

SOLID WASTE BYLAW 2018

1 PRELIMINARY PROVISIONS

- 1.1 This Bylaw is the Solid Waste Bylaw, as reviewed from the 2008 Consolidated Bylaw.
- 1.2 This Bylaw is made under the Local Government Act 2002, Waste Minimisation Act 2008 (“the Act”), Health Act 1956, and Litter Act 1979.

2 PURPOSE

2.1 The purpose of this Bylaw is to:

- Promote and deliver effective and efficient Waste Management and minimisation in the District;
- Assist in implementing the Council’s Waste Management and Minimisation Plan;
- Promote the purpose of the Act and the goals of the New Zealand Waste Strategy;
- Regulate the collection, storage, management and disposal of waste (including recyclable material) from public places or by persons licensed by the Council; and
- Protect the health and safety of waste collectors, waste operators and the public.

3 COMMENCEMENT

3.1 This Bylaw comes into force on 5 November 2018.

4 INTERPRETATION AND DEFINITIONS

4.1 The provisions of the Administration Bylaw 2018 form part of this Bylaw.

4.2 In this Bylaw, unless the context requires otherwise:

ACT means the Waste Minimisation Act 2008.

ANIMAL WASTE RECEPTACLE means a receptacle provided for the collection of animal waste in a public place.

APPROVED CONTAINER means any container (including any reusable container) or plastic rubbish bag approved by the Council from time to time for the collection of waste and/or recyclable material by a waste collector.

CLEANFILL MATERIAL means waste that:

- a. Does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is unlikely to have adverse effects on the environment or human health; and
- b. Is not Diverted Material; and
- c. Includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - i Combustible, putrescible, degradable or leachable components;
 - ii Hazardous Waste;

- iii Products or materials derived from Hazardous Waste treatment, Hazardous Waste stabilisation or Hazardous Waste disposal practices;
 - iv Materials that may present a risk to human health or the environment; and
- d. Has less than 2% by volume by load of tree or vegetable matter.

CLEANFILL SITE means the land used for the disposal of Clean fill Material.

COMMERCIAL WASTE means Waste resulting from the carrying on of any business, manufacture, process, trade, market or other undertaking.

COMMERCIAL WASTE MINIMISATION AND RECYCLING PLAN means an approved by Council for the collection, management and disposal of waste by commercial producers.

COLLECTION POINT means a Council advertised rural roadside location used for the collection of official council bags, or recyclable materials as advertised on the Council's website.

DISPOSAL has the same meaning as in the Act.

DIVERTED MATERIAL has the same meaning as in the Act.

DEPOSIT means in relation to waste or diverted material, to cast, place, throw or drop and "deposited" has a corresponding meaning.

FLY TIPPING means litter or recycling material that is deposited or disposed of at a public place or onto private property without the owner's consent.

HAZARDOUS WASTE means waste that:

- a. Contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organism Act 1996; or
- b. Meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or
- c. Meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.

HOME COMPOSTING means organic waste processed by worms and microorganisms to produce humus.

HOUSEHOLD WASTE means cold ashes, sweepings, dust, bones, waste food, cans, cartons, bottles or other containers, paper and any other waste resulting from domestic activities, but does not include commercial waste or any of the materials prohibited under this Bylaw.

LANDFILL means a disposal facility as defined in section 7 of the Act, excluding incineration.

LITTER has the same meaning as defined in section 2 of the Litter Act 1979.

LITTER RECEPTACLE means a receptacle provided for the collection of waste or recyclable material in a public place.

LOOSE FILLED means the amalgamated contents of a reusable container that are not subjected to a compression loading to squash more recyclable material into the reusable container. Individual items such as plastic bottles and cans may be squashed before being deposited into the particular reusable container.

MANAGED FILL SITE means a disposal site to accept well defined types of non-municipal waste, e.g. low-level contaminated soils.

MONOFILL SITE means a landfill that is permitted to receive one type of waste material of similar origin or chemical character.

OFFICIAL COUNCIL BAG means a plastic rubbish bag time identified with the Council logo and/or other images or text, and which is approved by the Council for use in its waste collection service.

ORGANIC WASTE means material from plants and trees. Without limitation, it excludes tyres, petroleum plastics, polystyrene, metals, insecticides and herbicides.

OVERFILLED IN RELATION TO APPROVED CONTAINERS means:

- a. The lid of a reusable container is not able to be fully closed; or
- b. Glass bottles and/or jars sit above the top rim of the plastic recycling crate.

PROHIBITED WASTE means waste containing any:

- a. Material capable of causing any injury to any person or animal unless that material is sufficiently contained to prevent injury;
- b. Material capable of causing damage to the approved container or likely to shatter in the course of collection unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;
- c. Material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or Disposal;
- d. Liquid or viscous fluid;
- e. Radioactive wastes, but excluding domestic smoke detectors;
- f. Used oil and lead acid batteries;
- g. Hazardous waste;
- h. Medical waste; or
- i. Other material prohibited as approved by the Council.

RECYCLABLE MATERIAL means waste specified by the Council in accordance with this Bylaw as suitable for recycling. It does not include diverted material.

RECYCLING means the reprocessing of waste to produce new materials.

RESOURCE RECOVERY CENTRE (RRC) means any facility that receives, collects, sorts, stores or processes waste to ensure waste minimisation and includes a composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot; it excludes any facility that receives, collects, sorts, stores or processes diverted material unless a significant component or element of the diverted material is disposed or discarded.

REUSABLE CONTAINER means any container for waste or recyclable materials approved by Council that can be reused, including mobile garbage bins or mobile recycling bins and recycling crates.

RURAL means any area that is zoned Rural Management Area in the Tararua District Plan.

SPECIAL COLLECTION AREAS means an area or road determined by Council that will receive a waste collection service in the commercial zoned areas.

SPECIAL WASTES means any wastes whether from a trade premise or any other source which is hazardous, toxic or by its nature requires special disposal because of environmental considerations or landfill operational requirements.

TRADE REFUSE means any scrap or waste material resulting from the carrying on of any business, manufacture, process, trade, market or other undertaking.

WASTE means anything disposed of or discarded, and includes:

- a. Waste that is defined by its composition or source (for example, organic waste, household waste, commercial waste and electronic waste, or construction and demolition waste);
- b. Abandoned material and litter;
- c. Any other material specified by the Council in accordance with this Bylaw; and
- d. To avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded; and
- e. Any other matter specified by Council in accordance with this Bylaw. Waste collector means any person who is licensed to collect or transport waste and includes commercial and non-commercial collectors and transporters of waste.

WASTE MANAGEMENT AND MINIMISATION PLAN means the Waste Management and Minimisation Plan adopted by the Council under section 43 of the Act.

WASTE OPERATOR means a person who owns or manages a landfill site, clean fill site, managed fill site, monofill site or a resource recovery facility.

- 4.3 Reference should be made to the Administration Bylaw for any definitions not included in clause 4.2.

- 4.4 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this Bylaw or the Administration Bylaw, has the meaning given by the Act.
- 4.5 Any explanatory notes are for information purposes only. They do not form part of the Bylaw, and may be made, amended, revoked, or replaced by the Council at any time.
- 4.6 The Bylaw should be read in conjunction with, but not in replacement of, the Waste Management and Minimisation Plan and the Public Places Bylaw and any policy statements referred to in clause 6.

5 COMPLIANCE WITH THE BYLAW

No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this Bylaw.

6 CONTROLS SPECIFIED UNDER BYLAW

- 6.1 The Council may from time to time by resolution, publicly notified, make and amend a set of policy statements, subject to consultation, governing the classification, collection, transportation and disposal of waste. In doing so, the Council may account for the following matters:
- a. The nature and origin of the waste;
 - b. Categories and types of waste that may be received, collected, stored, sorted, processed or disposed of at any landfill site, managed fill site, clean fill site, farm dumps and mono-fill sites;
 - c. Materials that are suitable for use as natural or other hard-fill material at a clean fill site;
 - d. Types of waste that are prohibited;
 - e. The geographic areas and provisions that apply to the different categories of waste including collection services;
 - f. The types of waste that may be collected by waste collectors;
 - g. The type, size and construction of approved containers for the collection of waste and recyclable materials from a public place in different parts of the District;
 - h. The correct separation of recyclable materials and waste into approved containers;
 - i. Restrictions on the weights of official council bags and approved containers, including any maximum allowable limits of recyclable material that may be placed in, collected and transported from a public place in an approved container;
 - j. The placing of approved containers for collection;
 - k. Collection times, conditions of use and any other operational matter relating to collection points; and
 - l. Any other matters as Council considers appropriate from time to time.

- 6.2 The Council may at any time by resolution add, amend or modify any controls specified in accordance with this section of the Bylaw.
- 6.3 A waste collector must comply with this Bylaw and the terms and conditions made under it, including (but not limited to) the matters set out in Clause 7.1 and any additional controls that may be required from time to time for the collection of waste from a public place.

7 USE OF APPROVED CONTAINERS

- 7.1 The occupier or manager of a premises must ensure that waste and recyclable materials are separated and deposited into the correct approved container.
- 7.2 No person may:
- a. Cause, permit or allow the deposit of any prohibited waste into an approved container;
 - b. Interfere with or remove any waste or diverted material from an approved container or a collection point, except a waste collector, or without the consent of the person allocated or owner of the bin;
 - c. Cause, permit or allow the deposit of any waste in an approved container provided to any other person, without that person's consent;
 - d. Remove an approved container from the premises to which it has been provided or from any other premises, without the consent of Council or the occupier of the premises;
 - e. Obstruct or hinder a waste collector from lawfully collecting waste or recyclable material from an approved container.

8 RESPONSIBILITIES OF OCCUPIERS AND MANAGERS

- 8.1 The Occupier or manager of any Premises must ensure that:
- a. Approved containers are kept in a safe location and in a hygienic state, including regular washing of an approved container with detergent and water;
 - b. Reasonable steps are taken to prevent any waste and recyclable material from escaping any approved container;
 - c. Badly punctured or torn official council bags are promptly repaired or replaced before the scheduled waste collection occurs;
 - d. Any approved container is not overfilled and in the case of lidded approved containers to be only loose filled; and
 - e. Any lidded approved container must have its lid closed when not in use and when presented for waste collection, so that its contents are protected from rain ingress, or egress of flies and access by animals.
- 8.2 In addition, with respect to the collection of approved containers, the occupier or manager of a premises must ensure:

- a. The approved container is placed for collection in an upright position off the roadway, in front of the premises from which the waste or recyclable material originated and as close to the kerbside as possible;
- b. Reasonable steps are taken to prevent any approved container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises;
- c. If waste or recyclable material is not collected and/or emptied on the day of collection, approved containers must be removed from the kerbside by the occupier or manager no later than 7pm on the scheduled collection day, except when notified by Council to do otherwise;
- d. Approved containers are placed for collection of waste and recyclable materials and retrieved in accordance with any applicable control specified by the Council under clause 6; and
- e. Approved containers are only filled with waste or recyclable material as specified by Council.

8.3 The Occupier and manager of any premises is responsible for any waste generated and stored on the premises until it has been collected from an approved container at the kerbside.

9 DEPOSIT OF WASTE AND RECYCLABLE MATERIAL AT COLLECTION POINTS

9.1 The Council may specify:

- a. Any place, or an approved container in a public place as a collection point for the collection of household waste and recyclable materials;
- b. Controls relating to the deposit of household waste and recyclable materials at a collection point including the use of approved containers.

10 SPECIAL COLLECTION AREAS

10.1 The Council may declare by resolution a specific area and/or road a special collection area.

10.2 In special collection areas, waste and recyclable materials must not be placed out for collection between 10am and 5.30pm. These hours may change from time-to-time as a result of Council resolution.

10.3 If waste or recyclable material is not collected and emptied on the day of collection, approved containers must be removed from the kerbside by the occupier or manager by no later than 7pm on the scheduled day for collection, except when notified by Council to do otherwise.

11 DISPOSAL OF WASTE AND RECYCLABLE MATERIAL

11.1 A person wishing to dispose of waste or recyclable materials at a resource recovery centre must comply with the terms and conditions as determined by Council resolution from time to time. These terms and conditions may include, without limitation:

- a. Hours of access;
 - b. The payment of fees for disposal of different types of waste and recyclable material, as set out in Council Schedule of Fees and Charges from time-to-time;
 - c. The nature of the waste that may be disposed of;
 - d. Any other matters identified at clause 6.1 of this Bylaw; and
 - e. Any other conditions considered necessary for the proper control and management of the RRC.
- 11.2 No unauthorised person may loiter, or disturb any waste at any RRC, or remove any article or material, except with the Council's written consent.
- 11.3 No person may deposit any waste or recyclable material at any RRC other than in an approved manner as directed by the RRC management.

12 LICENSING OF THE COLLECTION OR TRANSPORTATION OF WASTE

- 12.1 Any waste collector must obtain a licence to operate within the District from the Council.
- 12.2 Clause 12.1 does not apply where the total amount of collected waste does not exceed 20 tonnes when measured over a continuous 12 month period.
- 12.3 The holder of a licence under this clause must comply with any conditions imposed on the licence by the Council.

Explanatory Note: see the definition of "licence" in clause 4 of the Administration Bylaw.

13 LICENSING OF FILL SITES

- 13.1 Any waste operator who operates a landfill site, clean fill site or managed fill site in the District where annual quantities exceed 20 tonnes must obtain a licence to do so from the Council.
- 13.2 Clause 13.1 does not apply to land used for the disposal of clean fill material where such disposal:
- a. Is of clean fill material sourced directly from that land; or
 - b. Consists solely of:
 - i Hard fill that is natural or uncontaminated or cover material, or a combination of such; or
 - ii Not more than 30 cubic metres, or such greater amount as the Council may approve, of other hard-fill material specified in accordance with clause 6 measured over a continuous 12-month period.
- 13.3 The Council may grant a Licence:
- a. In the case of a landfill site, for the receipt, processing, and disposal of any waste of a category specified by the Council;

- b. In the case of a clean fill site, for the disposal of clean fill material; and
- c. In the case of a managed fill site for the disposal of contaminated soil on the land.

13.4 The holder of a licence under this clause must comply with any conditions imposed on the licence by the Council.

Explanatory Note: see the definition of "licence" in clause 4 of the Administration Bylaw.

14 APPLICATION FOR LICENCE

14.1 Every application for a licence under this Bylaw must:

- a. Be in the form the Council may prescribe from time-to-time;
- b. Describe the activities in respect of which the licence is sought;
- c. Be accompanied by any fees set out in the Council's Schedule of Fees and Charges; and
- d. Include any supporting information the Council may require to enable processing of the application.

14.2 The holder of an existing licence may apply to the Council for renewal of that licence.

14.3 The grant or renewal of a licence (in whole or in part) is at the discretion of the Council, upon such terms and conditions as it considers fit.

14.4 Where the Council refuses to grant or renew a licence, or only partially grants or renews a licence, it will provide the applicant with reasons for its decision.

Explanatory notes:

- i. When considering "supporting information" for the purposes of clause 14.1.d above, clause 15 and 16 of this Bylaw set out the matters which the Council may have regard to in granting a Licence.*
- ii. See the definition of "licence" in clause 4 of the Administration Bylaw.*

15 CONSIDERATION OF APPLICATION FOR LICENCE

15.1 In considering whether to grant or renew a licence and the conditions to be imposed under it, the Council may take into account matters relating to the suitability of the applicant to hold a licence and the need for and suitability of the collection, including (without limitation):

- a. The extent to which the licensed activities will promote public health and safety and achievement of the objectives of the Council's Waste Management and Minimisation Plan and waste reduction initiatives;
- b. The applicant's experience, reputation and track record in the waste industry, including any known past operational issues which may affect or may in the future affect, the applicant's performance;

- c. The type of waste proposed to be collected or transported;
- d. The proposed manner of treatment (if any) and disposal of the waste type, and the identity of the RRC, landfill site, managed fill site, or clean fill site at which it is proposed that treatment or disposal will occur;
- e. The frequency and location of the waste collection, transportation or disposal services;
- f. The specification of vehicles, equipment and approved containers to be used for the collection, transportation or disposal of waste;
- g. The terms and conditions under which disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations or consents in respect of such disposal; and
- h. The percentage of waste diverted from landfill by recycling.

16 CONDITIONS OF LICENCE

16.1 The terms and conditions upon which the Council may grant or renew a licence include, but are not limited to, the following:

- a. The term of the licence, up to a maximum of five years;
- b. The payment of a licence fee as may be prescribed in the Council's Schedule of Fees and Charges from time to time;
- c. From time-to-time and on a case-by-case basis the provision of a performance bond or security, or both, for the performance of the licensed work;
- d. Compliance with Council standards and policies for waste collection, transportation or disposal services including in respect of the collection services:
 - i The collection of litter within five metres of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process; and
 - ii Provision of waste collection services within reasonable times specified by the Council.
- e. Provision of waste data to the Council during the term of the licence in the form and at the times determined by the Council from time to time including:
 - i The quantity, composition and destination of each type of waste including recyclable materials recorded during the waste collection, transportation or disposal process;
 - ii Weighbridge receipts; and
 - ii Gate records of waste tonnage.

16.2 The Council will take all reasonable measures to keep commercially sensitive information confidential including by the aggregation of such information for recording purposes.

17 NUISANCES

17.1 No Person may:

- a. Allow any accumulation of waste, recyclable material or diverted material on any premises they own, occupy or manage to become unsightly, offensive, a nuisance or likely to be injurious to health;
- b. Use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.

17.2 Except as provided for under this Bylaw, no person may:

- a. Store or burn, or allow to be burnt, any waste or recyclable material on any property that they own, occupy or manage where this activity may result in an objectionable odour being created;
- b. Bury or allow to be buried on any property that they own, occupy or manage any waste or recyclable material except:
 - i Organic waste;
 - ii Dead animals; or
 - iii Organic waste for the purposes of home composting.
- c. Dispose of any waste or recyclable material or deposit, permit or suffer the deposit of any litter on any premises except at:
 - i A Transfer Station, a Resource Recovery Facility, a Landfill Site, Clean fill Site or Managed Fill Site; or
 - ii Any premises they own, occupy or manage, for the purposes of home composting.

17.3 The Managers, Owners and Occupier of any Premises must take all reasonable steps to prevent the escape of any waste from that premises into, on or upon any public place.

18 PUBLIC LITTER RECEPTACLES

18.1 No Person may:

- a. Use any litter receptacle provided by the Council in any public place for depositing any dangerous or offensive material or any household or commercial waste of any kind;
- b. Deposit or attempt to deposit any litter in any litter receptacle in a public place if the litter receptacle is full or the litter is likely to escape; or
- c. Remove any waste from any litter receptacle provided by the Council in any public place, where this results in litter being deposited outside the receptacle, unless authorised by the Council to do so.

18.2 No person may use any public animal waste receptacle for depositing any dangerous material or any household waste or commercial waste of any kind.

19 NON-COMPLIANCE WITH THIS BYLAW

19.1 The Council may use its powers under the Act, the Local Government Act 2002, the Litter Act 1979, and the Health Act 1956 to enforce this Bylaw.

19.2 Where a person does not comply with this Bylaw the Council may without limitation:

- a. Collect recyclable material from approved containers which contained prohibited waste for the first two offences;
- b. Issue written notices identifying the breach, requiring compliance with the Bylaw and warning of the consequences of continued offending; and
- c. Withdraw or suspend the waste collection service for a stated period of time.

20 OFFENCES AND BREACHES

20.1 A person who fails to comply with this Bylaw commits an offence and is liable to pay:

- a. A fine pursuant to the Local Government Act 2002;
- b. A fine or penalty specified in the Waste Minimisation Act 2008, the Litter Act 1979, and the Health Act 1956; and
- c. Any other penalty specified in another Act for the breach of the Bylaw.

21 REPEALS, SAVINGS AND TRANSITIONAL PROVISIONS

21.1 The Tararua Solid Waste Bylaw 2008 is revoked except that:

- a. Every consent, exemption or approval granted under the Consolidated Bylaw 2008 for Solid Waste that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent, exemption or approval of that kind issued under this Bylaw, but:
 - i Expires on the date specified in that consent, or
 - ii Where no expiry date is specified, the consent expires 12 months from the commencement of this Bylaw, and
 - iii In either case, such consent may be renewed only by application made and considered in accordance with this Bylaw; and
- b. Any resolution or other decision made under the Solid Waste Bylaw remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Council under this Bylaw.

This Bylaw was made by the Tararua District Council by resolution at a council meeting on 31 October 2018 and must be reviewed within five years.

*Sealed with the Common Seal of the
Tararua District Council
In the presence of:*

[SEAL]

Mayor

Chief Executive