

ES.4**PLACEMENT OF WASTE STORAGE
CONTAINERS IN A PUBLIC PLACE -
LOCAL APPROVALS POLICY**

Division:	technical services	Date Adopted:	Nov 2000
Section:	engineering	Date Last Changed:	
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This Policy was approved by Council at CM 32/94, Item WP.19.

POLICY STATEMENT

1. To set the criteria for the placement of waste storage containers in a public place and to indicate circumstances in which this activity may be exempted;
2. To enable public participation in the approval process.

RELATED LEGISLATION, POLICIES AND PROCEDURES

Section 68 Table C3 Local Government Act 1993.

POLICY STATEMENT

Pursuant to S68 Table C3 of The Act, approval of the Council is required for the placement of waste storage containers in a public place.

Pursuant to S158 of The Act, this is a local approvals policy with respect of the placement of waste storage containers in a public place.

STRUCTURE

This Local Approvals Policy for the placement of waste storage containers in a public place is in three (3) parts

- PART 1** Specifies the circumstances which require approval of Council and circumstances in which the placement of waste storage containers in a public place are exempt from the need to obtain approval of Council.
- PART 2** Specifies the criteria that Council will use to determine if an application for the placement of waste storage containers in a public place may be approved and if so what conditions will apply.
- PART 3** Specifies other matters relating to approvals for the placement of waste storage containers in a public place and will include the following:

Damage
Fees and Charges
Delegations relating to this Policy and Approvals
Compliance

PART 1

DEFINITIONS

A Public Place	A Public Place is as defined in the Act and includes: <ul style="list-style-type: none">• Public Reserves• Public Swimming Pools• Public Roads• Public Bridge• Crown Land and Reserves• Other land so declared by Regulations
The Council	Marrickville Council
The Act	Local Government Act 1993
Traffic Committee	The Local Traffic Planning and Advisory Committee to Marrickville Council. This Committee generally meets once each month.
The Traffic Engineer	The Traffic Engineer employed by Marrickville Council
Container	Waste Storage Container
Approval	An approval issued pursuant to this Local Approvals Policy.
RTA Guidelines	RTA publication "Interim Guidelines for the Placement of Building Waste Containers" ISBN 0 7240 8048
Supplier	The person, corporation or the like who places, or makes arrangement for the placement of a Container in a public place
Hirer	Any person, corporation or the like who requests or contracts a Supplier to place a Container in a public place

This policy relates to the placement of a Container in a public place including, but not limited to
Mini Skips
Building Waste Containers
Mobile Toilets
Clothing Bins
Recycling Bins

EXEMPTIONS

The following are exempted from the necessity to obtain an approval of Marrickville Council
Household garbage bins
Household recycling crates
Materials placed on the footpath for garbage or recycling collection in accordance with approved procedures

PART 2

CRITERIA

The responsibility for obtaining an approval from the Council prior to placing a Container in a public place within the Marrickville Local Government area lies with the person placing the Container (the Supplier).

The criterion contained in the conditions in this Local Approvals Policy for the placement of a Container have been based on the criterion set out the publication ISBN 0 7240 8048 titled "Interim Guidelines for the Placement of Building Waste Containers"

1. LOCATIONAL

- (i) No Container shall be stored, placed or otherwise permitted to remain in a public place without the approval of Council if there is sufficient room for its storage within the property associated with its use.
- (ii) Containers are prohibited in the following locations on the roadway without the approval of the Traffic Committee:
 - in No Stopping Zones;
 - in No Standing Zones;
 - in No Parking Zones;
 - in Bus Zones;
 - in Clearway Zones during Clearway Restrictions;
 - within 6 metres of the property boundary at a street intersection;
 - within 25 metres of a signalised intersection;
 - on classified, arterial, or sub-arterial roads;
 - within 9 metres of the approach side and 3 metres of the departure side of a pedestrian crossing; or
 - within 18 metres of the approach side and 9 metres on the departure side of a children's crossing or bus stop.
- (iii) Containers shall not be placed on a public road in the following circumstances except with the approval of the Traffic Engineer. Such approval may also require the approval of the Traffic Committee.
 - contrary to any other parking regulatory signs;
 - in narrow streets where its placement would or would be likely to restrict normal traffic operations;
 - at locations likely to block or interfere with driveways;
 - at locations likely to block or interfere with movement of vehicles in travelling lanes;
 - at locations which interfere or would be likely to interfere with the sight distance of drivers entering or leaving premises;
 - on a median strip or traffic island;
 - within 3 metres from any separation lines;
 - on a hill or curve where the view of the container is not clear for at least 50 metres;
- (iv) Where containers are approved to be placed on footpaths, the following shall apply:
 - they do not damage Council's footpath;
 - they do not damage underground service facilities;
 - they are not within 6 metres of the property boundary at a street intersection;
 - they do not obstruct pedestrian movements;

they do not obstruct vehicular movements entering or leaving premises;
they are not within any driveway;
they are not placed over any manhole, pit, or at any location which obstructs access to public utility installations without the written approval of the public authority for such installation;
they do not obstruct the flow of water within any defined gutter, drain, gutter or overland flowpath; or
at locations which interfere or would be likely to interfere with the sight distance of drivers entering or leaving premises.

- (v) Where the approval of the Traffic Committee or the Traffic Engineer is required, such approval shall be in writing from the Director Technical services and the placement shall only be made in accordance with this policy and any additional conditions imposed by the Traffic Committee or the Traffic Engineer.
- (vi) Containers not actively being hired shall not be permitted stored within any public place.
- (vii) Containers shall not be placed in any public park or reserve or any other public place without the approval of the Director Technical Services.
- (viii) All containers are to be located on the road except where clearways exist in which case Council will permit them to be located on the footpath subject to adequate clearance being available for pedestrians in accordance with 4 (iv).

2. DIMENSIONAL CRITERIA

The maximum Container dimensions permitted to be placed in a public place shall be:

Road carriageway or public carpark	4.8m long * 1.8m wide * 1.5m high
Footpaths/Verges or other public place	3.6m long * 1.5 wide * 1.5m high

3. VISIBILITY REQUIREMENTS

The following requirements relating to the visibility of the Container shall be met:

- (i) The visibility requirements set out in Clause 2.4.1 of the guidelines shall be complied with at all times.
- (ii) Where the area is not well lit at night, the Supplier shall be responsible for providing and maintaining battery operated yellow flashing lights for the duration that the Container is placed
- (iii) All Containers shall be finished with bright colours. Dark colours such as black, blue, or dark green shall no be permitted.

4. OTHER CONDITIONS

The placement of a Container in a public place shall also be subject to the following conditions:

- (i) The hirer shall be made aware of the Supplier's responsibilities in regard to ensuring that the following proper pollution controls are observed:
 - No putrescible or hazardous waste materials shall be stored or transported in a Container.
 - All materials shall be contained wholly within the container
 - All debris spilled in the vicinity of the container shall be cleaned up immediately

- (ii) Containers which do not meet the visibility requirements contained in the RTA Guidelines, in particular to colour, signs, reflectors and lights, shall not be placed in a public place.
- (iii) Containers shall be placed and removed in a manner so as not to damage in any way Council's capital infrastructure including footpaths, kerbs, gutters, driveways, road pavement, drainage pits, trees, signs and the like.
- (iv) Containers shall not be placed on a footpath where there is less than 1500mm clear distance for pedestrians to pass.
- (v) Containers placed in any public road must be visible at all times to oncoming traffic
- (vi) No liquid materials shall be permitted to leak out from the Container
- (vi) Containers shall be removed at the first available opportunity and shall not be permitted for a longer period than the period approved, unless the time has been extended and all required fees have been paid to the Council.
- (vii) The Supplier have a current public liability insurance current in an amount of not less than ten million dollars (\$10,000,000)
- (viii) The Supplier having paid all fees, payable under this policy, for the placement of a Container in a public place.
- (ix) The Supplier covering the Container whilst in transit to the waste transfer station or refuse receiver.
- (x) The Supplier affixing an approval permit sticker onto the Container
- (xi) The Supplier's name, address and telephone numbers for business hours and after hours being clearly displayed on the Container.
- (xii) The Supplier ensuring that the Container is removed prior to the expiry date specified in the permit or prior to the date as may be extended, subject to any additional fees being paid to Council.

PART 3

Damage
 Fees and Charges
 Delegations relating to this Policy and Approvals
 Compliance

1. DAMAGE

- (i) In the event that the placement, use or removal of a Container results in damage or injury to either Council's infrastructure assets or to any other public authority's infrastructure, the Supplier shall be responsible to pay the costs of repairs arising from such damage.
- (ii) The Supplier shall be responsible to pay to Council the cost of cleaning up any debris associated with the use of the Container including recovery of costs from damage to infrastructure by waste spillage from the Container or costs to clean up sites and transport routes taken by the Supplier in removing the Container.

- (iii) Containers may be placed in approved locations only by means of a crane in order to prevent impact and abrasion damage to Council's road and footpath infrastructure. Containers must only be lifted or removed from Council property by means of a crane in order to similarly prevent mechanical damage.

2. FEES AND CHARGES

Fees and Charges shall be applicable to the placement of a Container in a public place. Charges shall be determined by Council and can be found in the Fees and Charges Schedule for the following categories:-

Approval Fees

Per Day

0-1 week

More than 1 week (per week)

Impounding Fees

Placing a Container without approval

Leaving a Container in a public place without a current permit

Notice to Supplier or owner or hirer that the Container has been impounded

Impounding a Container

Storing a Container

Disposal of Materials

Return of Container

Registration of Suppliers

(Refundable Security Deposit)

Annual Approval Fee

Cancellation of Approval by Council

3. DELEGATIONS

It is proposed that the approval for the placement of a Container in accordance with this policy shall be delegated to the General Manager.

4. COMPLIANCE

Where a Container has been placed without an approval, the Container shall be deemed to be an "unattended article" and may be impounded by Council pursuant to the provisions of the Impounding Act 1993.

In the event of a Container being impounded, the impounded Container shall only be released back to the Supplier after all outstanding fees and charges have been paid to Council.

The impounded Container will be sold if it is not claimed within 28 days of the date of notice given to the Supplier advising of the impounding, or within 28 days of completing enquiries attempting to identify the owner of the Container. The provisions of the Impounding Act 1993 shall apply to any Container impounded by Council.

The Supplier or hirer of a Container, whether or not it has been placed in a public place in accordance with this policy, may be ordered by Council pursuant to Section 124 Order No. 27 of the Act to remove such container.

The order shall set out the circumstance of the order and may be served on the Supplier, or if the supplier is not known, on the hirer or the owner of the land responsible for requesting its placement.

The order shall also set out a time requirement for complying with such an order which, unless immediate compliance is required, shall be 24 hours.

Where an order specifies immediate compliance in circumstances where the Council believes there to be a serious risk to health or safety, or where traffic is disrupted, or in an emergency, the person receiving the order shall immediately arrange for the terms of the order to be complied with.

A Supplier shall be deemed to have knowingly placed a Container in a public place in contravention of this policy if he has been advised of Council's Policy or has received a warning from Council in respect of placing a Container without approval or in contravention to this policy.

Where a Supplier knowingly places a container in breach of this policy, the Council may impound that Container without further reference to the Supplier. Council may also pursuant to Clause 673 of the Act take such further action in proceedings in the Land and Environment Court as may be necessary to remedy or restrain any continued breaches of this policy.

In the event a person fails to comply with an order Council may, pursuant Clause 678(1), do whatever is necessary to have the terms of the order effected including the carrying out of the order itself. The costs incurred by Council in having to effect the order will be at the expense of the Supplier and may be recovered through the courts.

The Council may invoke the provisions of Section 72 of the Police Offences Act in requiring the removal of a Container.

Materials impounded with the Container which are able to be stored for a period of one (1) month will be so stored after which time they will be disposed of. To reclaim any materials within the period of one (1) month a fee will be payable to Council.

A monetary fine of up to \$2,000 is provided under Clause 628(2) of the Act if a person is guilty of not complying with Order No. 27

Where a Supplier who has registered with Council, continues to breach this policy, his registration may be cancelled and a cancellation fee shall apply.