



Appendix 6b

16.4 Review of Council Policies

CP038 Waste Management

Ordinary Meeting of Council

Wednesday 23 June 2021 at 7:00pm

Via videoconference (Zoom)

COUNCIL POLICY

Waste Management	Adopted By Council:	26/10/17	
	Date/s Revised:	11/20 XX/XX/21	
	Next Review Date:	06/24	
	Document No:	CP038	
	Directorate:	Organisational Performance & Community Services	
	Responsible Officer:	Manager, Financial Services	

CONTEXT

Rates and charges (including waste management charges) are a secure and predictable source of income, and Council's major source of recurrent income, that it relies on to deliver services to the community. In all aspects of its rating strategy, Council considers the principles of fairness, transparency and equity.

The *Local Government Act 2020 (section 77)* permits Council to raise separate service charges for recovery of waste management services through a local law. Council's adopted rating strategy provides for full cost recovery of waste services.

PURPOSE

The purpose of this policy is to outline the arrangements for waste management services provided to properties in the Borough of Queenscliffe that are entitled to receive such services and to raise revenue in an equitable manner, in accordance with Council's adopted budget and adopted rating strategy, to fully recover the cost of Council's kerbside, green and public waste services. The policy also clarifies ownership of bins and waste, waste disposal and bin collection obligations, processes to follow if bins are lost, stolen or damaged and/or a collection service is missed, and the refusal of contaminated waste.

DEFINITIONS

For the purposes of this policy, the following definitions apply:

Additional green waste bins Optional additional bin service, considered on formal application and approved where exceptional circumstances exist, for the collection and disposal of residential green waste.

Additional kerbside bins Optional additional bin service (set of general waste and recycle bins), considered on formal application and approved where exceptional circumstances exist, for the collection and disposal of residential kerbside waste.

Commercial property A commercial property is any land which is:

- used primarily for carrying out the manufacture or production of, or trade in, goods or services (including accommodation); or
- unoccupied but zoned Business under the Borough of Queenscliffe Planning Scheme; and
- not Tourist accommodation land.

Cultural and recreational property	Under the <i>Cultural and Recreational Lands Act 1963</i> , provision is made for a Council to grant a rating concession to any 'recreational lands' which meet the test of being 'rateable land' under the Act. Council has applied this rating concession in recognition of the voluntary nature of the not-for-profit sport and recreation clubs operating on the rateable land and the limited revenue streams available to these community organisations.
Domestic waste	Waste and refuse, other than green waste, produced or accumulated on or around a dwelling.
Electronic waste (e-waste)	Old, unwanted or broken electronic or electrical equipment.
Green waste	Domestic garden refuse including any grasses, weeds, plants, shrubs, bushes and trees which are no longer growing and are discarded.
Green waste charge	Method of full cost recovery for green waste.
Green waste service	The collection and disposal of residential green waste.
Hard waste	Any material that is not reasonably capable of being contained within a domestic rubbish container excluding e waste.
Kerbside waste charge	Method of full cost recovery for kerbside waste.
Kerbside waste service	The collection and disposal of residential kerbside waste, including general waste, hard waste and recycling services.
Non-rateable property	Commonwealth and State government properties, Council managed Crown land properties and those with religious or charitable exemptions.
Public waste charge	Method of full cost recovery for public waste.
Public waste service	The collection and disposal of public waste, including public street and park bins collection, street cleaning, street sweeping and beach cleaning services.
Rateable property	A rateable property may be classified as either residential, commercial, tourist accommodation or a property subject to Council's cultural and recreational rate.
General (residential) property	A general (residential) property is any land which is: <ul style="list-style-type: none"> • used primarily for residential purposes; or • not Commercial land or Tourist accommodation land.
Tourist accommodation property	A tourist accommodation property is any land which contains a dwelling, unit, cabin or house, or part of a house, with five or less bedrooms available for holiday rental that is used, whether primarily or otherwise, to provide holiday accommodation for the purpose of generating income from the provision of such holiday accommodation.

Residential vacant land

Any land, which is:

- unoccupied but zoned Residential under Borough of Queenscliffe Planning Scheme; and
- not Commercial land or Tourist accommodation land; and
- vacant or with any uninhabitable shed or shelter (not a legally habitable building or structure, i.e. where no certificate of occupancy has been issued).

POLICY

The policy principles that form the basis of this policy are:

- Full cost recovery of all waste management services;
- Clear identification of the waste management cost streams of kerbside waste, green waste and public waste and specifying these on the rate notice where applicable; and
- Disclosure of all costs associated with each of the waste management streams.

1. Waste services provided by Council

The Borough of Queenscliffe provides kerbside and greenwaste services to eligible properties. The Borough also provides a public waste service for the collection of litter and recyclable containers in public areas.

1.1 Kerbside waste service

Council provides for the collection and disposal of residential kerbside waste, including general waste, hard waste and recycling services.

This service is provided to residential premises, rated as General Rate properties and residential premises, rated as Tourist Accommodation properties (all residential properties are charged for this service). It is not available to:

- Residential premises attached to a Commercial rated property, where there is no suitable access to the property to provide the service in a safe and practical manner;
- Commercial properties;
- Cultural and recreational properties; and
- Vacant residential land.

The service provides for a volume of 120 litres of general waste, collected weekly from the kerbside, and a volume of 120 litres of recyclable material, collected weekly from the kerbside. An annual kerbside collection is also provided for hard waste.

1.2 Green waste service

Council provides for the collection and disposal of residential green waste.

This service is provided to residential premises, rated as General Rate properties and residential premises, rated as Tourist Accommodation properties (all residential properties are charged for this service). It is not available to:

- Residential premises attached to a Commercial rated property, where there is no suitable access to the property to provide the service in a safe and practical manner;

- Commercial rated properties;
- Cultural and recreational rated properties; and
- Vacant residential land rated properties (unless a green waste bin is specifically requested. In the circumstance a bin is allocated to a vacant residential land, the owner will be responsible for the cost of any replacement bin due to theft or damage).

The service provides for a volume of 240 litres of green waste, collected fortnightly from the kerbside. Council will provide an alternative 120 litres bin (for the same cost) to properties where larger bins cannot be stored in a safe and practical manner.

1.3 Public waste service

Council provides for the collection and disposal of public waste, including public street and park bins collection, street cleaning, street sweeping and beach cleaning services.

This service applies to all rateable properties, given that public waste services benefit all properties in the Borough of Queenscliffe.

1.4 Additional kerbside bins

Council provides an optional additional bin service (set of general waste and recycle bins), considered on formal application and approved where exceptional circumstances exist, for the collection and disposal of residential kerbside waste. Even, premises rated as Cultural and Recreational properties and non-rateable residential premises that operate purely for not for profit purposes, that are capable of being occupied with suitable access to the property to provide the service in a safe and practical manner, could make a formal application.

This additional bin service is not available to:

- Residential premises attached to a Commercial rated property, where there is no suitable access to the property to provide the service in a safe and practical manner; and
- Commercial rated properties - The service provides for an additional volume of 120 litres of general waste, collected weekly from the kerbside, and/or a volume of 120 litres of recyclable material, collected weekly from the kerbside.

1.5 Additional green waste bins

Council provides an optional additional bin service, considered on formal application and approved where exceptional circumstances exist, for the collection and disposal of residential green waste. Even, premises rated as Cultural and Recreational properties, vacant residential land rated properties and non-rateable residential premises that operate purely for not for profit purposes, that are capable of being occupied with suitable access to the property to provide the service in a safe and practical manner, could make a formal application.

This additional bin service is not available to:

- Residential premises attached to a Commercial rated property, where there is no suitable access to the property to provide the service in a safe and practical manner; and
- Commercial rated properties - The service provides for an additional volume of 240 litres of green waste, collected fortnightly from the kerbside.

2. Waste management costs

Full disclosure of the costs incurred in provision of waste management services is included in Council's adopted budget and financial reports through the year, providing transparency for ratepayers.

2.1 Kerbside waste costs (including additional kerbside bin costs)

The cost of kerbside waste incurred by Council in the provision of this service includes:

- Annual e-waste drop off event ;
- kerbside waste collection (including hard waste);
- landfill disposal (including the State government's landfill disposal levy);
- bin maintenance and renewal;
- waste and litter education;
- additional pensioner rebate offered by Council;
- membership of the Regional Waste Management Group;
- recycling disposal expense;
- administration cost (direct and allocated) and
- offset in part by any government grant funding received (not recurrent).

2.2 Green waste costs (including additional green waste bin costs)

The cost of green waste incurred by Council in the provision of this service includes the collection and disposal of green waste and administration cost (direct and allocated) associated with the green waste service.

2.3 Public waste costs

The cost of public waste incurred by Council in the provision of this service includes:

- the collection and disposal of public waste;
- street cleaning and sweeping;
- beach cleaning;
- management of illegal waste dumping; and
- administration cost (direct and allocated).
- offset in part by government grant funding received for beach cleaning.

3. Waste management charges

The *Local Government Act 2020* permits Council to raise separate service charges for the recovery of waste management services through a local law , rather than include this in general rates. Separating out waste management charges from general rates to achieve full cost recovery remains the most financially responsible option available to Council, given State government rate capping legislation.

3.1 Kerbside waste charge

The objective of the kerbside waste charge is to recover all waste management costs associated with the collection and disposal of residential kerbside waste. Kerbside waste is charged at a fixed amount.

3.2 Green waste charge

The objective of the green waste charge is to recover all waste management costs associated with the collection and disposal of residential green waste. Green waste is charged at a fixed amount.

3.3 Public waste charge

The objective of the public waste charge is to recover all waste management costs associated with the collection and disposal of public waste. Public waste is charged at a fixed amount.

4. Waste management reserve funds

An annual reconciliation is completed at each financial year-end, to determine the surplus/(deficit) between waste management charges collected from ratepayers and the actual waste costs incurred by Council for the year. A separate reserve account is held for each of the kerbside, green and public waste services provided by Council. Reserve funds are held on the Balance Sheet to record any net surplus achieved, so Council can then determine that amount which will be allocated towards meeting the cost of waste services in the next financial year, while retaining part of the surplus not exceeding \$15,000 in each category of waste reserve as a contingency to address emerging risks with respect to waste management services in future years.

Council Policy CP039: Discretionary Reserves provides more information with respect to the reporting of kerbside, green and public waste management reserve balances and transfers to/from these reserves.

5. Properties that have historically received a waste service from Council, which are now ineligible to receive such service under Council's adopting rating strategy

In instances where a property has historically received a waste service from Council, but for which they are no longer eligible under Council's adopted rating strategy to receive such service, officers are writing to the property owners to advise of this change. Property owners will be provided with eight weeks notice by Council, in order to allow them sufficient time to make alternative arrangements. The Manager, Financial Services is responsible for signing this correspondence, in applying items set out in this policy and Council's adopted rating strategy.

6. Borough of Queenscliffe General Local Law 2021

Specific clauses in General Local Law 2021, related to Council's waste management service, are as follows:

21. UNSIGHTLY OR DANGEROUS LAND

An owner or occupier of land must not keep or allow any land in the municipal district to be:

- (b) unsightly or detrimental to the general amenity of the neighbourhood because of rubbish or waste material which is out of character with other land in the vicinity.

27. DOMESTIC WASTE

Where the Council provides a domestic waste and/or green waste and/or hard waste collection service, all domestic waste, green waste or hard waste, as the case may be, left for collection must be placed in any container supplied by the Council for that purpose and placed ready for collection in a way that complies with the requirements in the Policies and Procedures Manual.

28. COMMERCIAL AND INDUSTRIAL WASTE

An owner or occupier of land in the municipal district who arranges collection of commercial and industrial waste by an independent contractor (including skip or recycling bin services) must comply, and must procure that the contractor complies, with the requirements in the Policies and Procedures Manual.

29. STREET LITTER BINS AND RECYCLING BINS

- (1) A person must not deposit any household waste, garden refuse or material in a street litter bin or recycling bin contrary to any notice detailing the type of waste that will be received

in the street litter bin or recycling bin or, if there is no notice, contrary to the purpose for which the bin is provided.

- (2) A person other than a person authorised by the Council must not interfere with any domestic waste, green waste, commercial or industrial waste or recyclable materials left for collection unless that person has been engaged by the person responsible for generating the waste to collect and dispose of the waste on their behalf.
- (3) A person must comply with any additional requirements relating to the disposal of waste set out in the Policies and Procedures Manual.

7. Borough of Queenscliffe Policies and Procedures Manual – Additional requirements applying to uses and activities set out under General Local Law 2021

The Policies and Procedures Manual includes Parts/clauses, specific to Council's waste management service, as follows:

PART 1 – DOMESTIC WASTE, GREEN WASTE AND RECYCLABLE MATERIALS

1. These requirements apply to the occupiers of every dwelling or other property where the Council provides a domestic garbage collection service.
2. All domestic waste, green waste and recyclable material left for collection must be placed in bins ready for collection in accordance with the Council requirements established in this Part and on the days from time to time specified by the Council.
3. If the Council has notified occupiers of a hard waste collection, the recycled material and the type of hard waste to be collected must be left for collection in accordance with the Council's instructions.
4. Sub-clause (3) does not apply to material which is recycled on the property in a manner which causes no nuisance to neighbours or kept on the property for recycling in accordance with a Council sponsored recycling program.
5. Where the Council supplies or arranges the supply of bins for domestic waste, green waste or recyclable material, waste and recyclable materials must be stored in the bin supplied and must be used for no other purpose.
6. Bins must be placed on the verge of the vehicle crossing or roadway abutting the property within 2 metres of sealed or trafficked surface and should not constitute a hazard to vehicular traffic.
7. Material that may cause a hazard or a safety risk is prohibited from being placed in bins provided and collected by the council for domestic waste or recycling.
8. Once the waste has been collected by the Council, the empty bins must be returned to the property as soon as practicable.
9. Where any waste from a container has spilled onto the road, nature-strip or surrounding area before collection, it must be removed by the occupier responsible for the bin, as soon as practicable and may be reported to the Council.
10. Bins must be maintained in a clean and tidy manner so that they do not cause a health threat or are offensive to any person.
11. The owner of any flats or units, if required to do so, must provide a clearly defined storage area for the storage of bins and every occupier must keep the bin allocated to the flat or unit in that defined storage area.
12. Any container issued to a property:
 - (a) is owned by the Council;
 - (b) must be kept and remain on the property;
 - (c) if it is damaged or lost, the occupier of the premises must notify the Council as soon as possible and may be required to pay the costs of replacement; and
 - (d) if it is stolen, the occupier of the premises must complete a statutory declaration and submit to Council as soon as possible and, if satisfied, Council will provide a replacement.

PART 2 – GENERAL REQUIREMENTS APPLYING TO INDUSTRIAL, TRADE AND COMMERCIAL WASTE

1. The occupier of property must ensure that any container used for the storage of industrial, trade or commercial waste is:

- (a) not kept on a road or Council land and must be kept on the property for which the bin has been obtained unless the Council has approved an alternative location;
- (b) constructed of material to prevent leakage, is water-tight, fly and vermin proof ;
- (c) of a sufficient size to contain all waste generated on the premises in between clearances;
- (d) kept in a clean, sanitary and inoffensive condition; and
- (e) emptied at least weekly or more regularly if the contents become offensive; and
- (f) that any waste material that leaks from the relevant container is immediately cleaned in full at the occupier's cost and to Council's satisfaction

2. The occupier of any premises must ensure that any area where any container used for the storage of industrial, trade or commercial waste is kept is:

- (a) maintained at all times in a clean, sanitary and inoffensive condition;
- (b) adequately screened from adjoining properties; and
- (c) adequately fenced or otherwise constructed so that access to the public is not possible.

3. Every skip, waste hopper or recycling bin used for the collection of waste or recyclable material must display a notice indicating the type of waste or material which is permitted and stating that it is an offence to deposit any material contrary to the notice.

PART 3 – REQUIREMENTS APPLYING TO HARD WASTE COLLECTION

1. The Council may notify occupiers of a declared day or period during which hard waste items may be placed outside the premises, near the kerb or nature strip, for collection.
2. In this Manual:

“**hard waste**” means any material that is not reasonably capable of being contained within a domestic rubbish container. Hard waste left for collection must not exceed 32kg in weight, 1.20 metres in length and 0.6 metres in width.

Materials excluded from hard waste collection are:

- (a) vehicle tyres;
- (b) chemicals and paints;
- (c) industrial or liquid wastes;
- (d) automotive batteries;
- (e) waste oils;
- (f) asbestos;
- (g) pharmaceutical or pathological wastes; and
- (h) chemical containers.

Building rubble and waste bulk material must not exceed 16kg for each item and must be capable of being lifted by one person.

8. General Requirements, including obligations and right of Council and property owners/occupiers

8.1 Ownership of waste

Bin contents, once deposited into the bin and placed in its normal collection point, becomes Council's property. Once collected, Council or residents cannot retrieve items of value accidentally placed into a bin.

Council may also check bins for contamination, or audit bin contents to contribute to its understanding of user's waste practices.

8.2 Stolen, missing, vandalised or damaged bins

Bins damaged through fair wear and tear, which have been vandalised or become lost or damaged by the collection contractor, will be replaced by Council at no cost to the owner. Ratepayers may report these issues through Council's Customer Service Officers.

For all other stolen, missing, vandalised or damaged bins, residents may be requested to provide a statutory declaration to secure a new Council bin free of charge and Council may investigate these circumstances. If a bin is missing or damaged, other than by any fault of the Council or its contractor, the owner is liable for all costs to repair or replace the bin. Replacement bins may be either new or repaired and Council oversees the management of all repairs or replacements of bins.

The onus is on the property owner to notify Council of stolen or missing bins as soon as possible. New property owners may find that a service has previously been withdrawn. Council will not refund annual waste management charges for non-service due to bins being stolen or missing.

8.3 Missed collection services

In the event that a collection is missed and the bin was out in compliance with this policy, Council expect to collect the missed bin on the following working day, depending on the type and frequency of the specific waste service.

8.4 Ownership of bins

Bins (including any additional bins) are supplied and owned by Council, and Contractors will only pick up bins stamped with Council's logo.

Residents must not take bin infrastructure with them if they move properties, as the bins are registered to the property address. In relation to additional bins, residents must notify Council in writing of their residential change of address, whereby Council will arrange transfers/retrievals of any/all additional bins if appropriate/necessary.

In the case where a property dwelling is demolished, bins will be collected and stored by Council, until a certificate of occupancy has been issued for the new dwelling. Pro rata waste charges will apply.

8.5 Bin collections

It is preferred that bins be placed on the kerbside no more than 24 hours prior to collection, with empty bins to be returned to the property within 24 hours following collection.

Where practicable, bins should be spaced one metre apart from other bins, and free of obstructions such as power poles, letter boxes, trees, low hanging branches and parked cars.

8.6 Refusal of service and contamination control

Kerbside collection service may be refused for:

- failing to use the approved bin supplied by Council;
- placement of bin which is overflowing (the lid of the bin should close properly);
- placing contaminated or prohibited waste out for collection;
- part of a load is jammed within the bin and will not release;

- placing a bin that weighs more than 100kg out for collection;
- failing to place the bin in a location that can be reached by the collection vehicle; and
- failing to use the bins correctly, leading to contamination of recyclables or organics.

Council reserves the right to cease a collection service where there is repeated misuse of the waste collection service.

If a bin is found to contain contaminated or inappropriate material, an educative and enforcement process will commence, escalating as follows:

- If contaminated material is found in the bin prior to collection, the bin will not be collected. The contaminated bin will be stickered (i.e. the application of an adhesive notification to the bin) to inform the resident that the incorrect material was placed in the bin.
- If contamination is found in the collection process, in the first instance, the contaminated bin will be stickered and a letter sent to inform the resident that the incorrect material was placed in the bin.
- In the second instance, Council will send a follow up letter to the property occupier, informing them this event occurred again and outlining the actions that will transpire should a third or fourth instance occur;
- In the third instance, bin collection will be suspended from the property, a penalty notice may be issued and the user must commit to abide by the requirements in using the bin before the service may recommence; and
- In the fourth instance, a penalty notice may be issued, and the bin will be removed from the property and not replaced until the user commits to abide by bin usage requirements, with no refund of annual waste management charges.

If extreme levels of contamination occur, Council may suspend or remove the bin at any time.

Council reserves the right to pass on costs associated with contamination of a bin back to the owner.

CONTINUOUS IMPROVEMENT

This policy will be reviewed on a continuous basis, as a minimum every three years from the date of adoption.

OTHER REFERENCES

Borough of Queenscliffe Rating Strategy

Borough of Queenscliffe Adopted Budget

Borough of Queenscliffe General Local Law 2021

Local Government Act 2020

Cultural and Recreational Lands Act 1963

END