

**POLICY NAME**

Charity Clothing Bins

**POLICY NUMBER**

PDAS 006

**DATE ADOPTED**

13 July 2015

**COUNCIL MINUTE NUMBER**

PRC 50

**ECM NUMBER**

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**POLICY TYPE**

Council

**REVIEW DATE**

July 2019

**RESPONSIBLE DEPARTMENT**

Public Domain Amenity and Safety

**RELATED DOCUMENTS**

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Policy Statement:

**1. Introduction**

In the preparation of this policy for Charity Clothing Bins, hereafter referred to as “bins”, Penrith City Council acknowledges that these 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.

With that in mind, the intent of this policy is to inform the community, charity organisations and companies of certain restrictions that apply for the placement of charity clothing bins in public spaces within the Penrith Local Government Area.

**2. Scope**

The intent of this policy is to ensure a consistent and equitable approach to the placement of bins within the Penrith Local Government Area. The policy will ensure that bins on Council owned or controlled land are placed in accessible and safe locations with appropriate management practices in place to ensure there is minimal impact on the amenity of the public space.

**3. Definition**

**Charity Clothing Bin:** Bins or containers that are so constructed as a closed container of steel construction with a weather proof chute for the purpose of collecting and holding unwanted or used clothing for the purpose of being recycled.

**Public Place:** as defined in the *Local Government Act 1993* and includes sites that are owned and managed by local councils including, public parks, public reserves, public roads, public car parks etc. Such sites are classified as being either community or operational land for the purposes of their use.

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

- (a) Any substance (solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- (b) Any discarded, rejected or 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.

## **4. Policy**

### **4.1 Application Process**

Section 68 of the *Local Government Act 1993* 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 approval.*

*Part C Management of Waste*

*3 Place a waste container in a public place.” (refer to the definition of “waste” within the Environment Operations Act 1997 referenced above)*

Accordingly, prior to the placement of any clothing bin in a public place, Section 68 of the Local Government Act requires a registered charity &/or member of the National Association of Charitable Recycling Organisations (NACRO) to receive an Activity Approval from Council. This approval will require the organisation to enter into an agreement with Council following the completion and assessment of the applicable “Application for Charity Bins” form (Appendix “A”).

#### **4.1.1 Approvals**

All operators of bins require the approval of Council before placing bins on Council approved public spaces.

Only organisations recognised as being a registered charity &/or member of NACRO can seek approval from Council to:

1. Own and operate bins at appropriate sites as identified within 4.3 of this policy or
2. Endorse the ownership and operation of bins by commercial operators (which can demonstrate they provide either a financial &/or employment benefit back to the charitable organisation).

Under either arrangement, the name and contact details of the charitable organisation confirming they are either a member of NACRO &/or a charitable organisation must be clearly identified on each approved bin.

A key outcome for Council under this policy is to achieve an equitable distribution of bins across the city for registered charities &/or NACRO member organisations. A level of Council discretion will therefore apply, at times, within the approval process for this to be achieved.

Placement of all bins will be subject to the terms and conditions identified in this policy.

Approvals will be granted for a 12 month period commencing 1st July each year and subject to the payment of Council's adopted Fees and Charges (refer section 4.1.2). However applications from approved applicants will be accepted at any time during the year with applicable pro-rata fees applying.

All agreements will be subject to the registered charity &/or member of NACRO providing evidence of their current \$10 million Public Liability (PL) insurance. They shall be responsible for and shall indemnify and keep indemnified the Council against liability in relation to all approved bins.

Once approvals are issued, Council will routinely review the continuing suitability of any location or site for a bin, as described in this policy, and remove any location or site if necessary. Considerations such as levels of anti-social behaviour, frequency of graffiti and incidences of rubbish dumping in the immediate area around the bin will be used by Council in any decision to require the removal and/or relocation of a bin. Such action will not be taken unless all attempts to manage compliance issues or other management issues at that location or site have been explored with the bin owner.

Under the terms of all approvals, all bin removal requests must be actioned by the bin owner within 28 days.

A requirement of all agreements is that any location used for the placement of a bin, must be restored back to its original condition by the bin owner, following the removal of a bin for any reason.

#### **4.1.2 Fees and Charges**

Council's annual Fees and Charges requires where a clothing bin is placed on a Council owned and managed property, a fee is paid per year or part thereof for each bin.

#### **4.2 Appearance of Bins**

Clothing bins shall be presentable at all times, with regular maintenance and painting undertaken by the bin owner.

##### **4.2.1 Bin Dimensions**

Bins must not exceed the following dimensions:

- Width 1.2 metres
- Depth 1.3 metres
- Height 1.9 metres

##### **4.2.2 Signage and Communication:**

The bin must clearly identify the following:

- the name and the contact details of the charitable organisation &/or member of NACRO that own and/or operate the bin or have endorsed the ownership and operation of the bin by a commercial operator;
- a 24 hour on-call number to report issues with the bin such as illegal dumping or damage;
- a list of items that can be donated – this could be depicted by photographs of suitable items; and

- an instruction for people not to leave items outside of the bin including information stating that littering and/or illegal dumping is an offence under the Environment Operations Act 1997 – Sections 143 & 145

Additionally, all bin owners will be provided with A4-sized stickers from Council with information regarding the household waste and recycling options available within the Penrith Local Government Area, including relevant website details and the phone contact for Council's Waste Services team.

Council will prominently display an appropriate registration number on each bin. This number will clearly identify all bins that have been approved by Council.

#### **4.2.3 Graffiti**

All graffiti must be removed from bins within three (3) working days of it being reported. All offensive/obscene graffiti must be removed with 24 hours.

#### **4.2.4 Damage:**

Council may direct the replacement of a clothing bin that has been damaged.

### **4.3 Location/Site Requirements**

Approval for bins, on Council owned &/or managed land, will generally only be permitted within Council approved car parks. Bins will only be permitted in locations that are convenient and safe for people to access i.e. away from passing vehicles, trip hazards and which allows for legal parking. No bins will be permitted within designated parking spaces and vehicle manoeuvring areas.

Only bins that are clearly visible, in well-lit locations, and able to be easily monitored via the natural surveillance of passers-by &/or by persons from within surrounding buildings will be approved.

Where possible a potential site should have a concrete, gravel or paved base. Grass or landscaped areas will only be considered as a secondary option at the discretion of Council.

Bins will not be approved within:

- designated footpath/nature strip areas;
- locations that are considered to be in close proximity to residential houses
- locations that would present a threat to surrounding buildings and infrastructure in the event of a fire within the bins;
- locations that would provide opportunity (if the bins were there) for unauthorised access to property; &
- locations where it is decided that their placement would have an unreasonable impact on the aesthetics of the area
- or other locations that Council considers unsuitable

### **4.3.1 Placing of bins on private property**

- (a) Bins should not be placed in such a manner as to cause an obstruction to vehicular and/or pedestrian movement, or encroachment onto any footway or areas designated for parking. This includes the placement of bins that allows their chute to be accessed from the public space/footpath. Bins should not be placed in such a manner as to cause a danger to the public.
- (b) Bins are not to be placed in such a manner as to cause sight obstruction to vehicular and/or pedestrian movement.

### **4.5 Banking/Grouping of Bins**

The banking of charity clothing bins is preferable. The number of clothing bins permitted on each site will be limited to a maximum of two (2) by any single bin owner. The total number of bins permitted will be determined on a site specific basis. As a general rule, only 1 bin per 800m<sup>2</sup> (40m x 20m area) of site area, will be permitted, with a maximum of 3 bins in any one car park.

In the event of an approved site being fully occupied, approval to place bins at this location or on other Council controlled land may be granted at the discretion of Council.

### **4.6 Operation, Management and Maintenance**

Reducing material overflowing from a bin and minimising the prospect of people leaving material outside of a bin has a direct impact on incidents of litter and illegal dumping. As such appropriate clearance schedules are required to reduce litter and illegal dumping.

Council's approval requires all bin owners agree to empty the contents of the bins on a regular basis and ensure that the area around the bins, to a distance of 5 metres, are maintained in a neat and tidy condition at all times. Where there is a combination of different bin owners at a location, Council's expectation is that all bin owners are responsible for meeting these requirements.

This requirement will continue to apply for a period of up to three (3) months following removal of a bin from a location, subject to the site remaining vacant.

#### **4.6.1 Investigation of Complaints**

Council will investigate all complaints received in relation to the ongoing management and maintenance of bins.

Refer to section 4.1.1 in relation to general approval conditions and the considerations that Council will use in determining whether any bin will need to be removed and/or relocated from its current location.

#### **4.6.2 Illegally placed bins**

If a clothing bin is placed on Council owned land without approval, an order will be given by Council to the bin owner to have the bin removed from the site within seven (7) days. For any bin not removed within this timeframe, pursuant to the provisions of the NSW Impounding Act (1993), Council may consider to impound the bin.

Council will write to the owner of any impounded bin, advising them that the bin has been impounded by Council and will be sold or otherwise disposed of if the bin is not claimed within 28 days.

Pursuant to Section 23 of the Act, all bins where the owner requests their return, will be subject to payment of Council's current Fees and Charges for the release of an impounded article on public land at the time of release. Council may choose to either sell or dispose of any unclaimed bin after the 28 day notification period has elapsed.

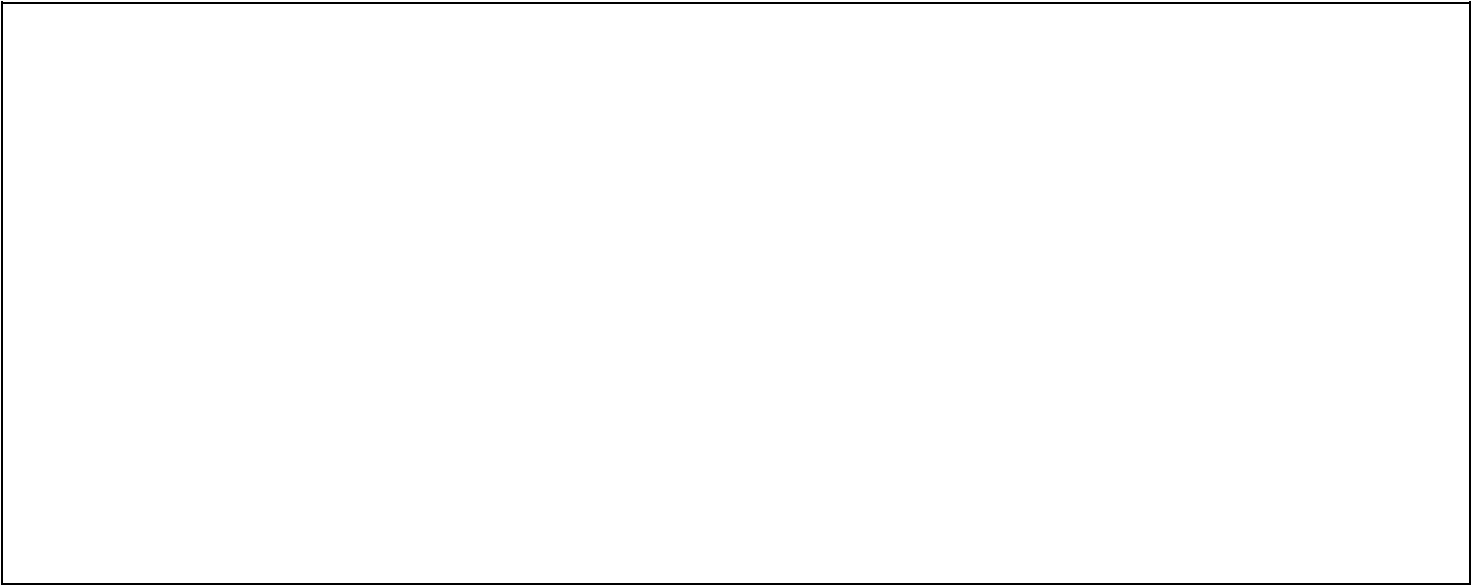
Please note that Council Rangers are responsible for undertaking routine patrols of the public places controlled by Council. Through these patrols Rangers are expected to identify and take action against any clothing bins companies that are operating without approval, or operating contrary to the terms of the licence agreement issued.



## Appendix "A"

# APPLICATION FOR CHARITY BINS

SECTION A	Organisation/Business Details
	<p><b>Organisation Name:</b></p> <p><b>Street address:</b></p> <p><b>Mailing address:</b></p> <p><b>Business phone:</b></p> <p><b>Business mobile:</b></p> <p><b>Email address:</b></p> <p><b>Nominated contact Person:</b></p> <p><b>Registration details with NACRO &amp;/or Charitable Organisation status</b></p> <p><b>Public Liability Insurance</b></p>
SECTION B	Site Details
	<p>Address of Proposed site: (Please Note: A separate application form is required for each proposed site)</p>
	<p>Proposed location sketch plan including the exact location of proposed bin(s) (Please attach additional sheets if required)</p>





SECTION C	Size/Appearance of Bins
<p><b>Dimensions of each bin including height, width, &amp; depth (mm)</b></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p><b>Colour scheme used for each bin (please include example photos)</b></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p><b>Please provide details of the signage that will be affixed onto each bin (including wording). (please include example photos)</b></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p><b>Detail of how it is proposed that each bin will be fixed into place including details of the proposed base (concrete, gravel, paved etc.)</b></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

SECTION D	Operational Management
<p><b>Please provide details of the operational procedures you have in place for the management of the bins (include information on a separate sheet if required)</b></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

<p><b>Please provide details of your expected bin clearing schedule/routine</b></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p><b>Please confirm if this schedule allows for revision as demand changes (Note: Council's approval requires bin owners to ensure areas surrounding bins are checked daily and remain clean and clear of dumped materials.)</b></p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p><b>Please indicate your preferred approval commencement and termination dates? (Approvals will only be granted for a 12 month period commencing 1<sup>st</sup> July each year &amp; subject to payment of Council's adopted fees and charges)</b></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p><b>Please provide details of the emergency hotline contact number that can be used to report litter, dumping or other issues. Include photo(s) showing how this number will be displayed on the bin</b></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

Thank you for completing this application. It can be lodged in person, by mail or via email to:

**PUBLIC DOMAIN MAINTENANCE SERVICE**

**Street Address:**

**Penrith City Council**  
Civic Centre, 601 High Street  
PENRITH NSW 2750

**Email Address:**

council@penrithcity.nsw.gov.au

**Phone:** 4732 8066 **Fax:** 4732 7958

**Mailing Address:** Penrith City Council  
Public Domain Maintenance Service  
PO Box 60 PENRITH NSW 2751

**PENRITH**  
CITY COUNCIL