



Licensed Clothing Appeal Collection Bins on Council Land Policy

DOCUMENT REVIEW AND APPROVAL

This document has been approved by:

	Approved by	Minute No.	Date Approved
1.	Works & Emergency Services Committee WKS104-97	1086	14 April, 1997
2.	Services & Facilities Committee SAF216-10	040	19 July, 2010
3.	Lifestyle Recreation & Sports Committee LRS041-15	376	10 November 2014
4.	Finance & Strategy Committee FAS042-16	421	21 March, 2016

Revision history:

Version	Author	Date	Revision
1.	Manager - Property	1 April, 1997	Original Version.
2.	Manager – Waste	28 June, 2011	Review conducted, no amendments
3.	Manager - Property	17 February, 2012	Annual review conducted, no amendments
4.	Manager - Property	1 February, 2013	Annual review conducted, no amendments
5.	Property Services Manager	21 March, 2014	Annual review conducted, no amendments
6.	Property Services Manager	9 February, 2015	Annual review conducted, no amendments
7.	Property Services Manager	21 March, 2016	Policy amended to allow bins on Council land under lease agreement.

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1. PURPOSE

The purpose of this policy is to advise how the placement and management of clothing appeal collection bins (clothing bins) will be controlled and regulated by Council to minimise the impact on the community.

2. OVERVIEW

It is recognised that clothing bins provide a valuable service to the community, raising money for charities and providing residents with a convenient disposal point for unwanted clothing. They encourage recycling and divert unwanted items from landfill. However, badly managed and poorly located clothing bins can cause problems with illegal dumping, graffiti, obstruction of vehicles and pedestrians.

3. OBJECTIVE

- To provide effective control over the use, location and number of clothing bins located on Council controlled land.
- To provide Council with a financial return from commercially operated clothing bins.
- To provide not for profit and charity organisations an opportunity to locate their clothing bins in Council car parks at a rate which covers Council's administrative costs.

4. PERMISSIBLE LOCATIONS

Council will identify a list of pre-approved sites for clothing bins and the number of clothing bins permitted on each site will be determined on a site specific basis. Approval will only be granted for the clothing bins to be situated in Council controlled car parks where they do not reduce high demand spaces and must not obstruct any access way or parking place. Clothing bins are prohibited from parks and reserves and on the public footpath and roadways.

5. THE APPROVAL PROCESS

All clothing bins placed in Council controlled car parks are subject to a Section 68 Local Government Activity Approval and requires the owner of the bin to enter into a licence agreement with Council. Approval for the location of the clothing bin will be for a period of up to two years. The granting of any approval will be subject to any necessary planning requirements.

Council charges a market based fee for placement of clothing bins on Council land. These fees and charges are adopted by Council annually. A reduced fee will be offered to the owners/operators of bins who are a registered charity. Application from these operators must be accompanied by proof that the owner/operator of the bin is a member of the National Association of Charitable Recycling Organisation and/ or is a 100% charitable organisation.

The owner/operator of the clothing bin must provide Council with their public liability insurance of at least \$10 million. On the anniversary of the licence term, the licensee must produce evidence to Council of the current insurance policy. If the licensee fails to maintain the required insurance policy, then Council may recover the insurance premium from the licensee as a charge under the licence.

The number of clothing bin providers will be limited to a maximum of three operators in any one locality as determined by Council.

6. OPERATORS RESPONSIBILITIES

The clothing bin must be emptied on a regular basis (twice per week as a minimum) and the area around the bin to a distance of three metres must be maintained in a neat and tidy condition at all times. This requirement will continue to apply for a period of up to six months following removal of a clothing bin from a location. Failure to remove rubbish and dumped material from around the bin will result in immediate termination of the occupation right for the bin at the specific location.

Overflowing bins that are brought to the attention of the operator need to be emptied within 48 hours, along with any rubbish and dumped material from around the bin. Failure of the operator to adhere to this requirement may result in termination of the occupation agreement.

Clothing Bins should be well presented, with regular maintenance and painting undertaken. Graffiti of clothing bins is to be removed by the operator at the operator's expense within (7) seven days of notification by Council. Council may direct the replacement of a clothing bin that is damaged.

Clothing bins must be sign-written with the name, address and telephone number of the operator. The banking or grouping of clothing bins is preferred.

7. COMPLIANCE

If a clothing bin is placed on Council property without Council's approval, an order will be given to have the bin removed within seven days. If the bin is not removed, Council may issue a Penalty Infringement Notice and/or impound the bin. The fee for impounding a bin will comprise the commercial cost of having the bin transported to the pound plus administration fees and daily storage fees. These fees may change from time to time in accordance with Council's Fees and Charges.

Bins must be removed from Council land at the end of the licence period. Any bins that remain on Council land after expiry of the licence can be voluntarily removed or impounded by Council under section 15 of the Impounding Act 1993

Bins without approval can be voluntarily removed or impounded by Council under section 15 of the Impounding Act 1993.

8. RELEVANT LEGISLATION

- Local Government Act 1993
- Impounding Act 1993
- Environmental Planning and Assessment Act 1979

9. STAKEHOLDERS

Property Services Manager

- Grant Activity Approval under delegation in accordance with this policy
- Monitor the performance of the policy
- Report breaches of policy
- Recommend changes to policy

Property Officer

- Administer Activity Approvals
- Liaise with bin operators on car park locations for bin placement and number of bins per location
- Liaise with Regulation staff on location of approved bins and removal of illegal bins

Manager Health and Regulation

- Liaise with Property Services Manger on placement of approved bins
- Monitor the performance of the policy
- Report breaches of policy
- Recommend changes to policy

Regulation Officer

- Liaise with Property Officers on placement of approved bins
- Liaise with Property Officers on illegal bins
- Administer the removal of illegal/ unapproved bins from Council land

10. REVIEW DATE

Council will review this policy on a biennial basis within the first quarter of the relevant calendar year or at the request of Council or in response to legislative and statutory requirements.

11. DEFINITIONS

Clothing Bin: A container used for the collection of unwanted items of clothing and shoes.

Illegal Dumping: The placement of waste onto private or public land where no license or approval exists to accept such waste.

Waste: Is defined by *the Protection of the Environment Operations Act 1997* and includes:

(b) *any discarded, rejected, unwanted, surplus or abandoned substance,*
or

(c) *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.*