Procedure 4.08.7 Requests for refund of waste service charges

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<th>Department</th>
<th>Transport and Utilities Group</th>
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<td>Responsible Officer</td>
<td>Manager</td>
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Introduction

This procedure details the response to requests for refunds in circumstances where the ratepayer claims they do not or have not had the bins required to access waste collection service for a period of time.

Principles

- Council charges for Domestic Waste Management (DWM) services to all residential rated properties and Commercial Waste Management (CWM) to all business rated properties under section 496 and 501 of the Local Government Act 1993 where those services are available.
- Waste Collection Services are available and mandatory if the property is located on a road serviced by the waste collection vehicle.
- Waste Collection Services are optional to properties where the service is not available. For example, where the property is not located on a road serviced by the waste collection vehicle but the property owner elects to take bins to a serviced road to be emptied, or where the property owner accesses the service via a bin bank.
- Waste collection services in addition to mandatory services (e.g. extra garbage, recycling or organics bins) are optional.
- DWM and CWM charges are not contingent on usage of the service where it is available, irrespective of whether the service is mandatory or optional.
- DWM and CWM charges are not contingent on the property owner/occupier being in possession of the appropriate bins at any given time.
- Refunds will only be considered where it can be substantiated that written requests to provide replacement bins have not been actioned within a reasonable timeframe.
- Council cannot administer a system of refunds based on unsubstantiated claims of missing bins. Such claims are generally impracticable for Council to validate and a system of refunds based on unsubstantiated claims gives rise to significant potential for false claims.
- Council will only accept applications for replacement of missing bins in the form a statutory declaration.
- It is incumbent on the ratepayer to be aware of the waste services for which they are paying and to make efforts to contact Council if there are problems accessing such services (i.e. because of missing bins).

Process

Upon receipt of a written claim for refund relating to missing bins the responsible officer shall:

1. Identify from rates information whether the ratepayer is being charged a DWM, garden organics or CWM charge.
2. Identify whether the ratepayer has completed a "Replacement Bin Request Form" stating the bins have been lost or stolen.

3. Where the document referred to in point 2 above has not been received by Council or by Council's contractor, no refund is available.

4. Where the document referred to in point 2 above has not been received at Council, new bins can only be issued upon receipt of a "Replacement Bin Request Form", irrespective of whether the service is optional or mandatory. The relevant Waste Management charge will continue to accrue to the Assessment.

5. Where the document referred to in point 2 above has been received at Council or Council's contractor's offices and no bins have been issued, a refund will apply only in the event that Council's and Council's contractor's records indicate that the applicable bins have not been delivered within a reasonable timeframe (typically within ten (10) business days of receipt of the relevant form).

The refund shall be calculated by dividing the applicable charge for the relevant financial year by 365 (or 366 in a leap year) and multiplying by the number of days, in excess of ten (10) days, between the date the bin replacement form was received and the date of delivery of the bins as evidenced by Council's contractor's records.