

**RESPONSE TO CLAIMS MADE BY NOTICE OF RESCISSION NO. 10 –
KERBSIDE WASTE AND RECYCLING SERVICE REVIEW**

The purpose of this document is to respond to the reasons put forward for Notice of Rescission No. 10 - Kerbside Waste and Recycling Service Review. The reasons put forward for Notice of Rescission are unsubstantiated claims; with no information provided regarding the basis for these claims or supporting evidence. As a result, it's difficult to understand why these claims have been made. In spite of this, we have sought to respond to the claims below.

Claim by rescission motion: “The decision is inconsistent with S56 (Community Engagement Principles), S58 (Public Transparency Principles) and S60 (Governance Rules) of the Local Government Act 2020.”

In the interests of transparency, we have included the full text of S56, S58 and S60 from the Local Government Act 2020 below.

LOCAL GOVERNMENT ACT 2020 - SECT 56

The community engagement principles

The following are the community engagement principles—

- (a) a community engagement process must have a clearly defined objective and scope;*
- (b) participants in community engagement must have access to objective, relevant and timely information to inform their participation;*
- (c) participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;*
- (d) participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;*
- (e) participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.*

The decision is consistent with all of the principles above. Thanks to a Notice of Motion, supported by all Councillors on 9th February 2021, all residents and ratepayers had the opportunity to provide input into this review. The strength of community engagement is evident in the number of people who participated with more than 6,000 individual responses through a variety of methods.

This approach stands in stark contrast to the community engagement completed prior to the 8th October 2019 decision to shift from weekly to fortnightly general rubbish collection – noting only four Councillors were present during that meeting. The decision made on 8th October 2019 was based on the Waste and Litter Management Strategy, adopted by Council on 9th July 2019, which received submissions from 87 community members¹. The strategy found 85% of people were “very satisfied” with weekly garbage collection and a further 11% were “satisfied” with weekly garbage collection. There was no recommendation or consultation completed regarding shifting garbage collection to fortnightly. In spite of this, with no further consultation, Council resolved to change the kerbside collection frequencies on 8th October 2019.

The advantage of conducting a comprehensive review, including community engagement, is we now have information to inform decisions on how to best reduce landfill and meet household’s needs at

¹ Agenda of Ordinary Council Meeting, 9th July 2019, page 23

a reasonable cost. Importantly, when respondents to both the online and random surveys were given a range of options regarding potential changes without considering costs, this review revealed that a return to weekly general rubbish was the most popular option². While we are supportive of the four-bin system, that doesn't mean there isn't room for improvement.

The survey also revealed cost sensitivity which can be managed by returning the green bin (FOGO) to fortnightly collection. FOGO was previously changed from a fortnightly to a weekly service due to the introduction of food organics. We now know that food organics account for only 2 – 6% of total food volume (roughly 0.5% of total waste volume³). While food waste has been a small part of reducing landfill in Hobsons Bay, and we hope we see increases thanks to the introduction of paper compostable bags, the main game that has underpinned reductions in landfill is elsewhere.

We also know there has been a doubling in the number of whole recycling loads taken to landfill which has coincided with at least 40% of households experiencing volume pressure with regards to their general rubbish⁴. This increased contamination is an unintended consequence of the new system.

LOCAL GOVERNMENT ACT 2020 - SECT 58

The public transparency principles

The following are the public transparency principles—

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;*
- (b) Council information must be publicly available unless—*
 - (i) the information is confidential by virtue of this Act or any other Act; or*
 - (ii) public availability of the information would be contrary to the public interest;*
- (c) Council information must be understandable and accessible to members of the municipal community;*
- (d) Public awareness of the availability of Council information must be facilitated.*

The decision is consistent with all of the principles above. The kerbside collection review was included on Council's website on 25th June 2021 prior to the Council meeting on 29th June 2021. This review included a range of alternative scenarios including switching collection schedules for general rubbish and FOGO. We note that the same level of transparency did not occur in the lead up to the decision to move weekly bin collection to fortnightly (on 8th October 2019). In fact, we can't find any documents that provided specific details on the impact of changing collection schedules made available prior to the meeting.

The meeting on 29th June 2021 was live streamed to the public with the recording of the debate available for anyone to view. Particular attention was paid to ensuring all residents and ratepayers were able to participate in the review with the Notice of Motion passed on 9th February 2021 stating: "Make arrangements to enable non-English speakers, as well as other people who may need additional support, to understand and respond to the survey".

LOCAL GOVERNMENT ACT 2020 - SECT 60

Governance Rules

- (1) A Council must develop, adopt and keep in force Governance Rules for or with respect to the following—*
 - (a) the conduct of Council meetings;*
 - (b) the conduct of meetings of delegated committees;*

² Source: Page 276 in the "2021.06.29 Council Meeting Attachments"

³ Calculated using volume data on page 428 in the "2021.06.29 Council Meeting Attachments"

⁴ Source: Pages 182 and 188 in the "2021.06.29 Council Meeting Attachments"

- (c) the form and availability of meeting records;
 - (d) the election of the Mayor and the Deputy Mayor;
 - (da) the appointment of an Acting Mayor;
 - (e) an election period policy in accordance with section 69;
 - (f) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
 - (g) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
 - (h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);
 - (i) any other matters prescribed by the regulations.
- (2) The Governance Rules must provide for a Council to—
- (a) consider and make decisions on any matter being considered by the Council fairly and on the merits; and
 - (b) institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.
- (3) A Council may amend its Governance Rules.
- (4) Subject to subsection (5), a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules.
- (5) Subsection (4) does not apply if the Council is developing and adopting or amending a Governance Rule that only adopts a good practice guideline issued by the Minister under section 87.
- (6) A Council must comply with its Governance Rules.
- (7) A Council must adopt the first Governance Rules under this section on or before 1 September 2020.
- (8) Until a Council adopts Governance Rules under this section, the Local Law Meeting Procedures made by the Council under the Local Government Act 1989 apply as if the Local Law Meeting Procedures had been adopted as Governance Rules under this section.

All governance rules have been complied with.

Claim by rescission motion: “Such a deviation from the printed Recommendation in the OCM Agenda of 29 June 2021 gave no member of municipal community the ability to understand, consider or seek clarification on the significant policy change to the kerbside waste service.”

In undertaking the review, a range of alternatives were considered. The amendment proposed an alternative scenario (option 2) already modelled by officers, as disclosed in the Council Meeting Attachments in Table 1 (page 198). This information was released to the public for consideration at the same time as the Officer Recommendation (25th June 2021)

2. Revise FOGO to fortnightly collection and introduce weekly garbage	<ul style="list-style-type: none"> • Addresses known issue for households struggling with rubbish 120L capacity. 	<ul style="list-style-type: none"> • Many residents do not want weekly garbage collections. • Reduced FOGO volumes. • Increased landfill volumes. 	\$0.54 operating \$0.30 capital (Approx. \$14 per household) 2022-23 opex: \$0.67
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Option 2 was selected as an alternative to the Officer Recommended Option 4 (noted below).

4. Free 240L general rubbish upsize to all households	<ul style="list-style-type: none"> Addresses need for any households struggling with rubbish 120L capacity simple pricing. Simple pricing / implementation. 	<ul style="list-style-type: none"> Households with lesser waste volume subsidise those with more. No incentive to reduce waste. More costly than BAU. 	\$0.48 operating \$0.37 capital (Approx. \$12 per household) 2022-23 opex: \$0.50
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Printing a recommendation on an agenda does not constitute a process of facilitating understanding, consideration or clarification. This took place during an extensive consultation – a much more extensive consultation than any that took place before prior changes to waste and recycling passed by Council on 8th October 2019. Clarification will also take place during subsequent communication of the decision.

Claim by rescission motion: “The decision is inconsistent with the Council’s adopted Waste and Litter Management Strategy 2025.”

The amended NOM does support the Waste and Litter Management Strategy 2025 in various ways, included but not limited to the following strategies and goals:

Strategy 1.1: Continue programs targeting food waste avoidance programs

This strategy/action is supported by the amended NOM which calls on programs to continue targeting food waste. Noting that audits have found that Food Organics currently makes up 2-6% of a FOGO bin⁵, against the 35% noted in the strategy, further work is required to improve uptake.

Item 2.c) in the amended NOM calls on a trial that extends the use of compostable paper bags for FOGO to all households who opt-in as a specific program to target the avoidance of food waste.

Furthermore, item 4 calls on Officers to prepare a report that:

- a. Explores mechanisms to continue to reduce landfill volumes and meet households waste and FOGO needs, while also minimising costs.
- b. Explores opportunities to increase disposal of food organics in the FOGO bin, noting that this is currently only 2-6% of total FOGO volume.
- e. Explores educational options that continue to increase ongoing awareness to reduce contamination rates and improve environmental outcomes.

Strategy 2.1: Deliver community education and support community action

This strategy includes providing community engagement and education on waste and litter initiatives focusing on food waste avoidance. Further education is supported in the amended NOM in item 4 e.

A target within this strategy is to reduce contamination levels below 12.2% by June 2025. Noting that contamination rates under Recycling 2.0 have been excessively high (up to 50%), with highly contaminated truck routes (incl. Altona North, Altona Meadows, and Laverton) diverted directly to landfill, whilst FOGO makes up 2-6% only (against the 35% noted in the strategy), further education is required to reduce contamination levels, and increase FOGO uptake, whilst supporting a mechanism to allow residents to dispose of genuine waste effectively.

Goal 2.1: Reducing contamination levels below 12.2% by June 2025

It does not make sense to achieve reductions in landfill by failing to meet household’s general waste needs. The changes are not sustainable. We’ve seen a dramatic increase in the levels of recycling contamination which have increased dramatically and coincide with volume pressure on general

⁵ Source: Page 190 in the “2021.06.29 Council Meeting Attachments”

waste. In fact, we've seen a doubling in the number of truckloads of recycling that are going straight to landfill. This dwarfs the quantity of food waste diverted from landfill.

Furthermore, item 4 calls on Officers to prepare a report that:

- f. Explores educational options that continue to increase ongoing awareness to reduce contamination rates and improve environmental outcomes.

Goal 5.1: Improve or maintain community satisfaction with the waste and recycling services above the 2018 level of 96% by June 2025

In spite of support for the four-bin system, we've seen substantial drops in satisfaction. A target within this strategy is to improve or maintain community satisfaction with the waste and recycling services above the 2018 level of 96% by June 2025, with satisfaction scores noted by stream as follows: garbage (96%), recycling (95%), and green waste (97%).

Following the implementation of Recycling 2.0, these satisfaction levels have reduced significantly to 71% for overall waste services (a reduction of 25% points) with all streams also experiencing significant declines in satisfaction as follows: garbage (70%, a decline of 25% points), recycling (75%, a decline of 20%), and green waste (78%, a decline of 19%).⁶

While the kerbside waste review notes an overall average satisfaction rating of 7.4 out of 10, within the garbage stream online satisfaction for the bin size is 4.97 out of 10, while online collection frequency satisfaction is lower at 4.6 out of 10⁷. These satisfaction ratings are classified as "extremely poor". Only 65% of the random survey and 50% of the online survey rated their overall satisfaction with kerbside collection services between 8 and 10.

Strategy 5.1: Deliver a high standard of service and continuously improve, innovate and lead

Waste and recycling is a crucial council service that demands ongoing review and improvement. While it is tempting to complete these reviews through the lens of ideology, we've got to be led by the facts and pursue a system that reduces landfill and meets household needs at a reasonable cost.

A further point to note from the "Message from the Mayor" in the strategy: "As a Council we aim to provide...cost effective...waste and litter management services". A cost-effective approach has been adopted in through the amendment, noting that the cost estimates under the original Officer recommendation to provide a free 240L waste bin upsize to all residents is based on an estimate uptake of 40%. Where uptake exceeds 40%, capital costs could increase up to \$1.3m (as opposed to an estimated \$300k in the amended approach), with operating cost estimates to also increase as potential landfill volumes increase.

Claim by rescission motion: *"The decision has not considered the best practice guidelines of the Metropolitan Waste and Resource Recovery Group (of which Hobsons Bay is a member)."*

The Metropolitan Waste Resource and Recovery Group estimates that approx. 36% of a residential waste bin is made up of Food Organics. A successful FOGO service is noted as one with high participation rates, and community support for recycling food waste. Unfortunately, in Hobsons Bay, Food Organics volume is a low proportion of FOGO (2 per cent to 6 per cent) – which means

⁶ Source: Page 47, "Annual-Community-Survey-Summary-Report-2020"

⁷ Source: Page 181 in the "2021.06.29 Council Meeting Attachments"

there is still an opportunity to increase the food waste through the FOGO stream and further reduce landfill volumes.⁸

MWRRG notes that factors that increase participation rates for food organics include the use of compostable bags. These are not currently accepted by Veolia. The amended NOM includes the provision of these to all residents who opt in. There is an expectation that Hobsons Bay continue to advocate for the acceptance of compostable bags.

Best practice notes that “Councils may wish to introduce fortnightly garbage collection over time once weekly FOGO collection is established and resident concerns have been addressed.” The evidence indicates that FOGO collection has not been established given that food organic volumes are low 2-6% (against estimates of 36%). Resident concerns about smells, and rot through inability to use compostable bags has not been addressed.

MWRRG highlights the risk of moving to fortnightly waste collection too quickly could transpire in high level contamination rates.⁹ Noting that contamination rates under Recycling 2.0 have been excessively high (up to 50%), with highly contaminated truck routes (incl. Altona North, Altona Meadows, and Laverton) diverted directly to landfill. Perhaps if there was a phased and consultative approach taken to this change initially, we would be in a different position now.

Claim by rescission motion: “The decision was not evidence-based, ignored significant and statistically valid data from extensive community surveys and failed to acknowledge the majority community satisfaction rates of the current service expressed in the surveys.”

This critique confuses disagreement with a decision with the basis upon which the decision was made. The review and associated report acknowledged significant volume pressures, including supporting data, within the garbage stream. This underpinned Council’s initial recommendation for a free upsize for all households – we have proceeded with an approach that is more cost effective and avoids the environmental impact of producing additional big bins. Although many residents, including ourselves, are satisfied with the four bin system that does not mean there is not room for improvement.

Respondents were asked their preference if they had the option to upsize or increase the frequency of just one of the collection services, and the majority selected a return to weekly for the garbage bin in both instances¹⁰.

- 35% of the random telephone and 38% of the online survey respondents preferred to increase the frequency of the small rubbish collection to weekly.
- 29% and 34% preferred to upsize the rubbish bin to 240L (but still collect fortnightly).

Where the bin is upsized, 35 and 39% still preferred weekly collection.¹¹

Bin presentation rates under a bin fullness audit noted that the garbage bin was presented almost 100% of time, while the FOGO was presented 58% of the time¹². These same audits indicated approx. 40% of households struggling with bin volume¹³. It was noted in the meeting on the 29 June 2021 that park bin audits found that 28% of garbage in park bins was deemed potential residential waste.

⁸ Source: Page 190 in the “2021.06.29 Council Meeting Attachments”

⁹ Source: “Introducing a kerbside food and garden organics collection service A guide for local government”.

¹⁰ Source: Page 276 in the “2021.06.29 Council Meeting Attachments”

¹¹ Source: Page 253 in the “2021.06.29 Council Meeting Attachments”

¹² Source: Page 434 in the “2021.06.29 Council Meeting Attachments”

¹³ Source: Page 436 in the “2021.06.29 Council Meeting Attachments”

FOGO volume has noted a low proportion of food (2 per cent to 6 per cent) – which means there is still an opportunity to increase the food waste through the FOGO stream and further reduce landfill volumes.¹⁴

Survey findings strongly suggest that cost is a significant factor underpinning the service choices of respondents in relation to the general rubbish bin collection service.¹⁵ In order to meet the issues raised around both frequency and volumes, whilst being mindful of cost, the amended approach has been adopted, noting that the cost estimates under the original Officer recommendation to provide a free 240L waste bin upsize to all residents is based on an estimate uptake of 40%. Where uptake exceeds 40%, capital costs could increase up to \$1.3m (as opposed to an estimated \$300k in the amended approach), with operating cost estimates to also increase as potential landfill volumes increase.

Claim by rescission motion: “The decision was not informed by known implementation costs to ratepayers of a changed service or the future implications to ratepayers of an increased landfill levy.”

In undertaking the review, a range of alternatives were considered. The amendment proposed an alternative scenario (option 2) already modelled by officers, as disclosed in the Council Meeting Attachments in Table 1 (page 198). This information was released to the public for consideration at the same time as the Officer Recommendation (25th June 2021)

2. Revise FOGO to fortnightly collection and introduce weekly garbage	<ul style="list-style-type: none"> Addresses known issue for households struggling with rubbish 120L capacity. 	<ul style="list-style-type: none"> Many residents do not want weekly garbage collections. Reduced FOGO volumes. Increased landfill volumes. 	\$0.54 operating \$0.30 capital (Approx. \$14 per household) 2022-23 opex: \$0.67
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The major driver of the small increase in forecast costs for this scenario, as outlined in the report, is an assumed change in landfill volumes. There is broad commitment across the community to decrease landfill. With household’s needs met, contamination in recycling is likely to come down and together with introduction of compostable bags and ongoing education efforts – we are hopeful that the low cost scenario (\$5 increase per year) or perhaps even less than this will transpire.

We note that during the Council meeting on 29 June 2021, in response to a question regarding the need for additional consultation due to additional costs related to the motion, Council’s CEO deemed these as “as I understand, the difference that is being debated is not material that would cause that (additional consultation) to occur”. It’s worth also putting this in perspective. The introduction of Recycling 2.0 had costs estimated in excess of \$10 million which have been funded by substantial deficits in the waste reserve and will need to be re-paid by residents in future years.¹⁶

¹⁴ Source: Page 190 in the “2021.06.29 Council Meeting Attachments”

¹⁵ Source: Page 278 in the “2021.06.29 Council Meeting Attachments”

¹⁶ Source: Page Agenda of Ordinary Council Meeting - 8 October 2019