

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:

CITY OF NORWOOD PAYNEHAM & ST PETERS

By-law No 6 – Waste Management By-Law 2025

To regulate the removal of domestic waste from premises within the Council's area.

and do certify that in my opinion:

CITY OF NORWOOD PAYNEHAM & ST PETERS

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

*Local Government Act 1999: sections 238, 239 and 246; 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 18 day of July 2025



.....
Cimon Burke, Legal Practitioner



City of
Norwood
Payneham
& St Peters

CITY OF NORWOOD PAYNEHAM & ST PETERS

WASTE MANAGEMENT BY-LAW 2025

By-law No. 6 of 2025

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 2025* and is By-law No. 6 of the City of Norwood Payneham & St Peters.

2. Authorising law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999*, and regulation 28(b) of the *Local Government (General) Regulations 2014*.

3. Purpose

The objectives of this By-law are:

- 3.1 to prevent and suppress nuisances associated with the storage and collection of domestic waste and other waste;
- 3.2 to prevent damage to Council property and land;
- 3.3 to outline 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 area; and
- 3.6 for the good rule and government of the Council 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 operation¹:

*By-law No. 6 – Waste Management 2018.*²

- 4.2 This By-law will expire on 1 January 2033.³

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 2025*.
- 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** means a person appointed by the Council as an authorised person pursuant to section 260 of the Act;
- 6.3 **Council** means the City of Norwood Payneham & St Peters;
- 6.4 **crossover** means the portion of a road (usually connected to a driveway on private property) that provides vehicular access to adjoining land;
- 6.5 **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 and any toxic waste or other waste specified by the Council and noted on its website;
- 6.6 **domestic waste container** means a container for the disposal of domestic waste to be collected by the Council that is approved by the Council;
- 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8 **green organics** means compostable waste, and includes food waste, garden organic waste, paper towel or other materials for which permission has been given by the Council;
- 6.9 **green organics container** means a container to be collected by the Council for the disposal of green organics and that is approved by the Council for this purpose;
- 6.10 **Hard Waste** means any internal or external domestic items such as (but not limited to) fridges, and mattresses but excludes any waste or other items as may be specified by the Council and noted on its website;
- 6.11 **occupier** has the same meaning as in the *Local Government Act 1999*;
- 6.12 **premises** means premises to which the Council's domestic waste collection service is made available;
- 6.13 **recyclables** means waste that can be recycled including 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 but excluding any item specified by the Council and noted on its website;
- 6.14 **recyclables container** means a container for the disposal of recyclables to be collected by the Council that is approved by the Council;

6.15 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.15.1 a bridge, viaduct or subway; or

6.15.2 an alley, laneway or walkway;

6.16 **waste** means domestic waste, recyclables, hard waste, green organics or any other item being disposed of as it is no longer required; and

6.17 **waste containers** means domestic waste containers, recyclables containers and green organics containers or any other container used to store waste.

PART 2 – REGULATION OF WASTE MANAGEMENT ACTIVITIES

7. Rubbish and Waste Collection

A person must not leave waste on a road or public place for collection by the Council or its agents except in accordance with this By-law or otherwise with the permission of the Council.

8. Provide Containers

An occupier of premises must keep on his or her premises a domestic waste container and a recyclables container.

9. Waste collection service

An occupier of premises may put domestic waste, green organics and recyclables out for collection by the Council or its contractors provided that:

9.1 the domestic waste, green organics and recyclables are contained within a waste container designated for that type of waste and that is approved by the Council;

9.2 the number of waste containers placed out for collection does not exceed the number permitted by the Council; and

9.3 the domestic waste, green organics and recyclables are placed as required by the Council (including in any location specified by the Council and in accordance with this By-law) and stated on the Council's website or as otherwise notified to the occupier by the Council in writing.

10. Obligations of occupiers

Every occupier of premises must:

10.1 Domestic waste

not place, cause, suffer or permit any waste other than domestic waste to be in a domestic waste container;

10.2 Recyclables

not place, cause, suffer or permit waste other than recyclables to be in a recyclables container;

10.3 Green Organics

not place, cause, suffer or permit waste other than green organics to be in a green organics container; and

10.4 Damage

immediately arrange for the replacement or repair of a waste container kept on the premises if the same becomes damaged or worn to the extent that:

10.4.1 it is not robust or watertight;

10.4.2 it is unable to be moved on its wheels efficiently when empty or full;

10.4.3 the lid does not seal the container when closed; or

10.4.4 its efficiency or use is, in the reasonable opinion of an authorised person, otherwise impaired;

10.5 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;

10.6 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;

10.7 Collecting services

facilitate the collection and removal of waste from the premises by ensuring all waste containers containing waste for collection by the Council or its contractors are placed on the road for collection:

10.7.1 on the day appointed by the Council for the collection of waste from those premises or after 4pm the night before (and not before this time); and

10.7.2 in a position:

10.7.2.1 adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road; and

10.7.2.2 not under the overhanging branches of any trees; and

10.7.2.3 if placed on a crossover, only on the part of a crossover (where it abuts the carriageway) that is closest to the edge of the crossover

and not in the centre of the crossover or in any other place or manner that may reasonably be considered (in the reasonable opinion of an authorised person) to create a restriction or a danger for other pedestrians or vehicular access to the crossover; and

- 10.7.2.4 as may otherwise be required by the Council (including in any location specified by the Council) and stated on the Council's website or as otherwise notified to the occupier by the Council in writing;

10.8 Removal of container

not, without a reasonable excuse (as determined by an authorised person acting reasonably), fail to remove all waste containers from the road on the same day as the collection of waste has occurred;

10.9 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; and

10.10 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 specified on the Council's website.

11. Unlawful interference with waste

A person must not, without the Council's permission, take or interfere with any waste that has been left on a road for collection by the Council, its agents or contractors.

PART 3 – ENFORCEMENT

12. Orders

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.

13. Exemptions

13.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council officer or Council employee acting in the course of and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

13.2 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

13.3 An exemption:

13.3.1 may be granted or refused at the discretion of the Council;

13.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and

13.3.3 is subject to any conditions specified in the instrument of exemption.

13.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

13.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on the **4 August 2025** 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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MARIO BARONE
Chief Executive Officer