

CHRISTCHURCH CITY COUNCIL

CHRISTCHURCH CITY LICENSED WASTE HANDLING FACILITIES BYLAW 2007

Pursuant to the powers vested in it by the Local Government Act 2002, the Christchurch City Council makes this Bylaw.

1. SHORT TITLE

1.1 This Bylaw may be cited as the Christchurch City Licensed Waste Handling Facilities Bylaw 2007.

1.2 This Bylaw revokes the Christchurch City Licensed Waste Handling Facilities Bylaw 2005.

2. COMMENCEMENT

2.1 This Bylaw shall commence on **1 October 2007**.

3. INTERPRETATION

3.1 In this Bylaw, unless the context otherwise requires:

“**Cleanfill site**” means land in respect of which the Council has granted a person a licence pursuant to the Christchurch City Cleanfill Licensing Bylaw 2003.

“**Council**” means the Christchurch City Council and, where the context permits, includes the Christchurch City Council's duly authorised agent.

“**handle**” in relation to waste includes but is not limited to any collection, sorting, consolidation, storage or processing of waste.

“**handling requirements**” means, in relation to each licence, the requirements for handling waste imposed by the Council pursuant to clause 6.2.

“**licence**” means a licence issued to a licensee under this Bylaw.

“**licence fee**” means the licence fee specified in Schedule A.

“**licensee**” means the person to whom the Council has issued a licence.

“**person**” includes a corporation sole, and also a body of persons, whether corporate or unincorporate.

“**licensed refuse station**” means a place or facility carrying out a waste operation licensed under this Bylaw.

“**waste operation**” means any operation which handles waste and has a waste output of more than 50 tonnes of waste per annum. For the purposes of this definition waste output does not include any waste transported to a licensed refuse station or a Cleanfill Site.

4. WASTE OPERATION LICENSING

4.1 No person shall carry on or permit or suffer any land or facility owned or controlled by that person to be used for a waste operation unless:

- (a) The Council has granted a licence to a person in relation to that waste operation; and
- (b) That waste operation is carried on in accordance with the terms and conditions of the relevant licence.

5. LICENCE TERMS AND CONDITIONS

5.1 Licences shall not be transferable to any other person.

5.2 Every licence shall be subject to the following terms and conditions:

- (a) The term of the licence shall be ten years;
- (b) The licensee shall comply with the relevant handling requirements;
- (c) The licensee shall pay the licence fee to the Council in one sum on or before the commencement date of the licence;
- (d) The licensee shall:
 - (i) keep and maintain written records on the data specified in Schedule B for 5 years from the date on which the relevant consignment of waste is handled by the licensee's licensed refuse station or such lesser time as the Council may from time to time specify; and
 - (ii) supply the records to the Council at such intervals and in such form as the Council may from time to time specify;
- (e) The Council shall have the right to take all reasonable steps, including:
 - (i) inspecting the licensee's licensed refuse station or waste operation with or without notice; and
 - (ii) inspecting all relevant invoices and other documentation held by the licensee,

for the purposes of auditing the licensee's performance and determining compliance with the terms and conditions of the licence; and
- (f) Such other terms and conditions as the Council deems fit.

5.3 Where this Bylaw or the terms of the relevant licence require waste to be weighed the licensee must carry out such weighing on a Council approved weighbridge.

- 5.4 To compensate the licensee for the cash of complying with its obligations under Clause 5.2(d) the Chief Executive may from time to time specify an amount to be paid to the licensee.

6. HANDLING REQUIREMENTS

- 6.1 In determining the handling requirements the Council may consider:

- (a) The targets for waste minimization as contained in the Council's operative waste management plan.
- (b) The extent to which the removal of recyclable and reusable materials from the waste stream is:
 - (i) economic; and
 - (ii) reasonably possible,in the proposed waste operation;
- (c) The location of the proposed waste operation;
- (d) The nature of the proposed waste operation;
- (e) The quantity of waste to be handled by the proposed waste operation;
- (f) The category or type of waste to be handled by the proposed waste operation;
- (g) Industry best practice for waste handling operations in the nature of the proposed waste operation;
- (h) Any practical considerations associated with the proposed waste operation;
- (i) Any issues relating to the proposed waste operation raised in the application for the licence; and,
- (j) Any other matter which the Council considers relevant.

- 6.2 After having considered the matters listed in clause 6.1 and having discussed those matters with the applicant the Council may from time to time impose such handling requirements on the waste operation as the Council sees fit.

7. CHRISTCHURCH CITY GENERAL BYLAW 1990

- 7.1 The provisions of the Christchurch City General Bylaw 1990 (as amended from time to time) are implied into and form part of this Bylaw.

8. PENALTIES

- 8.1 Any breach of this Bylaw shall:

- (a) be an offence punishable by a fine not exceeding \$20,000.00 as provided by section 242(4) of the Local Government Act 2002, and/or
- (b) entitle the Council to suspend any licence for such period as it considers appropriate or to cancel any licence having regard to the nature and circumstances of any breach.

SCHEDULE A – LICENCE FEE

\$225.00

SCHEDULE B – WASTE DATA

The licensee shall keep written records of the following data for each consignment of waste handled by the licensee:

- Date of dispatch.
- Category or type of waste.
- Origin of waste (if the waste is being transported to the refuse station).
- Destination of waste (if the waste is being transported from the refuse station).
- Weight of waste.
- Such other data as Council from time to time notifies to the licensee.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at an ordinary meeting of the Council held on the 5th day of April 2007 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on the 6th day of September 2007.

THE COMMON SEAL of the **CHRISTCHURCH** }
CITY COUNCIL was affixed in the presence of }

_____ Mayor/Councillor

_____ Authorised Manager