

CHRISTCHURCH CITY COUNCIL

CLEANFILL AND WASTE HANDLING OPERATIONS BYLAW 2015

Pursuant to the powers vested in it by the Local Government Act 2002 and the Waste Minimisation Act 2008, the Christchurch City Council makes this Bylaw.

1. SHORT TITLE

This Bylaw may be cited as the Christchurch City Council Cleanfill and Waste Handling Operations Bylaw 2015

2. COMMENCEMENT

This Bylaw comes into force on 1 December 2015.

3. PURPOSE

The purpose of this Bylaw is to:

- a) Regulate and monitor operators collecting, managing, storing and using cleanfill and waste within the City through a licensing process;
- b) Protect, promote and maintain public health and safety;
- c) Provide comprehensive data and information for planning and waste management and minimisation purposes.

The following note is explanatory and is not part of the Bylaw: *Compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law, which may include the need to apply for a resource consent from the Council or from the Regional Council.*

This Bylaw does not (and cannot) cover any recycling activity. Some materials mentioned in this Bylaw can be recycled or reused and the Council encourages recycling and reuse of materials wherever possible.

4. INTERPRETATION

In this Bylaw, unless the context otherwise requires:

annual licence fee means:

- from the date this bylaw comes into force until 30 June 2016, the licence monitoring fee set out in Schedule C of the Christchurch City Cleanfill Licensing Bylaw 2008
- from 1 July 2016, the fee set out in Council's list of fees and charges that covers the administration and monitoring for licences granted under this or any former Bylaw

additional monitoring fee means the fee set out in Council's list of fees and charges that covers any additional monitoring carried out by the Council in relation to licences granted under this or any former Bylaw

cleanfill means material that, when buried, will have no adverse effects on people or the environment. Cleanfill material includes virgin natural materials, that are free of:

1. combustible, putrescible, degradable or leachable components;
2. hazardous substances;
3. products or materials derived from hazardous waste treatment, hazardous waste stabilisation, or hazardous waste disposal practices;
4. materials that may present a risk to human or animal health, such as medical and veterinary waste, asbestos, or radioactive substances;
5. liquid waste;

such as natural hardfill, other hardfill and cover material, but excluding hydro- excavation material.

The following note is explanatory and is not part of the Bylaw: *This definition is consistent with the definition of cleanfill in the Council's District Plan, the Regional Council's Land and Water Regional Plan, and the Ministry for the Environment's (MFE) 2002 document "A Guide to the Management of Cleanfills". The definition maintains a references to natural hardfill, other hardfill and cover material, as these terms have been used in Council's previous cleanfill bylaws. The definition does not allow 'conditionally acceptable materials' as cleanfill; these materials are not included within the MFE guidelines definition of cleanfill.*

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 uncontaminated topsoil used for cleanfill cover

disposal has the same meaning as in the Waste Minimisation Act 2008, and means the final (or more than short-term) deposit of waste into or onto land set apart for that purpose or the incineration of waste (being the deliberate burning of waste to destroy it, but not to recover energy from it)

handle in relation to waste includes any collection, sorting, consolidation, storage or processing of waste, but excludes transporting of waste

handling requirements means, in relation to each waste operation licence, the requirements for handling waste imposed by the Council pursuant to clause 8

hydro- excavation material means the suspended solids and/or mixture of solids and water derived from hydro excavation works

landfill site means land used for the disposal of waste

licence means a licence issued to a licensee under this Bylaw or any former bylaws repealed by this Bylaw or any former Bylaw

licence application fee means

- from the date this bylaw comes into force until 30 June 2016, the licence application fee set out in Schedule C of the Christchurch City Cleanfill Licensing Bylaw 2008, and the licence fee set out in Schedule A of the Christchurch City Licensed Waste Handling Facilities Bylaw 2007
- from 1 July 2016, the fee that must accompany an application for a licence, as set out in Council's list of fees and charges

licensee means the person to whom the Council has issued a licence

natural hardfill means uncontaminated soils, rock, gravels, sand, clay and other inorganic inert natural materials (natural hardfill that contains less than 2% by volume per load of vegetative matter or other hardfill is still classified as natural hardfill)

The following note is explanatory and is not part of the Bylaw: *In the definition of natural hardfill and other hardfill the references to 'less than 2% by volume per load' of vegetative matter represents the aim that as small amount as possible of vegetative matter should be included in any loads of natural hardfill or other hardfill, but recognises that it would be impossible to provide for zero vegetative matter.*

on truck in relation to the 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:

- 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)
- 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

The following note is explanatory and is not part of the Bylaw: *The definition of 'other hardfill' in the Cleanfill Bylaw 2008 included 'Gib board, hardboard, MDF, particleboard, plywood, roofing iron and untreated timber – total less than 1% by volume per load'. The Council is taking a precautionary approach in removing these materials (which includes all*

plasterboard products) from the definition of other hardfill. The components in these materials could leach into the water table and could affect public health and safety. It is preferable that not even 1% of any cleanfill load includes these materials.

person includes a corporation sole, and also a body of persons, whether corporate or unincorporate

regional council means the Canterbury Regional Council, also known as Environment Canterbury, CRC and ECan

uncontaminated 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

waste has the same meaning as in the Waste Minimisation Act 2008:

- (a) means anything disposed of or discarded; and
- (b) includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and
- (c) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded

waste operation means:

- (a) Land or buildings to which waste is delivered for consolidation or for compaction and consolidation before being taken away for disposal; or
- (b) Any other land or buildings at which more than 50 tonnes of waste per annum is delivered and/or stored and then sent for disposal within the Council's district, or sent for further processing and/or disposal other than to Kate Valley Regional Landfill

working day means any day of the week other than:

- (a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day; and
- (b) If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) A day in the period commencing with the 25th day of December in a year and ending with the 10th day of January in the following year

5. CLEANFILL SITES AND WASTE OPERATIONS REQUIRE LICENSING

(1) No person may allow any land owned or controlled by that person to be used for the disposal of cleanfill or for a waste operation unless:

- (a) the Council has granted a licence to a person in relation to the use of that land for a cleanfill site or waste operation; and

(b) the cleanfill site or waste operation is undertaken in accordance with the terms and conditions of the licence.

(2) No licence is required for land used for the disposal of cleanfill where such disposal:

(a) consists solely of:

(i) natural hardfill and/or cover material; and/or

(ii) not more than 50 cubic metres, or such greater amount as the Council in its discretion may allow, of other hardfill measured over any continuous 12 month period;
or

(b) is more than 50 cubic metres of other hardfill provided it is sourced directly from the same land where it is being disposed of and provided information is given to the Council about the type and quantities of the other hardfill.

6. LICENCE APPLICATIONS

(1) An application for a cleanfill or waste operation licence must be made to the Council on the form provided by the Council and be accompanied by a licence application fee.

(2) In considering whether to grant or refuse an application for a licence the Council will take into consideration the following factors:

- (a) Any relevant resource consents administered, or that will be required, by the Council and the Regional Council in terms of the Resource Management Act 1991;
- (b) Previous use of the proposed land;
- (c) Previous compliance history of the applicant;
- (d) Any other factor which the Council considers to be relevant having regard to the purposes of this Bylaw.

(3) A licence application will be processed, and a decision issued to the applicant, within 20 working days. If a licence application is refused, the Council will provide the applicant with written reasons for the Council's decision.

7. LICENCE TERMS AND CONDITIONS

(1) Every licence is subject to the following terms and conditions:

Conditions applicable to all licences

- (a) Licences are not transferable to any other person or any other land.
- (b) The licensee must pay an annual licence fee, in advance, on 1 July each year (which fee will be on a pro-rata basis where the licence is granted during the financial year).

- (c) The licensee must pay any additional monitoring fee required by the Council for any additional monitoring it carries out at the cleanfill site or waste operation.
- (d) The licensee must keep and maintain records on the data specified in Schedule A for 12 months after the date the records are provided to the Council by the licensee or any third party. The licensee must supply the records to the Council at such intervals, and in such form as the Council may from time to time specify, but is not required to supply any records to the Council where the Council has already received that information from a third party (for example, from the Kate Valley Regional Landfill).
- (e) The Council has the right to take all reasonable steps, including:
 - (i) inspecting the cleanfill site or waste operation with or without notice; and
 - (ii) inspecting all relevant documentation held by the licensee (excluding invoices), 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 considers appropriate, having regard to the purposes of this Bylaw.

Conditions applicable only to Cleanfill site licences

- (g) No material other than cleanfill may be disposed of at a cleanfill site.

The volume measurement of cleanfill is made on an on truck basis. Where loads comprise a mixture of natural hardfill and other hardfill it will be recorded as other hardfill irrespective of the volume percentage split between the groups. For those cleanfill sites using weight measurements, a weight to volume conversion figure of 1 cubic metre to 1.636 tonnes must be used to calculate the appropriate volumes for the purposes of data specified in Schedule A.

Conditions applicable only to Waste operation licences

- (h) The licensee must comply with any relevant handling requirements determined by the Council under clause 8.
- (i) The licensee must weigh all waste on a certified weighbridge for the purposes of the data specified in Schedule A

8. HANDLING REQUIREMENTS FOR WASTE OPERATIONS

- (1) In determining the handling requirements for waste operations the Council may consider:
 - (a) The targets for waste minimisation contained in the Council's waste management and minimisation plan.

- (b) The location of the proposed waste operation;
- (c) The nature of the proposed waste operation;
- (d) The quantity of waste to be handled by the proposed waste operation;
- (e) The category or type of waste to be handled by the proposed waste operation;
- (f) Industry best practice for waste handling operations in the nature of the proposed waste operation;
- (g) Any practical considerations associated with the proposed waste operation;
- (h) Any issues relating to the proposed waste operation raised in the application for the licence; and,
- (i) Any other matter which the Council considers relevant.

(2) After having considered the matters listed in clause 8(1) and having consulted the applicant the Council may from time to time impose such handling requirements on the waste operation as the Council considers appropriate having regard to the purposes of this Bylaw.

9. REVIEW OF DECISIONS

(1) If any person is dissatisfied with any decision by an authorised officer made under this Bylaw, that person may, by notice delivered to the Chief Executive not later than 20 working days after the decision by the authorised officer is served upon that person, request the Chief Executive to review any such decision and such a decision will be final.

(2) Nothing in this clause will affect any right of appeal or review available at law.

10. AMENDMENT OF SCHEDULE A

The Council may in accordance with section 156 of the Local Government Act 2002 amend Schedule A of the Bylaw. The amendment 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 of the amendment.

11. CHRISTCHURCH CITY GENERAL BYLAW

The provisions of the Christchurch City General Bylaw 2008 (as amended from time to time) are implied into and form part of this Bylaw.

12. OFFENCE AND PENALTY

Any breach of this Bylaw:

(a) is an offence punishable by a fine not exceeding \$20,000.00 as provided for in section 242(4) of the Local Government Act 2002 and section 66 of the Waste Minimisation Act 2008, and/or

(b) may lead to the Council suspending or revoking the licence in accordance with clause 9 of the General Bylaw 2008.

13. REVOCATIONS AND SAVINGS

(1) This Bylaw revokes the Christchurch City Cleanfill Licensing Bylaw 2008 and the Christchurch City Licensed Waste Handling Facilities Bylaw 2007

(2) Despite the revocation in clause 13(1) the fees schedules of both bylaws are not revoked until 1 July 2016.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at a meeting of the Council on the 28 day of May 2015 and was confirmed, following consideration of submissions by a resolution at a subsequent meeting of the Council on the 26 day of November 2015.

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

_____ Mayor/Councillor

_____ Authorised Manager

SCHEDULE A - INFORMATION

A **cleanfill site licensee** must keep records of the following minimum data for each load received for disposal:

- Date of receipt.
- Carrier and truck I.D.
- Location of source of the cleanfill.
- Type of activity generating the cleanfill (e.g. road construction, trenching, site clearance, etc).
- The cleanfill group type i.e. natural hardfill, other hardfill or cover material.
- Volume of natural hardfill, other hardfill and/or cover material.

Once a year, at the time of paying the annual licence fee, the licensee must send the Council a map of the area at the cleanfill site that has been filled in the previous year, and the location and type of cleanfill disposed of in that area.

A **waste operation licensee** must keep 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.
- Destination of waste.
- Weight of waste.