

Waste Contamination Policy

Adopted by Council on 23 February 2021



**MORNINGTON
PENINSULA**
Shire

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Acknowledgement

Mornington Peninsula Shire acknowledges and pays respect to the elders, families and ancestors of the Bunurong/BoonWurrung people, who have been the custodians of this land for many thousands of years. We acknowledge that the land on which we meet is the place of age-old ceremonies, celebrations, initiation and renewal; and that the Bunurong/BoonWurrung peoples' living culture continues to have a unique role in the life of this region.

1. Introduction

Mornington Peninsula Shire Council's (Council) Beyond Zero Waste Strategy 2030 will send no waste directly to landfill by 2030. In transiting the Peninsula away from take, make, use and throw away culture, waste will be first avoided, our resources will be valued and reused, repurposed and recycled.

To meet Council's zero waste target and deliver the Climate Emergency Action Plan, it is essential that Council continues to educate households on correct waste disposal, minimises Contamination, seek opportunities to improve the resource recovery of materials and divert waste from landfill. If the Peninsula's waste contamination continues without mitigation, Council and households face the possibility of increasing cost to process our waste and limited markets that will accept the materials for recycling and composting.

Why contamination matters

Embedded in our recyclables and organic waste are materials, energy and water used to make products. Significantly contaminated recyclables and green waste ends up in landfill. By landfilling recyclables and organic waste, we are throwing away valuable resources that can be used and turned into new products. Not only are we filling up our limited landfill space and creating additional greenhouse emissions, we are also fuelling the need to mine, and extract limited natural resources to make more products. Annually, Councils spends approximately \$690,000 processing contaminated recycling.

The 2018/19 changes to the international and Australian waste markets have resulted in significant increases in recycling cost. Overseas markets have rejected unsorted dirty recyclables and the Federal Government has banned the export of unprocessed glass, mixed plastics, whole and used tyres, and mixed paper and cardboard. The waste industry is now requiring cleaner recycling materials with stringent contamination thresholds; councils that exceed maximum contamination levels will be financially penalised. The Shire's recycling contamination rate is 15.4% (2019), which is greater than recycling contamination limits and the State's average of 10.4%.

Residents on the peninsula are proud recyclers. However, about 5% of residents continue to contaminate their household bins even after education (Appendix 1). It is these households that are undoing the good work of the entire street by contaminating a whole truck load.

Household bins

Council delivers a range of waste services to the community: kerbside collection, facility bins, street litter bins, street sweeping, hand litter collection, mechanical beach cleaning, booked hard/green waste collection, three Resource Recovery Centres and three hoppers. Residents are provided with a standard 80L garbage bin and 240L recycling bin; rate payers may also increase the size of the bin and/or purchase additional bins such as a green waste bin. Council facilities may receive a mixture of 240L garbage and 240L recycling bins, and/or skip bin/s.

The Recycling Victoria Policy will overhaul our recycling and shift waste towards a circular economy. Our household kerbside bin collection will be reformed to assist this transition:

- Glass will be removed from co-mingled recycling with residents receiving an extra glass bin or access to glass drop-offs,
- Food waste will be collected in the green waste bins and turned into compost,
- A Container Deposit Scheme will be introduced to reduce litter and improve the quality of bottles for recycling
- The landfill levy will increase,
- Industry will be encouraged to invest in innovative local waste infrastructure.

2. Purpose

This policy aims to provide equitable, environmentally friendly, and efficient waste services to the community by standardising waste collection standards and procedures. Council's waste education and rewards programs will inspire correct waste disposal behaviours. In circumstances of repeat contamination and non-compliance, this policy will provide Council the ability to take corrective action to avoid penalties and improve the sustainability of the Peninsula.

3. Objectives

This policy sets out to:

- Improve recovery of resources and minimisation of waste sent to landfill by reducing the Mornington Peninsula Shire's rate of contamination
- Ensure that safe, consistent and equitable waste services are provided to the community through standardised procedures
- Complement waste education programs to inform the community of good waste practices; and
- Support the implementation of the Beyond Zero Waste Strategy and Climate Emergency Action Plan.

4. Principles

The waste hierarchy and following principles underpins this policy and its implementation.

Education: council recognises that waste management and recycling can be complicated; varying standards within each Council area, bin lid colours, and misleading packaging labels have further contributed to waste confusion. Hence, Council will first make all reasonable attempts to work with the householder and or facility to identify knowledge gaps and barriers to correct waste disposal.

Collaboration and partnership: waste is a share responsibility and the community and households play a key role. Council will regularly communicate with the community and households, and work with households to address waste issues.

Last resort: enforcement and penalties will be used when educational attempts have not been successful. In some cases when dangerous or hazardous waste is identified, enforcement may be the first and final step.

5. Scope

This policy applies to all Premises serviced by Council's Waste Services.

6. Owner

This policy is owned by the Mornington Peninsula Shire Council, administered by the Infrastructure Services Unit.

7. Definitions

Contamination- means presence of non-designated substances in a Council Garbage Bin, Recycling Bin, Green Waste Bin or Skip Bin.

Contractor- an individual, business or organisation engaged to conduct works on behalf of Council

Council- the Mornington Peninsula Shire Council.

Designated material- means any materials, products or substances that is accepted in respective Garbage Bin, Recycling Bin, Green Waste bin or Skip Bin

Food Organic Green Organic waste (FOGO)- means any materials or substance Council designates as food and green waste.

Garbage Bin- means receptacles with wheels that are used to collect waste generated or accumulated in or on a Premise, but excludes any item designated by Council as hazardous, oversized, or may cause damage to the bin and/or truck, and any state or nationally banned items.

Green Waste Bin- means receptacles with wheels that are used to collect materials Council designates as green/garden waste materials

Gross Contamination- high levels of materials that does not comply with designated materials, and/or presence of materials Council deems as hazardous (refer to Appendix 1 for examples of gross contamination).

Non-designated Materials- means any materials, products or substances that is not accepted in respective the Garbage Bin, Recycling Bin, Green Waste Bin or Skip Bin.

Premises- means a tract of land including its buildings serviced by Council's Waste Services

Ratepayer- means a person or entity that is liable to pay council rates

Recycling Bin- means receptacles with wheels that are used to collect materials Council designates as recyclable

Short Stay Rental Accommodation (SSRA)- means property registered under the Short Stay Rental Accommodation Local Law 2018

Special Circumstances- in relation to a person means:

- (a) a mental or intellectual disability, disorder, disease or illness where the disability, disorder, disease or illness results in the person being unable—
 - (i) to understand that conduct constitutes an offence; or
 - (ii) to control conduct that constitutes an offence; or
- (b) a serious addiction to drugs, alcohol or a volatile substance within the meaning of section 57 of the Drugs, Poisons and Controlled Substances Act 1981 where the serious addiction results in the person being unable—
 - (i) to understand that conduct constitutes an offence; or
 - (ii) to control conduct which constitutes an offence; or
- (c) homelessness determined in accordance with the prescribed criteria (if any) where the homelessness results in the person being unable to control conduct which constitutes an offence; or
- (d) family violence within the meaning of section 5 of the Family Violence Protection Act 2008 where the person is a victim of family violence and the family violence results in the person being unable to control conduct which constitutes an offence;

Skip Bin- means a large open-topped receptacle that are used to collect and/or transport waste

8. Policy

8.1 Designated materials

Designated garbage, recycling, green/garden or FOGO materials are outlined on Council's webpage.

8.2 Refusal of service

- 8.2.1 Council reserves the right to temporarily refuse a waste collection service when:
- a) Non-designated or hazardous substances have been identified by Council staff or Contractor in the Garbage Bin, Recycling Bin, Green Waste Bin, and deemed to be Grossly Contaminated
 - b) Prohibited waste is placed for collection
 - c) The Garbage Bin, Recycling Bin, Green Waste bin or Skip Bin presented exceeds maximum safe weight for a collection
 - d) The correct Garbage Bin, Recycling Bin or Green Waste Bin is not presented for collection by the required time before or on the Council nominated day
 - e) The Garbage Bin, Recycling Bin or Green Waste Bin is overflowing
 - f) Waste is placed on the lid or outside of the Garbage Bin, Recycling Bin or Green Waste Bin
 - g) Garbage Bin, Recycling Bin or Green Waste Bin presented was not a Council bin; or
 - h) Designated material will not release from the Garbage Bin, Recycling Bin, Green Waste Bin or Skip Bin.
- 8.2.2 If Gross Contamination occurs or hazardous substances is identified, Council reserves the right to suspend or remove a Recycling Bin or Green Waste Bin service at any time.

8.3 Bin Inspections

- 8.3.1 Bin inspections may be conducted by Council and/or Contractors to check bins for Contamination.
- 8.3.2 A good/happy recycling bin handle tag may be used to notify households of good recycling and/or green waste behaviour. The bad/sad bin handle tag may also be used to identify non-designated materials and areas for improvement.
- 8.3.3 Premise address, level of Contamination and presence of non-designated materials of bins inspected will be recorded using the Council approved Bin Inspection Datasheet.
- 8.3.4 When a Garbage Bin, Recycling Bin or Green Waste Bin is found to be Grossly Contaminated during the bin inspection, Council will take action as described in 8.6 and Appendix 2
- 8.3.5 A Contamination occurrence described in 8.3.1 will be recorded as an official warning against the Premises.

8.4 Contamination- visible at the kerbside

- 8.4.1 Council or the Contractor may assess the severity of the Contamination when materials are visible without the need to lid the bin or skip lid. Grossly Contaminated Garbage Bin, Recycling Bin or Green Waste Bin will not be collected and bin lid stickered shut. Evidence (photo or Bin Collection Notice carbon copy if photo is not available) must be logged against the premise.

- 8.4.2 Waste collection will proceed as described in section 8.6 and Appendix 2.
- 8.4.3 A Contamination occurrence described in 8.4.1 will be recorded as an official warning against the Premises.

8.5 Contamination- visible via camera in hopper

- 8.5.1 Where Contractor waste collection vehicle has been fitted with colour cameras in the collection hopper, Contaminated materials can be identified when emptied into the hopper. When Contamination is not visible from the kerbside, Contamination will be viewed and assessed using the waste collection vehicle's camera system.
- 8.5.2 If Grossly Contaminated Garbage Bin, Recycling Bin or Green Waste Bin is mistakenly emptied, the waste collection vehicle driver will complete the Bin Collection Service Notice and attach the notice to the emptied bin. Hopper photo/s of non-designated material/s of emptied bin **and** the Bin Collection Service Notice carbon copy will be logged against the Premise.
- 8.5.3 A Contamination occurrence described in 8.5.1 will be recorded as an official warning against the Premise.

8.6 Contamination procedure

- 8.6.1 Council or the Contractor will assess the severity of the Contamination. Grossly Contaminated Garbage Bin, Recycling Bin or Green Waste Bin will not be collected and bin lid stickered shut with a Bin Collection Notice. Evidence (photo or Bin Collection Notice carbon copy if photo is not available) will be logged against the Premise.

- 8.6.2 If waste collection vehicles **have** completed their scheduled collection route for the street and/or premise, trucks will **not return** for collection until the next scheduled collection and non-designated material/s have been removed.

If waste collection vehicles **have not** completed their scheduled collection route for the street and/or premise, **and** the occupant has contacted Council to confirm the removal of non-designated material/s, Council may direct the Contractor to reinspect before collection.

- 8.6.3 If hazardous waste has been identified in the Garbage Bin, Recycling Bin, Green Waste Bin or Skip Bin, Council reserves the right to issue an Infringement Notice under the Environmental Protection Act 2017 or General Purposes Local Law, whichever is most relevant, without warning.
- 8.6.4 It is the responsibility of the occupier or owner of a Short Stay Rental Accommodation (SSRA) to correct the situation as directed on the Bin Collection Notice before the bin will be collected.

8.7 Second Contamination Occurrence

- 8.7.1 If a Grossly Contamination incident occurs for the Same Garbage Bin, Recycling Bin, Green Waste Bin or Skip Bin service, for a second time at the premise within six (6) months of the initial occurrence from the same occupier or SSRA, Council and/or the Contractor will issue a Bin Collection Notice.

- 8.7.2 Evidence (photo or carbon copy of the Bin Collection Notice if no photo is available) will be logged against the Premise.
- 8.7.3 The Contamination occurrence described in 8.7.1 will be recorded as a second and final warning against the Premises.
- 8.7.4 Waste collection vehicles will proceed as per 8.6.2.
- 8.7.5 Council will make all reasonable efforts to educate and assist the Premise occupier or SSRA owner in the correct use of Council's waste services, and to develop strategies to manage Contamination. Reasonable efforts may include:
- a) Providing waste disposal education materials or resources
 - b) A visit to the Premise
 - c) A phone call to the occupier
- 8.7.6 Council will write to the Premise Occupier or SSRA owner:
- a) outlining the Contamination incident and previous Contamination history recorded at the Premise; and
 - b) advising that a third Contamination occurrence will result in an infringement notice under the Environment Protection Act 2017 or General Purposes Local Law, whichever is most relevant.
 - c) advising that future contamination beyond the third occurrence within a six (6) month period of the Recycling Bin and/or Green Waste Bin will result in the temporary withdrawal/cessation of the Recycling Bin and/or Green Waste Bin service and conditions for reinstatement of bin/s;
- 8.7.7 If the occupier is not the owner, a copy of the letter will also be sent to the Premise owner.

8.8 Third Contamination Occurrence

- 8.8.1 If a Grossly Contamination incident occurrence occurs for the same waste service, for a third time at the Premise within six (6) months of the initial occurrence from the same Occupier or SSRA, a Bin Collection Notice will be issued.
- 8.8.2 Evidence (photo or carbon copy of the Bin Collection Notice if no photo is available) will be logged against the Premise.
- 8.8.3 The Contamination occurrence described in 8.8.1 will be recorded as a third occurrence against the Premises.
- 8.8.4 Council will direct the Contractor to empty the Recycling Bin or Green Waste Bin into the Garbage collection vehicle; and
- a) Issue an Infringement Notice to the Occupier or SSRA owner.
- 8.8.5 Council reserves the right to use its discretion to make alternative community service arrangements in lieu of an Infringement Notice. If the occupier does not comply with the community service arrangement, an infringement notice will be issued.
- 8.8.6 Council will write to the Premise Occupier or SSRA:
- a) outlining the contamination incident and previous contamination history recorded at the premise;

- b) advise that the third occurrence has resulted in an Infringement Notice under the Environment Protection Act 2017 or General Purposes Local Law, whichever is most relevant; and
- c) advise that the fourth contamination occurrence within six (6) months of the initial occurrence will result in the temporary removal of the Recycling Bin and/or Green Waste Bin.

8.9 Fourth Contamination Occurrence

- 8.9.1 If a Grossly Contamination incident occurrence occurs for the same waste service, for the fourth time at the Premise within six (6) months of the initial occurrence from the same Occupier or SSRA, a Bin Collection Notice will be issued.
- 8.9.2 Upon the fourth Grossly Contamination incident, the Recycling Bin or Green Waste Bin service may be removed.
- 8.9.3 Council will write to the Premise or SSRA advising that:
 - a) the fourth occurrence has resulted in the temporary withdrawal/cessation of the service;
 - b) alternative options of waste disposal may be made at their own expense,
 - c) conditions for reinstatement of bin/s as per 8.10; and
 - d) further Gross Contamination after the bin/s has been reinstated may result in the permanent removal of the Recycling Bin and/or Green Waste Bin.

If the Occupier is not the owner, a copy of the letter will also be sent to the Premise owner.
- 8.9.4 After a duration of three (3) months, the Recycling Bin or Green Waste Bin may be reinstated on application and approval from Council. The bin will only be reinstated as per 8.10.
- 8.9.5 Ratepayers and/or SSRA owners must continue to pay for the full waste service charge or extra capacity service charge regardless of whether they are receiving the Recycling Bin or Green Waste Bin service.

8.10 Reinstatement of bins

- 8.10.1 After a duration of three (3) months, the Recycling Bin or Green Waste Bin may be reinstated on application and approval from Council. The bin will only be reinstated after the Premise Occupier or SSRA owner has signed a pledge agreeing not to contaminate **and** has participated in one (1) educational session to the satisfaction of Council. Council reserves the right to change the structure of the education session at any time.
- 8.10.2 If a request for reinstatement has not been made, Council will inspect the Premise for stolen Recycling Bin or Green Waste Bin. If a stolen Recycling Bin or Green Waste Bin have been identified, Council will direct the Contractor to remove the bin and where possible, return the bin to its owner.
- 8.10.3 In the instance where the Recycling Bin or Green Waste Bin has been stolen from another property for use during the temporary suspension of waste service, the recycling and/or green waste service suspension will be extended by another three (3) months.

- 8.10.4 If the Premise or SSRA occupier has been found to have been using Rubbish Bins, Recycling Bins or Green Waste Bins belonging to other Premises, SSRA, or public litter bins, the temporary recycling and/or green waste collection suspension may be extended by another three (3) months.
- 8.10.5 In the instances where Recycling Bin or Green Waste Bin service have been removed and there is a change in Occupier or SSRA owner, the Recycling Bin or Green Waste Bin service will be reinstated upon application **and** if evidence of occupancy/SSRA owner change has been supplied.
- 8.10.6 Council reserves the right not to reinstate a Skip Bin if Council is not satisfied the Contamination can be managed by the Premises Occupier.

8.11 Permanent removal of waste service

- 8.11.1 Council reserves the right to permanently withdraw/cease the Recycling Bin or Green Waste Bin service if the same Premise occupier of the initial occurrence continues to Grossly Contaminate their Recycling Bin and/or Green Waste Bin after the Recycling Bin or Green Waste Bin has been reinstated as per 8.10.1
- 8.11.2 Council will write to the Premise advising that the Recycling Bin or Green Waste Bin has permanently been withdrawn
- 8.11.3 The Premise will not be allowed another replacement Recycling Bin or Green Waste Bin service unless there is a change in occupancy or SSRA owner pursuant to section 8.10.5.
- 8.11.4 The Ratepayer or SSRA owner may apply for additional and/or extra capacity Garbage Bin at their own expense.
- 8.11.5 The occupier may arrange for a private collection for their additional rubbish, recycling, or green waste at their own expense.
- 8.11.6 If Recycling Bin or Green Waste Bin service is permanently removed:
 - a) the Ratepayer will not be entitled to a refund if an extra capacity bin has been purchased, for example an additional Recycling Bin or Green Waste Bin, and
 - b) the Ratepayer will not be entitled to a reduced waste service charge

9 Dispute resolution

- 9.1 In the event of a dispute over any aspects of this policy, the Premise owner, Occupier or SSRA owner may provide to Council a written notice of the dispute.
- 9.2 Within 14 days of Council receiving the notice, the Manager of the Unit responsible for administering this policy will meet with the Premises Owner or Occupier to discuss the dispute in good faith.
- 9.3 If a resolution cannot be reached, the Director of Place will have final judgment on the matter.

10 Exemptions

- 10.1 Alternative arrangements for occupiers with Special Circumstances will be assessed and made based on case-by-case basis.
- 10.2 If a Grossly Contaminated incident has been reported to have been contaminated from a source not associated with the Premise, Council will investigate. If the person/s responsible for the Gross Contamination cannot be identified, or has been identified from another Premise, no warning will be recorded against the Premise.

11 Related documents

This policy is implemented in conjunction with the following documents

- Our Peninsula 2021: Council Plan 2017-2021
- Kerbside Waste Collection contract/s
- Beyond Zero Waste Strategy 2030
- Climate Neutral Policy
- Emergency Climate Action Plan
- Mornington Peninsula Shire Council General Purposes Local Law
- Short Stay Rental Accommodation Local Law 2018

12 Review

This policy will be reviewed on the third year from the year of adoption.

Appendix 1

Examples of Gross Contamination in Recycling Bins.



Appendix 2

Waste contamination policy procedure

