

# CHRISTCHURCH CITY COUNCIL WASTE MANAGEMENT BYLAW 2009

Pursuant to sections 145 and 146 of the Local Government Act 2002 and section 56 of the Waste Minimisation Act 2008 the Christchurch City Council makes this bylaw.

## 1. SHORT TITLE AND COMMENCEMENT

This bylaw is the Christchurch City Council Waste Management Bylaw 2009. This bylaw comes into force on 1 February 2009.

## 2. OBJECT OF THE BYLAW

The purpose of this bylaw is to prevent the contamination of recoverable resources and maximise the recovery of recyclable resources. It is also to ensure that waste is collected in a safe and efficient manner, and that waste does not cause a nuisance. It achieves these purposes by regulating:

- (1) Kerbside collection services for waste from individual properties;
- (2) Council waste collection points for use by communities without a kerbside collection service;
- (3) The types of waste that may be disposed of;
- (4) The prevention of nuisance in relation to waste collection and litter and recycling bins provided by the Council in public places.

## 3. INTERPRETATIONS

'APPROVED CONTAINER'	means any container provided by or on behalf of the Council for the disposal of recyclable materials, organic matter or residual waste, and that is used in a kerbside collection service.
'COUNCIL WASTE COLLECTION POINTS'	means facilities provided by the Council where communities without a kerbside collection service can dispose of recyclable materials, organic matter and residual waste as determined by the Council by resolution.
'COUNCIL'	means the Christchurch City Council.
'DEPOSIT'	means in relation to waste, to: <ol style="list-style-type: none"><li>(a) cast, place, throw or drop; and</li><li>(b) to cause or permit waste or other material or thing to be cast, placed, thrown or dropped.</li></ol>
'KERBSIDE COLLECTION SERVICES'	means Council's recyclable materials, organic matter and residual waste kerbside collections.

‘ORGANIC MATTER’	means materials that are organic in origin and appropriate to be used as feedstock for composting as determined by the Council by resolution.
‘PERSON’	includes any public body, board, society, or company, and any other body of persons, whether incorporated or not.
‘PUBLIC PLACE’	means an area that is open to or used by the public and is under the control of the Council.
‘RECYCLABLE MATERIALS’	means recyclable materials as determined by the Council by resolution.
‘RESIDUAL WASTE’	means any waste to be landfilled as determined by the Council by resolution.
‘TERMS AND CONDITIONS’	means the terms and conditions relating to the kerbside collection service and the Council waste collection points as determined by the Council by resolution.
‘WASTE’	means any material or substance that is discarded or selected for disposal and includes: <ul style="list-style-type: none"> <li>(a) recyclable materials, organic matter, and residual waste; and</li> <li>(b) abandoned material; and</li> <li>(c) litter.</li> </ul>

#### **4. KERBSIDE COLLECTION SERVICES**

Any person using a kerbside collection service must comply with the terms and conditions for that service as determined by the Council by resolution including, but not limited to, the following operational matters:

- (1) The geographic areas and provisions that apply to the different categories of kerbside collection services;
- (2) The correct separation of organic matter, recyclable materials and residual waste into approved containers;
- (3) The placement of approved containers for collection;
- (4) Collection times;
- (5) Retrieval of approved containers;
- (6) The provision of on-site space for approved containers for multi-unit buildings;
- (7) Restrictions on the weight of approved containers;
- (8) Additional rules as may be required for the efficient operation of the respective collection systems.

*(The following note is explanatory and is not part of the Bylaw, but is intended to explain its general effect: Where a kerbside collection service is provided by the Council to a property, persons residing at that property are entitled to use the service, unless it has been withdrawn or suspended under clause 5 of this Bylaw. The Bylaw does not require that any person must use a kerbside collection service, just because it is available.)*

## **5. NON-COMPLIANCE WITH CONDITIONS FOR KERBSIDE COLLECTION SERVICE**

Any person who does not comply with the terms and conditions for the kerbside collection service that applies to them may be subject to the following action being taken against them:

- (1) 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;
- (2) The withdrawal or suspension of the kerbside collection service being provided to that person;
- (3) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
- (4) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 and the Waste Minimisation Act 2008; or
- (5) Any other steps that may be taken by the Council in law.

## **6. COUNCIL WASTE COLLECTION POINTS**

Any person using a Council waste collection point must comply with the terms and conditions for the use of that Council waste collection point as determined by the Council by resolution including, but not limited to, the following operational matters:

- (1) The locations and access times of such collection points;
- (2) The correct usage of separate bins;
- (3) Additional rules as may be required for the efficient operation of such facilities.

## **7. NON-COMPLIANCE WITH CONDITIONS FOR COUNCIL WASTE COLLECTION POINTS**

Any person who does not comply with the terms and conditions for a Council waste collection point may be subject to the following action being taken against them:

- (1) A trespass notice being issued against that person to prevent them from using the collection point;
- (2) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
- (3) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 and the Waste Minimisation Act 2008; or
- (4) Any other steps that may be taken by the Council in law.

## **8. REMOVAL OF WASTE FROM APPROVED CONTAINERS**

No person may remove or interfere with any waste from an approved container or a Council waste collection point except the person who deposited the materials, or the Council or its agent.

## **9. DEPOSIT OF WASTE IN CONTAINERS**

No person may deposit any waste in an approved container provided to any other person, without that person's consent.

## **10. RESTRICTION ON DISPOSAL OF WASTES**

- (1) The Council may by resolution prohibit certain materials from being deposited in an approved container or at a Council waste collection point or in a recyclable materials bin or a litter bin provided by the Council in a public place.
- (2) If a resolution has been made under clause 10 (2) then no person may place or allow such materials to be deposited in any approved container or at a Council waste collection point or in a recyclable materials bin or a litter bin provided by the Council in a public place.

*(The following note is explanatory and is not part of the Bylaw, but is intended to explain its general effect: The Christchurch City Licensed Waste Handling Facilities Bylaw 2007 provides additional relevant provisions to regulate flows of waste and recyclables to licensed waste handling facilities in the city.)*

## **11. RECYCLABLE MATERIALS BINS AND LITTER BINS IN PUBLIC PLACES**

No person may deposit or allow to be deposited waste arising from that person's household or that person's business activities in any recyclable materials bin or litter bin provided by the Council in any public place.

## **12. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW**

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.

## **13. REVOCATION**

The following bylaws are revoked:

- The Christchurch City's Refuse Bylaw 1995 and the
- Banks Peninsula Refuse Bylaw 2002.

The initial resolution to make this Bylaw was passed by the Christchurch City Council at a meeting of the Council held on 24 July 2008 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 27 November 2008.

**The table below does not form part of the bylaw and is included only as a guide to the main clauses of the bylaw**

Issues	Summary of recommended provisions	Background and motivation
<p>Clause 4</p> <p>Ensuring that kerbside collection services are delivered in an efficient way</p>	<p>Any person using a kerbside collection service must comply with the terms and conditions for that service as determined by the Council by resolution relating to certain specified operational matters.</p>	<p>The domestic wheelie bins collection service and the central business district collection service will be delivered by Council's agents, with contracts already in place. This clause is required to ensure an affordable and efficient service can be delivered consistently to all ratepayers. Without appropriate regulations the efficiencies and quality of the services are likely to be jeopardised or reduced, and the costs of delivering the services will increase, with a potential degrading effect on the amenity of the area.</p> <p>The proposed terms and conditions will be in place by the time the bylaw comes into effect. There is no policy relating to such collection services matters</p>
<p>Clause 5</p> <p>Options when non-compliance occurs</p>	<p>Action the Council can take upon non-compliance</p>	<p>Supports Clause 4</p>
<p>Clause 6</p> <p>For areas where kerbside collections are not provided, there is a need for Council provided places for the disposal of waste and recyclable materials</p>	<p>Any person using Council waste collection points must comply with the terms and conditions for the use of that facility as determined by the Council by resolution relating to specified operational matters.</p>	<p>Some areas do not have kerbside collection services and instead have access to Council provided places where waste and recyclables can be dropped off - eg some places on Banks Peninsula. Without appropriate regulations the efficiencies and quality of the services are likely to be jeopardised or reduced, and the costs of delivering the services will increase, with a potential degrading effect on the amenity of the area.</p> <p>The proposed terms and conditions will be in place by the time the bylaw comes into effect. There is no policy relating to such collection points.</p>
<p>Clause 7</p> <p>Options when non-compliance occurs</p>	<p>Action the Council can take upon non-compliance</p>	<p>Supports Clause 6</p>
<p>Clause 8</p> <p>To prevent unauthorised taking or interference with waste which has been placed for kerbside collection</p>	<p>No person may remove or interfere with any waste from an approved container or a Council waste collection point except the person who deposited the materials, or the Council or its agent.</p>	<p>Scrounging affects the amenity of the area. Recyclable materials have value to Council's agents.</p> <p>There is no relevant policy</p>

Issues	Summary of recommended provisions	Background and motivation
<p>Clause 9</p> <p>Placing excess waste in other peoples' bins</p>	<p>No person may deposit any waste in an approved container provided to any other person, without that person's consent.</p>	<p>Excess waste should not be placed in bins used by other users without their permission.</p> <p>There is no relevant policy</p>
<p>Clause 10</p> <p>Restricting the disposal of wastes</p>	<p>(1) The Council may by resolution impose restrictions and conditions in respect of the type of waste that will be accepted at licensed refuse stations.</p> <p>(2) The Council may by resolution prohibit certain materials from being deposited in an approved container or at a Council waste collection point or a recyclable bin or litter bin, and no person may place or allow such materials to be deposited in such containers.</p>	<p>These provisions enables the Council in future to impose restrictions for the receipt of waste at licensed refuse stations if the Council is of the view that it can be demonstrated that practical and affordable options exist to divert specific waste streams away from landfilling to reuse of recycling options, thereby reducing the total tonnages to landfill. This would be in line with the vision, goal and targets in the Council's Waste Management Plan 2006.</p> <p>The provisions includes the ability for the Council to identify certain prohibited wastes such as hazardous waste, healthcare waste etc.</p> <p>The clause is also made applicable to depositing waste and recyclables in approved containers and other specified places made available by the Council.</p> <p>There is no relevant policy</p>
<p>Clause 11</p> <p>Unauthorised use of street bins for disposal of waste</p>	<p>No person may deposit or allow to be deposited waste arising from that person's household or business activity any recyclable materials bin or litter bin provided by the Council in any public place.</p>	<p>This issue is not covered by existing bylaws nor the Litter Act and is required to prevent households and businesses placing waste or recyclable materials generated on-site into public place bins. Kerbside collection services should be used for waste arising from businesses activities or domestic activities. There are no policies addressing this matter.</p>
<p>Clauses 12 and 13</p> <p>Standard procedural clauses</p>	<ol style="list-style-type: none"> <li>1. CCC General Bylaw applies</li> <li>2. Revocation of current bylaws</li> </ol>	<p>-</p>