



# **WAIPA DISTRICT COUNCIL SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW 2018**

September 2018

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## PART ONE: INTRODUCTION

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This Bylaw is made pursuant to the Waste Minimisation Act 2008, the Local Government Act 2002, the Health Act 1956 and the Litter Act 1979.

### 1. Title

- 1.1. This Bylaw shall be cited and referred to as the Waipa District Solid Waste Management and Minimisation Bylaw 2018.
- 1.2. This Bylaw shall apply within the boundaries of the Waipa District.

### 2. Purpose

- 2.1. The purpose of this Bylaw is to support:
  - (a) The promotion and delivery of effective and efficient waste management and minimisation in Waipa District as required under the Waste Minimisation Act 2008;
  - (b) The implementation of the council's Waste Management and Minimisation Plans;
  - (c) The purpose of the Waste Minimisation Act and the goals in the New Zealand Waste Strategy;
  - (d) The regulation of the collection, transport, and processing of waste;
  - (e) The protection of the health and safety of waste collectors, waste operators and the public; and
  - (f) The management of litter and nuisance in public places.

### 3. Compliance with the Bylaw

- 3.1. No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this bylaw.
- 3.2. To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.

### 4. Interpretation

- 4.1. For this Bylaw the following definitions shall apply:

Definition	Description
Act (the Act)	Waste Minimisation Act 2008.
Approved	Authorised in writing by the Council.

Definition	Description
Approved Container	Any container or bag approved by the Authorised Officer and used for the containment of Waste and/or Diverted Materials for collection.
Authorised Officer	Any officer of Council or other person authorised by Council to administer and enforce its Bylaws.
Building work	As defined in the Building Act 2004.
Bylaw	This Waste Management and Minimisation Bylaw.
Class 1-4 landfills	As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand).
Cleanfill material	Waste that: <ul style="list-style-type: none"> <li>(a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and</li> <li>(b) is not diverted material; and</li> <li>(c) includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of: <ul style="list-style-type: none"> <li>(i) combustible, putrescible, degradable or leachable components;</li> <li>(ii) hazardous waste;</li> <li>(iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;</li> <li>(iv) materials that may present a risk to human health or the environment; and</li> <li>(v) liquid waste; and</li> </ul> </li> <li>(d) has less than two per cent by volume by load of tree or vegetable matter.</li> </ul>
Cleanfill site	The land used for the disposal of clean fill material.
Commercial Waste	Any scrap or waste material resulting from the carrying on of any business, manufacture, process, trade or market.
Construction and demolition waste	Waste generated from any building construction or demolition works; and includes any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.
Council	The Waipa District Council or any person delegated or authorised to act on its behalf.
Collection points	Places or containers where approved containers may be left for collection or waste may be deposited if collection from a public place is unfeasible or impractical.

Definition	Description
Cover material	Means material specified by the council under clause 7.19(d) as suitable for use as cover material at a class 1-4 landfill site.
Deposit	To cast, place, throw or drop any waste or diverted material.
Disposal	As defined in the Act. The final (or more than short-term) deposit of waste into or onto land set apart for that purpose; or the incineration of waste.
Diverted Material	Anything that is no longer required for its original purpose and, if not for commercial or other waste minimisation activities, would be disposed of or discarded.
Domestic waste	Waste consisting of refuse, recyclable material or organic matter (food waste and/or greenwaste) originating from any household or from the cafeteria, lunchroom or canteen of any commercial enterprise.
Donation collection point	Place where approved types of waste may be deposited for the purposes of raising funds from the waste items.
Estimated value	As defined in the Building Act 2004.
Event	Includes: (a) a public performance involving the gathering of people; (b) a meeting, parade, sporting event, exhibition, filming or festival; and (c) a fair, market or other gathering of people for the sale, purchase or exchange of goods but excludes regularly occurring recreational activities such as weekly sports events.
Food waste	Waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards and any other similar food waste.
Green Waste	Compostable plant material.
Handling waste	Removing, collecting, transporting, storing, treating, processing or disposing of waste.
Hazardous Waste	Any item that may present a significant risk to the health and safety of any person and includes: (a) explosive, highly combustible or highly flammable materials or matter including hot ashes; (b) substances known, or reasonably expected, to contain pathogens, including bacteria, viruses, rickettsia, parasites, fungi or recombinant micro-organisms (hybrid or mutant) that are known, or reasonably expected, to cause infectious diseases in humans or animals that are exposed to them;

Definition	Description
	<ul style="list-style-type: none"> <li>(c) any solvents, acid, printers ink, paint or any other viscous fluid;</li> <li>(d) unwrapped sharp objects;</li> <li>(e) Any article containing a specific radioactivity exceeding 100 kilobecquerels per kilogram and a total radioactivity exceeding 3 kilobecquerels;</li> <li>(f) any waste removed from any part of a drainage or sewer system;</li> <li>(g) any machinery, metal or other material that could damage collection or disposal equipment;</li> <li>(h) any substance with one or more of the following intrinsic properties: <ul style="list-style-type: none"> <li>(i) Explosiveness</li> <li>(ii) Flammability</li> <li>(iii) A capacity to oxidise</li> <li>(iv) Corrosiveness</li> <li>(v) Toxicity (including chronic toxicity) or</li> <li>(vi) Ecotoxicity, with or without bioaccumulation and which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (i) to (vi) of this definition; and</li> </ul> </li> <li>(i) any mixture of the waste referred to above.</li> </ul>
Home composting	The activity of creating compost from domestic green waste and/or food waste.
Inorganic material	<p>Waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as domestic waste in an approved container, and that is specified by the council as suitable for:</p> <ul style="list-style-type: none"> <li>(a) collection from a public place by the council or licenced waste operator;</li> <li>(b) collection from any premises by the council or licenced waste operator; or</li> <li>(c) delivery to a resource recovery facility.</li> </ul>
Licence	A Licence granted by the Council under this Bylaw.
Litter	Any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth or waste matter or any other thing of a like nature.
Litter receptacle	A receptacle provided for the collection of litter.

Definition	Description
Managed fill	Land used for the disposal of soil with low levels of contamination.
Manager	A person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.
Multi-Unit development	A development consisting of two or more residential, commercial or mixed residential and commercial units on any premises. It includes a unit title development and any development with controlled or restricted access.
Nuisance	A nuisance in terms of the Health Act 1956.
Occupier	includes an owner, tenant, licensee or any agent, manager, foreperson or other person apparently acting in the general management of any land or premises.
Organic matter	Food waste and/or green waste that is specified by the council under clause 7.19(a) as organic matter.
Owner	In relation to any property or premises, the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent.
Person	An individual, a corporation sole, a body corporate, and an unincorporated body.
Premises	Any separately occupied land, building, or part of the same.
Prohibited waste	Waste containing: <ul style="list-style-type: none"> <li>(a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;</li> <li>(b) any material capable of causing damage to the approved container or likely to shatter in the course of collection material unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;</li> <li>(c) any 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;</li> <li>(d) any radioactive wastes, but excluding domestic smoke detectors;</li> <li>(e) any used oil and lead-acid batteries;</li> <li>(f) any hazardous waste;</li> <li>(g) medical waste;</li> <li>(h) any material prohibited by the council under clause 8.1</li> </ul>

Definition	Description
Public place	<p>(a) a place that is-</p> <p>(i) under the control of the council and/or</p> <p>(ii) that is open to or being used by the public, whether or not there is a charge for admission; and</p> <p>(b) includes:</p> <p>(i) a road, whether or not the road is under the control of the council and including the berm and footpath.</p>
Recovery	<p>As defined in the Act.</p> <p>(a) means extraction of materials or energy from waste or diverted material for further use or processing; and</p> <p>(b) includes making waste or diverted material into compost</p>
Recyclable material	Waste specified by the council under clause 7.19 as suitable for recycling.
Recycling	<p>As defined in the Act.</p> <p>The reprocessing of waste or diverted material to produce new materials</p>
Refuse	<p>Waste which:</p> <p>(a) subject to (b), is not organic matter, recyclable material, prohibited waste, construction and demolition waste or inorganic material;</p> <p>(b) may include organic matter and/or recyclable material that does not exceed the maximum allowable limits specified by the council under clause 7.19 of this bylaw.</p>
Rural	Any areas zoned and/or defined in the Waipa Council District Plan as rural.
Specified intended life	As defined in the Building Act 2004.
Treatment	<p>As defined in the Act.</p> <p>(a) means subjecting waste to any physical, biological, or chemical process to change its volume or character so that it may be disposed of with no or reduced adverse effect on the environment; but</p> <p>(b) does not include dilution of waste</p>
Waipa District	The area administered by the Council.
Waste	Anything disposed of or discarded; and 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



Definition	Description
	to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.
Waste and/or Recycling Collector	Any person or organisation licensed by Council to engage in the collection , transport and storage of Waste and/or Diverted Materials
Waste Management Facility	A facility authorised by the Council for the storage and processing of Waste and/or Diverted Materials
Waste management facility operator	A person who owns or manages a waste management facility
Waste Management and Minimisation Plan	A waste management and minimisation plan adopted by a territorial authority under section 43 of the Waste Minimisation Act 2008.
Waste operator	A person who is a waste collector or operates a waste management facility.
Waste remediation and materials recovery services	The remediation and clean up of contaminated buildings and mine sites, mine reclamation activities, removal of hazardous material and abatement of asbestos, lead paint and other toxic material. This also includes recovery, sorting, and/or storage services in relation to waste.
Waste treatment and disposal services	The treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, compost dumps and other treatment facilities (except sewage treatment facilities), and waste transfer stations.

## PART TWO: WASTE MANAGEMENT

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### 5. Controls

- 5.1. Any control specified by the council to support the implementation of this bylaw:
- (a) Must, after consultation pursuant to the Local Government Act 2002, be made by a resolution that is publicly notified; and
  - (b) May:
    - (i) prohibit, restrict, or control any matter or thing generally, for any specific category or case, or in a particular case;
    - (ii) apply to all waste or to any specified category of waste;
    - (iii) apply to Waipa District; and/or
    - (iv) apply at all times or at any specified time or period of time.

### 6. Collection, transportation, processing and disposal of waste

- 6.1. The occupier and the manager of a premises must ensure that the domestic waste from the premises is separated into waste types as determined by the Council, and deposited for collection in the correct approved container. No person may deposit in a container material that is not approved for that type of container.
- 6.2. The occupier and the manager of any premises must ensure that:
- (a) Reasonable steps are taken to prevent the waste escaping from any waste container;
  - (b) Waste from the premises has no more than a minimal adverse effect on neighbouring occupiers;
  - (c) Any waste container is regularly emptied when it is full; and
  - (d) The contents of any waste container, excluding containers for green waste, are protected from rain or ingress or egress of flies and animals.
- 6.3. The occupier and the manager of any premises who is in control of an approved container must ensure that:
- (a) The container is kept in a safe location, hygienic, in good repair, and without any modifications or alterations to its appearance;
  - (b) If required, waste is deposited in the container in a manner that allows the whole of the contents to fall out easily and cleanly when the container is emptied;
  - (c) Unless the container is placed at a designated and approved collection point, the container is placed for collection in an upright position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible;

- (d) Reasonable steps are taken to prevent the container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises; and
- (e) The container is placed for the collection of waste and retrieved in accordance with any applicable control specified by the council.

6.4. No person may:

- (a) Put waste into an approved container provided to any other person, without that other person's consent;
- (b) Remove waste from, or interfere with any waste deposited in, an approved container, except the council, a licensed waste collector or the person who deposited the waste;
- (c) Remove a container provided by the council from the premises to which it has been allocated, except with the prior written approval of the council.

6.5. The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected.

## **7. Licensing waste collection and waste management facility operators**

7.1. Any:

- (a) Waste collector who collects and/or transports more than 30 tonnes of waste in any one twelve month period from land in the Waipa District; and
- (b) Waste management facility operator with a facility in the Waipa District that handles more than 30 tonnes of waste in any one twelve month period must have a waste operator licence issued by the Council and may not collect waste or operate the waste management facility (as the case may be) without such a licence.

7.2. An application for a waste operator licence must be made on the application form which is available from the Council, and must be accompanied by any application fee and the information required by the council to process the application.

7.3. A licence is personal to the holder and is not transferable.

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

7.5. A licence may be granted or refused at the discretion of the council, and if granted may be on such terms and conditions as the council thinks fit

7.6. When considering a licence application, the Council may take into account the following non-exhaustive list of factors:

- (a) The extent to which the licenced activities will promote public health and safety and support achievement of the Council's waste management and minimisation plan, including goals and initiatives within that plan
- (b) The quantity and type of waste to be handled

- (c) The methods employed for the handling of the waste including the identity of the waste management facility at which it is proposed that recycling, recovery, treatment, or disposal will occur
- (d) The frequency and location of the waste collection, removal and transportation services
- (e) The specifications of the vehicles, equipment, and containers to be used for the handling of waste
- (f) The applicant's experience, reputation, and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions; and
- (g) The terms and conditions under which any disposal of waste is permitted and the existence of, or need for, any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposal.

7.7. A licenced waste operator must comply with all terms and conditions of the licence. These conditions may include, but are not limited to, the following matters:

- (a) Term – a licence may be granted for a term of up to 5 years
- (b) Licence fee – the licensee must pay an annual licence fee in an amount determined by the Council from time to time
- (c) Bond – the Council may, from time to time and on a case by case basis, require a licence holder to post a bank-guaranteed bond
- (d) Compliance with standards – the licence holder must comply with any standards or policies the Council has set for waste handling such as:
  - (i) provision of waste collection services within reasonable times specified by Council
  - (ii) the collection of any litter within a specified distance of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process; and
- (e) Provision of information – the licence holder must provide data relating to waste they have handled to the Council during the term of their licence, in the form and at the times determined by the Council from time to time such as:
  - (i) the quantities of various waste categories that have been handled by the waste operator during a period of time (e.g. quarterly, including the destination of each waste type and method of processing (recycling, recovery, treatment, disposal etc).
- (f) the Council will take all reasonable steps to keep commercially sensitive information confidential, for example by aggregating such information for reporting purposes.

- 7.8. The Council may suspend or revoke a licence if the licence holder fails to comply with this bylaw, any of the terms or obligations of the licence, any relevant controls made under this bylaw, or acts in a manner which the Council considers, on reasonable grounds and in light of the purpose of this bylaw, is not suitable for the holder of a waste operator licence.

*Fees and Charges*

- 7.9. Fees and charges for the issue of Licenses under this Bylaw are as set out in Council's Schedule of Fees and Charges and may be amended from time to time in accordance with section 150 of the Local Government Act 2002.

**8. General controls on the collection, transportation and disposal of waste**

*General controls*

- 8.1. The council may specify controls for the following matters in relation to the collection, transportation or disposal of waste from any property:
- (a) Types of domestic waste that may be treated for all purposes (including deposit, collection, transportation, and disposal) as recyclable, organic, or refuse;
  - (b) Maximum allowable limits of a specified waste type that may be collected or transported from a public place in an approved container for refuse and that subsequently may be disposed of;
  - (c) Maximum allowable limits of a waste type that may be placed in an container approved for another waste type;
  - (d) Types of waste that may be handled at any class 1 – 4 landfill and material that may be used as cover material at any such site;
  - (e) Materials that may be used as natural or other hardfill material at a clean fill site;
  - (f) Types of waste that are prohibited.

*Collections from a public place*

- 8.2. Waste may not be placed on a public place for collection unless it is:
- (a) Domestic waste;
  - (b) Green waste;
  - (c) Inorganic material deposited for collection by or on behalf of the council, or
  - (d) Any other type of waste determined by the Council as able to be placed on a public place for collection.

- 8.3. Prohibited waste, diverted material, construction and demolition waste or commercial waste may not be placed in a public place for collection unless authorised by the council under this bylaw.
- 8.4. Any waste operator who collects or transports waste from a public place must:
- (a) Make available to the occupier or manager of a premises one or more approved containers to enable separate collection of each of the waste types required to be separately collected from the premises;
  - (b) Not collect for disposal any domestic waste which has not been separated into refuse, recyclable material and organic matter. However this does not apply where the amount of recyclable material and/or organic matter mixed with the refuse, or the amount of the recyclable material mixed with the organic matter or vice versa, does not exceed the maximum allowable limits specified by the council under clause 8.1(b)(a).
  - (c) Not dispose to a class 1 – 4 landfills any waste type that is capable of being reused or recycled.
- 8.5. The council may specify controls for the following matters in relation to the collection or transportation of waste from a public place:
- (a) The area to which the control applies;
  - (b) The type, size, colour, and construction of approved containers that may be used for the storage and collection of waste;
  - (c) The types of waste that may be collected in various types of approved container;
  - (d) The categories of wastes that may be deposited at or collected from a public place;
  - (e) The conditions applicable to any collection service from a public place - including the placement and retrieval of approved containers for collection, collection days and times, and restrictions on the number and weight of approved containers;
  - (f) Requirements to ensure the correct separation of categories of wastes into approved containers;
  - (g) The locations, access times and conditions of use of council waste collection points;
  - (h) Any other operational matter required for the safe and efficient operation of a collection service from a public place.
- 8.6. Any person providing or using a waste collection service in or from a public place must comply with all controls made by the council relating to that collection.

### *Approved collection points*

- 8.7. No person may deposit waste at an approved collection point other than in accordance with any applicable control.
- 8.8. The council may specify:
  - (a) Any place, or receptacle in a public place as an approved collection point for the collection of domestic waste; and
  - (b) Controls relating to the deposit of waste at an approved collection point including the use of specified containers.

## **9. Multi-Unit developments**

- 9.1. The owner and manager of a multi-unit development must make provision for the management of all waste generated within the property.
- 9.2. Subject to clause 9.5, the owner and manager of a multi-unit development must obtain approval from the council for a development waste management and minimisation plan.
- 9.3. A development waste management and minimisation plan must include but is not limited to:
  - (a) Identification of an adequate area on the premises for the storage of purpose suitable containers that is readily accessible to the occupiers of units and to a licensed waste operator to enable separate collection and transportation of refuse, recyclable material and/or organic matter;
  - (b) The methods to be used to minimise noise and odour, to keep the area hygienic (free from vermin or other infestations) and protected from theft and vandalism;
  - (c) Identification of the means and route of access and egress to the waste storage area;
  - (d) An estimate of the volumes of refuse, recyclable material and organic matter that will be generated;
  - (e) The steps which will be taken to further the objective of waste minimisation.
- 9.4. Any person who owns, occupies or manages a multi-unit development must comply with the approved development waste management and minimisation plan for that development.
- 9.5. The council may, on application, grant a written exemption from compliance with all or any the requirements of this clause if:
  - (a) In the opinion of the council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or

- (b) The manager or owner demonstrates to the satisfaction of the council that refuse, recyclable material and organic waste are separately and regularly collected.
- 9.6. The council may specify controls for the following matters in relation to the collection or transportation of waste from multi-unit developments:
- (a) The categories of recyclable material, organic matter and refuse that may be deposited at or collected from a multi-unit development;
  - (b) The times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of containers for collection, collection times and restrictions on the number and weight of approved containers;
  - (c) Requirements to ensure the correct separation of refuse, organic matter and recyclable materials into containers;
  - (d) Any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.
- 9.7. Any person who manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation and management of waste in the multi-unit development made by the council.

## **10. Events**

- 10.1. Any organiser of any significant (as defined above) event must obtain prior approval from the council of their event waste management and minimisation plan.
- 10.2. The council may require an event waste management and minimisation plan to set out:
- (a) An estimate of the types and amounts of waste to be generated by the event;
  - (b) How waste generated by the event is to be minimised;
  - (c) The steps to maximise the collection and use of recyclables and reusable material;
  - (d) The equipment to be provided for the storage, collection and transportation of waste and diverted material;
  - (e) The person responsible for the collection and disposal of waste and the methods to be used;
  - (f) The requirement to provide a waste analysis following the conclusion of the event; and
  - (g) Any other matters relating to event waste management and minimisation that may be specified by the Council.



- 10.3. The organiser of an event must comply with the approved event waste management and minimisation plan.
- 10.4. On completion of the event, the organiser must provide the council with a report on the implementation of the event waste management and minimisation plan, including a waste analysis which sets out the predicted and actual types and amounts of waste generated by the event, and which waste management facility was used to recover, recycle, treat or dispose of this waste.

## **11. Construction site Waste Management and Minimisation Plans**

- 11.1. The council may require any person applying for a building consent for non-residential building work with an estimated value of \$500,000 or higher must submit a site waste management and minimisation plan to the council for approval.
- 11.2. A site waste management and minimisation plan must set out:
  - (a) The name of the client, principal contractor, and person who prepared the site waste management and minimisation plan;
  - (b) The location of the site;
  - (c) The estimated total cost of the building work;
  - (d) A description of each type of waste expected to be produced;
  - (e) An estimate of the quantity of each type of waste; and
  - (f) The proposed method of waste management for each type of waste (e.g. recovery, recycling, disposal).
- 11.3. While the building work is being carried out, the principal contractor will:
  - (a) Review the plan as necessary;
  - (b) Record quantities and types of waste produced; and
  - (c) Record the types and quantities of waste that have been:
    - (i) reused (on or off site)
    - (ii) recycled (on or off site)
    - (iii) sent to other forms of recovery (on or off site)
    - (iv) sent to landfill
    - (v) otherwise disposed of.
- 11.4. Within three months of completion of the building work the council may require the principal contractor to report:
  - (a) Confirmation that the plan has been monitored and updated;
  - (b) A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type;
  - (c) An explanation of any deviation from the plan;

- (d) An estimate of any cost savings that have been achieved by completing and implementing the plan.
- 11.5. The principal contractor must ensure that a copy of the plan is kept on site, and that every contractor knows where it can be found. It must be available to any contractor carrying out any work described in the plan.

## **12. Inorganic material**

- 12.1. The council may specify controls for the following matters in relation to the collection of inorganic material from a public place:
- (a) The weight, size and nature of inorganic materials that may be deposited for collection by the council or approved waste operator;
  - (b) The categories of inorganic waste that may be deposited for collection by the council or approved waste operator;
  - (c) The times, locations and conditions applicable to the collection by the council or approved waste operator of inorganic material from a public place;
  - (d) The methods by which the inorganic material may be collected;
  - (e) Any other operational matters required for the safe and efficient collection by the council or approved waste operator of inorganic material from a public place.
- 12.2. Any person who deposits inorganic material for collection on, or collects or transport inorganic material from, a public place must comply with the controls made by the council.

## **13. Nuisance and litter**

- 13.1. No person may:
- (a) Allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become 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.
- 13.2. Except as provided for under this bylaw, no person may:
- (a) Burn or allow to be burnt on any property they own, occupy or manage any waste except organic matter in rural areas;
  - (b) Bury or allow to be buried on any property they own, occupy or manage any waste except:
    - (i) organic waste, including dead farm animals in rural areas;
    - (ii) dead companion animals and nuisance pests; or

- (iii) for the purposes of home composting.
- (a) Dispose of any waste on any premises except at:
  - (i) a class 1-4 landfill; or
  - (ii) any premises they own, occupy or manage, for the purposes of home composting

13.3. No person may:

- (a) Deposit any waste arising from that person's household or that person's business activities in any litter receptacle provided by the council in any public place;
- (b) Remove any waste from any litter receptacle provided by the council in any public place, where this results in any waste being deposited outside the receptacle, unless authorised by the council to do so;
- (c) Deposit or attempt to deposit any litter in any receptacle provided by the council in any public place if:
  - (i) the receptacle is full; or
  - (ii) the litter is likely to escape.
- (d) Fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the council in any public place; or
- (e) Damage any litter receptacle provided by the council in any public place.

13.4. The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the council to prevent it becoming litter and to clean it up in the event that it does become litter

## 14. Donation collection points

14.1. Anyone intending to establish a donation collection point must notify the Council in advance and must operate the donation collection point in compliance with any requirements the council specifies including but not limited to: location, vehicle access, requirement for a traffic management plan, type of waste which may be deposited, use of approved containers, removal of deposited waste from the collection point, clean up of any litter or illegal dumping (during the collection and afterwards) and clean up or removal of any graffiti.

## PART THREE: ENFORCEMENT

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### 15. General offences and penalties

- 15.1. A person who fails to comply with this bylaw commits an offence and is liable, upon conviction, to a fine not exceeding \$20,000.00 or to a penalty under the Waste Minimisation Act 2008 and/or the Health Act 1956.
- 15.2. A person who commits a breach of this bylaw that is also an offence under the Litter Act 1979 is liable to a penalty under that Act.

### 16. Other enforcement powers

#### *Licensed waste operators*

- 16.1. Where a licence holder does not comply with the terms and conditions of a waste operator licence, the council may take one or more of the following steps:
- (a) Issue a written warning to the licence holder, which may be treated as evidence of a prior breach of a licence condition during any subsequent review of the licence;
  - (b) Review the licence, which may result in:
    - (i) amendment of the licence; or
    - (ii) suspension of the licence; or
    - (iii) withdrawal of the licence.
  - (c) Have recourse to any bond where the council has incurred any cost as a result of the breach of the licence condition, including where the council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
  - (d) Review the amount and nature of the performance bond or security, which may result in:
    - (i) an increase of the amount of the performance bond or security;
    - (ii) a change to the nature of the security that has been provided.
  - (e) Enforce any offence that may have been committed under the Litter Act 1979; and
  - (f) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.
- 16.2. Where a person does not comply with any of clauses 8.2 to 8.6 the waste collector may:
- (a) Reject (i.e. not collect) the contents of any approved container left out by that person for collection from a public place, if the contents or placement of the container is non-compliant;

- (b) Remove the contents of any approved container left out for collection from a public place, where the contents or placement of the container is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount payable for the collection of the largest available size of approved container of refuse from that premises;
  - (c) Withdraw or suspend the collection service provided by the waste collector to that person.
- 16.3. Where a person does not comply with a control made by the council under clauses 8.7 and 8.8 the council may:
- (a) Suspend that person's use of any service provided by the council or every waste collection service;
  - (b) Enforce any offence that may have been committed under the Litter Act 1979;
  - (c) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.
- 16.4. Where a person does not comply with any of clauses 8.2 to 8.6 the council may:
- (a) Enforce any offence that may have been committed under the Litter Act 1979;
  - (b) Enforce breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

*Site Waste Management and Minimisation Plans*

- 16.5. Where a person does not comply with any of clauses 11.1 to 11.5, the council may take one or more of the following steps:
- (a) Enforce any offence that may have been committed under the Litter Act 1979; and
  - (b) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

*Inorganic material*

- 16.6. Where a person does not comply with a control made by the council under clauses 12.1 and 12.2, the council (or a licensed waste operator where applicable) may:
- (a) Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;
  - (b) Remove the inorganic material, where the inorganic material or placement is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by the council;
  - (c) Enforce any offence that may have been committed under the Litter Act 1979; and/or
  - (d) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

## **17. Exemptions and savings provisions**

- 17.1. A person is not in breach of this bylaw if that person proves that the act or omission was in compliance with the directions of an authorised council officer.
- 17.2. A product stewardship scheme accredited under the Act may be exempted from the requirements of this bylaw.

## **18. Revocation**

- 18.1. The Waipa District Solid Waste Bylaw 2012 is hereby revoked.

The foregoing Bylaw was made by the WAIPA DISTRICT COUNCIL by Special Consultative Procedure and confirmed at a meeting of Council held on 25 September 2018. This Bylaw becomes operative on 1 October 2018.

<sup>1</sup>**IN WITNESS WHEREOF** the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on 25 September 2018 in the presence of:

Mayor: \_\_\_\_\_

Chief Executive: \_\_\_\_\_

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<sup>1</sup> The original copy of this Bylaw was sealed and signed by the Mayor and Chief Executive on 25/09/2018.