

9. REFUSE COLLECTION FROM PRIVATE COMMUNITIES – STYX MILL COUNTRY CLUB

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The purpose of this report is to provide further information on the collection of refuse and recyclables from “private (gated) communities” as requested at the Boards Meeting on 9 June 2004.

The Board will recall the report presented at the 9 June 2004 meeting (see attached) requesting Board approval for the collection of refuse and recyclables from the two “private communities” of Royal Court and Applefield Court at the Styx Mill Country Club. The Board asked that this report “lie on the table” to the next Board meeting whilst clarification was sought on two issues namely;

1. The Rates of properties on Private Lanes, do they include refuse collection costs? The Rates Policy Manager, Financial Services Unit, advises that the General Rate, which is based on the Capital value, applies uniformly to all residential properties, whether on legal road or private lane, and includes costs for refuse collection and disposal. The Court of Appeal, in the case of *Wellington City Council v Woolworths Ltd*, found that “it is implicit in the scheme of the legislation that a rating system in its diversity remains primarily a taxation system and not a system inherently based on a principle of user pays”, i.e. rates are a property tax and not a payment for services provided.
There is also provision within the legislation for a Council to strike a “Targeted Rate” for services provided, for example, water supply. A council may make a full charge to properties connected to the Council’s supply and a half charge to properties in the serviced area but which are not connected to the water supply. The Solid Waste Manager, City Water and Waste Unit, advises that a request was put to Council asking that the collection and disposal of refuse be considered a “Targeted Rate”. This was declined by Council.
2. Should the Council Policy for the collection of refuse and recyclables from private lanes (and private communities) include a clause which allows Council to stop the collection?
 - The Policy allows for the contractor to stop the collection from private lanes where access is being continually blocked by motor vehicles etc. This may occur in situations where the lane is of the minimum width of 3 metres. All applications are checked for compliance and where there are situations where obstructions to the collection vehicle are possible this part of the policy is included in the conditions of approval. In the case of collection from the above two private communities the road widths are the same as for standard suburban roads in new developments and it was considered that obstruction of the collection vehicles would not be an issue. Consequently this condition was not included in the approval.
 - Should the Council stop collection because of a significant number of properties in the “private community” not using the service? The Solid Waste Manager advised that this was considered when formulating the policy but after consideration it was felt that apart from the restricted access to the area, these properties were no different from others in the city. There has been no consideration given to the stopping the collection in the rest of the city for this reason.

Staff

Recommendation: That the Board approve the collection of refuse and recyclables in the “private communities” of Royal Court and Applefield Court subject to the conditions as set out in the report to the Board at its 9 June Meeting namely:

1. That the contractor be provided with remote controls and access codes to allow access into the communities for the collection of refuse and recyclables. This condition to be subject to review in the event that the number of similar developments presents an unmanageable number of access methods.
2. The Council will not be liable for damage to road or property or for personal or property crimes that may occur as a consequence of providing requested Council services.

3. That the collection from either of the communities will be stopped at the request of the Manager of the Styx Mill Country Club Incorporated Society acting on behalf of the Society.

**Chairperson's
Recommendation:**

That the staff recommendation be adopted.