

SECTION 249 LOCAL GOVERNMENT ACT 1999

**CERTIFICATE OF VALIDITY**

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

**The Flinders Ranges Council**

**By-law No 7 – Waste Management By-Law 2022**

*A By-law to regulate the removal of domestic waste, recyclables and green organic waste from premises in the Council's area;*

and do certify that in my opinion:

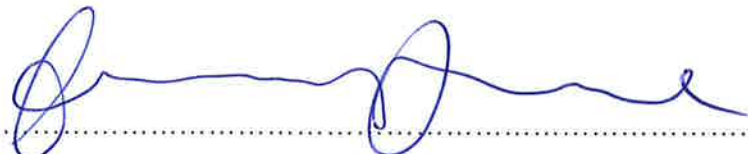
The Flinders Ranges Council

has the power to make the By-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 238, 239, 246(1), 246(2), 246(3)(a), 246(3)(c), and 246(3)(f); and  
Local Government (General) Regulations 2013; regulation 28(b).*

and the By-law is not in conflict with the *Local Government Act 1999*.

**DATED** the  day of February 2022

  
.....

Cimon Burke, Legal Practitioner



**THE FLINDERS RANGES COUNCIL**  
**WASTE MANAGEMENT BY-LAW 2022**  
**By-law No. 7 of 2022**

*A By-law to regulate the removal of domestic waste, recyclables and green organic waste from premises in the Council's area.*

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Waste Management By-law 2022* and is By-law No. 7 of The Flinders Ranges Council.

### 2. Authorising law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.

### 3. Purpose

The objectives of this By-law are to:

- 3.1 prevent and mitigate nuisances associated with the storage and collection of domestic waste;
- 3.2 to prevent damage to Council property and land;
- 3.3 to define the requirements for the use of Council's domestic kerbside waste collection service;
- 3.4 to protect the convenience, comfort and safety of members of the public;
- 3.5 to enhance the amenity of the Council's area; and
- 3.6 for the good rule and government of the area.

### 4. Commencement, revocation and expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

*By-law No. 7 – Waste Management 2014.*<sup>2</sup>

- 4.2 This By-law will expire on 1 January 2030.<sup>3</sup>

#### Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

### 5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2022*.
- 5.2 This By-law applies throughout the Council's area.

### 6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;

- 6.2 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.3 **Council** means The Flinders Ranges Council;
- 6.4 **Green Organics** means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, pruning's, food scraps or other waste specified by the Council and noted on its website;
- 6.5 **Green Organics Container** means a container for the disposal of Green Organics that is approved by the Council;
- 6.6 **Hard Waste** means any internal and/or external domestic items such as (but not limited to) fridges, and mattresses but excludes any Domestic Waste or other items as may be specified by the Council and noted on its website;
- 6.7 **Domestic Waste** means any kind of domestic waste generated from residences including, but not limited to, broken crockery, clothing, material, broken and cooking glass items, hoses, polystyrene, ropes, and soft plastics, but excludes building materials, effluent, liquids, metal, rocks, soil, lead acid batteries, wood, any toxic waste and any other waste specified by the Council and noted on its website;
- 6.8 **Domestic Waste Container** means a container for the disposal of Domestic Waste that is approved by the Council;
- 6.9 **premises** means premises to which the Council's waste collection services is made available;
- 6.10 **Recyclables** means newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers and other specified by the Council and noted on its website;
- 6.11 **Recyclables Container** means a container for the disposal of Recyclables that is approved by the Council;
- 6.12 **road** has the same meaning as in the *Local Government Act 1999*;
- 6.13 **occupier** has the same meaning as in the *Local Government Act 1999*;
- 6.14 **Waste** means Domestic Waste, Recyclables, Green Organics and other waste; and
- 6.15 **Waste Containers** means Domestic Waste Containers, Recyclables Containers and Green Organics Containers.

## PART 2 – REGULATION OF WASTE MANAGEMENT ACTIVITIES

### 7. Provide containers

- 7.1 An occupier of premises must keep on his or her premises a Domestic Waste Container and a Recyclables Container.
- 7.2 An occupier of premises may keep on his or her premises a Green Organics Container.

### 8. Management of waste collection services

An occupier of premises must:

**8.1 Domestic Waste**

- 8.1.1 Ensure that the Domestic Waste Container kept on the premises is approved by the Council; and
- 8.1.2 not place, cause, suffer or permit any waste other than Domestic Waste to be in a Domestic Waste Container.

**8.2 Recyclables**

- 8.2.1 Ensure that the Recyclables Container kept on his or her premises is approved by the Council; and
- 8.2.2 not place, cause, suffer or permit waste other than Recyclables to be in a Recyclables Container.

**8.3 Green Organics**

- 8.3.1 Ensure that any Green Organics Container kept on his or her premises is approved by the Council; and
- 8.3.2 not place, cause, suffer or permit waste other than Green Organics to be in a Green Organics Container.

**8.4 Keep container clean**

Cause each Waste Container kept on the premises to be kept in a clean and sanitary condition, maintained in good order and repair and kept watertight at all times.

**8.5 Sealing of container**

Cause each Waste Container to be continuously and securely covered or sealed except when Waste is being deposited in or removed from the container.

**8.6 Damage**

Ensure that each Waste Container thereon is maintained, repaired or replaced (as necessary) so that it is not damaged or worn to the extent that:

- 8.6.1 it is not robust or watertight;
- 8.6.2 it is unable to be moved on its wheels (if any) efficiently;
- 8.6.3 the lid does not seal on the container when closed; or
- 8.6.4 its efficiency or use is otherwise impaired.

**8.7 Collection services**

- 8.7.1 Facilitate the collection and removal of Waste from the premises by ensuring all Waste Containers thereon that contain Waste for collection are placed on the road for collection by the Council, its agents or contractors:
  - 8.7.1.1 on the day appointed by the Council for the collection of Waste from those premises; or the night before (and not before these times); and
  - 8.7.1.2 in a position:

- (a) adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road;
- (b) not under the overhanging branches of any trees; and
- (c) as may otherwise be approved or directed by the Council and, wherever practicable, notified to the occupier in writing; and

8.7.2 remove all Waste Containers from the road on the same day as the collection of Waste has occurred.

## 8.8 Waste

Not place any Waste Container on the road for collection by the Council its agents or contractors unless the Waste Container contains only the type of Waste that is permitted to be disposed of in that Waste Container.

## 8.9 Hard Waste

Not place any Hard Waste on the road for collection by the Council its agents or contractors other than in accordance with any directions issued by the Council and notified to the occupier in writing or on the Council's website.

## 9. Unlawful interference with Waste

A person must not, without permission, take or interfere with any Waste that has been left by another person on a road or Local Government land for the apparent purpose of facilitating the collection of the Waste by the Council, its contractors, agents or delegates.

## PART 3 – ENFORCEMENT

### 10. Orders

10.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant of section 262 of the Act, order that person:

10.1.1 if the conduct is still continuing – to stop the conduct; and

10.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

10.2 A person must comply with an order under this clause.

10.3 If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

### 11. Exemptions

The restrictions in this By-law do not apply to a person who has been granted an exemption from the Council from complying with this By-laws or a provision of it.

This By-law was duly made and passed at a meeting of The Flinders Ranges Council held on **15 February 2022** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



ERIC BROWN  
Chief Executive Officer