

CERTIFICATE OF VALIDITY

UNDER SECTION 249(4) OF THE LOCAL GOVERNMENT ACT 1999

I, Paul St Leger Kelly of 45 Pirie Street, Adelaide SA 5000, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law which City of Tea Tree Gully intends to make, being *Waste Management By-law 2015* and do certify that in my opinion:

- (a) the said Council has the power to make the by-law by virtue of the following statutory provisions:

Local Government Act 1934, Section 667(1) paragraphs 4.I and 9.XVI;

Local Government Act 1999, Sections 246(1)(a) and 246(3)(f);

Acts Interpretation Act 1915, Section 39;

- (b) the by-law is not in conflict with the *Local Government Act 1999*.

DATED the 24th day of July 2015


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Paul St Leger Kelly, Legal Practitioner



By-law made under the Local Government Act 1999

WASTE MANAGEMENT BY-LAW 2015

By-law No. 6 of 2015

To regulate and control the removal of domestic, recyclable and green organic waste from premises, for the prevention and suppression of nuisances, and for regulating the management of property of the Council.

Part 1 – Preliminary

1. Short Title

This by-law may be cited as the *Waste Management By-law 2015*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **green organics** means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, horse manure or other materials as specified by the Council;
- 3.2 **green organics container** means a container for the reception of green organics;
- 3.3 **hard rubbish** means any internal and external household items such as refrigerators, television sets and mattresses able to be lifted and carried by two persons but excludes any household waste;
- 3.4 **household waste** means any kind of domestic and kitchen waste generated from residences, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead, acid batteries and any dangerous or toxic waste;
- 3.5 **household waste container** means a container for the reception of household waste;
- 3.6 **recyclables** means newspapers, magazines, paper, cardboard, plastic containers of a type specified by the Council, tins, cans, glass, milk and juice

containers, solid plastic material and other materials as specified by the Council;

3.7 **recyclables container** means a container for the reception of recyclables.

Part 2 – Waste Collection

4. Provide Containers

Every occupier of domestic premises must keep on his or her premises a household waste container, a recyclables container and a green organics container as approved by the Council.

5. Management of Waste Collection Service

An occupier of premises must:

5.1 Household Waste

5.1.1 ensure that the household waste container kept on his or her premises is approved by the Council; and

5.1.2 ensure that the household waste container contains only household waste;

5.2 Recyclables

5.2.1 ensure that the recyclables container kept on his or her premises is approved by the Council; and

5.2.2 ensure that the recyclables container contains only recyclables;

5.3 Green Organics

5.3.1 ensure that the green organics container be a container of is approved by the Council; and

5.3.2 ensure that the green organics container contains only green organics;

5.4 Keep Container Clean

cause each container to be kept in a clean and sanitary condition, maintained in good order and repair, and kept waterproof at all times;

5.5 Sealing of Container

cause the lid of each container to continuously and securely cover the container body except when waste is being deposited in or removed from the container;

5.6 Damage

ensure that each container is maintained so that it is not damaged or worn to the extent that:

- 5.6.1 it is not robust;
- 5.6.2 the container body is not watertight;
- 5.6.3 it is unable to be moved on its wheels efficiently;
- 5.6.4 the lid does not seal on the container when closed;
- 5.6.5 its efficiency or use is otherwise impaired;

5.7 Collection Services

- 5.7.1 facilitate the collection and removal of household waste, recyclables or green organics from the premises on the day of or the night before (and not before these times) the scheduled collection day; and
- 5.7.2 ensure that, prior to the time appointed by the Council for the collection of a particular kind of household waste, recyclables or green organics from the premises, the container containing that kind of waste is placed out for collection in a position:
 - 5.7.2.1 on the street in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the container on which the hinges of the lid are situated faces the premises; or
 - 5.7.2.2 in a position as approved or directed by the Council or its contractor; and
 - 5.7.2.3 not under the overhanging branches of street trees; and
- 5.7.3 remove the container from that position on the same day after the collection has taken place.

6. Interference With Garbage/Hard Rubbish

A person must not remove, disturb or interfere with any recyclables or hard rubbish (including bottles, newspapers, cans, containers or packaging) that has been placed:

- 6.1 for disposal in or near a container; or
- 6.2 on a public street or road for collection by the Council, its agents or contractors, except with the permission of the Council or with the authority of the owner.

Part 3 – Miscellaneous

7. Revocation

Council's *By-law No. 6 – Waste Management*, published in the *Gazette* on 21 August 2008, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Tea Tree Gully on the 11th day of August 2015 by an absolute majority

of the members for the time being constituting the Council, there being at least two thirds of the members present.



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Mr John Moyle
Chief Executive Officer