



Clothing Bins on Council Land Policy

Adoption Date:	10 April 2006
Review Date:	
Version:	2
Division/Department:	Technical Services/Property & Projects
Responsible Officer:	Manager – Property & Projects
HPE CM Record Number:	19/11146

Contents

Purpose	3
Scope	3
Overview	3
Definitions	4
Relevant Legislation	4
Policy	4
Procedure	4
Activity Approval And Lease Agreement Required	4
Owners/Operators Of Clothing Bins Must Be A Registered Charity	5
Clothing Bins Can Only Be Placed In Public Carparks.....	6
\$20,000,000 Public Liability Insurance Is Required.....	6
Clothing Bins Are To Be Managed And Maintained So As Not To Create A Nuisance.....	7
Council May Impound Clothing Bins That Have Been Placed On Council Controlled Land Without Prior Council Approval.....	7
Role of Rangers	8
Documentation/References	8

Purpose

The purpose of this Policy is to:

- Identify how the placement and management of clothing bins will be controlled and regulated to minimise any nuisance and ensure public safety; and
- Provide guidelines for the approval of Local Government Act Activity Applications for the placement of clothing bins on Council controlled land.

Scope

The procedure sets out our policy position and our requirements for an Activity Approval and appropriate land lease in relation to clothing bins on Council land.

Overview

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 the general waste stream and landfill. However, badly managed and poorly located clothing bins can cause the following problems:

- Illegal dumping;
- Graffiti;
- Obstruction of vehicles; and
- Obstruction of pedestrians.

The above problems can cause environmental harm, damage to vehicles and injury to the public.

As such, to better control the placement of clothing bins on Council controlled land, Council requires all clothing bins placed in a public place to be subject to a Section 68 Local Government Act Activity Approval and requires the owners of the bins to enter into a lease agreement with Council.

The placement of clothing bins on private property does not require Council approval. Any nuisances that may arise from the placement of clothing bins on private property would be regulated through the Orders provisions of the *Local Government Act 1993* or the *Public Health Act 1991*.

Definitions

Term	Meaning
Clothing Bin	A container used for the collection of discarded, rejected, unwanted, surplus or abandoned items of clothing, rags, shoes, belts, bags and other similar items.
Public Place	As defined in the <i>Local Government Act 1993</i> and includes, public parks, public reserves, public roads, public car parks and public wharves.
Waste	As defined by the <i>Protection of the Environment Operations Act 1997</i> 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, reprocessing, recovery or purification by a separate operation from that which produced the substance".

Relevant Legislation

Local Government Act 1993

Policy

Our policy on clothing bins is to permit a maximum of 23 charity only operated clothing bins in Council's public car parks, with a maximum of 3 bins in any car park, subject to the bins being located in a manner which will not cause inconvenience, each operator obtaining activity approval under the Local Government Act and each operator entering into a lease agreement.

Procedure

A. Activity Approval and Lease Agreement Required

Section 68 of the Local Government Act states, in part, the following:

"(1) A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.

Part C Management of Waste

3. *Place a waste container in a public place".*

Accordingly, prior to the placement of a clothing bin in a public place, a Section 68 Local Government Act Activity Approval must be obtained from Council. Such approval may be subject to conditions.

The required application is to be lodged using an [Activity Application – Place Clothing Bin\(s\) in Public Place Form](#) available on Council's website and is to be accompanied by the following:

- The prescribed nominal fee as adopted by Council;
- Details of the contact person within the organisation who has control of locating and servicing the clothing bins;
- A fully dimensioned location sketch plan;
- Details on the number and size of clothing bin(s);
- A management statement on how the bin(s) and surrounding area is to be maintained, including the frequency of emptying the bins;
- Proof of membership of the National Association of Charitable Recycling Organisation (NACRO) or proof that the organisation is a 100 percent charitable organisation; and
- An insurance certificate that notes Woollahra Municipal Council as indemnified in an amount not less than \$20,000,000.00 against all public risk.

The required application will be registered and tracked on Council's Authority computer system. The submitted documentation will be placed on the applicable property file and will be referred to the Team Leader Compliance for consideration and determination. Comments will be sought from Council's Property Section before any application is determined.

Approval will be provided for a maximum period of five (5) years, subject to compliance with all relevant conditions.

Following approval the organisation must enter a lease agreement with Council, for a nominal fee, prior to the placement of the bin.

B. Owners/Operators of Clothing Bins must be a Registered Charity

An application for the placement of a clothing bin on Council controlled land will only be approved if the owner/operator of the bin is a registered charity such as St Vincent de Paul, Lifeline, Mission Australia and/or the Smith Family.

For this reason, the required application 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 percent charitable organisation.

C. Clothing Bins Can Only Be Placed in Public Carparks

Clothing bins **are prohibited** on Council controlled parks and reserves and on public footpaths and roadways, including on the rear of a parked vehicle. Approval will only be granted to clothing bins located in Council controlled carparks, subject to the following requirements:

- 1 Clothing bins will only be approved in Council controlled carparks at the discretion of Council and will be subject to amenity considerations. Bins will be prohibited where there is an unreasonable impact on the aesthetics and amenity of a site or where undue obstruction is caused.
- 2 Council shall determine the number of bins which may be located within any given area. As a general rule, only 1 bin per 800m² of site area, will be permitted, with a maximum of 3 bins in any car park. At this rate it is estimated that the maximum number of clothing bins that would be permitted in the following carparks is as follows:
 - Anderson Street Carpark, Double Bay – 1 clothing bin
 - Cross Street Carpark, Double Bay - 3 clothing bins
 - Dover Road Carpark, Rose Bay – 2 clothing bins
 - Hugh Latimer Carpark, Double Bay - 1 clothing bin
 - Kiaora Lane Carpark, Double Bay – 3 clothing bin
 - Lyne Park Carpark, Rose Bay - 3 clothing bins
 - Manion Avenue Carpark, Rose Bay - 3 clothing bins
 - Queen Street Carpark, Woollahra - 1 clothing bin
 - Tennis Courts Carpark, Rose Bay - 3 clothing bins
 - Wilberforce Carpark, Rose Bay – 3 clothing bins
- 3 The banking or grouping of clothing bins is preferred.
- 4 Clothing bins must be readily accessible and are not to be located in car spaces and manoeuvring areas and must not obstruct an access way.
- 5 Clothing bins must be located in such a way so as not to contravene any condition of development consent applicable to the site.

D. \$20,000,000 Public Liability Insurance is Required

The charity responsible for the clothing bin(s) is required to effect public liability insurance of at least \$20,000,000, naming and indemnifying Woollahra Municipal Council. An insurance certificate satisfying this requirement is to be submitted with the Section 68 Local Government Act Activity Approval application.

A certificate of currency is to be submitted annually to Council on the anniversary of the formal lease agreement.

E. Clothing Bins are to be Managed and Maintained so as Not to Create a Nuisance

The ongoing management of clothing bins will need to comply with the following requirements:

- 1 Clothing bins must be sign written with the name, address and telephone number of the charity controlling the bin, together with any other information required to be displayed by Section 19 of the Charitable Fundraising Act 1991 or recommended by the Best Practice Guidelines for Charitable Organisations prepared by the Department of Gaming & Racing.
- 2 Clothing bins must have a label issued by the National Association of Charitable Recycling Organisation (NACRO) identifying that the owner is a member of that organisation or clearly labelled that they are a 100 percent charitable organisation.
- 3 Clothing bins must be cleared regularly and the area around the bin to a distance of 3 metres must be maintained in a neat and tidy condition at all times. Failure to remove rubbish and dumped material from around a clothing bin will result in a breach of the approval and possible termination of occupation rights for the bin at the specific location.
- 4 Clothing bins shall be maintained in a presentable state, with regular painting and repair work as required. Any graffiti on a clothing bin is to be removed by the owner of the bin within (7) seven days of notification by Council.
- 5 Council may direct the replacement or repair of a damaged clothing bin. Failure to comply with such directions will result in a breach of the approval and possible termination of occupation rights for the bin at the specific location.
- 6 Council reserves the right to remove any approved clothing bin following ongoing breaches of the approval or lease agreement. Formal written notification will be provided to the owner of the clothing bin, prior to its removal.

F. Council May Impound Clothing Bins That Have Been Placed on Council Controlled Land without Prior Council Approval

If a clothing bin is placed on Council controlled land without Council's approval, an order will be given to have the bin removed within seven (7) days. If the bin is not removed, the Council may issue a Penalty Infringement Notice and/or impound the bin. The fee for impounding the bin will comprise the commercial cost of having the bin transported to the pound plus an administration fee and daily storage charge, in accordance with Council's adopted fees and charges.

Role of Rangers

Council's Rangers are responsible for undertaking routine patrols of the public places controlled by Council. Through these patrols they are required to identify and take action against any clothing bins that are:

- 1 Operating without approval.
- 2 Operating contrary to an approval.

Flow Chart

No flow chart applies to this Procedure.

Documentation/References

	HPECM Reference
Activity Application Clothing Bin – Application Form	18/119304
Licence Agreement Template	18/119307
Best Practice Guidelines for Charitable Organisations	19/11213

Policy Amendments

Date	Responsible Officer	Description
10 April 2006	Tim Tuxford	Policy adopted
15 April 2015	Anthony Sheedy	Policy reviewed and updated, including Activity Application Form