

# **CHRISTCHURCH CITY COUNCIL CHRISTCHURCH CITY CLEANFILL LICENSING BYLAW 2008**

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

## **1. SHORT TITLE AND COMMENCEMENT**

- (1) This Bylaw may be cited as the Christchurch City Cleanfill Licensing Bylaw 2008.
- (2) This Bylaw shall come into force on 1 November 2008.
- (3) This Bylaw revokes the Christchurch City Cleanfill Licensing Bylaw 2003.

## **2. INTERPRETATION**

In this Bylaw, unless the context otherwise requires,

‘CLEANFILL’	means material that does not undergo any physical, chemical or biological transformations that will cause adverse environmental effects or health effects and includes materials in Schedule A.
‘CLEANFILL SITE’	means the land in respect of which the Council has granted the Licensee a Licence to allow the land to be used for the disposal of Cleanfill.
“COUNCIL”	means the Christchurch City Council.
“COVER MATERIAL”	means those materials listed as Cover Material in Schedule A.
“LICENCE”	means a licence issued to a Licensee under this Bylaw or the Christchurch City Cleanfill Licensing Bylaw 2003.
“LICENSE APPLICATION FEE”	means the fee set out in Schedule C which may be amended by the Council from time to time by resolution.
“LICENCE MONITORING FEE”	means the fee set out in Schedule C which may be amended by the Council from time to time by resolution.
“LICENSED MATERIALS”	means all materials listed in Schedule A.
“LICENSEE”	means the person to whom the Council has issued a Licence.
“NATURAL HARDFILL”	means those materials listed as Natural Hardfill in Schedule A.
“ON TRUCK”	in relation to volume measurement of Cleanfill, means the volume of Cleanfill as measured in the means of conveyance when the Cleanfill arrives at the Cleanfill Site.
“OTHER HARDFILL”	means those materials listed as Other Hardfill in Schedule A.
“PERSON”	includes a corporation sole, and also a body of persons, whether corporate or unincorporate.

### 3. CLEANFILL SITE LICENSING

- (1) No person shall permit or suffer any land owned or controlled by that person to be used for the disposal of Cleanfill unless the Council has granted a Licence to a person in relation to that land and unless such disposal is undertaken in accordance with the terms and conditions of the Licence. This provision shall not apply to land used for the disposal of Cleanfill where such disposal:
  - (a) Consists solely of:
    - (i) Natural Hardfill, and/or
    - (ii) Cover Material, or
    - (iii) Not more than 50 cubic metres, or such greater amount as the Council in its discretion may allow, of other Cleanfill measured over any continuous 12 month period.
  - (b) is of Cleanfill sourced directly from that Land.
- (2) An application for a Licence must be made to the Council and be accompanied by a License Application Fee.
- (3) In considering any application for a Licence the Council will take into consideration the following factors:
  - (a) Any relevant resource consents administered by the Council and the Regional Council in terms of the Resource Management Act 1991;
  - (b) Previous disposal on site;
  - (c) Previous compliance history on the site;
  - (d) Compliance with requirements of the Bylaw at the time of application for a Licence.
  - (e) Any other factor which the Council considers at its own discretion to be relevant.
- (4) Every Licence whether granted under this Bylaw or under the Christchurch City Cleanfill Licensing Bylaw 2003 is subject to the following terms and conditions:
  - (a) Subject to clause 3.4 (b), no material other than Licensed Materials shall be disposed of at the Cleanfill Site.
  - (b) The Licensee may seek the prior written consent of the Council to the disposal of materials other than Licensed Materials at the Cleanfill Site. The Council may at its entire discretion grant its consent subject to such terms and conditions as it thinks fit.
  - (c) The Council may from time to time by resolution (following a special consultative procedure) remove from or add materials to Schedule A of the Bylaw. The removal or addition will take effect from a date determined by the Council, with one month notice, or such longer period as the Chief Executive decides, being given to the public of the effective date.
  - (d) The Licensee must pay an annual Licence Monitoring Fee. For a License granted under this Bylaw the first Licence Monitoring Fee is payable upon the application for a licence, and thereafter annually on the anniversary date of the issue of the License.

- (e) Volume measurement shall be made on an on truck basis. Where loads comprise a mixture of Natural Hardfill and Other Hardfill material group types, it shall be recorded as Other Material irrespective of the volume percentage split between the groups. For those Cleanfill Sites using weight measurements, a weight to volume conversion figure, as specified from time to time by the Council, shall be used to calculate the appropriate volumes in order to record the data as required in terms of Clause 3.4.(f).
  - (f) The Licensee shall keep and maintain written records on the data specified in Schedule B for 5 years from the date of receipt of each load of Cleanfill or such lesser time as the Council may from time to time specify. The Licensee shall supply the records to the Council at such intervals and in such form as the Council may from time to time specify. The Council shall have the right to take all reasonable steps, including Cleanfill Site inspections with or without notice and inspection of all relevant invoices and other documentation held by the Licensee, to audit the records for the purposes of ensuring compliance with the Licence.
  - (g) Such other terms and conditions as the Council deems fit.
- (5) Licenses are not transferable to any other person.
  - (6) The provisions of the Christchurch City Council General Bylaw 2008 (as amended from time to time) are implied into and form part of this Bylaw.
  - (7) 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.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at an ordinary meeting of the Council held on the 4 day of October 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 25 day of September 2008.

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

\_\_\_\_\_ Mayor/Councillor

\_\_\_\_\_ Authorised Manager

## **SCHEDULE A - LICENSED MATERIALS**

### **Natural Hardfill**

- Uncontaminated soils, rock, gravels, sand, clay and other inorganic inert natural materials
- Vegetative matter less than 2% by volume per load

### **Other Hardfill**

- Asphalt (cured)
- Bricks
- Ceramics
- Chip seal (cured)
- Reinforced concrete including exposed reinforcing rods of less than 1 metre in length
- Concrete, un-reinforced (including dried concrete slurry)
- Gib board, hardboard, MDF, particleboard, plywood, roofing iron and untreated timber – total less than 1% by volume per load
- Glass, excluding glass that contains any non-glass material such as laminating, wire reinforcing, rubber lining
- Masonry blocks
- Pavers (clay, concrete, ceramic)
- Pipes (clay, concrete, ceramic)
- Tiles (clay, concrete, ceramic)
- Vegetative matter less than 2% by volume per load

### **Cover Material**

- Topsoil used for cleanfill cover at the completion of the rehabilitation process

## **SCHEDULE B - INFORMATION ON MATERIALS RECEIVED**

The Licensee shall keep written records of the following minimum data for each load received for disposal:

- Date of receipt.
- Carrier and Truck ID.
- Location of source of the Licensed Materials.
- Type of activity generating material (eg road construction, trenching, site clearance, etc).
- Licensed Material group type i.e. Natural Hardfill, Other Hardfill or Cover Material. [Note: Natural Hardfill loads with less than 1% of Other Hardfill per load is classified as Natural Hardfill].
- Volume of Licensed Materials.
- Such other information as Council resolves is required from time to time and is notified to the Licensee.

### **SCHEDULE C - FEES**

Licence Application Fee at the time of passing of the bylaw: \$250 plus GST

License Monitoring Fee at the time of passing of the bylaw: \$3,470 plus GST