



**CITY OF MITCHAM**  
**WASTE MANAGEMENT BY-LAW 2022**  
**By-law No. 7 of 2022**  
**CONSOLIDATED AS AT 6 JULY 2023**

*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 City of Mitcham.

### 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:

- 3.1 to prevent and mitigate nuisances associated with the storage and collection of Domestic Waste, Recyclables and Green Organics;
- 3.2 to prevent damage to Council property and land;
- 3.3 to define the requirements for the use of Council's kerbside Domestic Waste, Recycling and Green Organics collection services;
- 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 and Expiry

This By-law will commence in accordance with the Act<sup>1</sup> and will expire on 1 January 2030<sup>2</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. 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 pursuant to section 260 of the Act;

- 6.3 **Council** means the City of Mitcham;
- 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 **Green Organics** means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, food scraps or other waste specified by the Council and noted on its website;
- 6.6 **Green Organics Container** means a container for the disposal of Green Organics that is approved by the Council;
- 6.7 **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 any other items as may be specified by the Council and noted on its website;
- 6.8 **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;
- 6.9 **Domestic Waste Container** means a container for the disposal of Domestic Waste that is approved by the Council;
- 6.10 **premises** means premises to which the Council's Domestic Waste collection service is made available;
- 6.11 **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 any other items specified by the Council and noted on its website;
- 6.12 **Recyclables Container** means a container for the disposal of Recyclables that is approved by the Council;
- 6.13 **road** has the same meaning as in the *Local Government Act 1999*;
- 6.14 **occupier** means any person who resides in or otherwise occupies premises;
- 6.15 **Waste** means domestic waste, recyclables, Green Organics and other waste; and
- 6.16 **Waste Containers** means Domestic Waste Containers, Recyclables Containers and Green Organics Containers.

**Note-**

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.

## **PART 2 – REGULATION OF WASTE MANAGEMENT ACTIVITIES**

### **7. Provide Containers**

- 7.1 An occupier of premises must keep on the occupier's premises a Domestic Waste Container and a Recyclables Container and, if directed by the Council in writing, a Green Organics Container.
- 7.2 An occupier of premises who has not been directed by the Council to keep a Green Organics Container on the premises may keep on the occupier's 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 the 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 the 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 use is, in the reasonable opinion of an authorised officer, 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;
- (c) 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
- (d) 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 or by 11.59pm the following day;

## 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 Removal of Waste**

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

## **PART 3 – ENFORCEMENT**

### **10. 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.

### **11. Exemptions**

11.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker or Council Officer 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 or in accordance with a direction of a Council Officer.

11.2 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.

11.3 An exemption—

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

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

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

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

11.5 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 Mitcham held on **9 August 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.



MATTHEW PEARS  
Chief Executive Officer

## LEGISLATIVE HISTORY

### Amendments

Year	By-law No.	Reference	Commencement
2023	8	By-Law Amendment By-Law 2023 published in the <i>Government Gazette</i> on 6 July 2023	6 July 2023

Provision of Waste Management By-law	How varied	Date of Effect
Clause 7.1	Substituted per clause 9.1 of 8/2023	6 July 2023
Clause 7.2	Substituted per clause 9.2 of 8/2023	6 July 2023
Clause 8.6.4	Substituted per Clause 9.3 of 8/2023	6 July 2023
Clause 8.7.1.2(c)	Substituted per Clause 9.4 of 8/2023	6 July 2023