

## **Community Local Law 2019: Incorporated Documents**

### **1. Scaregun Policy**

- 1.1 A person must not use a scaregun within 1000m of a residential area.
- 1.2 A scaregun may be used without a permit on rural zoned land subject to the following conditions:
- a. the scaregun must be positioned at least 300m from any dwelling on an adjoining property
  - b. the scaregun must be set to provide a clear interval between blasts (or cycles of blasts) of at least 8 minutes
  - c. the scaregun can only be used for a maximum of 6 hours per day, between the following hours:
    - i. Eastern Standard Time 7AM-10AM and 4PM – 7PM
    - ii. Daylight Savings Time 7AM – 10AM and 5PM – 8PM
  - d. a cycle of blasts may be up to three blasts, and must not exceed 60 seconds from the first blast to the last blast of the cycle
  - e. the scaregun must be located in or adjacent to the crop being protected, and subject to the distance specified in (1.1) and (1.2)(a)
  - f. scareguns must be of an electronic programmable gas fired type
  - g. The number of scare guns must not exceed 1 per 4Ha of crop area or part thereof, and must be positioned at least 150m from any other scaregun
  - h. Where multiple scareguns are used on one property, the interval of at least 8 minutes between blasts (or cycles of blasts) for any scaregun on the property must be maintained
- 1.3 Noise levels must not exceed the levels specified for scareguns in *the Environment Protection Authority's Publication 1254 Noise Control Guidelines (October 2008)*

- 1.4 Scaregun users may apply for a permit to vary the conditions outlined above. In deciding whether to grant a permit, Council must take into account:
- a. Consultation with nearby residents / businesses that may be affected by the change
  - b. A written application justifying the requested changes to standard conditions, including:
    - i. The proposed locations, timing and other details of the requested change to the use of scareguns
    - ii. An overall management strategy for dealing with crop damage caused by birds including a range of methods that are / will be used
    - iii. The commercial nature of the crop(s) to be protected
    - iv. Other matters as relevant in consultation with Council.

## 2 Waste Services Policy

Replaces previous Waste Services Policy  
Adopted at May Council meeting 30 May 2023  
Effective from 1 July 2023

COUNCIL POLICY

# Waste Services Policy

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**DOCUMENT UNCONTROLLED WHEN PRINTED**

Document Control		
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Date approved 30 May 2023	Next review date April 2029	Comes into operation on 1 July 2023
Directorate Assets	Department Operations	Internal / External External

**REVISION RECORD**

Date	Version	Revision description
<i>30 May 2023</i>	<i>1.0</i>	<i>Draft for adoption version effective 1 July 2023</i>

## 1. Purpose

The purpose of this policy is to detail the arrangements for the provision of waste and recycling services within the Alpine Shire Council (Council) municipality.

## 2. Scope

This policy outlines the waste management services that Council provides to residents, businesses and other groups within the community. It covers the kerbside collection service provided to all entitled properties within the Alpine Shire Council municipality, the collection service provided to all properties at Dinner Plain, the provision of Waste and Recycling Transfer Stations and the public place and event bin services across the municipality.

## 3. Policy details

### 3.1 WASTE SERVICES CHARGES

Council is entitled to charge Service Rates and Charges for the collection and disposal of waste under the *Local Government act 1989*, and apply relevant charges to all rateable properties.

Council will consider the associated charges for waste services during the budget process each financial year based on the service costs to Council and considering equity for residents.

Each property within the Shire's kerbside collection areas (as determined by Council) has an associated payment of annual kerbside collection service charges per kerbside collection service provided. These charges apply regardless of whether the service is required or utilised unless an exemption is sought and approved.

Each rateable property has an associated payment of an annual general waste management charge to recover costs associated with public place bins, bin infrastructure, transfer station operating costs and infrastructure upgrades, closed landfill capping works and waste education. These charges apply to all rateable properties regardless of whether or not the property is permanently occupied.

### 3.2 KERBSIDE COLLECTION SERVICE

#### 3.2.1 Provision of Service

Council provides standard kerbside recycling, Food Organics and Garden Organics (FOGO) and waste collection services which are compulsory for all premises within the Shire's kerbside collection areas (as determined by Council).

#### 3.2.2 Exceptions and Exemptions

Additional bins, or changes to the standard kerbside collection service bin sizes within the available alternative options, can be provided subject to approval. Additional or reduced fees may apply depending on the bin size and services chosen.

There is no option for residential properties within the defined kerbside collection area to opt out of any kerbside collection service.

Non-residential properties may apply for an exemption to a kerbside waste and/or recycling collection service if any of the following recognised grounds are met:

- The type of waste generated by a non-residential premise is not permitted to be placed in the mobile kerbside waste, comingled recycling or FOGO bins.
- The volume of waste, recyclables or FOGO generated by a non-residential premises is such that the mobile kerbside bins provided by the Council are inadequate, and a Waste Management Plan for the premises has been approved by Council. In this case the non-residential premises must prove that there is a current arrangement with a waste collection contractor to collect waste, recyclables and FOGO generated.

For non-residential premises within the kerbside collection areas, Council's kerbside FOGO collection service is offered as an opt-in service.

Any amendment to service allocations can only be made by the property owner or person legally responsible for payment of rates.

### **3.2.3 Occupiers Responsibilities**

The occupier of every premises provided with Council's waste, comingled recycling and / or FOGO kerbside collection service must:

- Use only the bins supplied by Council.
- Place the appropriate bin(s) out for collection prior to 6.00am on the designated day of collection, in the designated location with the lids in the fully closed position and spaced at least 500mm apart.
- Not place the bins out for collection more than one day before collection and bring the bin/s in within one day after collection.
- Only put items in the comingled recycling bin that are acceptable in the kerbside mixed recycling stream.
- Only put items in the FOGO bin that are acceptable in the kerbside FOGO stream.
- Only put items in the waste bin that are acceptable domestic waste.
- Not remove any bin from the premises to which they have been allocated, except when being taken to and returned from a municipal waste facility.
- Maintain all bins in a clean, sanitary and tidy condition.
- Notify Council as soon as possible if a bin is damaged, develops a defect, or is stolen or missing. In the case of a stolen or missing bin a statutory declaration must be submitted to Council prior to a new mobile kerbside bin being issued by Council.
- Council provided compostable bags are only to be used for the disposal of organics and only Council provided bags are to be placed in FOGO bins.

A person must not:

- Deposit waste in a bin at a property, without the occupier's consent
- Remove waste from any bin at a property, without the occupier's consent

### 3.2.4 Contamination of Kerbside Bins

Contamination of any of the collection services brings financial penalties to Council and thus the broader community. If a bin is found to hold contaminated or inappropriate material, an education process will progress through a minimum of 4 warnings to the ultimate removal of the bin from the property. Should a bin be removed, the waste management and waste service charges will continue to accrue..

## 3.3 DINNER PLAIN COLLECTION SERVICE

Residential and Commercial properties in Dinner Plain are charged an annual Waste Management Charge for waste management services across Dinner Plain, as well as a residential or commercial Waste Charge for the collection, processing and disposal of waste and recycling generated at the property. These charges are reviewed annually.

All properties in Dinner Plain must have a waste and recycling hutch along the roadside to house the waste and recycling generated on the property. These hutches must be easily accessible by the waste collection contractor. All waste and recycling must be sorted into the bags provided, ensuring that the bags are tied off securely before placing into the hutch and closing the door.

Hutch contents, once in the hutch, become Council's property. Hutch audits may be undertaken by Council or the waste collection contractor at any time to contribute to Council's understanding of the users' waste and resource recovery practices.

## 3.4 WASTE AND RECYCLING TRANSFER STATIONS SERVICE

Council provides three Waste and Recycling Transfer Stations (Transfer Stations) across the municipality at Porepunkah, Mount Beauty and Myrtleford. Materials received at the Transfer Stations are recycled to the greatest degree possible to minimise waste to landfill.

The Transfer Stations operate on a user pays model, with fees contributing to the operational costs of the Transfer Stations. Fees are set each financial year to encourage reuse, separation, recycling and waste reduction.

Disposal of waste must comply with Council's safety and environmental requirements, and all loads must be below two cubic meters with all waste separated by type.

Council's three Transfer Stations are all designated for domestic waste only.

Porepunkah Transfer Station is the only waste facility in the Alpine Shire where asbestos waste from a domestic source can be accepted. To dispose of asbestos at Porepunkah Transfer Station a booking must be made with Council, an Asbestos Waste Disposal Form completed and the waste must be packaged and labelled appropriately.

Residents may be eligible for a waste fee exemption if affected by a natural or local disaster. Depending on the severity of the situation, fees may be waived at the discretion of Council's Chief Executive Officer (CEO).

### 3.5 PUBLIC PLACE BINS

Council services public place bins across the municipality.

Public place bins are not to be used to dispose of waste, recyclables, organics or other materials generated from domestic, commercial or industrial properties.

### 3.6 ILLEGAL DUMPING

Any person caught dumping waste illegally on Council-managed land will be subjected to Environmental Protection Authority fines and penalties per the *Environmental Protection Act 2017 [Vic] Division 3 – Offences in relation to littering and other waste*. Council Local Laws Officers are authorised by the Environmental Protection Act 2017 [Vic] as litter enforcement officers.

### 3.7 COLLECTION SERVICES FOR SPECIAL EVENTS

Organisers of events within the Shire can apply to Council for the provision of waste, organics, and recycling services for their event. Application must be made to Council via Council's event permit application process, as per the Events Strategy.

## 4. Roles and responsibilities

The following positions are responsible for

Responsibility	Role / Position
Management of Kerbside Collection Routes	Waste Operations Officer
Kerbside Exception or Exemption applications	Waste Operations Officer
<i>Environmental Protection Act 2017</i> Authorised Officer for illegal dumping	Local Laws Officer
Emergency Waste Fee Exemption	Waste Operations Officer

## 5. Breaches

Compliance with this Waste Services Policy is a requirement under Council's Community Local Law 2019:

3.12 Waste Collection

3.13 Restriction of use of public place bins

3.14 Municipal Waste Facilities

3.15 Scavenging at Municipal Waste Facilities

## 6. Human Rights Charter compatibility

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 [Vic]*.

## 7. Supporting documents

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

### Related Legislation

- *Local Government Act 1989 [Vic]*
- *Local Government Act 2020 [Vic]*
- *Environment Protection Act 2017[Vic]*

### Related Guidelines, Operational Directives or Policies

- Alpine Shire Council Community Local Law 2019

### Related Procedures

- Alpine Shire Council Waste Services Procedure CLL-ID2-P1

## 8. Definitions and abbreviations

Term	Meaning
FOGO	Food Organics and Garden Organics
Kerbside Collection Area	The area serviced by the kerbside collection route as defined by the latest data on Council's website
Non-residential property	Any property that is not a residential property. Including non-residential businesses, public buildings, churches, sporting facilities, airfields etc.
Residential Property	Any property containing a household or residence in which people can live or reside either permanently or temporarily. This includes short term rental and holiday accommodation
Transfer Station	Waste and Recycling Transfer Station

## 9. Approval

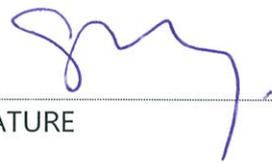
THE COMMON SEAL OF THE  
ALPINE SHIRE COUNCIL was  
hereunto affixed this 30 day of May 2023  
in the presence of:



  
COUNCILLOR

  
SIGNATURE

  
COUNCILLOR

  
SIGNATURE

  
CHIEF EXECUTIVE OFFICER

  
SIGNATURE

### 3 Register of Penalties for Infringement Notices

Clause	Topic	Penalty Units (one penalty unit = \$100)
2.1	Behaviour on Council land	2
2.2	Consumption of liquor on Council land	2
3.1	Condition of land	3
3.2	Fires in the open air or in an incinerator	3
3.3	Recreational vehicles	2
3.4	Snowmobiles	2
3.5	Camping	2
3.6	Keeping animals	2
3.7	Animal housing	2
3.8	Removal of animal faeces	2
3.9	Objectionable noises	3
3.10	Wasp nests	2
3.11	Wandering animals and birds	2
3.12	Waste collection	2
3.13	Restriction of use of public place bins	2
3.14	Municipal waste facilities	2
3.15	Scavenging at municipal waste facilities	2
3.16	Drains on private land	3
3.17	Construction site details	3
3.18	Construction work	3
3.19	Scareguns	2
3.20	Council owned airfields	3
4.1	Vehicle crossings	2
4.2	Temporary vehicle crossings	2
4.3	Redundant vehicle crossings	2
4.4	Damage or interference with Council land caused by vegetation	2

<b>Clause</b>	<b>Topic</b>	<b>Penalty Units (one penalty unit = \$100)</b>
4.5	Trees and plants	2
4.6	Signs and posts	2
4.7	Construction of garden beds on nature strips	2
4.8	Erecting or placing advertising signs	2
4.9	Roadside trading	2
4.10	Outdoor eating facilities on roads	2
4.11	Road occupation	3
4.12	Busking and street entertainment	1
4.13	Repair of vehicles	2
4.14	Substances from vehicles	3
4.15	Storage of materials and trailers	2
4.16	Firewood collection permits	2
4.17	Snow clearing	2
5.1	Droving of livestock	3
5.2	Livestock on road reserve	3
5.3	Fencing of land	3