minor wording changes to the bin placement approvals under Part 2 of the policy to better reflect that approvals are not 'permanent' as they are subject to time-limits, to make the criteria used to assess applications clearer and to emphasise that it is in alignment with legislative provisions of Chapter 7, Part 1, Division 3 of the Local Government Act 1993

Consultation and Engagement

9. Following Council endorsement of the draft Waste LAP, the policy will be placed on public exhibition for 42 days as required by the Local Government Act (1993). Public exhibition will be undertaken via the Sydney Your Say webpage.
10. Pending Council adoption of the draft Waste LAP, the City of Sydney will continue to use and communicate the Policy to residents and businesses as required to encourage appropriate waste management in public places.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

11. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. 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 2 - 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 of Sydney's waste collection services, the City of Sydney will maximise collection of recyclable materials and reduce the amount of waste sent to landfill.
 - (b) Direction 3 - Public places for all - This policy seeks to improve accessibility by providing requirements on maintaining a continuous accessible path of travel. The policy also seeks to support our objective to keep streets clean.
 - (c) Direction 5 - A city for walking, cycling and public transport - This policy seeks to improve the amenity on the City of Sydney's streets for pedestrian and cyclist safety by providing requirements on the safe placement of residential and commercial bins.
 - (d) Direction 9 - A transformed and innovative economy - Waste management is one of the City of Sydney's key health and amenity activities. Effective waste management and activities are essential to ensure the City of Sydney is maintained to a world class standard for residents, business and visitors.

Organisational Impact

12. This policy has no foreseen impacts on service levels, staffing, facilities, processes or other impacts to the organisation.

Risks

13. The draft Waste LAP sets out clear requirements for residents and businesses to help minimise the amenity impacts associated with waste management and collection on the public way.
14. The endorsement of the draft Waste LAP is within the City of Sydney's risk appetite which states:
 - (a) We recognise the critical importance of environmental protection and sustainability in our operations and decision-making. We are committed to minimising our negative impact on the environment and striving for a more sustainable future.
 - (b) The policy aligns with our minimal appetite for non-compliance with environmental laws, regulations and industry standards.
 - (c) Our risk philosophy is centred around achieving a balance between innovation, community and user satisfaction and risk management, ensuring that we meet our strategic objectives while maintaining a robust control environment.

Social / Cultural / Community

15. The placement of residential and commercial bins in public places is an ongoing 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 gives Council the tools to manage these issues, as far as is possible within the current legislative context.

Environmental

16. The draft Waste LAP will assist in improving the appearance and amenity of streetscapes and footpaths by establishing requirements designed to reduce the incidences of illegal dumping and inappropriate management and storage of waste.
17. 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

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

Financial Implications

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

Relevant Legislation

20. Local Government Act 1993.
21. Protection of the Environment Operations Act 1997.
22. Environmental Planning and Assessment Act 1979.
23. Public Spaces (Unattended Property) Act 2021.
24. Food Act 2003.
25. Roads Act 1993.
26. Disability Discrimination Act 1992 (Cth).

Critical Dates / Time Frames

- 27. May to June 2025 – public exhibition and submission period.
- 28. August 2025 – final Waste LAP submitted to Council for adoption.
- 29. 14 September 2025 - Last day for the Waste LAP to be approved. Under the Local Government Act 1993, local approvals policies must be reviewed within 12 months after each Council election.

Public Consultation

- 30. 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.

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