

LG302

LOCAL GOVERNMENT ACT 1995
WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007

City of Albany

WASTE AMENDMENT LOCAL LAW 2019

Under the powers conferred by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Albany resolved on 28th May 2019 to make the following local law—

1. Citation

This local law may be cited as the *City of Albany Waste Amendment Local Law 2019*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal local law amended

This local law amends the *City of Albany Waste Local Law 2017*.

4. Clause 1.5 amended

Clause 1.5 amended as follows—

- (a) Delete the definition of “*refuse*”.
- (b) In the definition for “**general waste**” delete “**general waste**” and replace with “**General waste receptacle**”; and
- (c) In the definition for “**occupier in relation to premises**” delete “**occupier in relation to premises**” and replace with “**Occupier**”.

5. Clause 2.7 amended

- (a) Delete clause 2.7(1).
- (b) Clause 2.7, amended as follows—

2.7 Duties of owner or occupier

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) if a receptacle requires to be emptied of waste, take reasonable steps to place a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is—
 - (i) within 1 metre of the carriageway;
 - (ii) does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - (ii) facing squarely to the edge of and opening towards the carriageway, or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that an adequate number of receptacles are provided and used for those premises and that each is kept in good condition and repair; and
- (d) in the case of a receptacle that is supplied by the local government, if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

6. Clause 2.8 amended

Clause 2.8(1) is amended as follows—

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7 (a) or (b).

7. Clause 2.9 amended

Delete clause 2.9 of the City’s *Waste Local Law 2017* and replace as follows—

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, must not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

8. Clause 3.3 amended

Clause 3.3 is amended as follows—

- (a) In subclause (b) delete “a receptacle provided for the use of the general public in a public place”; and
- (b) After subclause (b) insert “a receptacle provided for the use of the general public”

9. Schedule 2 amended

Schedule 2 is amended as follows—

- (a) In item 11, delete “2.7(2)(a)” and insert “2.7(a)”;
- (b) In item 12, delete “2.7(2)(b)” and insert “2.7(b)”;
- (c) In item 13, delete “2.7(2)(c)” and insert “2.7(c)”;
- (d) In item 14, delete “2.7(2)(d)” and insert “2.7(d)”.

The Common Seal of the City of Albany was affixed by authority of a resolution of the Council in the presence of—

DENNIS WELLINGTON, Mayor.
ANDREW SHARPE, Chief Executive Officer.

Dated: 7 June 2019.

Consented to—

MIKE ROWE, Chief Executive Officer,
Department of Water and Environmental Regulation.

Dated this 9th day of April 2019.