

6.07. NOTICE OF MOTION – COMMERCIAL WASTE SERVICES NORTH OF THE DAINTREE RIVER

COUNCILLOR: Cr Terry Melchert

NOTICE OF MOTION:

I hereby give Notice of my intention to move the following Motion at the Council meeting scheduled for Tuesday 23rd February 2016:-

“That Council resolve to make the following amendments to Commercial garbage services North of the Daintree River:-

- 1. immediately remove the increase in charges recently imposed on commercial operators North of the Daintree River for delivering waste to the Cow Bay Transfer Station, and return the fee to the previous fee.**
- 2. immediately introduce a charging system at the Cow Bay transfer station whereby Commercial operators only pay for unsorted/putrescible waste delivered to the facility, and all properly sorted recyclables including glass, aluminum, cardboard and the like are accepted free of charge.**
- 3. the system be assessed over a twelve month period in consultation with businesses in the area.”**

BACKGROUND:

The issue of commercial waste services North of the Daintree River has been ongoing. The Community has rejected for various reasons the introduction of a kerbside collection service. Attempts to inspire interest from Commercial collection services in providing a service to Cape Tribulation seem likewise to have failed mainly due to the cost of operation.

Suggestions of developing a separate transfer station at Cape Tribulation would be costly and likely take some time to achieve in terms of obtaining the many approvals required to establish such a facility.

The above proposal is suggested as a measure which can be implemented in a very short time frame and will reduce costs for businesses and develop an incentive for them to actively recycle.

OFFICER'S COMMENT:

Change in Special Refuse Charge:

The recommendation above which refers to amending the Special Refuse Charges is contrary to section 94(2) of the Local Government Act which states:

“A local government must decide, by resolution at the local government’s budget meeting for a financial year, what rates and charges are to be levied for that financial year.”

Under this section of the Act, Council cannot vary or amend the rates and charges that have been adopted at its budget meeting for the year. This provision was previously contained within the *Local Government Act 1993* and has been carried forward into the current legislation. The commentary further states:

"The effect of subsection (2) is that rates and charges are fixed and unchangeable between budget meetings.

While there is power under s 170 of the Regulation to adopt an amended budget, that power does not extend to allowing a Council to make alterations to the level or method of calculating rates and charges."

Accordingly this recommendation is illegal and cannot be implemented.

Charging System:

Fees already exist to allow for charging at the Transfer Station. A system would need to be implemented to assist the site supervisor and accounts set up to allow for the number of commercial users utilising the site and required to pay fees. All of the above will require a level of administration and monitoring including invoicing and better data capture. It is agreed that the sorting of recyclables from the waste stream needs to be encouraged and a user based fee system would assist in this regard. Whilst a number of businesses already sort, in many cases there is a lot of room for improvement.

The current Douglas fee is \$52/m³ or \$12.50/bin and commercial users have not been paying fees for a number of years at Cow Bay Transfer Station (as opposed to all other receival sites where fees are paid). It is important to note that a comparison of disposal patterns of some businesses was undertaken. Taking into account the proposed levy and the cost, if those businesses were charged fees in lieu of the charge then the fees for disposal of waste generated by those businesses would be far in excess of the proposed levy, around 40% higher in some cases.

For Council's information the General Manager Operations recently met with some business operators at the Cow Bay Transfer Station to discuss potential improvements to the site that will make the site easier to use for those businesses bringing in large amounts of waste.