

Guidelines For The Placement Of Waste Bins Within The Road Reserve



These Guidelines provide for the safe placement and use of waste bins within the road reserve and in public places. They are endorsed by the Victorian Waste Management Association, the Municipal Association of Victoria (MAV), LGPro, IPWEA, the Transport Workers Union and VicRoads.

Designed as a reference document for the supplier, driver, hirer and responsible road authority, the Guidelines provide information on the following aspects of hired waste bins:

- safe placement;
- appropriate locations;
- visibility, including the use of retroreflective markings;
- identification;
- relevant regulations; and
- responsibilities for waste bins.

The Guidelines are common to all responsible road authorities. It should be noted, however, that individual municipal councils may have additional policies, conditions and/or local laws relating to waste bins.

These Guidelines have been prepared as a result of the introduction of the Road Management Act 2004, and replace the previous VicRoads Code of Practice for the Placement of Waste Bins on Roadsides (January 2001).

DEFINITIONS

Waste bin (also referred to as a waste skip or a waste container) - is a container designed to be transported and placed within private property, a road reserve, or on other land for the disposal of builders' rubble, waste, tree loppings, household and other rubbish or earth.

A waste bin is not a household rubbish bin or a mobile garbage bin used for the collection of recyclable material, garden and household waste.

Supplier of Waste bins (supplier) - an individual or organisation who owns, leases, rents or otherwise provides, and is responsible for, a waste bin, and hires it to the public.

Hirer of Waste bins (hirer) - an individual or organisation who requests a supplier to deliver a waste bin to a location for a specified period of time.

Driver/Transporter (driver) - an individual who delivers a waste bin to, or picks up a waste bin from,

the premises on behalf of a supplier, either as an employee of a supplier or as a sub-contractor.

Retroreflective Tape - a strip of retroreflective material designed to reflect the light from vehicle headlights back to the driver, thus enabling the material to be highly visible at night.

Road Reserve - all the area of land that is within the boundaries of a road, and can include the roadway, footpath/pathway, nature strip, driveway/vehicle crossing, and outer separator/median.

Responsible Road Authority - the road authority that has operational responsibility for the various parts or elements of a public road as set out in the Road Management Act 2004 (section 37) and Code of Practice for Operational Responsibility for Public Roads (Victoria Government Gazette No.S267, dated Friday, 17 December 2004). Refer Figure 1 of these Guidelines for details.

LEGAL REQUIREMENTS

The most pertinent legislation and regulations which protect road users from dangers arising out of things or objects placed on roads are:

Road Management Act 2004 - Schedule 4, clause 6 ("Power to move other obstructions") which reads:

"A State road authority may:

- (a) move any thing that encroaches or obstructs the free use of a roadway or pathway or that reduces the breadth, or confines the limits, of a roadway or pathway, including any thing placed on the roadway or pathway under clause 11 or 12;
- (b) require any person responsible for, or in control of, the thing to move it."

Local Government Act 1989 - Schedule 11, clause 5 ("Power to move other obstructions") which reads:

"A Council may -

- (a) move any thing that encroaches on or obstructs the free use of a road or that reduces the breadth, or confines the limits, of a road (including any thing placed on the road under clause 9, 10 or 11);
- (b) require any person responsible for, or in control of, the thing to move it."

Road Safety Act 1986 - section 99A ("Conduct of works or activities on a highway") provides that a person conducting, or proposing to conduct, works or a non-road activity on a highway must do so in a manner that is safe for road users and persons engaged in carrying out such works or non-road activities.

Road Safety (Road Rules) Regulations 1999 - clause 603 ("Putting destructive material etc. on roads") which reads:

"A person must not:

- (a) throw, drop, place, leave; or
- (b) cause or permit to be thrown, dropped or placed -
on a road, destructive or injurious material or a substance or thing, likely to endanger a person, animal or vehicle."

Other requirements relating to waste bins include:

- Health Act 1958
- Disability Discrimination Act 1992, Section 23
- Occupational Health & Safety Act 2004
- Council local laws
- Code of Practice for Worksite Safety - Traffic Management (Victoria Government Gazette No.S276, dated Wednesday, 22 December 2004).



A typical waste bin.

Guidelines For The Placement Of Waste Bins Within The Road Reserve

The requirements relating to the placement of waste bins within the road reserve are detailed below under the following headings:

- General
- Appropriate Locations
- Visibility
- Accreditation Schemes

General

Waste bins should only be placed within road reserves or in public places (council land, reserves, open spaces, shopping centres and car parks) where there is insufficient space or access for the placement of the bin within the hirer's premises. Where it is necessary to place a waste bin within the road reserve, it should be placed in accordance with these Guidelines. Placement on a roadway should be avoided wherever practicable.

In accordance with the "Legal Requirements" section of these Guidelines, VicRoads or a Council has the power to move a waste bin that is obstructing the use of a road, or require the person responsible for the waste bin to move it.

Placement of a waste bin should give consideration to the following order of priority where practicable:

Most preferred location	Hirer's premises
	Nature strip
	Service road
	Footpath / Pathway
	Outer separator
Least preferred location	Roadway of an arterial road or municipal road

Placement of a waste bin within the road reserve is subject to:

- full compliance with these Guidelines for placement on any part of an arterial road for which VicRoads is the responsible road authority, being the roadway of an arterial road in an urban area used by through traffic, or the roadway and roadside of an arterial road in a rural area; or
- receipt of written permission, where required from the relevant Council, for placement on municipal roads and the various parts of an arterial road in an urban area (eg. outer separator, service road, nature strip, roadside, footpath/pathway where present) for which the Council is the responsible road authority (refer Code of Practice for Operational Responsibility for Public Roads).

A Council, as the responsible road authority, may permit placement of waste bins on footpaths/pathways and nature strips provided the Council considers that it is impracticable to place the bin within the hirer's property, or the Council agrees it is desirable for any other reasons, and:

- adequate provision is made for the safe movement of pedestrians, (including those having disabilities), cyclists, and horse riders; and
- the footpath/pathway, and public utility infrastructure are adequately protected from potential damage; and



- adequate passage is available for motor vehicles (including service vehicles such as garbage collection vehicles); and
- access is not unduly or unreasonably obstructed; and
- the waste bin is adequately identifiable and clearly visible.

Appropriate Locations

The following points must be considered prior to placing a waste bin:

- whether the placement will obstruct the passage of any vehicles, cyclists or pedestrians;
- whether the motorists' view will be obscured by the waste bin;
- whether the waste bin presents an obstruction or physical hazard;
- the length of time proposed for the placement on site; and
- the need to maintain the safe and efficient operation of the roadway.

The consent of any resident immediately affected, and whose access would be restricted by the placement of a waste bin, must be obtained.

If a supplier or driver is in doubt about a proposed bin location, advice should be obtained from the relevant responsible road authority.



Figure 1: Responsible Road Authority

Points that must be considered when placing waste bins include:

- waste bins should not be located in high volume pedestrian and vehicle traffic areas, unless there is no other alternative;
- waste bins must not be located on the roadway of an arterial road with a speed limit of 70 km/h or greater;
- waste bins must not be located on the centre median of a divided road;
- waste bins must not be located on any part of the roadway of an arterial road used for through traffic where the arterial road has adjoining service roads;
- clear access to laneways and right of ways (or cul-de-sacs) must be maintained at all times;
- reasonable access to, or egress from, private driveways must be maintained;
- waste bins are not permitted to be located where they would obstruct the use of the roadway by large vehicles (eg delivery vehicles, emergency services vehicles, buses, garbage collection vehicles);
- with the exception of nature strips, waste bins should not be placed in any area where the stopping of motor vehicles is prohibited under the Road Rules - Victoria, such as:
 - on a length of road or area to which a 'No Stopping' or 'No Parking' sign applies;
 - within 20 metres of an intersection with traffic lights, and within 10 metres of an intersection without traffic lights;
 - within 20 metres before and 10 metres after a school crossing, pedestrian crossing or bus stop;
 - within 10 metres before a tram safety zone or tram stop, and within 10 metres after a tram safety zone;
 - within 20 metres either side of a railway crossing;
 - in a 'Clearway', in a taxi or bus zone, or in a loading zone; or
 - on a median strip or traffic island.
- all parking regulations are to be complied with unless signs indicate otherwise.
- where a waste bin is placed on a roadway, it must be positioned as close to, and parallel to, the kerb as practicable without obstructing the natural flow of storm water;
- where a waste bin is placed on any part of the roadway of an arterial road used for through traffic, the width of the waste bin should not exceed 2.4 metres;
- waste bins are not permitted in locations which obstruct access to utility service manholes or devices which require servicing (eg drainage pits, traffic signal boxes, telephone boxes, post boxes and fire hydrants or plugs);
- waste bins are not to be positioned on a hill or curve where the view of the waste bin is not clear for at least 100 metres along the road approaches.

Visibility

A yellow flashing light be placed on the corner of a waste bin when it is left on a nature strip or road. The light was required as a safety measure for motorists, pedestrians and cyclists, to indicate the presence of the waste bin between sunset and sunrise.

A suitable alternative is the use of yellow retroreflective tape, placed on the corners of a waste bin. This is considered to be a satisfactory, if not superior, alternative to attaching lights, as it is less likely to be stolen or damaged and requires no power source.

Adequate visibility (or illumination) of waste bins will be obtained by the use and maintenance of retroreflective tape as detailed in Appendix 1. This material must be affixed to designated areas or points of the waste bin in such a manner as to provide enhanced visibility and early recognition and identification of waste bins during hours of darkness, particularly for vehicle drivers.

Retroreflective tape must be kept clean and be subject to regular frequent inspection by the supplier. Damaged tape must be replaced to ensure adequate visibility is maintained.

The responsible road authority may require the placement of flashing lights on the waste bin, in addition to the retroreflective tape: where a supplier fails to maintain the retroreflective tape; where special conditions exist; or where the responsible road authority considers a flashing light to be advantageous to more clearly identify the hazard potential, such as:

- in a heavily trafficked area;
- where vertical or horizontal curves of a road reduce visibility;
- where background lighting conditions reduce the effectiveness of the tape;
- in narrow roads; or
- in unlit areas.

Waste bins should be bright in colour, so that they are easily seen at all times.

Where improvements are made to the performance of existing flashing lights or retroreflective tape, or new technologies become available to enhance the visibility or illumination of waste bins, then these should be considered for use by the supplier in the design of new waste bins, or the retrofitting of existing waste bins.

Accreditation Schemes

A number of municipal councils have adopted the Victorian Waste Management Association accreditation and permit scheme. The basis of the scheme, which is proposed to be implemented on a statewide basis across all municipal councils, is an “accreditation process” requiring the supplier to enter into an arrangement with a municipal council subject to conditions, including public liability insurance. Refer to Appendix 2 and Appendix 3 for the standard forms.

This scheme includes provision for an accredited supplier to seek and obtain a Council permit where approval is sought to place a waste bin within the road reserve of a municipal road, or on the various parts of an arterial road in an urban area for which the Council is the responsible road authority (eg. outer separator, service road, nature strip, roadside, footpath/pathway where present). This scheme seeks to protect the legal position of the parties indicated below:

- Councils, where they are the responsible road authority, for the safe placement of temporary obstructions;
- suppliers who require a permit to lawfully place an obstruction on a roadway;
- hirers who require waste bins to be lawfully and safely placed;
- drivers who place the waste bins on behalf of the supplier; and
- the public who expect all parties to exercise their duty of care in undertaking their business.

The accreditation scheme allows an accredited supplier with a Council to place a waste bin in accordance with these Guidelines, and the relevant Council’s policies and procedures, in circumstances where the supplier cannot immediately obtain a permit (eg outside business hours, in an emergency). This provision is subject to the supplier applying for a permit on the next working day following the placement of the waste bin.

Where a waste bin is to be placed on any part of a roadway or roadside of an arterial road for which VicRoads is the responsible road authority, the supplier shall hold public liability insurance with a cover of at least \$10 million and indemnify VicRoads against claims for damage and injury arising from the placement of the subject waste bin. The supplier shall also be accredited with the relevant Council.

Retroreflective tape improves waste bin visibility

RESPONSIBILITIES

Supplier

The supplier shall:

- ensure that the waste bin is maintained in good order, and that the company name and telephone number are clearly visible. The responsible road authority will not allow bins without adequate identification to be placed on roads.
- ensure that the specified retroreflective material is affixed to the waste bin to ensure its visibility at all times (in particular during the hours of darkness), and when required by the responsible road authority, attach a flashing light to the waste bin;
- seek accreditation from a Council;
- provide proof of public liability insurance to a value specified by a Council;
- obtain a permit, where required, from a Council, as the responsible road authority, for the placement of a waste bin on a municipal road and the various parts of an arterial road in an urban area for which it is responsible (eg. outer separator, service road, nature strip, roadside, footpath/pathway where present);
- ensure that these Guidelines are complied with where a waste bin is to be placed on any part of a roadway or roadside of an arterial road for which VicRoads is the responsible road authority (eg. the roadway of an arterial road in an urban area used by through traffic, or the roadway and roadside of an arterial road in a rural area);
- comply with any Council local laws or provisions for the placement of a waste bin where the Council is the responsible road authority;
- ensure that the hirer is aware of the type of waste that may be placed in the waste bin and their responsibility to reduce litter;
- instruct the hirer to load the bin in such a way as to prevent the escape of wind-blown litter;
- ensure that the driver is aware of the need to place waste bins in accordance with these Guidelines;
- ensure that the vehicle depositing the waste bin does not deposit hydraulic or engine oil on the roadway or leave loose waste;
- ensure that the waste bin is removed within the allowable period to avoid overloading by unauthorised persons; and
- rectify damage to any infrastructure or assets within the road reserve as a consequence of the placement, and/or removal, of a waste bin.

Note: The supplier may need to undertake a risk assessment of the proposed site of the waste bin and, where a potential risk to the safety of road users (including pedestrians and cyclists) is identified, provide the driver with safe operating instructions to ensure that the placement, or removal, of the waste bin is conducted safely. Placement, or removal, in accordance with these Guidelines, and any safe operating instructions, may constitute a traffic management plan as required under section 99A of the Road Safety Act 1986 for the conduct of any works or non-road activities.



A waste bin loaded correctly

Driver

The driver shall ensure that:

- permit authorisation from the relevant responsible road authority (in accordance with these Guidelines) has been obtained by the Supplier to place the waste bin in the agreed location;
- the waste bin is placed in accordance with any permit conditions and these Guidelines;
- all parking restrictions, including in relation to intersections, driveways and clearway hours, are observed, unless alternative written permission has been granted by the relevant responsible road authority;
- the waste bin is appropriately located from a road safety aspect, as detailed on a permit and in accordance with these Guidelines;
- advice is given to the supplier if it is not practicable to place the waste bin in accordance with these Guidelines and/or any permit conditions;
- the conditions of a permit are explained to, and understood by the hirer;
- the waste bin is not in an overloaded state at any time, and the load is secured to prevent any spillage while in transport.

Hirer

The hirer of the waste bin shall, where practicable, ensure that:

- the waste bin is placed off-road;
- the waste bin does not cause an obstruction;
- the supplier has obtained the necessary permit, where required, for the placement of the waste bin within the road reserve;
- all waste placed in bins is secured and cannot be readily dislodged;
- the waste bin is not left in an overloaded state; and
- the waste bin is made safe and removed if directed by the responsible road authority.

Responsible Road Authority

These Guidelines do not preclude the responsible road authority from:

- including any relevant provision in any local law where the responsible road authority is a municipal council;
- issuing permits and conditions for waste bins; and
- engaging in any inspection and auditing of the placement of waste bins.

Note: Where a municipal council proposes to enter into or change its permit conditions, the Victorian Waste Management Association should be consulted prior to any such changes being implemented.

PERMIT FEES

A Council may determine a permit fee for the placement of a waste bin on a municipal road, or on the various parts of an arterial road, for which it is the responsible road authority.

ADDITIONAL INFORMATION

The placement of waste bins within the road reserve should have regard to the following information where applicable:

- Non-Hazardous Waste and Recyclable Materials – occupational health and safety guidelines for the collection, transport and unloading of non-hazardous waste and recyclable materials. WorkSafe Victoria, June 2002.
- Waste Industry Guide for Working Near Overhead Electrical Cables. WorkSafe Victoria, April 2005.

Note: Contact the WorkSafe Advisory Service on 1800 136 089 to request copies of WorkSafe publications, or visit www.workcover.vic.gov.au.

ENDORSEMENT

Following extensive consultation with industry and Councils, these Guidelines are endorsed by:

Victorian Waste Management Association

Municipal Association of Victoria

Local Government Professionals (LGPro)

Institute of Public Works Engineering Australia (IPWEA)

VicRoads



An incorrectly loaded waste bin.

For further information, contact

Director – Network and Asset Planning
VicRoads,
60 Denmark St
KEW VIC 3101

Tel: (03) 9854 2015

Fax: (03) 9853 0341

A waste bin may be placed on nature strips provided that it does not affect pedestrian access.



APPENDIX 1

REFLECTIVE MARKING OF WASTE BINS

Material requirements

The material to be used shall be microprismatic retroreflective yellow material, bearing the European “E” marking on “C” class material. “C” class material is used for contour/strip marking and has specific retroreflective properties. These material requirements are based on the European Regulation UN/ECE 104 – “Uniform Provisions Concerning the Approval of Retro-Reflective Markings for Heavy and Long Vehicles and their Trailers”.

The material shall be pressure sensitive and applied in accordance with manufacturer’s specifications and instructions.

Pattern of material to be placed on waste bins

The pattern to be used is an inverted “L” located as close as practical to each top corner of the bin to identify its length, width and height.

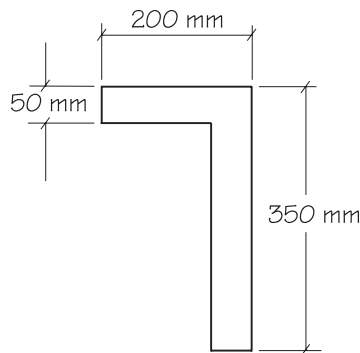
Markings at opposite ends of each side shall be placed at the same relative height.

The material must be:

- at least 50 mm wide, and
- a minimum horizontal length of 200 mm and 350 mm high.

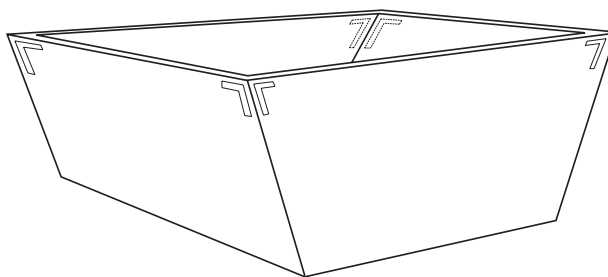
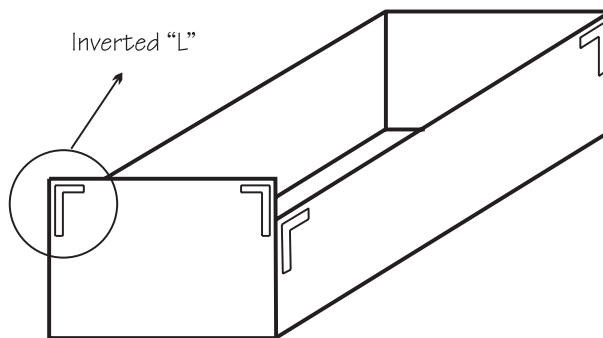
Waste bins are not required to have rear red/yellow marking plates or “Do Not Overtake Turning Vehicle” signs. These marking plates appear on the vehicles transporting the bins.

The inclusion of such plates on a bin does not remove the onus on the supplier to attach retroreflective tape as described above. If rear red/yellow marking plates are already incorporated on bins, then placement of the bin on the roadway shall be in the correct direction relative to passing traffic (ie. red/yellow marking plates are to the left of passing vehicles).



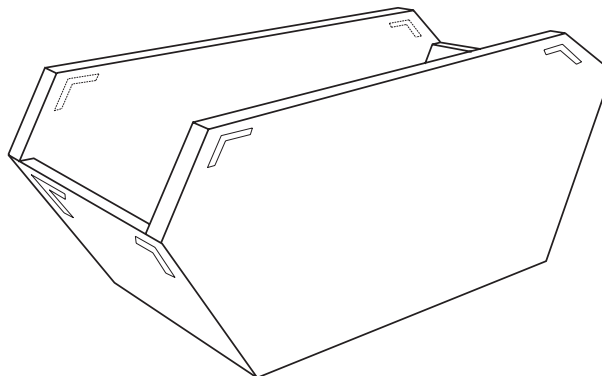
The inverted “L” allows an approaching driver to ascertain the bin orientation and placement.

The tape may be placed at angles other than 90 degrees to enhance the general appearance of the waste bin.



The horizontal stem of the “L” is to face inwards.

All sides of the bin are to be delineated.



APPENDIX 2

VICTORIAN WASTE MANAGEMENT ASSOCIATION ACCREDITATION FORM

Application for accreditation as a supplier of waste bins and skips for placement within the road reserve

Application to City of

1. NAME OF APPLICANT (Supplier)

2. ADDRESS

3. TELEPHONE FAX

4. AFTER HOURS CONTACT (NAME)

5. AFTER HOURS TELEPHONE

6. DATE ESTABLISHED BINS HIRED (C.M)

7. TRADE REFERENCES

(for establishment of credit account at Councils that offer this facility - note that only some Councils are prepared to offer credit terms)

Company

Telephone Contact

Company

Telephone Contact

In consideration of Accreditation being granted to (the Supplier),
the Supplier hereby covenants with the City of (the Council)
that the Supplier will indemnify the Council against any loss or damage arising out of the placement
usage of the bin and in default will pay and make good to the Council on demand all losses, damages
and costs incurred by the Council as a result of such default.

SIGNED

POSITION IN COMPANY

DATE

ATTACHMENT: Copy of Public Liability Certificate of Currency (Minimum \$10 million)

Policy No

Expiry Date

APPENDIX 3

VICTORIAN WASTE MANAGEMENT ASSOCIATION APPLICATION FORM

Application for placing waste bins and skips within road reserves

Fax to: City of

Fax number

Date:

BIN AND SKIP DETAILS

1. ADDRESS BIN / SKIP IS SERVICING.....

2. PROPOSED SITING OF BIN / SKIP (circle location)

On roadway

On nature strip

In ROW

Other (show on sketch)

3. CONTACT ON SITE

Name

Telephone

4. BIN / SKIP SIZE AND NUMBER

Sizecub. metre

Number of proposed bins

5. PROPOSED PLACEMENT DATE

6. PROPOSED COLLECTION DATE

7. MAIN TYPE OF WASTE BEING COLLECTED (circle one only)

Household

Household

Household

Building

Commercial

Industrial

Renovation

Garden waste

Other

Construction

CONTRACTOR DETAILS

8. BIN CONTRACTOR DETAILS

Name

Telephone

Address

Telephone (AH)

Fax Number

9. SIGNATURE OF APPLICANT

.....

Date

COUNCIL USE ONLY

1. Council Accreditation Yes / No Expiry

2. Liability Insurance Yes / No

3. Fees Charged \$

4. Fee Payment (circle) Cash Account Prepayment Other (specify)

5. Advice of permit given to

6. Permit Number Permit Date

7. Authorising Officer Signature of Authorising Officer

8. Date faxed to Bin Contractor