
Waste and Recycling Exemption Policy



July 2019




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Waste and Recycling Exemption Policy



Council Policy

Responsible director

Responsible officer

Functional area

Date adopted by Council

Review date

Executive Manager Operations

Waste Management Officer

Environment & Community Safety

July 2019

July 2023

Purpose

The purpose of this policy is to provide a formalised and consistent approach to granting an exemption from Council's waste and recycling services or associated fees and charges. This policy supersedes Council's Garbage and Recycling Exemption Policy.

Background

Council's Waste and Recycling Exemption Policy was first adopted in 2007, to be reviewed following the development of Council's waste and recycling collection contracts that commenced 1 July 2013.

Council provides a range of waste services where fees and charges are applied. There is a demonstrated need for the existing policy to be amended to incorporate Council's kerbside and transfer station services.

Policy

Commercial and Industrial Premises - exemption from Council's kerbside waste and recycling service

To be eligible for the exemption from Council's kerbside waste and/or recycling service and the associated charges, applicants must be operating a business and provide council with current ABN, and business registration details.

To be considered for an exemption under this policy, applicants must provide a copy of a current tax invoice for the waste and/or recycling collection from a commercial collection contractor identifying that they are providing a collection service (waste, recycling or both) to that premises. A tax invoice for the financial year that the premises makes their initial application for the exemption is required. Exemptions cannot be applied for retrospectively. The commercial collection must occur from the premises for which the exemption is being applied for.

Council's Waste Management Strategy aims to reduce waste to landfill and increase resource recovery and to this end exemptions will not be granted from Council's recycling service charge unless the applicant provides evidence that a recycling collection, which is separate from the business's waste collection, is being undertaken.

Where an exemption is granted, applicants must return the Council supplied bin(s) to a Council Depot, by appointment, prior to any exemption being formally processed. Furthermore, applications for an exemption will only be commenced in the financial year in which they are lodged and exemptions cannot be obtained retrospectively.

Once an exemption is granted under this clause it will remain in place, and does not require annual updating, while the business management remains the same. The exemption is not transferable. Sale of the business, subletting, leasing or substantial change of business operations will void the existing exemption.

Council may cancel this exemption for administrative purposes, or for change of contractual commitments. Council must advise the exemption holder in writing of the cancellation three months in advance.

Business proprietors, who have been granted an exemption under this policy, that are identified as unlawfully disposing of the business waste, through public waste bins, dumping waste or using bins not associated to the business will have their exemption cancelled. These actions will be considered when any further application for exemption under this policy is made.

Properties exempt from Council rates – exemption from Council's kerbside waste and recycling service

To be eligible for an exemption under this policy the property must be classified by Council as a property that is exempt from Council rates (previously identified as non-rateable properties). Council has identified a number of properties across the municipality that are exempt from paying Council rates. These properties are generally identified as properties owned or operated by community groups, associations or organisations that have a direct community benefit.

To be considered for an exemption under this policy, applicants must provide a statutory declaration from the organisation involved stating that the waste and recyclable materials will be managed by a commercial contractor or responsibly by the applicant. The exemption is only applicable for the property listed on the application and must be a property identified by Council as being exempt from Council rates. The application will be valid for the duration of kerbside waste and recycling collection contract and is not transferable to other properties or parties.

Registered Charities exemption from transfer station fees and charges

To be eligible for an exemption under this policy an organisation must be registered with the Australian Charities and Not for profits Commission (ACNC) as a charity. Only charities conducting community clean up events, in municipal places for the benefit of the community, are able to apply for the exemption from payment of transfer station gate fees, when depositing waste and material collected as part of the community clean up event.

A municipal place means a place, which is owned or occupied by the Council, or a place, including roads, where the care and management has been vested in Council, or any other land where the owner or manager has obtained approval from Council for the *General Local Law 2012* or part thereof to be applicable to that land, and the place is open to, or accessible to members of the public regardless of whether or not a fee is payable to enter.

Only windblown litter, which is defined as small items of litter that may have travelled by the wind, such as food and beverage containers, paper, cardboard, bottles, cans, and wrappers can be collected and deposited at the transfer station at no cost. Larger household, business and farm items such as but not limited to scrap metal, furniture, white goods and tyres are not included as part of the exemption.

The type and location of these larger items should be either reported to Council by calling 5358 8700, or contacting the appropriate land manager.

To be considered for an exemption under this policy applications for an exemption from transfer station gate fees must be made in writing to Council two weeks prior to the event. Exemptions cannot be obtained retrospectively. Charities conducting a commercial/charitable business such as an opportunity shop, are not able to claim the exemption from transfer station fees and charges for waste, recyclable and reuse materials that are generated, directly or indirectly, as a result of the business operations.

Council Plan Objective/Strategy

The policy is consistent with the Council Plan and in particular, We will implement a waste reduction action plan and promote better use and re-use of valuable resources by:

- Implementing measures to reduce waste to landfill

Legislation and Standards

Local Government Act 1989, Part 8 Rates and Charges

Responsibilities

The Responsible Executive Manager is Executive Manager Operations. The Waste Management Officer is responsible for the policy's implementation.

Stakeholders

This policy relates to commercial and industrial properties, registered charities within the municipality, and properties where Council has determined not to apply rates due to the nature of the organisation using the property.

Council officers are responsible for the implementation and management of policy.

Review

Applications for the exemption will be processed throughout the life of the policy.

The policy will be monitored annually and will be reviewed in 4 years or prior to awarding the kerbside waste and recycling collection contract, to ensure it remains current and in line with Council's goals and processes.

Communication and implementation

The policy is available on the council's website and copies can be provided by contacting council on 5358 8700.

The policy will be promoted to eligible properties through the media and by officers of the Business Services team, Waste Management Officer and Rates Officers.

References

Council's Waste Management Strategy 2012

Council staff able to assist with the understanding of the policy and its implementation:

- Waste Management Officer
- Waste and Emergency Services Officer
- Rates Officers
- Coordinator Environment & Community Protection
- Manager Environment & Regulatory Services

Privacy and Data Protection compliance

[All Council policies must consider the *Privacy and Data Protection Act 2014* and the *Victorian Protective Data Security (VPDSS) Framework* which adopts a risk-based approach to protective data security. Policies must include, where relevant, identified security risks and governance arrangements in place to protect security across the domains of information, personnel, ICT and physical.]

Charter of Human Rights compliance

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights & Responsibilities Act 2006*.

Definitions

Charity: for the purpose of this policy refers to an organisation registered with the Australian Charities and Not for Profits Commission (ACNC) as a charity.

Property exempt from Council rates- a property where Council has determined not to apply rates due to the nature of the organisation using the property (previously referred to as Non rateable property)

Review history

Date	Review details	Action
2 June 2014	Report to Council	Adopted
5 September 2016	Report to Council	Adopted
1 July 2019	Report to Council	