

8. PRIVATE LANE REFUSE AND RECYCLING POLICY

General Manager responsible:	General Manager City Environment
Officer responsible:	City Water & Waste Manager
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PURPOSE OF REPORT

1. The purpose of this report is to propose a change to the Private Lane Refuse and Recycling Policy.

EXECUTIVE SUMMARY

2. The existing policy for the collection of refuse from private rights of way requires the unanimous agreement of property owners, including those owning vacant sections. A more equitable policy is sought which will require a simple majority.
3. Two policies now exist concerning refuse and recyclables collection on private rights of way, the Refuse Collection from Private Lanes Policy and the Refuse and Recyclables from Gated Communities Policy. A single integrated policy is proposed.

STAFF RECOMMENDATIONS

It is recommended:

- (a) That the Council replace the two similar policies for collection of refuse and recyclables on private rights of way and adopt a new integrated Private Lane Refuse and Recycling Policy:
- (b) That the extension of the refuse collection service down private rights of way (lanes) be approved by the Council in accordance with the criteria set out below:
 - The collection contractors' small vehicles used for collecting from "difficult access streets" (as defined in the collection contract) must be able to safely negotiate the lane, and turn at the lane end, without driving over footpaths, berms and driveways.
 - Lane to service a minimum of five houses.
 - Service will be withdrawn if safe access by the collection vehicle is persistently impeded e.g. parked vehicles.
 - Applications from residents to be a simple majority (51% or greater).
 - Applications to be administered through the City Water and Waste Unit.
- (c) That organisations responsible for administration of multiple unit gated developments e.g. the Body Corporate, be permitted to apply for collection services on behalf of residents. The services will be provided subject to the same conditions as for private rights of way (lanes) being met, and in addition they must :
 - Provide driver-activated access, by means of a remote control, and card key or access code as back-ups. Where access codes are used, gated communities are required to notify the Council any time the codes change. (In the event that the number of such developments presents an unmanageable number of access methods, the driver-activated access option may be reviewed.)
 - Acknowledge that in providing the requested Council services, the Council will not be liable for personal or property crimes that may occur as a consequence of providing requested Council services.
- (d) That should the criteria not be met or a gated community choose not apply for collection services within the community, that community shall provide a collection point for Council rubbish bags and recycling containers outside the security perimeter.

BACKGROUND ON PRIVATE LANE REFUSE AND RECYCLING POLICY

4. In May 1997, the Council adopted a policy for collection of refuse and recyclables from private lanes:

That the extension of the refuse collection service down private rights of way (lanes) be approved by the Council in accordance with the criteria set out below:

- *Lanes to be at least 3.0m wide.*
- *Grades of lanes to be not steeper than 1 in 5.*
- *Three tonne capacity truck (dimensions to be specified) must be able to negotiate the lane.*
- *Five or more houses to be down the lane.*
- *Lane to be longer than 80m.*
- *Applications from residents to be unanimous and on the clear understanding that they are responsible for wear and tear on the lane.*
- *Applications to be administered through Service Centres/Community Boards.*
- *Service to be commenced in the 1997/98 financial year.*

5. At its 27 May 2004 meeting, the Council adopted the recommendation in the report from the 11 May 2004 meeting of the Sustainable Transport and Utilities Committee to modify the existing private lane refuse and recycling collection policy to include gated communities, as follows:

That the extension of refuse and recycling collection down private lanes within gated communities meet the following criteria:

- *Private lanes in gated communities must meet criteria set forth in the Refuse Collection from Private Lanes Policy.*
- *In order to receive Council refuse and recycling collection services, gated communities must either:*
 - *Provide a collection point for Council rubbish bags and recycling containers outside of the security perimeter, or*
 - *Provide driver-activated access, by means of a remote control, and card key or access code as back-ups. Where access codes are used, gated communities should be required to notify the Council any time the codes change. Pending the extent of future gated developments, the driver-activated access option may need to be reviewed in the event that the number of such developments presents an unmanageable number of access methods.*
- *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.*

6. The existing policy for private lanes was amended:

- *Parking from dawn to dusk on the collection day will be restricted to one side of the lane only, to permit unimpeded access by collection vehicles.*
- *The clause referring to truck capacity be replaced with "The collection contractor's small vehicles used for collecting from difficult access streets must be able to negotiate the Lane".*

CURRENT POLICY

7. Over the last four years, 50 applications for refuse and recyclables collection on private rights of way have been approved. The existing policy, which requires the unanimous agreement of all property owners, including those owning vacant sections, has been somewhat cumbersome to administer:
 - Delays can occur in processing the private lane application when one or more property owners fail to respond to inquiries from Council staff.
 - If a property in a private lane changes ownership, there is no system in place to automatically notify staff that the private lane agreement must be updated, nor are there sufficient staff resources to enable on-going monitoring of private land agreements once they have been signed.
8. The original motive behind the procedure requiring unanimous agreement, was to reduce Council risk with respect to private lane maintenance. Private lanes are built to a lower engineering standard than public roads, and it was thought that the refuse trucks may damage the road structure, with potential claims against the Council for repairs and maintenance. The agreements signed by residents included a clause indemnifying the Council against such claims. However since private lanes started being collected in 1997 there have been no damage claims against the Council for damage to lane structure or foundation, although there have been some claims against Onyx for berm and driveway damage. It therefore seems that the original policy was overly cautious.
9. In addition, the current procedure, with its reliance on the unanimous agreement of property owners, can give one property owner the power to overrule the wishes of the other property owners on that private lane. It can be argued that a simple majority should determine the property owners' wishes and is a fairer approach.
10. Two policies now exist concerning refuse and recyclables collection on private rights of way, the Refuse Collection from Private Lanes Policy, adopted in 1997 and amended in 2004, and the Refuse and Recyclables from Gated Communities Policy, adopted in 2004.
11. A single, integrated policy for collection of refuse and recyclables on private rights of way is proposed:

That the extension of the refuse collection service down private rights of way (lanes) be approved by the Council in accordance with the criteria set out below:

- *The collection contractor's small vehicles used for collecting from "difficult access streets" (as defined in the collection contract) must be able to safely negotiate the lane, and turn at the lane end, without driving over footpaths, berms and driveways.*
- *Lane to service a minimum of five houses.*
- *Service will be withdrawn if safe access by the collection vehicle is persistently impeded e.g. parked vehicles.*
- *Applications from residents to be a simple majority (51% or greater).*
- *Applications to be administered through City Water and Waste Unit.*

That organisations responsible for administration of multiple unit gated developments e.g. the Body Corporate, be permitted to apply for collection services on behalf of residents. The services will be provided subject to the same conditions as for private rights of way (lanes) being met, and in addition they must:

- *Provide driver-activated access, by means of a remote control, and card key or access code as back-ups. Where access codes are used, gated communities are required to notify the Council any time the codes change. (In the event that the number of such developments presents an unmanageable number of access methods, the driver-activated access option may be reviewed.)*
- *Acknowledge that in providing the requested Council services, the Council will not be liable for personal or property crimes that may occur as a consequence of providing requested Council services.*

That should the criteria not be met or a gated community chooses not apply for collection services within the community, that community shall provide a collection point for Council rubbish bags and recycling containers outside of the security perimeter.

SUMMARY

12. The existing private lane policy for refuse and recycling collection requires unanimous agreement from all property owners, including those owning vacant sections, and includes a clause indemnifying the Council against claims for road damage. This requirement is cumbersome to administer, and may create a situation in which the wishes of the majority of property owners are not met.
13. Two policies now exist concerning refuse and recyclables collection on private rights of way, the Refuse Collection from Private Lanes Policy and the Refuse and Recyclables from Gated Communities Policy.