



Policy Title	Second Hand Clothing Bins
Related Documentation	Nil
Relevant Legislation/ Corporate Plan	<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> <i>Local Government Act 1993</i>
Responsible Officer	Manager City Standards, Compliance and Waste

**Policy details may change prior to the review date due to legislative changes, therefore this document is uncontrolled when printed.**

### **Objectives**

1. To regulate the location and placement of second-hand clothing bins.
2. To ensure all second-hand clothing bins are satisfactorily managed and maintained.

### **Policy Statement**

1. Second-hand clothing bins may be approved on Council-controlled land subject to the relevant application and written approval being granted. Note: An application fee will be applicable to each application.
2. Second-hand clothing bins shall be located only on private property, with the written approval of the landowner.
3. Only second-hand clothing bins provided by charitable organisations are permitted unless the organisation has an Australian Business Number and the bin in such cases is clearly marked to indicate it is a commercial operator collection bin.
4. Second-hand clothing bins must not contravene any conditions of development consent relating to the use of the land and must not be placed on a landscaped area or occupy any parking space.
5. Second-hand clothing bins shall be marked with appropriate identification information and maintained as directed by Council Policy and Procedures.
6. To ensure the safe and efficient management of second-hand clothing bins the following provisions shall apply:
  - Donation bins are to be located appropriately so as not to detract from site amenity
  - Donation bins to be regularly emptied, cleaned and maintained
  - Donation bins shall not cause obstruction to footpaths and roadways

#### **DATA AND DOCUMENT CONTROL – GOVERNANCE USE ONLY**

<b>Division:</b> City Planning and Environment <b>Section:</b> City Standards and Compliance <b>Record No:</b> CDO-23/445	<b>Adopted Date:</b> 18/10/1988 <b>Revised Date:</b> 06/06/2023 <b>Minute Number:</b> 126 <b>Review Date:</b> 30/06/2027	<b>Page:</b> 1 of 3
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- Donation bins are to be adequately fixed to prevent damage to property or injury to persons
- Donations bins to be of a design that would ensure people are not able to climb into them
- Donation bins shall not be located on driveways, access ways, car parking areas or landscaping areas.

### Scope

The policy relates to all second-hand clothing bins located in the Campbelltown Local Government area whether commercially or charity operated.

### Definitions

Within the policy the following definitions apply:

- Second-hand clothing bin:** refers to an externally located collection device, usually a large enclosed steel box, used for the placement of unwanted second-hand items by the public, such as clothing, linen, shoes, belts, bags and other similar items.
- Temporary Structure:** includes a second-hand clothing bin, booth, tent or other temporary enclosure and also includes a mobile structure.

### Legislative Context

SEPP (Exempt and Complying Development Codes) 2008, contains provisions for charity bins including exempt development provisions.

### **State Environment Planning Policy (Exempt and Complying Development Codes) 2008**

Part 2 Division 1, Subdivision 10C of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 relates to the construction and development standards for charity and clothing recycling bins.

- 2.20E - Specified development - the construction or installation of a charity bin or recycling bins is development specified for this code.
- 2.20F - Development standards - the standards specified for that development are that the development must:
- a) Be associated with commercial premises or a place of public worship, and
  - b) If located on the same lot as the commercial premises or place of public worship - be wholly located within the lot and not located on a road or road reserve, and
  - c) Not result in more than three such bins on one lot, and
  - d) Be located behind the building line of any road frontage, and
  - e) Be operated by a person or organisation that is the holder of an authority under the *Charitable Fundraising Act 1991*, and
  - f) Not display any advertising other than details of the person or organisation that operates it, and
  - g) Not cause the contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises relating to car parking, loading, vehicular movement, waste management and landscaping.

**Local Government Act 1993**

Section 124 of the *Local Government Act 1993* contains provisions to enable Council to serve Orders to control and regulate nuisance, amenity or threats to health or safety that may be posed by second-hand clothing bin installations, namely:

- Order 10 - To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees
- Order 21 - To do or refrain from doing such things as are specified to ensure that premises are placed or kept in a safe or health condition
- Order 27 - To remove an object or matter from a public place or prevent any object or matter being deposited there.

**Section 628 - Failure to comply with Order**

Maximum penalty varies according to the type of Order issued and whether it applies to an individual or corporation, ranging from 20-100 penalty points.

**Section 678 - Failure to comply with an Order - carry out of work by Council**

If a person fails to comply with the terms of an Order given to the person under Part 2 of Chapter 7, the Council may do all such things as are necessary or convenient to give effect to the terms of an Order, including the carrying out of any work required by the Order.

Any expenses incurred by Council under this section may be recovered in accordance with section 678(6).

**Principles**

The policy provides direction regarding the manner in which second-hand clothing bins can be operated in the Campbelltown City Council Local Government Area, with the aim of reducing problems associated with the bins such as illegal dumping, vandalism to bins, vandalism to surrounding areas, and other anti-social behaviour. With the policy requiring additional signage on bins, written approval from the land owner, and regular maintenance by operators, a greater awareness of the proper use and management of bins can be achieved to reduce the associated problems.

**Responsibility**

Council's City Standards and Compliance Section has responsibility for ensuring compliance with this policy.

**Effectiveness of this Policy**

The effectiveness of this policy will be evaluated through feedback received from bin operators and members of the public. The policy will be reviewed four years from the revision date.

**END OF POLICY STATEMENT**