

Responsible Directorate	Infrastructure
Responsible Business Unit/s	Waste and Fleet
Responsible Officer	Manager Waste and Fleet
Affected Business Unit/s	All

Objective

This policy aims to control and regulate the placement and management of clothing recycling bins on Council controlled land so to obviate nuisance, minimise the environmental impact and effectively manage safety and public risk.

Scope

This policy relates to a registered Bona-fide Charity registered with the Australian Taxation Office under the provisions of the Charitable Collections Act 1946 that directly collect, sort and sell the clothing, shall be permitted to have clothing bins located on Council controlled land.

The provisions of this Policy, excludes all private business.

The exclusion of a private business also prohibits the application and placement of charitable clothing bins by any Charity which has licensed the use of the Charity name to a private business for the purpose of clothing collections and or where the clothing bins and processing of donations is not under direct ownership and control of the Charity.

Charity Clothing Bins being placed on Private Land must contact the City's Approvals Business Unit to ascertain any statutory requirements applicable.

Policy

Statement

The following reasons explain why clothing bins are beneficial for the community of the City of Stirling.

- Used clothing bins assist residents to dispose unwanted clothing items.
- Charitable institutions or organisations depend upon clothing bins as an economical and convenient means of obtaining clothing donations from the public to support their services.
- Used clothing bins divert a substantial amount of recyclable material from land fill, resulting in less pressure being placed on waste disposal services as well as supporting the protection of the environment.

Application for Approval

- A written application for placing a charitable collection clothing bin/s must be submitted by the bin owner together with:
 - a) Site plan to a suitable scale showing the location of the bin on the property, vehicle arrangements and any adjoining buildings,
 - b) Plans showing the elevation of each bin including colour and wording details,

- c) Proposed schedule of contents, removal and site clean-up including days and times,
 - d) The bin owners' written indemnity to indemnify Council against any suit or action arising from or incidental to the placement and/or serving of the bin.
 - e) Written evidence of Public Liability Insurance providing the bin owner a limit of indemnity not less than ten million (\$10,000,000), and
 - f) The bin owner's written acceptance of responsibility for any damage done to any public road, kerb, footway or landscaping from the placement, use and servicing of the bin.
- The granting of any approval will be subject to any necessary City of Stirling planning requirements in the form of a permit.
 - The approval for the placement of a clothing bin will be for a period of up to two (2) years or lesser term.
 - A nominal fee may be set by Council from time to time.

Site Requirements

- Banking of bins is preferable and the placement of these bins will require the approval of the City. The number of clothing bins permitted on each site will be limited to a maximum of two (2) by any single Charity.

Where practicable, a collective limit of six (6) bins to a specific site may be granted and determined on a site specific basis

Where the sites are not fully occupied, a repeat Charity may be permitted to occupy an additional site, assessed on a merit basis.

In the event the approved site is fully occupied, approval to place a bin/s on other Council controlled land may be granted

The Manager Waste and Fleet has sole discretion in these instances.

- The bin/s must be emptied on a regular basis and the area around the clothing bin must be maintained in a neat and tidy condition at all times. This requirement will continue to apply for a period of up to three (3) months following removal of a bin/s from a location, subject to the site remaining vacant
- The placement of the bin/s must not obstruct an access way or parking place or detract from the amenity of the area.
- Bin/s must be clean, neatly painted, maintained to a satisfactory standard and clearly displaying the registration and contact details of the Charity. Structural damage, graffiti, or the like, must be rectified or removed within two (2) working days unless the bin/s present an immediate hazard to the public, in which case the matter must be attended immediately either by removal of the bin/s or other remedial action being undertaken to rectify the problem.

Unauthorised Bins and/or Failure to Comply with Order

Bins placed without approval, or not removed immediately following failure to comply with this Policy, will be impounded and a redemption fee, as specified in Council's Annual Fees and Charges, shall be paid to release, to offset Council's costs.

A bin shall be impounded for a period not longer than six (6) weeks. If payment is not received for its release within that time, the bin will become the property of the Council to be disposed of at Council's discretion.

Renewal

The bin owner may seek the renewal of the permit in writing, provided the application is received no later than three (3) months prior to the expiry date. The decision to renew or terminate the permit will take into account the satisfactory performance of the Charity to meet its compliance obligations.

Register of Charity Clothing Bins on Council Controlled Land Permit

A register of all clothing bins on Council controlled land will contain:

- Approved locations
- Copy of each approved application
- Copy of each site monitoring assessment
- Schedule of fees and charges (if applicable).

Definitions

Bin Owner means the Bona-fide (registered) Charity established and run to advance or promote a charitable purpose, registered with the Australian Taxation Office under the provisions of the *Charitable Collections Act 1946* and is licensed under the provisions of that Act.

Bona-fide Charity means the registration under the provisions of the *Charitable Collections Act 1946* and excludes private businesses.

Charitable Collection Clothing Bin is defined as:

- bins or containers that are so constructed as a closed container, with a weatherproof title chute at the top and on the front permitting clothing to be deposited, a locked door permitting the Charity which owns the bin to empty it; and
- must not exceed the following dimensions:

Width	1.2 metres
Depth	1.3 metres
Height	1.9 metres

Relevant management practices/documents

Nil

Legislation/local law requirements

Local Government Act 1995

Planning and Development Act 2005

City of Stirling Local Government Property Local Law 2009

City of Stirling Thoroughfares and Public Places Local Law 2009

Office use only			
Relevant delegations	Not applicable		
Initial Council adoption	Date	26 June 2012	Resolution # 0612/042
Last reviewed	Date	26 May 2020	Resolution # 0520/027
Next review due	Date	2021	

Application – Charity Clothing Bins on Council Controlled Land

Applicant

Date: _____

Name of Charity/Organisation: _____

Address of Charity/Organisation: _____ Suburb: _____

Registration Details (where applicable): _____

Applicants Name: _____

Postal Address: _____ Suburb: _____

Phone () _____ Daytime Contact No () _____

Mobile () _____ Fax () _____

Email: _____

(Person nominated must have authority to locate and service clothing bins)

Collector Details

Collected By: _____

(If not the same as above, an operator may be nominated only if property in clothing bin passes to above listed charity)

Contact Person: _____

Postal Address: _____ Suburb: _____

Phone () _____ Daytime Contact No () _____

Mobile () _____ Fax () _____

Email: _____

Details of Organisation

Is the Organisation a Registered Charitable Organisation: Yes No

Does the Organisation agree to comply with the Australia Taxation Organisation – *Charitable Purposes Act 1946*: Yes No

Location

(sketch plan & photographs to be provided with application)

Street: _____ Suburb: _____

Sketch Plan of the Area:

Insurance Details

Permit agreements will not be issued unless you have Public Liability insurance for the approved area. Please complete this form, giving details of your Public Liability Insurance. Please note that it is required to arrange for the City of Stirling to be named on your policy as a joint insured for the respective rights and interests of your not for profit group and Council in respect of your clothing bin on Council controlled land. Council requires Public Liability Insurance of a minimum \$10 million for subject Permit.

Details of Public Liability Insurance

I hereby declare that I, on behalf of the above named organisation, as the occupier of the above noted location and Pittwater Council are insured for legal liability to the public in respect of personal injury and property damage for a limit of indemnity of not less than \$10 million and all of the particulars and information supplied in connection with this application are true and correct. I acknowledge that I am aware of my obligations under the Disability Discrimination Act.

Name of Insurance Company: _____

Public Liability Policy Number: _____

Period of Insurance from: _____ to: _____

Limit of Indemnity: _____

I understand that this insurance shall not be cancelled or lapse without the agreement of City of Stirling and the Policy Document shall be endorsed to this effect. This insurance includes the cross liability clause.

Signature _____ Date _____

Indemnity

This indemnity form must be completed and signed before licence agreement can be issued.

Name of applicant: _____

(referred to hereafter as the Permit Holder) holds City of Stirling (referred to hereafter as the Council) harmless, and releases and indemnifies and keeps released and indemnified, from and against all actions, suits, claims, demands, costs, charges and expenses for which Council, its servants, agents or employees may be held liable in respect of any loss damage, accident or injury of whatsoever nature or kind and however sustained or occasioned and whether to property or persons in connection with the use of this public area and any work connected therewith pursuant to this permit but excluding such liability arising from any negligent act, default or omission, on the part of Council, its servants, agents or employees either solely or in contribution thereto.

Signature _____ Date _____

Terms & Conditions

- Prior to the installation of each clothing bin within the City of Stirling on Council controlled land, the organisation concerned apply for and if approved be granted permission by Council for the location(s) of each bin on an annual basis and be required to enter a license agreement on conditions set by Council, for nil fee as determined by Council from time to time. Any application should include an acceptable plan indicating the proposed location of the bin.
- Only registered charitable organisations that agree to comply with a Australia Taxation organisation that directly collect, sort and sell the clothing, shall be permitted to have clothing bins located on Council owned or controlled lands.
- Clothing bins be permitted on Council controlled land at the discretion of Council and 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.
- Council shall determine the number of bins which may be located within any given area.
- Bins should be readily accessible and are not to be located in car spaces and manoeuvring areas, nor in such a way that contravenes any condition of development consent applicable to the site.
- The charity must clear the bin regularly and ensure that the bin and its immediate surroundings are kept in a neat and tidy condition.
- A register of all clothing bins on Council controlled land and their locations be kept by Council.
- A contact person shall be nominated on the application within each organisation who has the control of locating and servicing their bins.
- Bins must be signwritten with the name, address, and telephone number of the charity controlling the bin as well as any information required to be displayed under Australia Taxation Organisation *Charitable Purposes Act 1946*.
- Where bins are placed on Council controlled land, the charity responsible is to provide proof of their public liability insurance with a minimum indemnity of \$10 million noting City of Stirling for respective rights and interests on the same.
- Council's staff regularly monitor compliance with the conditions and undertake a performance review regular intervals and no less than 3 months prior to the end of each permit term with a view to recommending renewal or termination.

Acceptance of Conditions

I, as duly authorised agent of the Applicant, herein acknowledges having read the Terms and Conditions noted above and agree that by signing this Application Form I shall render the Applicant legally bound by them in the event that the Clothing Bin permit is granted by City of Stirling.

Applicants Signature:.....Date:.....

Council Contact Details

Keith Rickman
Coordinator Waste Services
Telephone: (08) 9345 8688
Email: Keith.Rickman@stirling.wa.gov.au

Office Use Only

Organisation Name: _____

Address & Suburb: _____

Location of Clothing Bin: Street _____ Suburb _____

Date approved: _____

Licence Agreement date: _____

Application Fee Paid: Yes receipt number _____ No

Comments: _____

