



Policy Owner: Director Community, Planning & Environment

Category: Operational

Direction: 1. Our Living Environment

1. STATEMENT OF INTENT

- 1.1 This Policy aims to improve the management of trade waste by business operators in the Crows Nest commercial area in order to improve the aesthetic character of the area, enhance commercial vitality and address public health issues including ongoing vermin population control. Financial penalties may be applicable to businesses who fail to comply with the Policy.
- 1.2 Council and the North Sydney community are committed to environmental sustainability in practice. Businesses in Crows Nest are encouraged to reduce their waste footprint through a combination of approaches including waste avoidance, minimal packaging, re-use and recycling.

2. ELIGIBILITY

- 2.1 This Policy applies to all businesses in the Crows Nest commercial area that produce trade waste and engage the services of a waste collection contractor.
- 2.2 The Crows Nest commercial area includes businesses that back onto Hume Lane, Zig Zag Lane and Willoughby Lane.
- 2.3 Some conditions contained in this Policy are only applicable to businesses that present their trade waste bins in a public place (i.e. footpath) and laneway for collection.

3. DEFINITIONS

- 3.1 Trade Waste includes:
 - a) Any discarded, rejected, unwanted, surplus or abandoned substance, or
 - b) Any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance.

- 3.2 Litter includes:
- a) Any solid or liquid domestic or commercial refuse, debris or rubbish and, without limiting the generality of the above, includes any glass, metal, cigarette butts, paper, fabric, wood, food, abandoned vehicles, abandoned vehicle parts, construction or demolition material, garden remnants and clippings, soil, sand or rocks; and
 - b) Any other material, substance or thing deposited in or on a place if its size, shape, nature or volume makes the place where it is deposited disorderly or detrimentally affects the proper use of that place deposited in or on a place, whether or not it has any value when or after being deposited in or on the place.

4. PROVISIONS

- 4.1 Businesses may place a trade waste bin in a public place for collection, provided:
- 4.1.1 There is no space available within the business property for the collection of trade waste;
 - 4.1.2 The business can produce, at the request of a Council Officer, written evidence of a valid and current contract for waste collection (at a specified hour); and
 - 4.1.3 The business accepts responsibility for its trade waste bin.
- 4.2 Trade waste collection contractors engaged by businesses to service their needs must adhere to the following conditions:
- 4.2.1 Provide the business with a valid contract;
 - 4.2.2 Only supply the business with bins that are acceptable by Council and meet *Australian Standard AS4123*;
 - 4.2.3 All bins must clearly display the name and address of the business;
 - 4.2.4 Specify a method and timing of collection that adheres to this Policy.
- 4.3 Trade waste receptacles must be acceptable by Council and consistent with the following provisions:
- 4.3.1 Permanently fixed, tightly fitting lid;
 - 4.3.2 Smooth internal washable surface;

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- 4.3.3 Bin clearly labelled with the name, telephone number and/or address of the Crows Nest business and also the name of the waste contractor.
 - 4.4 Trade waste bins being presented for collection must be managed in accordance with the following conditions:
 - 4.4.1 The location of the trade waste bin must not disturb traffic flow, impede or endanger pedestrian movement, restrict driver sight lines or vehicle access.
 - 4.4.2 The trade waste bin(s) cannot be placed in front of other premises without the owner's written permission.
 - 4.4.3 Bins shall be placed out for collection no earlier than 5.00pm and no later than 10.00pm on the day before collection.
 - 4.4.4 All trade waste must be collected between the hours of 6.00am and 10.00am.
 - 4.4.5 Trade waste bin(s) presented for collection in a public place must be removed from the public place and returned to the business premises within one hour of the collection service being carried out.
 - 4.4.6 Waste and recycling bins are not to be stored permanently in streets and laneways unless specifically prescribed by Council in writing.
 - 4.4.7 All business proprietors are requested to adhere to above clauses 4.4.3 and 4.4.4 by negotiating appropriate collection times with their trade waste collection contractor.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Adherence to this Policy is the responsibility of all business operators in the Crows Nest commercial area that produce trade waste and engage the services of a trade waste collection contractor.
- 5.2 Business operators who fail to meet the requirements of this Policy, or a previously applied development consent condition relating to trade waste management, may be fined under a Penalty Infringement Notice (PIN).
- 5.3 Under relevant provisions of the *Protection of the Environment Operations Amendment (Littering) Act 2000*, littering penalties up to \$750 may be imposed on businesses who fail to appropriately store their trade waste. Under this legislation, the definition of 'litter' includes waste placed in a public place for collection that does not meet Council's servicing requirements, as detailed in this Policy.

- 5.4 The Crows Nest Mainstreet Committee will ensure all businesses are made aware of their responsibilities in managing commercial waste. The Crows Nest Mainstreet Committee will also “name and shame” regular offenders, and liaise with these businesses on a direct level.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Crows Nest Mainstreet Committee Strategic Plan 2010
- Development Control Plan

The Policy should be read in conjunction with the following documents/legislation:

- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations Act Amendment (Littering) 2000
- Work Health and Safety Act 2011
- Australian Standard AS4123

Version	Date Approved	Approved by	Resolution No.	Review Date
1	13 August 2012	Council	470	2012/13
2	18 February 2013	Council	61	2016/17
3	25 June 2018	Council	214	2020/21
4	22 August 2022	Council	251	2024/25