

14 REPORTS

14.1 POLICY AND GOVERNANCE

14.1.1 WASTE LOCAL LAW 2026

Ward	All Wards
Disclosure of Interest	Nil
Business Unit	Governance
Authorised Officer	Executive Manager Governance
Voting Requirements	Absolute Majority

KEY ISSUES

- At its meeting held on 13 May 2026, Council proposed to make the City of Swan Waste Local Law 2026.
- The proposed Waste Local Law 2026 has been advertised in accordance with the *Local Government Act 1995*.
- The public notice period commenced on 22 May 2026 and concluded on 6 July 2026 during which 21 submissions were received.

BACKGROUND

The City is currently conducting a process to deconsolidate the *City of Swan Consolidated Local Laws 2005 (Consolidated Local Laws)*.

The *Local Government Act 1995* (the Act) on 6 December 2024 was amended with the assent of the *Local Government Amendment Act 2024* which among many other reforms, has changed the review period for local laws from being every eight (8) years to being every 15 years. A two-year transition period is in effect from 6 December 2024 concluding on 7 December 2026.

At its Ordinary Council Meeting on 13 May 2026, Council considered the proposed Waste Local Law 2026 and resolved for the City to advertise its intention to make the proposed local law.

DETAILS

The proposed Waste Local Law 2026 was advertised in accordance with the Act for a period of six (6) weeks. Consultation period from 22 May 2026 to 6 July 2026.

A summary of key themes arising from submissions is provided below:

Theme	# Received	Officer Summary
Infringements	*9	Submitters raised concerns regarding penalty levels, fairness of infringements, the ability to prove offences and the potential for residents to be held responsible for actions outside their control (such as third parties placing waste into bins). Education and engagement will continue to serve as the primary approach to achieving compliance. Where education is unsuccessful or repeated non-compliance occurs, enforcement provides an appropriate mechanism to protect public health, safety and the environment.

Theme	# Received	Officer Summary
		Infringements can only be issued where sufficient evidence exists to establish an offence and the responsible person and will not be issued based on speculation. Residents may elect to challenge infringements through the Magistrates Court. All enforcement action will be undertaken in accordance with the City's Management Practice MP-154 – Enforcement.
Not Applicable to Waste Local Law	*9	Submitters raised broader waste service matters including FOGO implementation, fortnightly red bin collections, bin sizes, bulk verge collections, compost availability, rates and general waste service concerns. These matters relate to operational service delivery decisions and are outside the scope of the proposed Waste Local Law.
Illegal Dumping	*4	Submitters raised concerns regarding illegal dumping, builder waste impacts, and requested stronger enforcement, increased CCTV and improved access to recycling facilities. Illegal dumping is regulated under the Litter Act 1979 and Litter Regulations 1981. The City continues to investigate and remove illegally dumped waste, with enforcement undertaken where sufficient evidence is available. In the past two months, the City has successfully prosecuted three separate illegal dumping offences, resulting in penalties of \$4,931.42, \$2,312.69 and \$5,167.55 respectively. These recent cases demonstrate that the City already has effective enforcement mechanisms available to address illegal dumping, independent of the proposed Waste Local Law. Recycling centres play an important role in reducing illegal dumping but noted that operating hours are operational matters.
Waste Presentation	*2	Submitters raised concerns regarding verge presentation, long-term placement of waste items and challenges placing bins due to limited verge space or access constraints. These matters are addressed within the proposed local law. Where residents experience difficulties in achieving the presentation standards, they are encouraged to contact the City so officers can provide advice and identify practical solutions.
Odours/Pests	*1	A submitter raised concerns regarding bin odours, pests, flies and hygiene issues associated with fortnightly general waste collections, particularly for households with nappies, pets or larger waste volumes. Information is available through City FAQs and waste education resources regarding managing odours, pests and appropriate disposal practices.
Disability Services	1	A submitter raised concerns that vulnerable groups, including people with disabilities, elderly residents and residents experiencing hardship, may face barriers complying with waste requirements. Tailored waste assistance services are available for residents with disabilities or medical needs, along with translation services and accessible education materials to support compliance.

**Please note the theme count is slightly higher than the received submission count as some submissions refer to multiple themes*

A comprehensive review of all submissions received during the consultation period has been undertaken by City officers, with responses to individual submissions provided in the attached document.

While the submissions raised a broad range of issues, concerns and opinions, it is considered that no amendments to the draft Waste Local Law 2026 are warranted at this stage.

The Waste Local Law 2026 will be an important tool in supporting effective waste management practices across the City. The intent of the local law is not to replace education, communication and engagement, but to provide an additional compliance mechanism where these approaches have not achieved the required outcome. Education and engagement will continue to be the preferred first response, with enforcement available where ongoing or repeated non-compliance occurs.

There are several waste-related matters where the Local Law will provide an appropriate mechanism to support improved community outcomes. A recent example is the ongoing waste presentation issues experienced in Exchange Road, Malaga, which was raised by a concerned resident at the 8 July 2026 Council Meeting. City officers have undertaken multiple attempts to educate, communicate and work with those involved, resulting in some minor improvements. However, the behaviour has continued. The Waste Local Law 2026 would provide an additional compliance tool, enabling the City to take appropriate enforcement action where education and engagement have not resulted in sustained compliance, without the need to immediately pursue court-based enforcement.

CONSULTATION

The Act requires local governments to give public notice of the local law, give a copy to the Minister for Local Government and provide a copy to any person requesting it.

A letter was sent to the Minister on 17 April 2026.

The proposed local law was advertised from 22 May 2026 to 6 July 2026.

Local public notice was given as follows:

- Published on the City's public website;
- Published on the City's social media site;
- Notices placed in the Administration Centre and all City libraries; and
- Published in the Echo newspaper.

A copy of the proposed Waste Local Law 2026 was made available at the City's Website, the Administration Centre and all libraries.

Public consultation period was conducted between 22 May 2026 to 6 July 2026. 21 submissions were received during this period. The submissions have been addressed in the Details section of the report.

This is the final step in the process of establishing this local law. It is not possible to modify the local law at this stage without the need to re-commence the process, including calling for public submissions. If the waste local law is not established by 7 December 2026, any waste provisions in the current City of Swan Consolidated Local Law will lapse and will no longer be enforceable.

ATTACHMENTS

1. Draft Waste Local Law 2026 [14.1.1.1 - 19 pages]
2. Modified Penalties Comparison (Schedule 2) [14.1.1.2 - 2 pages]
3. Schedule of Submissions Waste Local Law 2026 OCM [14.1.1.3 - 16 pages]

STRATEGIC IMPLICATIONS

Governance

G1 Empower and represent the community

G1.1 Involve, engage and inform our community

G1.2 Communicate effectively and provide a consistent, responsive customer experience

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 3.12 – procedure for making local laws

Waste Avoidance and Resource Recovery Act 2007

FINANCIAL IMPLICATIONS

There are sufficient funds available in the Members of Council – Advertising budget to support the promotion of this local law, including costs associated with gazettal and public notice.

Schedule 2 of the draft Waste Local Law lists prescribed offences designed to address non-compliance without resorting to full court proceedings. Infringements are typically issued only after other measures, such as education, have been exhausted. The enforcement of these infringements requires City resources to manage their identification, notification, application, and collection.

The proposed modified penalties for the prescribed offences are comparable with those applied by other Western Australian local governments and align with the WALGA Master Waste Local Law Template.

RECOMMENDATION

That Council resolve to:

1. Make the *City of Swan Waste Local Law 2026* as attached.
2. Complete the local-law making process in accordance with the *Local Government Act 1995*
3. Advise those submitters that have agreed to be notified of Council's decision regarding the *City of Swan Waste Local Law 2026*.

In the event Cr Johnson's motion is lost the Presiding Member invited a Council Member to move the Officer's Recommendation.

MOTION that Council resolve to:

1. Edit the attached City of Swan Waste Local Law 2026 by reducing by 50% the Modified Penalty in Schedule 2 – Prescribed offences for Item numbers 1 to 16 inclusive.
2. Thank the City for obtaining written advice from West Australian Local Government Association (WALGA) advising that this local law as edited would involve making a local law that would be significantly different from that what it first proposed according to section 3.13 of the *Local Government Act 1995*.
3. Request the CEO to recommence the procedure as required by section 3.13 of the *Local Government Act 1995* by following the procedure in section 3.12 of the LGA to make the Local Law as edited. The CEO is to endeavour to complete the procedure by 7 December 2026.
4. Advise those submitters that have agreed to be notified of Council's decision regarding the City of Swan Waste Local Law 2026.

Reasons for Motion (provided by Cr Johnson)

- 1) 9 submitters raised concerns regarding penalty levels, fairness of infringements, the ability to prove offences and the potential for residents to be held responsible for actions outside their control (such as third parties placing waste into bins).
- 2) Reducing by 50% the Modified Penalty in Schedule 2 – Prescribed offences for Item numbers 1 to 16 inclusive is intended to reduce the impact of those offences that appear to be likely to apply to residential properties, while retaining the impact of Modified Penalties on offences that are likely to involve non-residential premises, or where the intent or severity of the offence requires general deterrence.
- 3) When Councillors have been briefed by the CEO on the proposed local law some Councillors have raised concern about the level of penalties, but the penalties appear to be unchanged by the City.
- 4) Given the cost of living pressures faced by our home owners, large fines for ambiguously described prescribed offences of the local law that could be committed unintentionally by residential ratepayers cannot be supported by this Council.
- 5) From July 10 the WA Waste Authority changed the rules over what can go into FOGO bins, leading to confusion for households. Steep fines in these circumstances is unreasonable.
- 6) The Local Government Act at section 3.12 and section 3.13 clearly intends that a local law may be changed after receiving public submissions. The intent of the Act is to give public notice of a new local and receive submissions and then make changes to the proposed local law if needed. There would be no point advertising a local law if it cannot be changed after receiving submissions.

(Cr Johnson – Cr Howlett)

RESOLVED UNANIMOUSLY to allow Cr Johnson a one minute extension to his debate time.

(Cr Johnson – Cr Bowman)

RESOLVED UNANIMOUSLY to allow Cr Bowman a one minute extension to his debate time.

(Cr Bowman – Deputy Mayor Zannino)

Cr Bowman foreshadowed the Officer's Recommendation

MOTION WAS PUT TO THE VOTE AND LOST (4/10):

For: Cr Catalano, Cr Howlett, Cr Johnson and Cr Predovnik

Against: Mayor Richardson, Deputy Mayor Zannino, Cr Aringo, Cr Bowman, Cr Congerton, Cr Dean, Cr Kaur, Cr McCullough, Cr Miles and Cr Toquero

MOTION to adopt the officer's recommendation.

(Cr Bowman - Cr Congerton)

Cr Toquero left the meeting at 7:00pm and returned at 7:01pm.

Mr Bishop left the meeting at 7:03pm and returned at 7:05pm.

RESOLVED BY ABSOLUTE MAJORITY (10/4) TO:

That Council resolve to:

1. Make the *City of Swan Waste Local Law 2026* as attached.
2. Complete the local-law making process in accordance with the *Local Government Act 1995*
3. Advise those submitters that have agreed to be notified of Council's decision regarding the *City of Swan Waste Local Law 2026*.

For: Mayor Richardson, Deputy Mayor Zannino, Cr Aringo, Cr Bowman, Cr Congerton, Cr Dean,
Cr Kaur, Cr McCullough, Cr Miles and Cr Toquero

Against: Cr Catalano, Cr Howlett, Cr Johnson and Cr Predovnik