

## Waste Management Kerbside Collection Policy

Policy Type	Administrative Policy	Version:	3.1
Responsible Officer	Manager Water and Waste	Date Approved:	17/05/2024
Review Officer:	Director Infrastructure Services	Review Due:	20/03/2025
Author:	Manager Water and Waste	Commencement:	17/05/2024

### 1. PURPOSE

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To provide a framework for consistent decision making relevant to the delivery of Council's waste **kerbside collection service** within the Mareeba Shire Council jurisdiction.

### 2. SCOPE

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This policy applies to the domestic waste kerbside service for collection of mobile garbage bin (MGB) units provided by Council to residents of the Shire for the purpose of collecting and management of domestic and recyclable waste streams.

### 3. POLICY STATEMENT

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Council delivers kerbside collection services to the community under an arrangement with a contracted third-party waste collection service provider and the content of this policy is consistent with the current contract arrangement.<sup>1</sup>

#### 3.1 WASTE AREA FOR KERBSIDE COLLECTION

The **Waste Area** is spatially mapped and identified as containing those properties which are rateable for a kerbside bin collection service.<sup>2</sup>

#### 3.2 ELIGIBILITY FOR KERBSIDE COLLECTION SERVICE

All properties within the Waste Area that contain a residence are obliged to maintain a minimum of one kerbside collection service. Properties with buildings subject to a temporary occupancy permit are also eligible for a kerbside collection service.

New kerbside collection services will be assigned to a property only upon issue of a building Final Inspection Certificate (Form 21) or a Certificate of Classification for the relevant class of building.

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<sup>1</sup> Contract TMSC2017-20. See also Council's *Waste Management Services Strategy 2018—2027* s 3.2.3.

<sup>2</sup> Refer to policy definitions and Council's IntraMaps spatial data system 'Benefited Areas Garbage Benefited Area' overlay.

#### Human Rights Compatibility Statement

The *Human Rights Act 2019* (HR Act) (Qld) came into effect on 1 January 2020 and will mean fairer laws, policies and practices by public entities when dealing with the community on a day-to-day basis. This policy has been drafted in alignment with obligations under s 58 of the HR Act.

Council may designate new areas within its local government area and determine the frequency of waste collection in accordance with a local law.<sup>3</sup>

Where a request is received for a new service and the property is not located within the Waste Area, Council will undertake the following assessment to determine feasibility of service delivery:

- The waste collection Contractor will undertake a road assessment of the proposed route to identify any physical constraints on the movement of waste collection vehicles;
- Council will undertake a survey of the residents along the proposed route to determine whether landowners are in favour of the collection service. More than 50% of landowners must be in favour for Council to decide to designate the new area;
- Where the number of potentially impacted landowners is less than five, Council will via resolution exercise its discretion to designate the new Waste Area.

All other requests for a kerbside collection service are subject to consideration by the Manager Water and Waste.

Commercial premises are not eligible for a kerbside collection service.

### **3.3 ADDITION AND CANCELLATION OF WASTE KERBSIDE COLLECTION SERVICE**

Additional kerbside collection services may be provided at the written request of the landowner or a real estate agent formally acting on behalf of a landowner.

Additional kerbside collection services may be cancelled by written request of the landowner however minimum of one kerbside collection service must remain in effect at an eligible property. MGBs associated with the additional service/s are required to be returned to Council/the Contractor.

Upon completion of an approved demolition of a building provided with a kerbside collection service, the service will be cancelled. It is the responsibility of the landowner to return the MGBs to Council/the Contractor.

### **3.4 PROVISION OF MOBILE GARBAGE BINS (MGBS)**

Eligible properties will be provided with MGBs for the purpose of disposing domestic waste and MGBs will remain the property of Council/the Contractor.

It is the responsibility of the householder to ensure MGBs are utilised for their intended purpose and not damaged by means other than due to the fair wear and tear under operation of the kerbside collection service.

### **3.5 REPLACEMENT OF MGBS**

MGBs damaged due to the fair wear and tear of the kerbside collection service may be replaced by Council/the Contractor.

Replacement of an MGB by means other than through fair wear and tear, for example damage caused by burning, will be subject to replacement by the landowner and will incur a fee.

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<sup>3</sup> See *Local Law No. 6 (Waste Management) 2018* (MSC) pt 2 div 1 s 5.

Where an MGB is stolen, Council will provide for one (1) replacement. Any further stolen MGBs will be subject to replacement by the landowner and will incur a fee.<sup>4</sup>

### **3.6 KERBSIDE PLACEMENT AND PRESENTATION OF MGBS<sup>5</sup>**

MGBs must be placed on the kerbside for collection on the night before the designated collection day.

MGB's must be presented at kerbside for collection so as they are easily accessible by the garbage collection vehicle.

MGBs not presented at the time that the collection service is conducted will not be eligible for a later service.

MGB's must not be over 70 kilograms in weight and must not be overfilled so as the lid will not close.

Refuse placed into MGBs must be contained so that upon tipping into the garbage collection vehicle, refuse items will not fall from the MGB and distribute into the surrounding environment.

If placing more than one MGB out for collection the MGBs must be positioned a minimum of one (1) metre apart.

Any positioning and presentation of an MGB contrary to this policy may result in non-collection of the MGB kerbside collection service.

### **3.7 CONTAMINATION OF MGB'S**

A domestic waste MGB is supplied for the purpose of disposing waste generated in the household such as food scraps, small amounts of garden waste, nappies and other non-recyclable household material. MGBs have not been designed for and must not be used to hold timber, bricks, concrete, ash, soil, branches, white goods, construction and demolition or commercial and industrial waste streams.

Excessive contamination may result in non-collection of the MGB kerbside collection service.

### **3.8 EXEMPTION OF KERBSIDE COLLECTION SERVICE**

Exemptions from eligibility for a kerbside collection service are subject to consideration by the Manager Water and Waste.

Exemptions may be considered based on but not limited to the following:

- The existence of a highway collection hazard along the designated collection route;
- The collection route is assessed as dangerous by the waste collection service provider.

A request for an exemption may be submitted to Council in writing by the landowner.

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<sup>4</sup> See *Local Law No. 6 (Waste Management) 2018* s 6.

<sup>5</sup> *Ibid* s 10.

### **3.9 INFIRM KERBSIDE WASTE COLLECTION SERVICE**

An 'infirm waste collection service' may be provided where the land occupier is unable, due to a physical condition, present their MGB at the kerb for collection. A request for an infirm waste collection service may be made in writing to Council via completion of the relevant form and must include:

- a) An outline of reasons for the service; and
- b) A statement from a qualified medical practitioner stating the need for the service; and
- c) A statement providing land occupier consent for Council's waste services contractor to enter upon the subject property to undertake collection of waste bins.

Note that waste bins must be placed upon the subject property in a consistent location and to enable convenient unobstructed contractor access. The request will be subject to consideration by the Manager Water and Waste.

### **3.10 PRIVATE PROPERTY WASTE COLLECTION SERVICING**

Any request for the garbage collection vehicle to enter private property, such as may apply to a group title unit development, will be subject to consideration by the Manager Water and Waste.

Consideration shall be given to:

- Public liability concerns
- Serviceability
- Public safety
- Infrastructure suitability
- Risk assessment outcomes

### **3.11 MISSED WASTE COLLECTION SERVICE**

In the event of a genuine missed kerbside waste collection service, the service recipient may take their waste to their local transfer station at no charge with the prior approval from Council.

Where persons are unable to take their waste to the transfer station, Council will verify that the subject property is located within a Waste Area and is being levied appropriately for a kerbside waste collection service. If the subject property is being levied, Council will seek confirmation of that service with the Contractor and arrange for that waste to be collected where it is determined that there was a genuinely missed service.

Information is to be given to the property residence reporting the missed kerbside collection service and detailing that MGBs must be placed out for collection the night prior to the scheduled service. Council will make a record of the reported missed service and continue to monitor the service for any pattern of repetitive, non-genuine reports concerning missed collection service.

Where assessment results in the identification of repetitive, non-genuine reports concerning a missed collection service, the matter will be referred to the Manager of Water and Waste for appropriate action. Appropriate action will have regard to any relevant provisions contained within current legislation.<sup>6</sup>

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<sup>6</sup> See *Environmental Protection Regulation 2019* (Qld) ch 6.

### 3.12 UNCHARGED WASTE COLLECTION SERVICE

Where Council identifies that a property has been receiving a collection service(s) but is not being levied appropriately for that service, Council will:

- Commence levying for the identified number of kerbside waste collection services in accordance with section 3.2 of this policy; and
- Provide a written notice to that landowner. The written notice will advise of the number of waste collection services that have been identified and will be levied on the next property Rates Notice; and
- Provide kerbside waste collection service information to accompany the above written notice to the landowner.

### 3.13 CHARGING MECHANISM - WASTE MANAGEMENT KERBSIDE COLLECTION SERVICE

One (1) kerbside waste collection service provides for weekly collection of one (1) 240 litre general waste MGB.

The kerbside waste collection service relevant to a given property will incur one charge which will be applied to the Rates Notice of the subject property. Each additional kerbside waste collection service will incur an additional charge.

## 4. REPORTING

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- Monthly detailed waste data and summary waste data returns are reported by the Manager Water and Waste to the Queensland Government.
- An annual local government waste audit report is produced by the Manager Water and Waste for the Queensland Government.

## 5. DEFINITIONS

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**Commercial waste** – means waste generated as a result of the ordinary use or occupation of commercial premises including agricultural production.

**Domestic waste** – means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

**Infirm waste collection service** – means an assisted bin collection service provided upon application by a land occupier in circumstances where the land occupier unable, due to a physical condition, to present their MGB at the ordinary kerbside location for collection.

**Kerbside collection service** – means collection of one (1) 240 litre MGB unit – denotes both the singular and the plural where multiple collection services may apply. Also refers to the entirety of Council's kerbside collection service delivery across the Waste Area (**the service**).

**MGB** – means 'mobile garbage bin' – a container for the storage of domestic household waste.

**Owner** of land to include **landowner** – takes the same meaning as defined in the *Local Government Act 2009* (Qld).<sup>7</sup>

**Occupier** – of premises means the person who has the control or management of the premises upon the land.

**Waste Area** – is the area is defined as the area within which Council provides a mobile kerbside waste collection service.

## 6. RELATED DOCUMENTS AND REFERENCES

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*Environmental Protection Regulation 2019* (Qld)

*Local Government Act 2009* (Qld)

*Local Law No. 6 (Waste Management) 2018* (MSC)

*Waste Management Services Strategy 2018 - 2027* (MSC)

*Waste Reduction and Recycling Act 2011* (Qld)

*Waste Reduction and Recycling Regulation 2011* (Qld)

## 7. REVIEW

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It is the responsibility of the Manager Water and Waste to monitor the adequacy of this policy and implement and approve appropriate amendments. This policy will be formally reviewed every four (4) years or as required by Council.

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<sup>7</sup> See *Local Government Act 2009* (Qld) sch 2.