

# Draft Christchurch City Council Waste Management and Minimisation Bylaw

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January 2023

# Statement of Proposal

## Draft Waste Management and Minimisation Bylaw 2023

**Christchurch City Council is proposing changes to its waste bylaws. You can provide feedback until Sunday 26 February 2023.**

### Introduction

The Waste Management Bylaw 2009 sets the rules for Council's kerbside collection services and rural waste collection points. The Cleanfill and Waste Handling Operations Bylaw 2015 sets the rules on commercial waste handling operations, including cleanfills.

We propose replacing these two bylaws with a single Draft Waste Management and Minimisation Bylaw 2023. This bylaw will allow regulation of all waste collection services and operations, including landfills.

This document summarises the proposal and accompanies the proposed replacement bylaw and terms and conditions.

#### Current bylaws and reasons for review

We have two bylaws which regulate the collection, handling and disposal of waste:

- Waste Management Bylaw 2009
- Cleanfill and Waste Handling Operations Bylaw 2015

The Waste Management Bylaw 2009 sets the rules for the Council's waste collection services to:

- Prevent the contamination of recoverable resources
- Maximise the recovery of recyclable resources
- Ensure that waste is collected in a safe and efficient manner and does not cause a nuisance.

The details of the rules for Council's waste management services are contained in terms and conditions under the bylaw.

The Cleanfill and Waste Handling Operations Bylaw 2015 applies to commercial waste handling operations, including cleanfill operations, to:

- Regulate and monitor operators
- Protect, promote, and maintain public health and safety
- Provide comprehensive data and information for planning and waste management and minimisation purposes.

The bylaws were due for review by 2025, but we reviewed them sooner so that they remain fit-for-purpose. This means the new bylaw will be:

- Consistent with recent changes to regulations under the Waste Minimisation Act
- Assist in achieving the Council's Waste Management and Minimisation Plan 2020, including the goal to move towards zero waste
- Consistent with the Council's Climate Resilience Strategy.

#### New bylaw and terms and conditions

As a result of the review, the Council decided to replace two bylaws with one bylaw to regulate all waste collection services and operations, including landfills. We also reviewed the terms and conditions for Council's waste management services - the kerbside collection and the rural community collection points.

#### Legal considerations

When the Council reviews a bylaw, or makes a replacement bylaw, it must complete an assessment under section 155 of the Local Government Act 2002 to determine whether the bylaw:

- Is the most appropriate way of addressing problems
- Is the most appropriate form of bylaw
- Gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Subject to any changes that may result from the consultation process, the Council is satisfied the proposed replacement bylaw is the most appropriate way to address the actual, and perceived problems, associated with waste management and minimisation, and does not raise any issues or inconsistencies with the New Zealand Bill of Rights Act 1990.

The Bylaw Review Report Section 155 Analysis, including the Clause-by-Clause Analysis, contains a full explanation of these considerations, including an analysis of the actual and perceived problems, and the proposed changes to the bylaw.

#### Key proposed changes

Overall, the current bylaws are achieving their purpose and regulating the right things. However, some of the rules of the 2009 and 2015 bylaws have been assessed and there are also emerging issues that need to be addressed due to:

- Recent changes to regulations under the Waste Minimisation Act 2008
- The Christchurch Waste Management and Minimisation Plan 2020 and the Climate Resilience Strategy
- Proposed changes to the national waste management framework e.g., introduction of a Container Return Scheme
- An identified need for better integration in all aspects of waste management.

In addition to the changes outlined below, the following changes are proposed:

- Review of outdated references e.g., to standards, or legislation
- Changes to wording that does not alter the intent of the bylaw, to improve clarity, and in some cases, enforceability
- Update of definitions to improve clarity and consistency. The new definitions are considered necessary to assist with enforcement and make the bylaw easier to understand. An example is the new definition of Managed or Controlled Landfill which is made for consistency with recent changes to the Waste Minimisation (Calculation & Payment Waste Disposal Levy) Regulations 2009.

The main changes are to:

- a. Allow the Chief Executive to make changes to terms and conditions.
- b. Allow residents to opt out of, and not pay for, Council's kerbside collection services in certain circumstances e.g., where Council's contractor cannot easily access an area.
- c. Provide more flexible rules for Council kerbside collection service, e.g., to allow for a wider range of bin options.
- d. Allow new requirements for waste management plans in some circumstances so that waste is managed more effectively for
  - Multi-unit residential developments
  - Demolition and construction activities
  - Large scale events.

- e. Allow new rules to address the problems caused by unaddressed mail and advertising material and to deal with nuisance from litter, including litter around donation boxes for clothing and household goods.
- f. Allow the Council to set standards for the collection points for recycling and diverted materials, given the likely introduction of container return schemes.
- g. Revise provisions for waste handling and disposal facilities to support the diversion of materials from landfill and to ensure that all waste materials are disposed of appropriately.
- h. Amend the licensing requirements for waste operators, including for the collection of data, to enable more effective monitoring of the effectiveness of the Council's Waste Management and Minimisation Plan.

After the consultation closes, a hearings panel will consider all written submissions. Any submitters wishing to be heard will have the opportunity to speak to the panel about their submissions.

Following hearings, the panel will then deliberate and make decisions on the final bylaws to recommend to the Council for adoption. It is anticipated the Council will make a decision on the final bylaw mid-2023.

If adopted, the bylaw is expected to come into force in the second half of 2023.


#### To make a submission on the Draft Bylaw and find out more

We are accepting feedback on the proposed bylaw and terms and conditions until Sunday 26 February 2023

To make a submission:

 [ccc.govt.nz/haveyoursay](https://ccc.govt.nz/haveyoursay)

 Christchurch City Council, PO Box 73016, Christchurch 8154

 Speak to Tessa Zant, Engagement Manager 03 941 8935

 [Tessa.Zant@ccc.govt.nz](mailto:Tessa.Zant@ccc.govt.nz)

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The Christchurch City Council makes this bylaw under section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956, and section 12 of the Litter Act 1979.

# Draft Christchurch City Council Waste Management and Minimisation Bylaw

This proposal is prepared under section 11(5) of the Freedom of Information Act 2000, and section 86 of the Local Government Act 2002.

## 1. Short title and commencement

- (1) This bylaw is the Christchurch City Council (title to be inserted)
- (2) This bylaw comes into force on (date to be inserted)

## 2. Purpose

- (1) The purpose of this bylaw is to promote the delivery of effective and efficient waste management and waste minimisation and to support the Council's Waste Management and Minimisation Plan by-
  - (a) Promoting effective, efficient and safe collection, transportation, management, storage, processing, treatment and disposal of waste and diverted materials;
  - (b) Requiring waste management operations to obtain council approval;
  - (c) Requiring the collection and provision of data to the Council for the purpose of planning for waste management and minimisation;
  - (d) Protecting, promoting and maintaining public health and safety, and the health and safety of waste and diverted material collectors and operators; and
  - (e) Supporting the appropriate management of litter and nuisance relating to waste in public places and private premises.

## 3. Interpretation

**Explanatory note:** The definitions below relate to all clauses in this bylaw and are used in terms and conditions, controls and guidelines made under or in relation to this bylaw.

- (1) In this bylaw, unless the context otherwise requires:

**Act** means the Waste Minimisation Act 2008

**Advertising material** means any message which:

- (a) has printed content controlled directly or indirectly by the advertiser; and
- (b) is expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of a person.

**Explanatory Note:** Advertising material includes material such as circulars, leaflets, flyers, brochures, business cards, samples and clothing donation bags.

**Approved container** means any container (including bags) approved by the Council for the collection of any type of waste or diverted material, under the kerbside collection service, with approval based on the following criteria:

- (a) the prevention of nuisance
- (b) the protection of the health and safety of waste collectors and the public, and
- (c) the achievement of effective waste management and minimisation.

**Authorised officer** means any officer of the Council or other person authorised by the Council to administer this Bylaw. Authorised officers may also be enforcement officers under section 177 of the Local Government Act 2002.

**Chief Executive** means the Chief Executive Officer of the Christchurch City Council.

**Cleanfill** means virgin excavated natural materials such as clay, soil or rock. A cleanfill disposal facility (Class 5 landfill) means a landfill site which only accepts uncontaminated natural materials such as clay soil and rock.

**Commercial and industrial waste** means all solid waste that results from a commercial or industrial enterprise and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other activity or operation of a similar nature.

**Community Collection Point** means a Council owned Community Collection Point (CCP) that provides a disposal point for recyclable materials and residual waste for residential properties not on a kerbside collection route.

**Explanatory note:** At the time of publication of this bylaw the provision of Community Collection Points is confined to the Banks Peninsula only.

**Construction and demolition waste** means waste generated from any building work (including renovation and repair); and includes, but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, asphalt and rubble.

**Container Return Scheme (CRS) points** means an authorised collection scheme for beverage containers, including authorised collection points

**Council** means the Christchurch City Council, or any person authorised to act on its behalf

**Cover material** means uncontaminated topsoil used for covering a controlled or managed landfill

**Deposit** means to cast, place, throw, exchange or drop any waste or diverted material

**Dispose or disposal** has the same meaning as 'disposal' in section 6 of the Act

**District** means the territorial area of the Christchurch City Council.

**Diverted material** has the same meaning as 'diverted material' in section 5(1) of the Act

**Eligible properties** means properties entitled to receive the Council kerbside collection services or properties whose occupants are entitled to access Community Collection Points.

<b>Event</b>	means any organised temporary activity of significant scale that is likely to create litter and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, protest, festival, concert or celebration.
<b>Handle</b>	includes, any collection, sorting, consolidation, storage or processing of waste, but excludes the transporting of waste.
<b>Handling requirements</b>	means, in relation to each waste operations licence, the requirements for handling waste imposed by the Council.
<b>Hazardous substance</b>	has the same meaning as ‘hazardous substance’ in section 2 of the Hazardous Substances and New Organisms Act 1996.
<b>Hazardous waste</b>	means waste that: <ul style="list-style-type: none"> <li>(a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organisms Act 1996; or</li> <li>(b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 2012 – Transport of Dangerous Goods on Land; or</li> <li>(c) is a radioactive material being any material that spontaneously emits ionising radiation, including any naturally occurring radioactive material or any nuclear material.</li> </ul> <p><i>Explanatory Note: Hazardous waste does not include household waste, inorganic waste, construction and demolition waste, or commercial or industrial waste.</i></p>
<b>Household waste</b>	means waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.
<b>Hydro-excavation waste</b>	includes the suspended solids and/or mixture of solids and water derived from hydro-excavation works requiring disposal.
<b>Inorganic waste</b>	means waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an approved container, and that is specified by the Council as suitable for: <ul style="list-style-type: none"> <li>(a) collection from a public place by the Council or an approved waste collector; or</li> <li>(b) collection from any premises by the Council or an approved waste collector; or</li> <li>(c) delivery to a resource recovery facility.</li> </ul>
<b>Kerbside collection service</b>	means any collection service provided by or on behalf of the Council for the collection of any waste from eligible properties within the District.
<b>Landfill (landfill class)</b>	means a facility where waste is disposed of to land.
<b>Litter receptacle or litter bin</b>	means a Council provided receptacle in a public place for the disposal of litter
<b>Licence</b>	means a licence, consent, permit or approval to do something under this bylaw
<b>Licensee</b>	means a person or entity to whom the Council has issued a current licence.

<b>Litter</b>	has the same meaning as ‘litter’ in section 2(1) of the Litter Act 1979.
<b>Managed or controlled landfill</b>	means a managed or controlled fill disposal facility: classes 3 and 4; that accepts the following for disposal: inert waste material from construction and demolition activities and /or inert waste material from earthworks or site remediation. <p><i>Explanatory Note: This definition is consistent with recent changes to the Waste Minimisation (Calculation &amp; Payment Waste Disposal Levy) Regulations 2009. Managed or controlled landfills were termed ‘cleanfills’ under the Council’s previous bylaw, the Cleanfill and Licensed Waste Handling Bylaw 2015.</i></p>
<b>Medical Waste (Healthcare Waste)</b>	means any waste considered to be of an infectious or unsanitary nature that could endanger public health or worker health and safety. Including all waste categorised as either hazardous or controlled under NZS4304 (2002).
<b>Multi-unit residential development</b>	<ul style="list-style-type: none"> <li>(a) means a multiple occupancy residential property comprising 10 or more separately occupied units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership; and</li> <li>(b) includes a unit title development, a mixed-use premises with business activities, and any development with controlled or restricted access, such as a gated community.</li> </ul>
<b>Natural hardfill</b>	means soils, rock, gravels, sand, clay and other inorganic inert natural materials, sourced from earthworks, site remediation and other similar activities, which do not include any combustible, putrescible, degradable or leachable components. Explanatory Note: Natural hardfill is derived from activities such as site clearance and excavation and may include (safe levels of) contamination not found in cleanfill materials.
<b>Nuisance</b>	has the same meaning as ‘nuisance’ in section 29 of the Health Act 1956
<b>Occupier</b>	means any person who occupies any land or building (including commercial premises) and, if the land or building is unoccupied, includes the owner or the owner’s agent.
<b>On truck</b>	in relation to the volume measurement of fill, means the volume of fill as measured in the means of conveyance when the fill arrives at the land fill.
<b>Organic waste</b>	means food waste and green waste that is specified by the Council under this bylaw as organic waste.
<b>Other hardfill</b>	means: <ul style="list-style-type: none"> <li>(a) asphalt (cured)</li> <li>(b) Bricks</li> <li>(c) Ceramics</li> <li>(d) Chip seal (cured)</li> <li>(e) Concrete, un-reinforced (including dried concrete slurry)</li> <li>(f) Concrete, reinforced (provided that there are no exposed reinforcing rods)</li> <li>(g) Masonry blocks</li> <li>(h) Pavers (clay, concrete, ceramic)</li> <li>(i) Pipes (clay, concrete, ceramic)</li> <li>(j) Tiles (clay, concrete, ceramic)</li> <li>(k) Tree stumps</li> </ul> <p>Provided that the materials (a)-(k) above do not include any combustible, putrescible, degradable or leachable components or any hazardous substances or materials derived from hazardous waste treatment or any materials that may present a risk to human or animal health, such as medical and veterinary waste or radioactive substances, or hydro-excavation waste or any liquid waste.</p>

<b>Owner</b>	means the person whose name is shown as the owner on the Record of Title for the property.
<b>Prohibited waste</b>	means waste which due to its nature could cause harm or injury, or is otherwise deemed unacceptable for collection by the kerbside collection service, at Council waste facilities and community collection points, as specified by the Chief Executive from time to time under this Bylaw
<b>Property (premises)</b>	means any separately occupied land, dwelling, premises, building, or part of the same.
<b>Public collection point</b>	means a place where approved types of waste may be deposited for the purposes of raising funds or the charitable reuse/recovery of the waste items.
<b>Public place</b>	means an area that is open to or used by the public, and which is owned, managed, maintained or controlled by the Council. Public places include, but are not limited to: roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, carparks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.
<b>Recovery</b>	has the same meaning as ‘recovery’ in section 5(1) of the Act.
<b>Recyclable materials or recyclables</b>	means the types of waste that are able to be recycled and as specified by the Chief Executive from time to time under this Bylaw.
<b>Recycling and reuse</b>	has the same meanings as ‘recycling’ and ‘reuse’ in section 5(1) of the Act
<b>Residual waste/rubbish</b>	means any waste material not recovered or diverted from Landfill.
<b>Targeted rate</b>	means a targeted rate set by the Council to meet all or part of the cost of the solid waste and resource recovery activity.  <i>Explanatory Note: A targeted rate may be set where it is considered desirable and practicable either to enhance the transparency of Council spending (i.e. so that ratepayers can see how much they pay for a particular activity) or to ensure that the cost of a particular item is borne by the group(s) deemed to derive most benefit from it.</i>
<b>Site</b>	means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.
<b>Trade waste</b>	has the same meaning as ‘trade waste’ in the Council’s Trade Waste Bylaw.
<b>Treatment</b>	has the same meaning as ‘treatment’ in section 5(1) of the Act
<b>Unaddressed mail</b>	means any unsolicited mail including, any mail or material that does not display a full address and name of a person at that address.
<b>Uncontaminated</b>	means material that does not contain concentrations of organic or inorganic substances in excess of current established human health or ecological soil contaminant standards or guideline values recognised as valid in New Zealand in accordance with Contaminated Land Management Guidelines No 2: Hierarchy and Application in New Zealand of Environmental Guideline Values.
<b>Waste</b>	has the same meaning as ‘waste’ in section 5(1) of the Act.
<b>Waste collection</b>	means the collection and transport of waste and includes the commercial and non-commercial collection and transport of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, the owner taking their own household garden waste to a waste facility).

<b>Waste operation</b>	means  (a) any facility (land or buildings) to which waste is disposed of or where discarded materials are delivered for consolidation, sorting, storage, processing, treatment or disposal; including  (b) transfer stations, hazardous waste treatment facilities, materials recovery facilities, composting facilities, recycling and re-use facilities, resource recovery parks and centres, and landfills (including managed or controlled landfills as defined above).
<b>Waste operator</b>	includes a person or entity that owns or manages a waste operation/facility or is otherwise involved in a waste related business or undertaking.
<b>Waste Management Plan (WMP)</b>	means an operational plan for the management of waste generated by a property, requirements as specified by the Council.
<b>Waste Management and Minimisation Plan (WMMP)</b>	means the current plan adopted by the Council under section 43 of the Act.

(2) This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

*Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.*

# PART 1: Residential waste collection services

## 4. Objectives for Part 1

- (1) The objectives of this part of the bylaw are to:
  - (a) Maximise the recovery of recyclable materials and organic waste;
  - (b) Promote effective, efficient and safe collection and management of waste; and
  - (c) Support the appropriate management of litter and nuisance relating to waste in public places.

**Explanatory note:** This part of the bylaw achieves these objectives by regulating the Council's kerbside collection of waste from individual properties, the deposit of waste at community collection points, the types of waste that may be disposed of and the prevention of nuisance in relation to waste in public places.

## 5. Kerbside collection services

- (1) The occupants of eligible properties where the targeted rate is paid are entitled to use the kerbside collection service in accordance with this bylaw and the terms and conditions of the service.

**Explanatory Note:** The current terms and conditions for the kerbside collection service and community collection points can be found on the Council's website. Before making or amending any terms and conditions, the Council will comply with section 82(Principles of consultation) of the Local Government Act 2002.

- (2) The Chief Executive may determine the terms and conditions for the kerbside collection service, including but not limited to:
  - (a) The geographic areas and provisions that apply to the different categories of kerbside collection services;
  - (b) The types and sizes of approved containers and the combination of approved containers that are available to be used;
  - (c) The correct separation of organic matter, recyclable materials and residual waste into approved containers;
  - (d) The correct placement of approved containers for collection;
  - (e) Collection times and days;
  - (f) Retrieval of approved containers;
  - (g) The provision of on-site space for approved containers for multi-unit buildings;
  - (h) What constitutes permitted waste;
  - (i) What constitutes prohibited waste; and
  - (j) Restrictions on the weight of approved containers.
- (3) The Chief Executive may subsequently amend or revoke any term or conditions made under this clause at any time.
- (4) Every person using an approved container must comply with the terms and conditions for the kerbside collection service.
- (5) Despite clause 5(1), eligible residential properties may opt out of the Council's kerbside collection service provided that the Council approves a Waste Management Plan (WMP) for those properties.

**Explanatory notes:** Any rates relief will depend on the provisions of the Council's Funding Impact Statement and the Council's Rates Remission Policy.

## 6. Removal of waste and deposit of waste in approved containers

- (1) No person may remove or interfere with any waste from an approved container except the person who deposited the materials, or the council or its agent.
- (2) No person may deposit any waste in an approved container provided to any other person, without that other person's consent.

## 7. Non-compliance with conditions for kerbside collection

- (1) Failure to comply with the terms and conditions for the kerbside collection service may be subject to the following actions being taken:
  - (a) The rejection (non-collection) of the contents of any approved container left out for kerbside collection, if the contents or placement of the container is non-compliant;
  - (b) The withdrawal or suspension of the kerbside collection service being provided to that property;
  - (c) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
  - (d) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 or the Waste Minimisation Act 2008; or
  - (e) Any other steps that the Council may take in law.

## 8. Community Collection Points

- (1) Subject to the payment of the targeted rate, the occupants of eligible properties are entitled to use the Council's community collection points for household waste only.

**Explanatory note:** Community collection points (CCP) are currently provided in locations on Banks Peninsula. Occupants of eligible residential properties on the Peninsula that are not on a kerbside collection route, can dispose of domestic recycling and rubbish at the CCP.

- (2) The Chief Executive may determine any place, or receptacle in a public place as a community collection point for the collection of household waste, and determine the terms and conditions relating to the deposit of waste at the community collection point including but not limited to
  - (a) The use of specified receptacles;
  - (b) Accessible hours for the community collection point;
  - (c) What constitutes permitted waste; and
  - (d) What constitutes prohibited waste.
- (3) The Chief Executive may subsequently amend or revoke any term or condition made under this clause at any time.
- (4) Any person using a community collection point must comply with the terms and conditions for the use of that community collection point.
- (5) Any person using a community collection point must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.
- (6) No person may deposit waste at a community collection point other than in accordance with the terms and conditions for that community collection point.
- (7) No person may remove or interfere with any waste at a community collection point except the person who deposited the materials, or the council or its agent.

**Explanatory note:** Details of the locations of the community collection points, their hours of operation and categories of waste accepted at these collection points can be found on the Council's website.

## 9. Non-compliance with conditions for community collection points

- (1) Any person who does not comply with the terms and conditions or other controls for a community collection point may be subject to the following action being taken against them:
  - (a) A trespass notice being issued against that person to prevent them from using the collection point;
  - (b) Enforcement of any offence that may have been committed under the Litter Act 1979;
  - (c) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 and the Waste Minimisation Act 2008; or
  - (d) Any other steps that may be taken by the Council in law.

## 10. Waste management for multi-unit residential developments

- (1) The owner and/or manager of a multi-unit residential development must make adequate provision for the management of all household waste generated by the premises. This includes arrangements for the regular collection of waste to the satisfaction of Council and the provision of adequate areas for:
  - (a) The storage of waste on the premises from any activity on the premises; and
  - (b) The collection of recyclable materials and organic waste if collection occurs on the premises.
- (2) The Council may require a WMP to be prepared for any new proposed multi-unit development. The WMP must be in the form prescribed by the Council, and to be approved by an Authorised Officer.

**Explanatory note:** The Council will notify the applicants for resource or building consent for a multi-unit residential development (10 or more units) of the requirement for a WMP. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.

- (3) The Council may require owners or managers of an existing multi-unit residential development to submit for approval and adhere to a WMP when the existing waste management arrangements:
  - (a) Do not provide adequately for the collection of recyclable materials or organic waste; or
  - (b) Have an adverse impact on the health, safety or amenity of occupants of the development or of neighbouring properties or on adjoining public space.

**Explanatory note:** Where there are ongoing problems with a development's waste management arrangements, the Council may give notice to the owners and occupiers of the need for a WMP.

- (4) Any person who owns, manages or occupies a unit of a development must comply with the provisions of any approved WMP for that multi-unit development.

## PART 2: Waste operations

### 11. Objectives for Part 2

- (1) The objectives to this part of the bylaw are to:
  - (a) Regulate and monitor waste operations and operators involved in the management, storage, processing and depositing of waste within the City;
  - (b) Ensuring that waste operations which handle environmentally safe 'inert' natural and manufactured materials and dispose of them to land, do so in a safe and controlled manner; and
  - (c) Facilitate the collection of data and information for waste management and minimisation purposes.

### 12. Licences required for waste operations

- (1) No person may handle, process, store or dispose of more than 30 tonnes of waste in a 12 month period unless:
  - (a) The Council has granted a waste operations licence to that person for that waste operation; and
  - (b) That person (the licensee) complies with all terms and conditions of the licence.
- (2) No person may allow any land or building owned or controlled by that person to be used for a waste operation unless:
  - (a) The Council has granted a waste operations licence to the person carrying out the waste operation; and
  - (b) That person (the licensee) complies with all terms and conditions of the licence.
- (3) A waste operations licence is personal to the holder and is not transferable.
- (4) A waste operations licence may be subject to such terms and conditions as the Council thinks fit as set out in clause 15.
- (5) The term of a waste operations licence is 12 months from the date of approval of the licence; or such shorter period as determined by the Council and specified in the licence.
- (6) At the conclusion of the term of the licence, subject to satisfactory compliance, the Council may allow the licence to be renewed on the payment of the required fee, on or prior to 1 July of each year.

**Explanatory Note:** Where the licence is granted during the financial year, the fee will be set on a pro-rata basis.

### 13. Application for a waste operations licence

- (1) A written application for a waste operations licence must be made in the required form, must contain all the information requested, and must be accompanied by the relevant fee (if any).
- (2) The Council may require the applicant to provide further information, at the applicant's cost, in order to process the waste operations licence application.
- (3) A waste operations licence application will be processed, and a decision issued to the applicant within 20 working days of receipt of a complete licence application (including required fees and information).
- (4) If a waste operations licence application is refused, the Council will provide the applicant with written reasons for the Council's decision.

**Explanatory note:** Fees and charges for the issue of licences under this bylaw are set out in Council's Schedule of Fees and Charges and may be amended from time to time in accordance with section 150 of the Local Government Act 2002. In addition to the requirement for a licence under this bylaw some waste operators, may be required to be registered as an 'offensive trade' i.e. Refuse collection and disposal" under the Health Act 1956, Health (Registration of Premises) Regulations 1966.



## 14. Considerations for a waste operations licence

(1) When considering an application for a waste operations licence, the Council will take into account a range of factors including but not limited to:

- (a) The nature of the activity for which a licence is sought;
- (b) The quantity and type or category of waste to be handled;
- (c) The location and previous use of the land proposed to be used for any waste facility, including landfills (such as managed or controlled landfills);
- (d) The extent to which any licensed waste operation will adopt best practice for waste management and minimisation;
- (e) The extent to which the licensed activities will promote public health and safety, and support the goals of the Council's WMMP;
- (f) The methods employed for the handling, recycling and disposing of waste and for the minimisation of litter;
- (g) The identity of the facility (or facilities) where recycling, recovery, sorting, storage, treatment, disposal of waste will occur;
- (h) Adherence to health and safety standards and any other relevant industry standards;
- (i) The frequency and location of any removal and transportation of waste;
- (j) Any practical considerations associated with the proposed waste operation;
- (k) Any other approvals or consents held by the applicant or which are required by the applicant;
- (l) Including any relevant resource consents administered, or that will be required, by the Council and the Regional Council under the Resource Management Act 1991;
- (m) The applicant's experience, reputation, and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions or of the bylaw; and
- (n) The terms and conditions under which the waste operation is permitted to operate.

(2) When considering an application for a licence, the Council may inspect the premises or locations related to the application in relation to the purposes for which the licence is sought.

## 15. Terms and conditions of a waste operations licence

(1) The terms and conditions of a waste operations licence may include but are but not limited to:

- (a) Standard conditions applying to all waste operators;
- (b) Other conditions for a particular class or type of operation e.g.; for managed or controlled landfills;
- (c) Controls on the quantity and type or category of waste to be handled (including collection);
- (d) Controls on the storage, handling, recycling and disposing of waste and to ensure the minimisation of litter;
- (e) Conditions to address issues raised in or by the application for the licence;
- (f) Requirements to operate in accordance with industry best practice for waste management and minimisation; and
- (g) Conditions to promote public health and safety, and to support the implementation of the Council's WMMP.

(2) At its discretion the Council may require the licensee to pay a performance bond, being a bank-guaranteed bond or a security.

**Explanatory note:** The Council provides guidance on the usual types of conditions applying to all waste operations (insert link) and for managed or controlled landfills (insert link). These guides may be updated from time to time, for example, to reflect any changes in the national regulatory framework for landfill classes 3 and 4.

## 16. Suspension or revocation of waste operations licence

(1) The Council may suspend or revoke a waste operations licence if a licensee fails to:

- (a) Comply with this Bylaw, or any of the terms or conditions of the bylaw or the licence;
- (b) Pay the required fees or bond; or
- (c) Act in any manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for the licensee.

## 17. Controls on the operation of waste collection services from a public place

(1) The Chief Executive may make controls for the safe and efficient operation of waste collection services from a public place.

(2) The controls may include but are not limited to -

- (a) The categories of waste (including prohibited waste) and the maximum weight of waste that may be deposited in collection containers;
- (b) Any requirements for the separation of waste into different collection containers;
- (c) The characteristics of collection containers that may be used;
- (d) Any limits on the use of the public place for the collection of waste, and the safe and secure transportation of waste from the public place;
- (e) Any requirements applicable to waste minimisation;
- (f) Any requirements to minimise any risks to traffic or pedestrian safety;
- (g) The clean-up of any litter or illegally dumped materials; and
- (h) Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.

(3) The Chief Executive may subsequently amend or revoke any controls made under this clause at any time.

(4) Any person operating a waste collection service from a public place must comply with any controls made under this clause.

## 18. Controls on the operation of waste deposit points in a public place

(1) The Chief Executive may make controls for the safe and efficient operation of waste deposit points (Including recycling stations or container return scheme stations) that are located in a public place or within 10 metres of/adjacent to a public place.

(2) The controls may include but are not limited to -

- (a) The location and access requirements for waste deposit points (including collections vehicle access);
- (b) The type of waste which may be deposited; and
- (c) The type and use of the receptacles at the waste deposit point.

- (3) The Chief Executive may subsequently amend or revoke any controls made under this clause at any time.
- (4) Any person proposing to operate a waste deposit point to which this clause applies must notify the Council at least 20 working days before the point becomes operational.
- (5) Any person operating a waste deposit point to which this clause applies must -
  - (a) Comply with any controls made under this clause;
  - (b) Ensure the removal of all deposited materials including non-compliant materials;
  - (b) Ensure the clean-up of any litter or illegally dumped materials; and
  - (c) Ensure the maintenance of visual amenity including removal of graffiti or advertising notices from the collection point.

**Explanatory note:** This clause applies to all public collection points for recycling/diverted materials including the donation bins operated by or on behalf of charities and places for the collection of containers for any container return scheme.

## PART 3: Other waste matters

### 19. Construction and Demolition Waste Management Plan

- (1) The Council may require a WMP to be prepared for its approval for projects involving demolition, site works and/ or construction.

**Explanatory note:** The Council will endeavour to notify the owner/ developer of the requirement to prepare a construction and demolition WMP as soon as practicable, e.g. when the application for a resource consent is lodged. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.

- (2) A WMP must include:
  - (a) The person(s) responsible for ensuring that the WMP is adhered to;
  - (b) The methods which will be used to reduce waste going to landfill;
  - (c) How waste and recoverable/divertible materials will be separated on site;
  - (d) The intended destination for each waste stream (recoverable and divertible materials and waste to landfill);
  - (e) Methods to record the quantities of each waste stream removed from the site; and
  - (f) Communication methods to ensure any sub-contractors or staff are aware of and adhere to the WMP.
  - (g) Any other matter relating to waste management and minimisation that may be specified by the Council.
- (3) Upon request, and at works completion the person(s) responsible for a WMP must provide the Council with a waste analysis report, which must include a breakdown of:
  - (a) The types and amounts of waste generated
  - (b) The amount of waste diverted from landfill; and
  - (c) The facilities used to recover, recycle, treat or dispose of all waste materials.
- (4) The organisation or persons responsible for the construction or works must comply with any approved WMP.

### 20. Event Waste Management Plan

- (1) All events sponsored, funded or partially funded by Council or taking place on a public place, must address the waste generated by the event or its participants.
- (2) The Council may require an Events WMP to be prepared for events catering for more than 1000 people; in considering whether a WMP is required the Council will have regard to:
  - (a) The nature of event and the quantity and types of waste likely to be generated; and
  - (b) any waste related problems caused by previous or similar events.

**Explanatory note:** The Council will endeavour to notify the event organiser of any requirement for an Events WMP as soon as practicable, e.g. when the application for an event is lodged with the Council. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.

- (3) An Events WMP must include:
  - (a) An estimate of the types and amounts of waste likely to be generated at the event;
  - (b) How waste generated by the event will be minimised;
  - (c) Where practicable, the steps which will be taken to prioritise the use of reusable systems, the collection and use of recyclables and other recoverable and compostable materials, and an estimate of the diversion of waste from landfill;
  - (d) The equipment to be provided for the storage, collection and transportation of waste and diverted materials;
  - (e) The individual or organisation responsible for the collection and disposal of waste;
  - (f) The timing and frequency of collection and disposal of waste to be used during or after the event; and
  - (g) The method for managing litter and any spillages during or associated with the event;
- (4) The event organiser or person(s) responsible for the event must comply with an approved Events WMP.
- (5) At completion of the event, the Council may require the event organiser or person responsible for the event to provide the Council with a waste analysis report, including a breakdown of:
  - (a) The types and amounts of waste generated by the event;
  - (b) The amount of waste diverted from landfill, and;
  - (c) The facilities used to recover, recycle, treat or dispose of all waste materials.

## 21. Unaddressed mail and advertising material

- (1) No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material in any letterbox which is clearly marked “no circulars”, “no junk mail”, “addressed mail only” or with words of similar effect,
  - (a) Around or near any such letterbox or associated vehicle access-way;
  - (b) On any vehicle parked in a public place; or
  - (c) in a letterbox that is already full of mail and/or advertising materials.

## 22. Nuisance and litter

- (1) No person may:
  - (a) Allow any accumulation of waste on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
  - (b) Use an approved receptacle in a manner that creates a nuisance, is offensive or is likely to be injurious to health.
- (2) Except as provided for under this Bylaw, no person may:
  - (a) Bury or allow to be buried any waste on any property they own, occupy or manage except:
    - (i) Organic waste, including dead farm animals in rural areas;
    - (ii) Dead companion animals and nuisance pests;
    - (iii) For the purposes of home composting; or
    - (iv) Waste deposited in a farm refuse dump or an offal pit that is consented or complies with the permitted activity conditions of the Canterbury Land and Water Regional Plan;
  - (b) Dispose of any waste on any premises except at a licensed waste operations facility, or any premises they own, occupy or manage, for the purposes of home composting.

## 23. Restriction on the disposal of waste in public receptacles for litter and recyclable materials

- (1) The Council may prohibit certain materials from being deposited in a recyclable materials receptacle or a litter receptacle in a public place.
- (2) No person may place or allow prohibited materials to be deposited in a recyclable materials receptacle or a litter receptacle provided by the Council in a public place.
- (3) No person may:
  - (a) Deposit any waste arising from that person’s household or that person’s business activities in any receptacle provided by the Council in any public place;
  - (b) Remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the receptacle, unless authorised by the Council to do so;
  - (c) Deposit or attempt to deposit any litter in any receptacle provided by the Council in any public place if the receptacle is full or the litter is likely to escape;
  - (d) Fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or
  - (e) Damage any receptacle provided by the Council in any public place.
- (4) No person may allow any flag, banner, bunting, balloon, sign, poster, leaflet or similar device which is displayed to become litter, and must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.

## 24. Monitoring and inspections

- (1) The Council may carry out monitoring and inspections for the purposes of determining compliance with this bylaw, terms and conditions made under this bylaw, controls made under this bylaw and any licences issued under this bylaw.
- (2) An owner, waste operator or any other person must co-operate with any monitoring and inspections required at the discretion of an authorised officer, including, but not limited to:
  - (a) Enabling access to enter the property; and
  - (b) Providing documents, plans and other information.

## 25. Fees

- (1) Where this bylaw provides for the Council to issue a licence or to give an approval or carry out an inspection, monitoring visit or review, the Council may require the payment of a fee.

Explanatory note: Fees are set out in the Council’s Annual Plan or Long Term Plan. The Council also sets a targeted rate in relation to solid waste and resource recovery.

## 26. Offence and penalty

- (1) Every person who breaches this bylaw (including the terms and conditions made under this Bylaw) commits an offence and is liable on conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002, or to the penalties set out in the Litter Act 1979 or Waste Minimisation Act 2008, as the case may be.

## 27. Christchurch City Council General Bylaw 2008

- (1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into, and form part of this bylaw.

## 28. Revocations and savings

- (1) The following bylaws are revoked:
  - (a) Christchurch City Council Waste Management Bylaw 2009:
  - (b) Christchurch City Council Cleanfill and Waste Handling Operations Bylaw 2015.
- (2) The revocation of the Waste Management Bylaw 2009 and the Cleanfill and Waste Handling Operations Bylaw 2015 does not prevent any legal proceedings, criminal or civil, being taken to enforce the bylaws and such proceedings continue to be dealt with and completed as if the bylaws had not been revoked.
- (3) Any permission, consent, agreement or any other act of authority which originated or which was continued under either the Waste Management Bylaw 2009 or the Cleanfill and Waste Handling Operations Bylaw 2015 and which is still in force at the commencement of this bylaw continues to have full force and effect for the purpose of this bylaw.
- (4) This bylaw is implied into and forms any part of any permission, consent, or any other act of authority continued by this clause.

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The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting on (date to be inserted), and was confirmed, following consideration of submissions received during the public consultation process, by a resolution of the Council on (date to be inserted).

This bylaw was amended by the Council on (date to be inserted), and the amendments came into force on (date to be inserted).

# Draft terms and conditions for kerbside collections and community collection points

The Chief Executive makes these terms and conditions under clauses 5 and 8 of the Christchurch City Council Waste Management and Minimisation Bylaw 2023 (“the Bylaw”).

These terms and conditions use the defined terms in clause 3 of the Bylaw.

## Kerbside Collection

### 1. Types of kerbside collection services

All eligible properties that pay the appropriate waste minimisation targeted rate are entitled to use the associated Council funded collection service.

***Explanatory note:** In certain cases, the bylaw allows eligible residential properties to opt-out of the kerbside collection service if the Council approves a residential waste management plan, and the plan includes an appropriate alternate service providing for the collection (and diversion from landfill) of recyclable materials and organic waste.*

The Council offers the following types of services:

- 1.1 A **standard** service. This is a mobile waste bin based service and comprises a weekly collection of organics (food and garden waste), a fortnightly collection of recycling and a fortnightly collection of rubbish. For each property the rubbish will be collected on the week after the recycling collection.

***Explanatory note:** The current standard service containers consist of three ‘wheelie’ bins, an 80 litre bin with a green lid for organics, a 240 litre bin with a yellow lid for recycling and a 140 litre bin with a red lid for rubbish. Customers may also request larger bins e.g. a larger 240 litre green bin for organics or the small set of bins for one or two person households where space is constrained. The small set consists of 80 litre bins for organics, recycling and rubbish. Further information is available on the Council website*

- 1.2 A **shared** service. In lieu of individual sets of bins, residential multi occupancy properties may be supplied with a shared service. This may utilise shared containers (including larger 660L bins for recycling and rubbish and 240L bins for organics) to reduce total container numbers and the service will have the same schedule as a standard service. Collection for Shared service may occur on the private property, with bins to be stored in an area accessible to the collections contractor.

***Explanatory note:** Residential properties of 10 units or more may be required to have a waste management plan in terms of Clause 10 of the bylaw.*

- 1.3 A **part** service. This refers to a reduced service, such as a service where containers are provided for recycling and/or refuse only. Services may be a combination of kerbside and drop-off or drop-off only, dependant on collection vehicle accessibility. Properties receiving a part service will be charged a reduced Waste Minimisation Targeted Rate (Part-Charge).

***Explanatory note:** The current rural collection for parts of Banks Peninsula is an example of a part service.*

- 1.4 A **user pays** service. This is a service where the user pays in advance for specific waste collections, through the pre-purchase of Council approved containers (e.g., collection bags)

***Explanatory note:** Council currently offers a user pays service for recycling and refuse to a defined area in the central city.*

- 1.5 An **assisted on-property** service where the circumstances of the occupier(s) of the property are such that, due to medical reasons, it is not reasonable to expect them to place wheelie bins at the kerbside. Provision of the assisted service will be provided at the Council's discretion and may be limited to the collection of rubbish only. See clause 9 of these terms and conditions.

**Explanatory note:** *Currently the assisted on property service provided for occupants with a disability, impairment and/or frailty is a rubbish only service.*

- 1.6 An **opt-in** service for non-rateable properties such as schools, sports clubs and churches.

**Explanatory note:** *The Council also offers a recycling education programme for Ministry of Education schools.*

## 2. Use of approved containers

- 2.1 With the exceptions provided for in clauses 2.2 and 2.3, only approved containers with Christchurch City Council branding are to be used in the kerbside collection service. The approved containers are owned by Council's contractor and may not be utilised by a commercial collector or for any other purpose.

- 2.2 Where the use of an approved container (e.g., wheelie bin or bag) is not feasible, the Council's contractors may nominate other containers to be used and these terms and conditions will apply (with any necessary modification).

**Explanatory note:** *Only containers approved by the Council or its contractors will be collected; bags and loose items placed beside, or on top of approved containers will not be collected.*

- 2.3 Approved containers (e.g. wheelie bins or skip bins) will not be collected if they are non-compliant. Non-compliant containers include containers that are:

- (a) too heavy (e.g. standard wheelie bins weighing more than 70 kilos),
- (b) overloaded and/or contain oversize material (e.g. overloaded bin with lid not shut flat),
- (c) contain materials which are not approved for the service (e.g. rubbish in the recycling container) or prohibited waste, or
- (d) presented outside an incorrect address or in another location which is not approved.

**Explanatory note:** *Council maintains a record of serial numbers and electronic (RFID) tags of bins allocated to properties rated for the kerbside collection service. These bins are allocated for the sole use of that rateable property and should not be presented elsewhere or relocated.*

## 3. Permitted waste

- 3.1 Only permitted waste can be deposited in the approved containers.

- 3.2 The following materials are permitted waste for recycling containers (provided they are loose (not bagged), with tops off and free of contaminants such as food waste):

- paper,
- cardboard (flattened),
- glass bottles and jars,
- aluminium cans and household aerosol canisters,
- plastic bottles and rigid containers (up to 3 Litres) with resin codes 1, 2 and 5 only,
- steel cans.

- 3.3 The following compostable kitchen and garden material is accepted as organic waste for organics containers (provided that it is free of inorganic and unsanitary contamination):

- fruit and vegetables including peelings, scraps and spoiled food,
- meat, fish and dairy products, including raw and cooked meat products, bones and shells,
- other food products including, bread, pastries and flours,
- hair and pet fur,
- paper towels, paper napkins/serviettes, shredded paper, food contaminated paper and cardboard,
- green waste (excluding flax and other fibrous leaves), prunings, cuttings, branches no wider with than 75mm in diameter and that are able to be contained within the bin with the lid shut flat,
- lawn clippings, weeds and leaves.

- 3.4 The following material is accepted as residual waste rubbish (residual waste) containers (provided that it does not include any prohibited waste):

- waste originating from domestic activities that is not suitable for either the recycling or organic collection.

**Explanatory notes:** *The Chief Executive may make changes to the listed permitted materials by amending these terms and conditions. For the most up-to-date and complete information on materials acceptable for collection e.g. in the recycling or organics bins, please check the Council website.*

## 4. Prohibited waste

4.1 The following materials are prohibited waste and may not be deposited in any approved container:

- sharp objects or material capable of shattering or puncturing the container or injuring any person (excluding glass bottles or jars suitable for recycling),
- any explosives, gas bottles, hot ashes, flammable material, or any other matter, thing or waste of any kind whatsoever that may endanger any person, animal or vehicle prior to, during and after collection or during and after disposal,
- asbestos or other hazardous materials which may cause injury or harm to waste collectors and disposal site operators,
- any item of excessive size including tyres,
- any liquid, whether in a container or otherwise, or any viscous fluid including used oil,
- any radioactive wastes (except for domestic smoke detectors),
- any batteries (e.g. household, tool, EV-scooter/bike/vehicle),
- any electrical equipment containing hazardous substances (including electrical equipment containing HFCs/ Gases),
- any medical waste unless the Council has given its express approval for the waste to be deposited in the rubbish container.

**Explanatory notes:** Prohibited waste is not permitted in the Council's kerbside collection. For information on how to dispose of hazardous, prohibited and special waste contact either the Council Call Centre on 03 941 8999 or view the council's website.

## 5. Placement of approved containers (wheelie bins) for collection

5.1 Wheelie bins are to be placed for collection in a manner which facilitates the safe and efficient collection by the waste collectors, and in accordance with the following:

- on the kerb in front of the boundary of the serviced property with Council logo facing the road, or in the case of roads without formed kerbs, on the nominal edge of the road closest to where the collection vehicle passes as directed by the Council,
- close to but not obstructing the driveway/ footpath crossing for the serviceable property,
- bins should be placed at least 500mm clear of fixed obstructions such as trees, lamp posts and sign posts to enable mechanical lifting of bins by collection vehicle,
- where possible bins should be placed clear of movable obstructions such as parked cars and temporary road signage,
- mobile bins are only to be presented in a manner that does not impede pedestrian or vehicular movement and
- bins should be placed 500mm between presented bins for purposes of reading the electronic tag.

5.2 Alternatively when it is not possible to comply with clause 5.1, wheelie bins are to be placed as directed by the Council to facilitate the waste collection operations. Instances where alternative arrangements may be directed include on service lanes, on one way streets, on streets with cycle lanes, in private lanes and in gated communities.

5.3 Wheelie bins must be placed and removed in accordance with the following timeframes:

- bins are to be placed for collection prior to the collection starting in the area. Bins should be at the kerbside no earlier than 5:00 pm on the day before collection and (to ensure collection) no later than 6:00 am on the day of collection, and
- unless a collection service has been missed, all bins must be removed from the kerbside by 11:00 pm on the scheduled day of collection.

**Explanatory note:** Where a collection is missed or otherwise does not take place on the scheduled day, the collection will take place on the next collection day or as directed by Council.

- In some locations, the Council may direct that the placement or removal of bins occurs outside the standard times (above) for reasons of public safety and convenience.

**Explanatory notes:** The standard collection day is from 6:00 am to 6:00 pm but in some situations the Council may set non-standard collection times and will notify occupiers of the appropriate times for placement and removal of bins for these services.

Examples of locations where non-standard collection hours may apply include some industrial areas (where the collection service may start at 5.30am), the Banks Peninsula area in the months of December and January (when the collection day is from 6.00am to 7.30 pm) and on some streets where parking during the day is an issue, or which have high day-time traffic volumes.

## 6. Protection and use of approved containers (wheelie bins)

6.1 Every owner or occupier must:

- take reasonable steps to protect the approved containers (e.g. wheelie bins) allocated to their property from damage and theft,
- separate and prepare all waste so as to comply with the permitted waste criteria for organics, recycling and (residual waste) rubbish,
- maintain approved containers (wheelie bins) in a sanitary manner so as not to cause offence or nuisance,
- notify the Council of any loss of or damage to the wheelie bin within 48 hours of collection day,
- ensure that approved containers (wheelie bins) allocated to a property remain at the allocated property,
- pay any fees and charges (set annually) to have a replacement bin delivered to the allocated address,
- make the approved containers (wheelie bins) allocated to the property available to Council, its contractors or agents, for audit and inspection purposes. If a repair is required, to make the bin available at the kerbside on the next collection day for that bin or as directed by the Council, and
- make payment to replace an approved container (wheelie bin) in any of the following circumstances:
  - the bin has been removed because of non-compliance,
  - the bin has been damaged or destroyed,
  - the owner or occupier has failed to report the loss or theft of a bin from kerbside to Council within 48 hours of collection day, or of a bin being stolen from private property,
  - the bin has gone missing after collection having been left at the kerbside after 11pm on their correct collection day, or
  - any other instance where a court orders compensation to the contractor for damage or loss attributed to the occupiers of that property

**Explanatory note:** The Council provides a 24/7 service for reporting missing bins and maintains a record of the serial numbers of the bins allocated to properties for the kerbside collection. When a lost or stolen bin is recovered in a usable condition, the Council's contractor will refund any payment minus expenses for cleaning, relabelling and redelivery.

## 7. Enforcement

- 7.1 The following three step notification process will be followed before an approved container(e.g. wheelie bin) is removed because of the incorrect use of that container, and the kerbside collection service is withdrawn from a property (refer clause 7(1) of the Bylaw):
- (a) The Council or its contractor may issue notices of non-compliance with regard to the incorrect use of approved containers. A notice will generally be attached to the container and will contain guidance on the correct use of the container and advice that the non-compliance has been logged against the registered address for the container. A notice will be issued when:
    - i. The placement of the container does not comply with clause 6 of these terms and conditions, or
    - ii. The contents of the container do not comply with the permitted waste criteria for that container e.g. rubbish has been deposited in the recycling container. Where non-compliant content is identified before collection, the container will not be emptied.
  - (b) Following the first incident of non-compliance in terms of the permitted waste criteria for that container, the Council or its contractors may monitor the container for contamination. Should a further non-compliance be identified, a second notice of non-compliance will be issued and attached to the relevant container. The Council will also write to the registered property address associated with the non-compliant container to:
    - i. Advise the owners (occupiers) of the property of the non-compliance.
    - ii. Provide advice as to the correct use of containers, and
    - iii. warn that further incidents of contamination may lead to the loss of the service.
  - (c) Following a further (third) non-compliance, the container may be removed at any time and the Council will remove the service entitlement for the container from the property.
  - (d) Reinstatement of the service entitlement will be at the discretion of the Council and will require:
    - i. A fee to be paid to the Council, and
    - ii. The owner or occupier to make a statement, to the satisfaction of the Council that they understand and will comply with the terms and conditions for the waste collection service.

**Explanatory note:** Containers presented without a corresponding service allocation or at an address different from that allocated, may not be emptied and may be uplifted immediately.

## 8. Private lanes and gated communities

- 8.1 The extension of the collection service down private lanes (rights of way) may be approved by the Council in accordance with the criteria set out below:
- (a) the relevant lane must service a minimum of five residential dwellings or units.
  - (b) a majority (51%) of the landowners whose properties are serviced by the lane must request the service before an application for extension of the collection service can be considered by Council.
  - (c) applications must satisfy the Council that either all of the required landowners have consented to the service, or that the applicant has the authority to act on behalf of all the required landowners.
  - (d) the small vehicles used for collecting from “difficult access streets” (as defined in the collection contract) must be able to safely negotiate the lane, and turnaround within the lane. This is to be determined at the discretion of the Council in consultation with the contractor.

- (e) the landowners of affected lanes must acknowledge in writing that in providing the requested Council services, neither the Council nor Council contractor will be liable for wear and tear to a private right of way (lane) including any turnaround area that may occur as a consequence of providing the requested Council services
- (f) any approved service may be withdrawn at the discretion of the Council if safe access along the lane by the collection vehicle is consistently impeded e.g. by parked vehicles.

**Explanatory Note:** The legal arrangements underlying private lanes can vary, so the purpose of this clause is not necessarily to require that all landowners must consent but to ensure that all the consents legally required to be obtained are obtained.

- 8.2 The following terms and conditions apply in respect of gated communities and multi-unit residential developments

- (a) organisations responsible for the administration of multi-unit residential developments or gated developments (e.g. the Body Corporate or any owners’ committee) may apply for collection services to be extended to within their private properties on behalf of the owners provided that such organisation satisfies the Council that it has the authority to act on behalf of all the required owners,
- (b) the extension of collection services to within gated communities will be provided subject to the same conditions as for private rights of way (lanes) subject to:
  - i. driver-activated access, by means of a remote control and card key or access code as back-ups being provided to the Council and/or the Council’s contractor.
  - ii. where access cannot be gained by the contractor due to a failure in the access system, collection will only occur outside the secured perimeter of the facility.
- iii. where access codes are used, the Council/contractor will be notified of any changes in such codes,
- (c) the Council may, at its discretion, discontinue the provision of collection services within such properties at any time,
- (d) neither the Council, nor the Council’s contractor, will be liable for wear and tear to a private right of way (lane) including any turnaround area that may occur as a consequence of providing the requested Council services or for any missed collections due to a lack of adequate access, and
- (e) the community shall provide a collection point for approved containers outside the security perimeter in a safe and accessible location for the Council’s contractor where:
  - i. the community chooses not to apply for collection to take place within the property, or
  - ii. if access into the community property does not meet the required standard.



## 9. Assisted on-property service

- 9.1 The Council may provide a wheel-out wheel-back service for residual waste (red bin) only, for people where they are unable to take the bin to the kerbside due to disability, impairment and frailty. Applications for assistance may be approved by Council where the following criteria are met:
- (a) the applicant is prevented from using the kerbside service because of disability, impairment or frailty and /or the particular circumstances of the applicant's property, and
  - (b) household or community support is not available.
- 9.2 Properties provided with this service will be required to keep the allocated container in a fixed location readily accessible from the street and to provide unencumbered access to the property to the contractor for the purpose of collecting and returning the bin.

## 10. Inner city collection

- 10.1 The Inner City collection area as defined on the Inner City Map (see Council website) will have a rubbish and recycling service within a defined area on a map.
- 10.2 The approved containers for the inner city collection area are official Council bags only. The colour, labelling and price of the bags will be as notified by the Council.
- 10.3 No more than 12 kilograms of permitted materials only are to be deposited in either a recycling or rubbish bag.
- 10.4 Bags are to be placed for collection on the footpath:
- (a) in a manner and time which minimises the disruption and nuisance to other users of the footpath, and
  - (b) between 5:00pm and 7:00pm on the day of collection or such other times as notified by Council.
- 10.5 Bags which are not collected in the evening are to be removed from the footpath/street by 8:00 am on the following day.
- 10.6 The following materials are permitted waste for recycling bags (provided they have tops off and free of contaminants such as food waste):
- (a) paper,
  - (b) cardboard (flattened),
  - (c) glass bottles and jars,
  - (d) aluminium cans and household aerosol canisters,
  - (e) plastic bottles and rigid containers (up to 3 Litres) with resin codes 1, 2 and 5 only,
  - (f) steel cans.
- 10.7 Waste originating from domestic activities that is not suitable for recycling is permitted waste for rubbish bags.
- 10.8 Unwrapped sharp objects, hot ashes, liquids or dangerous objects may not be placed in the rubbish bags or recycling bags.
- 10.9 No prohibited waste can be deposited in either the recycling or rubbish bags.

**Explanatory Notes:** The Council provides a waste collection service for properties within the inner city collection area which are not rated for a waste minimisation charge. The appropriate containers are pre-paid bags. Collection days and times will be as notified by Council. Note: cardboard may not be placed on the street for collection by private commercial operators.

## 11. Community Collection Points (CCP)

- 11.1 Community collection points are intended for residents of properties that are not on a kerbside collection route.
- 11.2 Locations of Community Collection Points (CCP) and the services at each location will be determined and notified by Council from time to time.
- 11.3 Owners (occupiers) of properties outside the designated collection boundary are not entitled to use the CCP.
- 11.4 Facilities will be provided at each location for the disposal of recycling and rubbish (residual waste) except where the Council determines that a CCP is restricted to accepting only recycling or only rubbish.

**Explanatory notes:** If the Council decides to change the criteria for acceptable waste that may be deposited at a CCP, it will publicise the changes on the Council's website and through a public notice in a news-paper circulating in the locality. Other methods of publicising changes may include notices at Council facilities and social media advertising and letter box 'drops'.

- 11.5 All permitted waste that meets criteria for recycling for the kerbside collection service is accepted in the CCP recycling containers.
- 11.6 All permitted waste that meets the criteria for rubbish for the kerbside collection is accepted in the CCP rubbish (residual waste) containers.
- 11.7 The following materials are prohibited waste and may not be deposited at a CCP:
- (a) Waste generated by businesses in the course of their business activities,
  - (b) Waste that meets the criteria for prohibited waste,
  - (c) Waste generated from properties outside the designated collection boundary.
  - (d) Construction and demolition waste, and
  - (e) Large household items which would not fit in a standard kerbside wheelie bin.

**Explanatory notes:** Community waste collection points are provided in locations on Banks Peninsula to provide those residential properties which are not on a kerbside collection route with disposal points for domestic recycling and rubbish. The skips provided at the CCP are intended for household material only. Details of the locations of the community collection points, their hours of operation and categories of waste accepted can be found on the Council's website.

Kōrero mai  
**Have your say on the  
Draft Christchurch City Council  
Waste Management and  
Minimisation Bylaw**

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