



THE LORD MAYOR OF SYDNEY
CLOVER MOORE

28 September 2015

Peter Young
2011 Residents Association Inc.
By email 2011rai@gmail.com

Dear Peter

Cleaning Up Woolloomooloo and Commercial Waste Management

I refer to your email about street cleaning and maintenance in Woolloomooloo.

At its meeting on 10 August Council carried a varied version of the Cleaning Up Woolloomooloo motion. The version as carried can be seen on page 1731 of the Council Minutes at bit.ly/1MHFNsQ.

Further to this, at its meeting on 14 September 2015, Council carried a varied version of the Commercial Waste Management motion. The version as carried resolves that:

(A) Council note:

- (i) in the last 12 months, the City has received over 550 complaints relating to improper storage of commercial bins on footpaths and laneways (78 per cent of these occurring often) and over 300 offensive noise complaints due to contractors collecting waste outside of Council stipulated times;
- (ii) the impacts of incorrect commercial waste management and collection negatively impact the community and the environmental amenity of City streets, lanes and footpaths. Issues include improperly stored bins, litter from overfilled bins, frequent truck movements and noise from after-hours collection outside of Council stipulated times;
- (iii) the City's Local Approval Policy for Waste Collection (Waste Policy) defines the waste management responsibilities of both residents and businesses in the LGA and specifies the approved collection times for commercial and domestic waste to ensure waste and recycling in the public place is managed safely and with minimal disruption to the community. Under the Waste Policy, businesses are responsible for arranging their own waste services, typically by engaging a commercial waste contractor;
- (iv) under clause 48 of the Local Government (General) Regulation 2005, commercial waste collection activities can be carried out without council approval, which restricts the City's ability to regulate collection times for commercial waste, as defined in the Waste Policy;

- (v) the City of Melbourne introduced waste laws in 2010 to better manage the collection and storage of waste in the City's central city district. The laws require commercial contractors to apply for a permit from the City of Melbourne and obey the conditions of the permit (which regulate how they collect commercial waste) to avoid being fined. Victorian legislation allows bylaws to be made by local government;
- (vi) there is no capacity in NSW legislation that enable councils to pass bylaws to regulate commercial waste management practices such as collection outside of stipulated times;
- (vii) under the Environmental Planning and Assessment Act 1979, Council can only enforce breach of waste management conditions on offending businesses or building owners under development consents, but not on waste collection contractors; and
- (viii) the only legal avenue for Council to take action against offending commercial waste collectors is under the Protection of the Environment Operations Act 1997 to serve a prevention notice for offensive noise;

(B) the Chief Executive Officer be requested to:

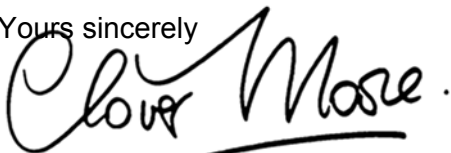
- (i) write to the Premier's Department, Minister for Local Government, Minister for Transport, and the Office of Local Government highlighting the existing problems experienced by the community as a consequence of Council's inability to regulate commercial waste activities and request appropriate legislative changes to address this issue; and
- (ii) while pursuing this option, work with local business, commercial waste collection organisations and the Waste Contractors and Recyclers Association (WCRA) in areas where the collection practices are having an adverse impact on the community, to develop voluntary solutions to address the existing problems; and

(C) update Council on progress through a CEO update within six months.

In response to your concerns and the concerns of City residents and businesses alike, our Cleansing & Waste staff will work with Housing NSW and local businesses that they find are not dealing with waste responsibly. Daniel Hartin, the City's Waste & Recycling Improvement Officer, will educate them about their waste responsibilities and discuss issues such as bin presentation, bin collection times, bin sizes, lockable bins where appropriate, and frequency of waste collection services.

Daniel would be pleased to keep you updated about waste issues in Woolloomooloo and other areas of the City. He can be contacted on 9265 9333 or at dhartin@cityofsydney.nsw.gov.au.

Yours sincerely



Clover Moore
Lord Mayor of Sydney