SGSC2610-10 ADOPTION OF DRAFT WASTE LOCAL LAW 2026

Meeting date:	Wednesday 14 October 2026
Responsible officer:	Manager Waste and Fleet
Voting requirements:	Absolute Majority Required
Decision making authority:	Council
Attachments:	1. Community Engagement Report 2. Draft City of Fremantle Waste Local Law 2026 3. Health Local Laws 1997 Repeal Clauses 4. Consent to proceed - Department of Water and Environmental Regulation

SUMMARY

At its meeting of the 27 of May 2026, Council approved to give local public notice of the City's intention to make the City of Fremantle Waste Local Law 2026 (C2605-21).

The purpose of the proposed City of Fremantle Waste Local Law 2026 is to establish a comprehensive regulatory framework for the management, collection, disposal and enforcement of modern waste services across the City.

The proposed Waste Local Law 2026 was developed using the template and content supplied by the Western Australian Local Government Association (WALGA).

This report presents the feedback received on the proposed local law (Attachment 1) and seeks Council approval to make the City of Fremantle Waste Local Law 2026 (Attachment 2).

BACKGROUND

The City does not have a Waste Local Law and relies on limited waste-related provisions contained in the City's *Health Local Law 1997 to* administer and manage waste services in the City.

The waste-related provisions in the City's *Health Local Law 1997, Division 2 – Disposal of Refuse* were developed under powers contained within the *Health Act 1911.* These provisions are no longer an effective mechanism for regulating waste services.

Section 61 of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act) provides local governments the power to make local laws so that it can perform its functions under the WARR Act.

The proposed City of Fremantle Waste Local Law, is based on the current WALGA template and provides a strenghted regulatory famework for the management, collection, disposal and enforcement of waste services across the City.

To address duplication between the *Health Local Law 1997* and the proposed Waste Local Law 2026, it is recommended that selected waste-related provisions within the *Health Local Law 1997* be repealed.

The City commenced a 6-week community consultation process following Council's approval on 27 May 2026 to give local public notice of its intention to the make the City of Fremantle Waste Local Law 2026. Copies of both the proposed Waste Local Law and the sections to be repealed from the Health Local Laws were made available for consideration.

Council:

1. **Endorse the WALGA Model Waste Local Law, without modification, as the proposed City of Fremantle Waste Local Law 2026, provided in Attachment 1.**

2. **Approve local public notice to be given, in accordance with section 3.12(3) of the *Local Government Act 1995*, of its intention to make the City of Fremantle Waste Local Law 2026 (Attachment 1), the purpose and effect of which is as follows:**

   Purpose: **To assist the City of Fremantle in administering waste and recycling services to maintain consistent, cost effective and functional waste management practices.**

   Effect: **Establish the requirements with which any owner or occupier of premises using local government waste services, including the use of receptacles for the deposit and collection of waste within the district.**

3. **Note that a further report will be brought back to Council after the public submission period, for final consideration.**

FINANCIAL IMPLICATIONS

All costs associated with the adoption of new local laws are included in the adopted budget.

LEGAL IMPLICATIONS

Local laws made by a local government under the WARR Act may be enforced under the *Local Government Act 1995* (LG Act) as if the Local Laws were made by the local government under that Act.

Local Laws must not contravene any State or Federal Act or Regulation, and in the event of any inconsistency, the Act or Regulation will override the Local Law to the extent of the inconsistency.

Section 3.5 of the *Local Government Act 1995* (the Act) provides the power for local governments to make local laws to help perform their functions. Section 3.12 of the Act prescribes the procedure for making local laws, which is the same procedure to amend or repeal a local law.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Resilient City – An educated and empowered community that seeks to mitigate the causes and effects of climate change

- Contemporary outcomes in waste management support and encourage community participation in a circular economy.

Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'

- Enable the City to maintain legislative compliance and accountability for organisational decision making.

CONSULTATION

Section 3.12 (3) of the *Local Government Act 1995* allows the Council to adopt a model of local law, wholly and without modification, with a public notice period of not less than 3 weeks.

The proposed City of Fremantle draft Waste Local Law 2026 is based on WALGA's model local law template.

At the 27 May 2026 Ordinary Meeting of Council, officers recommended to provide 6 weeks' notice to the community rather than 3, to ensure if changes are made by Council the correct provision is followed by default, and to give the community adequate time to provide their feedback.

The City of Fremantle opened public engagement on this project on 3 June 2026 and collected submissions until close-of-business on 26 July 2026.

Below is a summary of key takeaways from the engagement program. A full engagement report has been provided as part of meeting attachments to this agenda item.

- The public engagement program reached more than **550 people** through online and face-to-face interactions. City officers received **49 formal submissions** of feedback for the project, via MySay survey responses and direct email submissions.
- This resulted in more than **350 individual pieces of data** collected through the engagement period.

- Participation was received from across the City, with Fremantle (Central) (34%), Beaconsfield (25%) and Hilton (14%) as the most represented suburbs.
- **50%** of participants identified as residents and **41%** as ratepayers.

- Respondents indicated the following levels of support for the draft Waste Local Law:
- **59%** did not support the draft Waste Local Law
- **25%** somewhat supported the draft Waste Local Law
- **16%** showed full support for the draft Waste Local Law

- Feedback showed stronger concern with how the proposed law would be implemented and enforced than with the need for effective waste management.
- **Responsibility for bin contamination** and the **fairness of enforcement** were the dominant concerns.
- Respondents raised the difficulty of controlling what is placed in bins once they are on the verge, particularly where bins are accessible to passers-by or shared across strata and apartment developments.
- Penalties for minor, accidental or third-party contamination were considered difficult to apply fairly.

- **Respondents noted education and clearer guidance were consistently preferred alongside, or ahead of, financial penalties.**

- Suggestions included:
  - warnings before enforcement
  - clearer information about correct waste sorting
  - simple bin stickers and educational material in community languages.

- Feedback also extended beyond the Local Law to the operation of existing waste services. Key suggestions included:
  - weekly red-bin collection,
  - larger red bins,
  - improved verge collections and reuse opportunities,
  - clearer disposal pathways,
  - alternative waste processing approaches
  - greater investment in waste education and street cleanliness.

- Respondents also raised practical issues regarding the the draft Waste Local Law in relation to properties without suitable verge space, bin damage during collection, and the removal of recyclable containers or reusable items from bins and verge collections.

OFFICER COMMENT

Purpose of the Waste Local Law

The development of a Waste Local Law is identified as a future action in the City's, 2025–2030 Waste Management Action Plan. The Local Law will support the City in implementing the State Government's Waste Strategy and assist in achieving established waste targets, as outlined below.

OBJECTIVES	**Avoid** *Western Australians generate less waste.*	**Recover** *Western Australians recover more value and resources from waste.*	**Protect** *Western Australians protect the environment by managing waste responsibly.*
TARGETS	**2025** – 10% reduction in waste generation per capita **2030** – 20% reduction in waste generation per capita	**2025** – Increase material recovery to 70% **2030** – Increase material recovery to 75% **From 2020** – Recover energy only from residual waste	**2030** – No more than 15% of waste generated in Perth and Peel regions is landfilled. **2030** – All waste is managed and/or disposed to better practice facilities

The purpose of the proposed Waste Local Law are as follows:

1. Regulate the Provision and use of Local Law Government Waste Services

- Establishes the City's authority to provide, manage, and regulate waste services within the municipality

- Sets clear rules for the supply, use, placement, and care of waste receptacles (general waste, recycling and FOGO)
- Ensures waste services operate in a consistent, safe and efficient manner

2. Support Waste Avoidance, Recycling, and Resource Recovery

- Gives effect to the WARR Act at a local government level
- Mandates waste separation at the source, including recycling and FOGO diversion
- Reduces contamination by clearly defining what waste may and may not be placed in each receptacle
- Supports higher order waste hierarchy outcomes

3. Protect Public health, Safety and Amenity

- Ensure reasonable steps are taken to prevent practices that may cause;
    - Nuisance
    - Offensive odours
    - Pest and vermin attraction
    - Obstruction to streets and public places
- Regulates
    - Receptacle placement and storage
    - Verge collections
    - Waste handling at premises (FRC and CFC) and public places
- Controls inappropriate and unsafe behavior at waste facilities e.g. Fremantle Recycling Centre.

4. Provides Clear duties and Responsibilities

- Cleary assigns duties to owners and occupiers or premises regarding
    - Waste containment
    - Receptacle care and hygiene
    - Compliance with collection and placement requirements
- Defines the powers of the City and authorised persons to:
    - Issue directions
    - Grant exemptions
    - Enforce Compliance

5. Enable Effective Operations and Protection of Waste Facilities

- Regulate control, access and conduct at City operated facilities (FRC & CFC)
- Controls
    - What waste may be deposited
    - Where and how it is deposited
    - Prohibited activities (e.g. removal of waste, hazardous materials, abusive behaviour)
    - Enables the City to impose fees and charges

- These regulatory controls will complement our FRC license and associated conditions imposed by the Department of Water and Environmental Regulation (DWER).

6. Establish a Clear and Enforceable Compliance Framework

- The City will always aim to educate residents; however, the Waste Local Law creates offences for non-compliance.
- This provides for:
  - Prescribed offences and modified penalties
  - Infringement notices
- Infringements would be issued by the Community Safety and or Waste Services team in accordance with their delegated powers
- Ensures decisions under the local law are subject to objection and appeal rights under the LG Act.

The proposed Waste Local Law will complement Local Planning Policy 2.24 - Waste Management Plans enabaling effective planning outcomes, operational efficiency and compliance as urban development and density increase across the City.

7. Rates, Fees and Charges

- Provides local governments the power to impose rates, fees and charges in relation to waste services as set out in sections 66 and 68 of the WARR Act and sections 6.16 and 6.17 of the *Local Government Act 1995*. It allows Local Governments to recover unpaid fees and charges.

8. Overlap with the City of Fremantle *Health Local Laws 1997*

The *Health Local Laws 1997* contain several provisions that cover the management of general waste across residential, commercial, and some industrial contexts, primarily focusing on waste handling, sanitation, and nuisance prevention.

To resolve overlaps or conflicts between the *Health Local Laws 1997* and the proposed Waste Local Law, the following clauses of the Health Local Laws are recommended to be repealed. This is to ensure that waste management practices are streamlined, avoiding redundancy and potential regulatory confusion for both residents and businesses.

Recommended clauses to repeal in the *Health Local Laws 1997*:

Clause 41 - Receptacles
Clause 42 - Exemption
Clause 43 - Use of Receptacles

Clause 44 - Damage to Receptacles
Clause 45 - Use of Other Containers
Clause 46 - Suitable Enclosures
Clause 48 - Removal of Rubbish from Premises or Receptacle
Clause 50 - Rubbish Removal Vehicles
Clause 51 - Method of Removal of Rubbish

Repealing the above clauses would centralise waste management practices under the Waste Local Law, simplifying compliance, clarifying responsibilities, and removing redundant requirements. This will ensure the Waste Local Law serves as the primary guide for waste collection, receptacle use, public area cleanliness, and enforcement. Specific health-related waste issues, such as infectious waste and pest control, will remain under the Health Local Laws where necessary to address unique public health concerns.

The remaining clause 47 'Deposit of Refuse' is proposed to remain in the Health Local Law, for further review at a later stage.
The City has reviewed the feedback provided by the community and Elected Members during the engagement period and provides the following responses to the key themes identified in the engagement and proposed changes in response to this feedback. The full engangement report is provided in Attachment 1.

Community Engagement Feedback

Respondents that fully supported the proposed local law (16%) agreed with the benefits previously highlighted by officer's, including:

- Introduction of a dedicated Waste Local Law will provide a clearer framework for waste management.
- There is a benefit to align the City's legislation with the WALGA model Local Law.
- The proposed law provides an appropriate mechanism to address ongoing waste management issues.
- Penalties for repeated or deliberate contamination of waste, recycling and FOGO bins.
- Enforcement focuses on persistent non-compliance rather than isolated incidents.
- Education to accompany enforcement to improve correct waste sorting.
- Existing waste and recycling facilities were recognised as valuable community services.

Respondents that some-what supported the proposed local law (25%) and did not support the proposed local law (59%) raised the following concerns and questions:

Feedback (summarised into themes)
Proposed Enforcement and Penalties
a. Concern that residents may be held responsible for waste placed in their bins by passers-by, visitors or other members of the public. b. Concern raised that penalties may be excessive for minor or unintentional breaches. c. Residents cannot control what other people place in bins once they are on the verge for collection. d. Responsibility for bin contamination caused by passers-by, visitors, neighbours or shared bin users was considered unfair. e. The proposed offences viewed as difficult or impossible to enforce fairly. f. Financial penalties considered disproportionate for genuine mistakes or minor breaches. g. Education and warnings were preferred over fines. h. Concern that penalties would increase financial pressure during the current cost of living. i. Concern that inspecting household bins would be intrusive. j. Concern that compliance activities would create conflict between residents and the City. k. Practicality of inspecting and proving offences was questioned. l. Clarification requested on how compliance will be assessed when bins are left on the verge for collection. m. Support was expressed for a graduated enforcement approach, allowing education or warnings before penalties are applied. n. Greater clarity was requested on how the Local Law will be monitored and enforced. o. Greater emphasis on behaviour change rather than punishment.
Officer response: The City does not have a Waste Local Law and relies on limited waste-related provisions contained in the City's Health Local Laws 1997 to administer and manage waste services in the City. These provisions are no longer an effective mechanism for regulating waste services. The majority of residents do the right thing, and the City's approach is always education before enforcement. A comprehensive education and engagement process would be undertaken before any infringement is considered. Infringements are a last resort and would only be used for ongoing, deliberate non-compliance after all reasonable efforts to educate and assist the resident have been exhausted.

Repeat contamination of recycling and FOGO reciptcles can increase processing costs and result in non-conforming loads, ultimately impacting the broader community and residents who are using the service correctly.

Infringements would not be issued for minor contamination, genuine mistakes, or accidental misuse of bins.

The City has an extensive waste education program to support residents, including printed educational materials, online resources, community workshops, festival and event engagement, school incursions, and direct engagement with strata managers and residents. This approach is designed to inform, educate and assist residents to correctly separate and dispose of their waste.

Current Education Available & Use of Resources

a. Existing issues with bins being permanently stored on verges.
b. Greater enforcement of bin storage and collection requirements.
c. Better education needed on correct waste sorting.
d. Clearer information on what can and cannot be recycled or placed in FOGO bins.
e. Additional guidance on acceptable FOGO materials was requested, including clearer labelling on bin lids.
f. Clearer guidance on disposal options for items that cannot be placed in kerbside bins.
g. Council resources should focus on improving existing waste services rather than enforcing fines.
h. Greater investment in street cleanliness, public bins and community education.
i. Concern that administering the Local Law would require unnecessary additional resources.

Officer response:
The proposed Waste Local Law contains provisions to ensure waste receptacles are stored in appropriate locations, behind street alignments, and do not obstruct footpaths, cycle paths or road carriageways.

The City recognises that there is a diverse range of property types and will work collaboratively with property owners to determine appropriate waste collection and storage locations.

The Local Law will complement Local Planning Policy 2.24 – Waste Management Plans by supporting effective planning outcomes, operational efficiency and community safety as urban development and residential density continue to increase across the City.

The City operates a dedicated Waste Collection Team responsible for servicing public bins across parks, reserves, foreshores and coastal areas. In addition, the City Cleaner Team undertakes litter collection and cleansing activities throughout the West End and CBD, helping to maintain the amenity, cleanliness and presentation of key public spaces.

Residents can contact the City to discuss their waste requirements and to obtain resources e.g. bin stickers.

No additonal City resources or personnel are required for the administration of the waste local law.

Please also refer to the above for waste education initiatives.

Considerations for the local law

a. Prohibition on removing waste from bins may impact people collecting eligible containers for container refund schemes.
b. Greater consideration for apartment buildings, strata developments and shared waste facilities.
c. Additional provisions to address bins being placed on neighbouring verges.
d. Greater flexibility sought for disposing of certain contaminated or packaged organic waste in the general waste bin.
e. Additional flexibility for residents with constrained properties or unique circumstances.
f. More consideration of practical implementation before adoption.
g. Clarification of undefined terms and drafting improvements recommended to improve consistency and fairness.
h. Concern that some provisions provide overly broad discretionary powers.
i. Concern that the draft Local Law should not proceed until supporting waste management strategies have been updated.
j. Positive incentives would be more effective than punitive measures.
k. Bin placement requirements may not account for properties without a verge or adequate space between the property boundary and carriageway.
l. Footpath placement may be unavoidable for some properties.

Officer response:
Please refer to above comments.

Considerations for the City generally

a. Simple "Do and Don't" bin stickers should be provided on all household bins.
b. Educational material should be available in community languages.
c. Weekly collection of the general waste (red) bin was preferred.
d. Larger red bins should be reinstated.
e. Green bins should be optional for households that do not require them.
f. Bin collection practices should minimise damage to bins and obstruction of footpaths.
g. Alternative waste management approaches, including waste-to-energy, should be explored.
h. Greater enforcement of waste management on building sites.
i. Better management of litter and packaging escaping from construction sites.
j. Reuse of unwanted items during verge collections reduces waste and discourages illegal dumping.

k. Antisocial behaviour and illegal dumping should be prioritised over household waste enforcement. l. Tree canopy management should balance green infrastructure with public safety and street lighting. m. Investment in waste sorting technology to reduce reliance on households correctly separating waste streams. n. Preference for a simplified collection system where waste can be sorted after collection rather than through multiple household bins.
Officer response: To ensure consistency in service delivery, all residential properties are provided with the three-bin FOGO system. Residents also have the option to upgrade their bin sizes for an applicable fee. All public and residential general waste is currently sent to waste-to-energy facilities, improving resource recovery outcomes. Residents correctly separating their waste forms part of a holistic approach that complements recovery facilities and helps achieve the highest possible rates of recycling and resource recovery. The City maintains a strong focus on addressing illegal dumping and regulary collects and removes illegally dumped waste. The management of waste from building sites is overseen by the City's Compliance team. Please also refer to above comments.

Next steps

Officers maintain the original recommendation to Council to consider adopting the WALGA Model Waste Local Law, as discussed in the responses above.

If Council approve to make the draft City of Fremantle Waste Local Law 2026, a final determination will be made which will result in:

- The local law publication in the *Government Gazette.*
- Notification to the relevant Departments and Ministers.
- Further public notice.
- Notification to the Joint Standing Committee of Delegated Legislation (JSCDL).
- Roll out of education material and enforcement (where required).

If Council decide to make significant amendments to the draft local law, further public notice will be required before a final determination can be made. Amendments to the model local law will be subject to the JSCDL's consideration.

VOTING AND OTHER REQUIREMENTS

Absolute Majority Required

DECISION MAKING AUTHORITY

Council

COUNCIL DECISION ITEM SGSC2610-10
(Officer's and Committee recommendation)

Moved: Cr Melanie Clark **Seconded: Cr Pip Slaughter**

Council:

1. **Note the submissions received during the consultation period provided in Attachment 1, in accordance with section 3.12 of the *Local Government Act 1995*.**

2. **Approve to make the City of Fremantle Waste Local Law 2026 provided in Attachment 2, which is the WALGA Model Waste Local Law without modification, the purpose and effect of which is as follows:**

   Purpose: **To assist the City of Fremantle in administering waste and recycling services to maintain consistent, cost effective and functional waste management practices.**

   Effect: **Establish the requirements with which any owner or occupier of premises using local government waste services, including the use of receptacles for the deposit and collection of waste within the district.**

3. **Note that the local law repeals clauses 41, 42, 43, 44, 45, 46, 48, 50, and 51 (inclusive) of the City of Fremantle Health Local Laws 1997, published in the Government Gazette on 30 April 1998.**

4. **Note that the City of Fremantle Waste Local Law 2026 comes into operation on the 14th day after the day on which it is published in the *Gazette,* and that the required public notice will be given.**

Carried: 8/0
For:
Mayor Ben Lawver, Cr Geoff Graham, Cr Andrew Sullivan, Cr Jemima Williamson-Wong, Cr Frank Mofflin, Cr Pip Slaughter, Cr Melanie Clark and Cr Ingrid van Dorssen

Against:

Nil