



Special Meeting of Council

Minutes

8 July 2014

Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as an addendum to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Unconfirmed Minutes

These minutes were approved for distribution on 14 July 2014.



Stan Scott
CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 22 July 2014.

Signed: 

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

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There is **NO ADDENDUM**

Shire of Toodyay

SPECIAL MEETING – 8 JULY 2014

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr David Dow, Shire President, declared the meeting open at 2.10 pm.

2. RECORDS OF ATTENDANCE

Members

Cr D Dow	Shire President
Cr B Lloyd	Deputy Shire President
Cr P Greenway	
Cr T Chitty	
Cr C Firms	
Cr S Craddock	
Cr R Madacsi	

Staff

Mr S Scott	Chief Executive Officer
Ms A Bell	Manager Community Development
Ms C Delmage	Manager Corporate Services
Mr G Bissett	Manager Planning & Development
Mr L Vidovich	Manager Works and Services
Mrs M Rebane	Executive Assistant

Visitors

Nil.

2.1 APOLOGIES

Cr B Rayner

3. DISCLOSURE OF INTERESTS

The Chairperson advised that no disclosures of interest in the form of a written notice prior to the commencement of the meeting had been received.

4. PUBLIC QUESTIONS (relating to the purpose of the meeting)

There were no public questions.

**5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS
(relating to the purpose of the meeting)**

5.1 Petitions

Nil

5.2 Deputations

Nil

5.3 Presentations

Nil

5.4 Submissions

Nil

6. PURPOSE OF MEETING

This meeting was called by Cr David Dow, Shire President, for the purpose of considering matters related to the development and adoption of the 2014/2015 Budget.

6.1 2014/2015 – Mandatory Waste Collection

Date of Report:	3 July 2014
Proponent:	Shire of Toodyay
File Ref:	LEG054
Author:	Cherie Delmage – Manager Corporate Services
Responsible Officer:	Stan Scott – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	Nil.
Voting Requirements:	Absolute majority

INTRODUCTION

The purpose of this report is for Council to consider the introduction of mandatory rubbish collection within the Shire of Toodyay in areas where rubbish collection is already available.

BACKGROUND

This proposal was originally considered during the adoption process of the 2013/2014 Annual Budget. At its Special Meeting held 30 August 2013, Council resolved:

'TABLED MOTION/COUNCIL RESOLUTION NO 266/08/13

That:

1. Waste collection continues to be mandatory in the gazetted Toodyay townsite;
2. Waste collection be voluntary in the balance of the collection area;
3. All residents who receive a mandatory or non-mandatory service will:
 - a. Be provided with one standard 240 litre Mobile Garbage Bins (MGB) and one 240 litre Recycling Collection Bins (RCB);
 - b. Be provided with a weekly collection of the standard bin and a fortnightly collection of the RCB; and
 - c. Levied a rubbish collection charge in accordance with the charges set out in the Shire of Toodyay annual budget.
4. Residents participating in these services may obtain an additional mandatory MGB or RCB in accordance with the Schedule of Fees and Charges.
5. Set the following fees for Rubbish and/or Recycling Removal/Collection:

Residential/Rural Living/Rural

Mandatory (Townsite)

First Mobile Garbage Bin – weekly collection		
- includes cost of recycling bin – fortnightly collection	230.00	GST exempt
Additional Recycling Bin	80.00	plus GST
Additional Mobile Garbage Bin	80.00	plus GST

Non-Mandatory

First Mobile Garbage Bin – weekly collection		
- includes cost of recycling bin – fortnightly collection	230.00	plus GST
Additional Recycling Bin	80.00	plus GST
Additional Mobile Garbage Bin	80.00	plus GST

Commercial/Light Industrial/Mixed Business

Mandatory (Townsite)

First Mobile Garbage Bin – weekly collection		
- includes cost of recycling bin – fortnightly collection	250.00	GST exempt
Additional Recycling Bin	100.00	plus GST
Additional Mobile Garbage Bin	100.00	plus GST

Non-Mandatory

First Mobile Garbage Bin – weekly collection		
- includes cost of recycling bin – fortnightly collection	250.00	plus GST
Additional Recycling Bin	100.00	plus GST
Additional Mobile Garbage Bin	100.00	plus GST

MOTION CARRIED 5/4

It is timely to again consider the application of mandatory rubbish collection in areas where the service is available as this will bring Shire of Toodyay waste collection practices in line with other local authorities.

It will increase cost efficiencies whilst improving the monitoring and maintenance of waste within the Shire of Toodyay.

Prior to the introduction of the WARR Act in 2007 rubbish collection was a function of the Health Act and could only be mandated in gazetted town sites.

The WARR Act allows the service and charge to be mandatory in any area of the district.

At the time this proposal was originally presented to the Council, not enough information or discussion was available to enable Council to make an informed decision.

It is hoped that concerns raised by Councillors previously have now been adequately addressed and that full support for mandatory rubbish collection will occur.

CONSULTATION

Consultation has occurred with the CEO, Avon Waste (Contractor) and senior staff.

STATUTORY ENVIRONMENT

The Waste Avoidance and Resource Recovery Act 2007 (also known as the WARR Act) makes the following provisions in relation to rates and receptacle charges.

'66. Local government may impose waste collection rate

- (1) *A local government may impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides.*
- (2) *The annual rate must not exceed —*
 - (a) *12 cents in the dollar on the gross rental value; or*
 - (b) *where the system of valuation on the basis of the unimproved value is adopted, 3 cents in the dollar on the unimproved value of the land in fee simple.*
- (3) *The provisions of the Local Government Act 1995 relating to the making, payment and recovery of general rates apply with respect to rates referred to in subsection (1).*

67. Local government may impose receptacle charge

- (1) *A local government may, in lieu of, or in addition to a rate under section 66, provide for the proper disposal of waste, whether within its district or not, by making an annual charge per waste receptacle, payable in one sum or by equal monthly or other instalments in advance, in respect of premises provided with a waste service by the local government.*
- (2) *The charge is to be imposed on the owner (as defined in section 64(1)) or occupier, as the local government may decide, of any premises provided with a waste service by the local government.*
- (3) *The provisions of the Local Government Act 1995 relating to the recovery of general rates apply with respect to a charge referred to in subsection (1).*
- (4) *In the case of premises being erected and becoming occupied during the year for which payment is to be made, the charge for*

the service provided is to be the sum that proportionately represents the period between the occupation of the premises and the end of the year for which payment is made.

- (5) *Notice of any charge made under this section may be included in any notice of rates imposed under section 66 or the Local Government Act 1995, but the omission to give notice of a charge does not affect the validity of the charge or the power of the local government to recover the charge.*
- (6) *A charge may be limited to premises in a particular portion of the area under the control of the local government.*
- (7) *Charges under this section may be imposed in respect of and are to be payable for all premises in respect of which a waste service is provided, whether such premises are rateable or not.*
- (8) *A local government may make different charges for waste services rendered in different portions of its district.'*

POLICY IMPLICATIONS

This proposal does not contain any notable policy implications.

FINANCIAL IMPLICATIONS

Waste collection services were determined by public tender, and Avon Waste was the successful tenderer. There are now preferred supplier contracts in place for Waste Collection, so future contracts may be by negotiation with a preferred supplier. Avon Waste is one of the preferred suppliers.

The cost of collection services is a function of the following factors:

- Distance travelled for collection;
- Number of bin lifts;
- Volume and nature of waste collected; and
- Disposal charges at landfill and recycling operations.

The overall cost per service can be reduced over time by maximising the number of lifts on a given route. There are estimated to be 385 premises that could be provided with refuse collection services on the existing route.

There are 385 additional recycling bins available for distribution. Standard waste bins are provided by the Contractor.

STRATEGIC IMPLICATIONS

This proposal does not contain any notable strategic implications.

ENVIRONMENTAL IMPLICATIONS

Scheduled waste collection services ensure that rubbish is collected and appropriately recycled or disposed of. The destination and disposal of waste outside collection services is less certain, but could be burned or buried on site, illegally dumped or disposed of in street side receptacles.

SOCIAL IMPLICATIONS

This proposal does not contain any notable social implications.

OFFICER'S COMMENT

Rubbish collection services would only be mandated when there is a residence on a property, and the service is already available in that location. There are no plans at present to expand the service.

As new residences are built along existing collection routes they would be included in the mandatory service. There would be a pro rata charge for part year services for new dwellings.

There may be some resistance from affected residents to mandating rubbish collection but this is likely to be short lived and only when the service is first applied. Thereafter it will be routine. We are not aware of any other location that continues to offer a voluntary service seven years after the date of effect of the new WARR Act.

There are numerous examples of services to which people are required to subscribe. Water and deep sewerage are two examples where connection is mandatory even if not preferred by the resident.

We are also proposing to offer an additional service for additional bins. Presently a service consists of one standard bin collected weekly, and one recycling bin collected fortnightly. The new charge will allow a customer to have a second recycling or a second standard bin rather than another full collection.

OFFICER'S RECOMMENDATION

1. That all residences on the existing rubbish collection route:
 - a. be provided with one standard 240 litre MGB and one 240 litre recycling bin;
 - b. be provided with a weekly collection of the standard bin and a fortnightly collection of the reclining bin;
 - c. levied a rubbish collection charge in accordance with the charges set out in the Shire of Toodyay 2014/2015 Annual Budget; and
 - d. for residents on the collection route that are not presently using the service the charge will be pro-rated from 1 September 2013.
2. That the Shire offer an additional standard or recycling bin on request for the additional charge set out in the Shire of Toodyay Annual Budget.

Cr Craddock moved an alternative motion as follows:

That:

- 1. Waste collection continues to be mandatory in the gazetted Toodyay townsite; and***
- 2. Waste collection be voluntary in the balance of the collection area.***

Clarification was sought.

Cr Firms moved an amendment to the motion as follows:

That a Point 3 be added to read as follows:

- 3. A waste collection service including recycling for residents outside mandatory collection areas be provided on request, where physically possible to do so.**

Cr Craddock did not accept the amendment.

Cr Greenway seconded the amendment.

Cr Lloyd objected to the amendment.

Debate commenced.

Cr Firms foreshadowed a further amendment being made to the motion.

The amendment was put.

AMENDMENT TO THE MOTION

MOVED Cr Firms

SECONDED Cr Greenway

That a Point 3 be added to read as follows:

- 3. A waste collection service including recycling for residents outside mandatory collection areas be provided on request, where physically possible to do so.**

MOTION LOST 2/5

Cr Firms moved an amendment to the motion as follows:

That a Point 3 be added to read as follows:

- 3. That Council develop a policy re the provision of non-mandatory waste and recycling collection services.**

Cr Craddock accepted the amendment.

Cr Firms moved an amendment to the motion as follows:

That at Point 3 the words “mandatory and” be inserted before the words “non-mandatory”

Cr Craddock accepted the amendment.

Cr Lloyd objected to the motion.

Cr Greenway seconded the motion.

Debate commenced.

Cr Lloyd foreshadowed that the Officer’s Recommendation be moved.

The substantive motion was put.

SUBSTANTIVE MOTION

MOVED Cr Craddock

SECONDED Cr Greenway

That:

1. Waste collection continues to be mandatory in the gazetted Toodyay townsite;
2. Waste collection be voluntary in the balance of the collection area; and
3. Council develop a policy re the provision of mandatory and non-mandatory waste and recycling collection services.

MOTION LOST 3/4

Cr Madacsi moved a motion as follows:

1. **That all residences on the existing rubbish collection route:**
 - a. **be provided with one standard 240 litre MGB and one 240 litre recycling bin;**
 - b. **be provided with a weekly collection of the standard bin and a fortnightly collection of the recycling bin;**
 - c. **levied a rubbish collection charge in accordance with the charges set out in the Shire of Toodyay 2014/2015 Annual Budget; and**
 - d. **for residents on the collection route that are not presently using the service the charge will be pro-rated from 1 September 2014.**

2. **Additional collection routes will be established where there is sufficient interest demonstrated by residents;**
3. **That the Shire offer an additional standard or recycling bin on request for the additional charge set out in the Shire of Toodyay Annual Budget.**
4. **That Council develop a policy on rubbish collection and management.**

Cr Craddock objected to the motion.

Cr Lloyd seconded the motion.

Debate commenced.

Cr Firms foreshadowed an alternative motion as follows:

That Council develop a policy on rubbish collection and management.

The motion was put.

MOTION LOST

MOVED Cr Madacsi

SECONDED Cr Lloyd

1. That all residences on the existing rubbish collection route:
 - a. be provided with one standard 240 litre MGB and one 240 litre recycling bin;
 - b. be provided with a weekly collection of the standard bin and a fortnightly collection of the recycling bin;
 - c. levied a rubbish collection charge in accordance with the charges set out in the Shire of Toodyay 2014/2015 Annual Budget; and
 - d. for residents on the collection route that are not presently using the service the charge will be pro-rated from 1 September 2014.
2. Additional collection routes will be established where there is sufficient interest demonstrated by residents;
3. That the Shire offer an additional standard or recycling bin on request for the additional charge set out in the Shire of Toodyay Annual Budget.
4. That Council develop a policy on rubbish collection and management.

**MOTION CARRIED 4/3
ABSOLUTE MAJORITY REQUIRED BUT WAS NOT ACHIEVED
MOTION LOST**

Cr Firms moved a motion as follows:

That Council develop a policy on waste collection and kerbside recycling for the Shire.

Clarification was sought.

COUNCIL RESOLUTION NO 166/07/14

MOVED Cr Firms

That Council develop a policy on waste collection and kerbside recycling for the Shire.

MOTION CARRIED 8/0

7. CLOSURE OF MEETING

The Shire President declared the meeting closed at 3.48 pm.

