

Waitakere City Council Waste Bylaw 2005

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Part 1

Introduction

1 Citation

This Bylaw may be cited as the Waitakere City Council Waste Bylaw 2005

2 Commencement

This Bylaw comes into force on 1 August 2005 (“**the commencement date**”).

3 Revocation

Waitakere City's Bylaw 30 and Chapter 6 of its general bylaws; removal of refuse, bailing and disposal is revoked with effect from the commencement date.

4 Purpose

This Bylaw is made pursuant to section 145 of the Local Government Act 2002, sections 542 and 684(1)(15) of the Local Government Act 1974, section 12 of the Litter Act 1979 and sections 64(1) and 65 of the Health Act 1956. The purpose of this Bylaw is to regulate Waste Management Facilities and the collection, transportation and disposal of waste. In addition, from the commencement date all collectors, transporters and disposers of waste in excess of 20 tonnes per annum and operators of Waste Management Facilities are to be subject to a licensing system and may be required to pay a levy on the waste collected, transported and disposed of in accordance with that Licence. The levy is intended to introduce a system of financial incentives and disincentives consistent with its waste reduction objectives which will assist the Council to manage waste in a manner which is consistent with its statutory responsibilities and waste management objectives.

5 Objectives

The objectives of this Bylaw are:

- To monitor and regulate the collection, transportation, disposal and management of waste in such a way as to encourage minimisation of waste being generated and disposed of in Waitakere City.
- To promote Council's waste minimisation and waste reduction objectives.
- To assist in the implementation of Council's Waste Management Plan and the New Zealand Waste Strategy.
- To ensure effective and efficient waste management in the Council's area.
- To impose specific performance standards and requirements for waste collection, transportation, disposal and treatment services for the benefit of the public.

Part 2

Interpretation

6 Definitions

"Addressed" has the meaning in clause 95(5).

"Addressed Mail Only" has the meaning in clause 95(1).

"Addressed Mail and Newspapers Only" has the meaning in clause 95(2).

"Advertising Material" has the meaning in clause 95(6).

"Approved Receptacle" means a container or bag used for the keeping of waste and approved by the Council pursuant to the provisions of this bylaw.

"Circulars" has the meaning in clause 95(6).

"Commercial Household Waste" has the meaning in clause 60.

"Commercial Waste" has the meaning in clause 71.

"Council" means North Shore City Council and shall include all Council officers authorised to act on Council's behalf.

"Deposit" means in relation to waste to:

- a) cast, place, throw or drop; and
- b) to cause or permit waste or other material or thing to be cast, placed, thrown or dropped.

"Green Waste" has the meaning in clause 31.

"Hazardous Waste" has the meaning in clause 85.

"Household Waste" has the meaning in clause 7.

"Inorganic Waste" has the meaning in clause 53.

"Junk Mail" has the meaning in clause 95(6).

"Kitchen Food Waste" means solid organic food waste including vegetable scraps, meat, fish and bone discards, or any other such food waste arising or resulting from domestic housekeeping activities.

"Landfill" means land upon which the deposit and disposal of Solid Waste can lawfully occur.

"Licence" means a licence granted by Council under this bylaw.

“Licensed Waste Collector” means a person which has a Licence to collect, transport or dispose of waste.

“Licensed Waste Operator” means a person which has a Licence to operate a Waste Management Facility.

“Litter” includes refuse, rubbish, animal remains, glass, metal, garbage, plastic, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature.

“Litter Control Officer” means any person appointed under section 5, or deemed to have been appointed under section 6 of The Litter Act 1979 as a litter control officer.

“Multi Unit Property” means a property comprising two or more separately occupied residential units or business occupancies, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership.

“Occupier” means any person who occupies any land or building and, if the land or building is unoccupied, includes the owner.

“Paper Waste” has the meaning in clause 44.

“Person” includes a company or other corporate body.

“Prohibited Waste” has the meaning in clause 80.

“Property” means land or buildings which are separately occupied.

“Public Place” means every road, footpath, court, alley, pedestrian mall, lane, access way, reserve, park, sportsfield, recreation ground, domain, beach, river, lake, foreshore and building which is open to or used by the public as of right, and every place to which the public has access.

“Publicly notified” means published in a notice published in a newspaper or newspapers circulating in the district to which the notice relates.

“Recyclable Waste” has the meaning in clause 18.

“Scavenger” means a Person who removes any waste, except for the purpose of placing the same in a litter bin, from any Waste Collection Area.

“Solid Waste” means any waste generated as a solid or converted to a solid for disposal.

“Special Waste” means any waste which requires special disposal because of environmental considerations or the operational requirements of the Landfill at which disposal is to occur but does not include Household Waste, Commercial Household Waste, Recyclable Waste, Green Waste, Paper Waste, Inorganic Waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature.

“Trade Waste” means any sewage or liquid, with or without matters in suspension or solution, produced in the course of any trade or industrial process.

“Transfer Station” means land or buildings to which waste is delivered for sorting or consolidation before being taken away for treatment, processing, recycling or disposal.

“Trolley” means any movable receptacle on wheels, and includes a shopping trolley.

“Unaddressed” has the meaning in clause 95(5).

“Waste” means any solid, material or thing that is discarded, discharged or selected for disposal and includes;

- Commercial Waste, Household Waste, Commercial Household Waste Green Waste, Hazardous Waste, Inorganic Waste, Kitchen Food Waste, Paper Waste, Prohibited Waste, Recyclable Waste and Special Waste
- an object which has been abandoned
- litter

“Waste Collection Area” means the area on the road reserve outside the property from which the waste originates immediately adjacent to the kerb and limited in size so that the placement of the waste does not unduly interfere with the free passage of pedestrians or such other place approved by Council as a Waste Collection Area.

“Waste Management Facilities” means facilities where waste is managed and includes, but is not limited to, Landfill sites, Transfer Stations, tips, recycling centres, transfer points, waste pads, transportation points, cleanfill sites, composting facilities or waste consolidation points.

Part 3

Waste Types

Household Waste

7 **Definition**

- (1) **“Household Waste”** means Solid Waste resulting from domestic housekeeping operations. Household Waste does not include waste of a domestic nature emanating from commercial premises (“Commercial Household Waste”), Recyclable Waste, Green Waste, Paper Waste, Inorganic Waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature.

8 **Accumulation of Household Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Household Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

9 **Provision of Approved Receptacle**

- (1) Every Occupier must use an Approved Receptacle for Household Waste.
- (2) Every owner of a Multi Unit Property is to provide Approved Receptacles for Household Waste and kerbside recyclables to the Occupiers of units in that Multi Unit Property.
- (3) Every owner of any Multi Unit Property for which building consent is granted after 1 January 2006 must make adequate provision for Household Waste within the property to the satisfaction of the Council. Any Multi Unit Property for which building consent is granted after 1 January 2006 must be accompanied by a waste management plan which identifies: an adequate area for the storage of Approved Receptacles which is accessible to Occupiers and waste collectors; the methods to be employed to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism.
- (4) Approved Receptacles for Household Waste include:
 - (a) Paper bag approved by Council and sold by or on behalf of Council or Licensed Waste Collectors;
 - (b) Plastic bag approved by Council and sold by or on behalf of Council or Licensed Waste Collectors;
 - (c) Biodegradable bags approved by Council and sold by or on behalf of Council or Licensed Waste Collectors for specific Council services;
 - (d) Mobile bin approved by Council and provided by or on behalf of Council or Licensed Waste Collectors;

- (e) Any receptacle provided by a Licensed Waste Collector and approved by Council for the purpose of collecting Household Waste.
- (f) Any other receptacle provided by or on behalf of Council from time to time for the purpose of collecting Household Waste.

10 Maintenance of reusable Approved Receptacles

- (1) Reusable Approved Receptacles must be kept clean and in good repair, covered at all times with a close-fitting lid where provided or securely tied and the contents protected from rain or ingress or egress of flies or vermin.

11 Use of Approved Receptacle

- (1) No waste other than Household Waste shall be placed in a Household Waste Approved Receptacle.
- (2) Household Waste placed in a reusable Approved Receptacle must be placed in a manner which allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied.
- (3) Approved Receptacles must not contain Prohibited Waste or be overloaded. The maximum permitted weight of an approved bag is 15 kilograms.

12 Placement of Household Waste for collection

Time

- (1) Household Waste must be put out for collection no earlier than 5.30 pm the evening before, and no later than 7.30 am on the morning of the day for collection unless otherwise directed from time to time by Council.

Place (Waste Collection Area)

- (2) Approved Receptacles for Household Waste must be placed in an upright position within the Waste Collection Area.

Maximum number

- (3) The number of Approved Receptacles put out from each property for collection or emptying must not exceed the maximum number determined by the Council from time to time (if any) and publicly notified.

13 Retrieval of uncollected Waste

- (1) Waste which is not collected on the day for collection must be removed from the Waste Collection Area at the end of that day by the Occupier of the property from which the waste was generated.

- (2) Waste left in the Waste Collection Area after 8.30 a.m on the day following the day for collection may be removed by the Council and the cost of collection and disposal of that uncollected waste (except in any case where the missed collection was to be undertaken by the Council) shall be borne by the Occupier of the property from which the waste was generated.

14 Retrieval of reusable Approved Receptacle

- (1) Reusable Approved Receptacles, whether full or empty, must be removed from the Waste Collection Area before the expiry of the day for collection by the Occupier and the owner of the property from which the reusable Approved Receptacle came.

15 Waste collectors to be licensed and authorised

- (1) No person other than the Occupier of the property from which the waste was generated shall remove Household Waste from a Waste Collection Area or from a property, unless licensed to collect Household Waste under this bylaw.

16 Obstruction of Licensed Waste Collectors

- (1) No person shall obstruct or hinder any Licensed Waste Collector from removing Household Waste from any Waste Collection Area in accordance with a Licence under this bylaw.

17 Offences

- (1) Every person breaches this bylaw who fails to comply with:

Clause 8(1)
Clause 9(1),(2),(3)
Clause 10(1)
Clause 11(1),(2),(3)
Clause 12 (1),(2),(3)
Clause 13(1)
Clause 14(1)
Clause 15(1)
Clause 16(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000.¹

¹ As stipulated by the Local Government Act 2002.

Recyclable Waste

18 **Definition**

- (1) **“Recyclable Waste”** means any rags, second hand or used clothing, textiles, wood, concrete, steel, paper, steel cans, tin cans, aluminium cans, glass, plastic products including plastic containers and other items publicly notified by the Council from time to time. Recyclable Waste does not include Household Waste, Commercial Household Waste, Green Waste, Paper Waste, Inorganic Waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature.

Advice Notes:

- **Recyclable Waste is all waste that is potentially recyclable but this does not necessarily mean that it will be able to be put out for collection by Council in its kerbside Recyclable Waste Collections. Only that Recyclable Waste which is described below under the heading ‘Kerbside Recyclable Waste Collections’ (paragraph 20) will be collected by Council in its Kerbside Recyclable Waste collections.**
- **While Recyclable Waste can include paper it explicitly excludes paper which falls within the definition of “Paper Waste” and reference should be made to that clause 44(1) of the bylaw for the definition of ‘Paper Waste’.**

19 **Accumulation of Recyclable Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Recyclable Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

20 **Kerbside Recyclable Waste Collections**

- (1) Only the following Recyclable Waste may be placed in the Waste Collection Area:

a. **Residential:**

- i. all rags and clothing; and
- ii. aluminium cans, steel cans, glass bottles (clear, amber and green) and plastic recyclable containers of a type publicly notified by Council from time to time; and
- iii. any other recyclable items as publicly notified by the Council from time to time;

which arise from, or result from residential housekeeping activities.

b. **Commercial:**

- i. aluminium cans, steel cans, glass bottles (clear, amber and green) plastic recyclable containers of a type publicly notified by Council from time to time; and
- ii. any other recyclable items as publicly notified by the Council from time to time.

which arise from, or result from housekeeping activities undertaken on commercial premises for and on behalf of staff who work at those commercial premises.

21 Provision of Approved Receptacle for Recyclable Waste for Kerbside Recyclable Waste collections

- (1) Every Occupier must use an Approved Receptacle for kerbside recyclable collection.
- (2) Every owner of a Multi Unit Property is to provide Approved Receptacles for kerbside recyclable collection to Occupiers of units of that Multi Unit Property.
- (3) Every owner of any Multi Unit Property for which building consent is granted after 1 January 2006 must make adequate provision for Recyclable Waste within the property to the satisfaction of the Council. Any Multi Unit Property for which building consent is granted after 1 January 2006 must be accompanied by a waste management plan which identifies: an adequate area for the storage of Approved Receptacles which is accessible to Occupiers and waste collectors; the methods to be employed to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism.
- (4) Approved Receptacles for Recyclable Waste include:
 - (a) Plastic crate approved by Council and provided by or on behalf of Council or other Licensed Waste Collectors;
 - (b) Mobile recycling bin approved by Council and provided by or on behalf of Council or other Licensed Waste Collectors;
 - (c) Any receptacle as provided by a Licensed Waste Collector and authorised by Council for the purpose of collecting Recyclable Waste;
 - (d) Any receptacle as provided by Council or on behalf of Council from time to time for the purpose of collecting Recyclable Waste.

22 Maintenance of reusable Approved Receptacle

- (1) Reusable Approved Receptacles for Recyclable Waste must be kept clean and in good repair.

23 Use of reusable Approved Receptacle

- (1) No waste other than Recyclable Waste shall be placed in a Recyclable Waste Approved Receptacle.

- (2) Recyclable Waste may only be placed in the Waste Collection Area if it is in a receptacle approved for kerbside Recyclable Waste collection.
- (3) Recyclable Waste placed in a reusable Approved Receptacle must be placed in a manner which allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied.
- (4) Approved Receptacles must not contain Prohibited Waste or be overloaded.

24 **Placement of Kerbside Recyclable Waste for Collection**

Time

- (1) Residential recyclable waste for kerbside collection must be put out for collection no earlier than 5.30 pm the evening before and no later than 7.30am on the morning of the day for collection unless otherwise directed from time to time by Council.
- (2) Commercial recyclable waste for kerbside collection must be put out for collection not earlier than 5pm and not later than 6pm on the day for collection unless otherwise directed from time to time by Council.

Place (Waste Collection Area)

- (3) Approved Receptacles for recyclable waste for kerbside collection must be placed in an upright position as close to the kerb as possible within the Waste Collection Area.

Maximum number

- (4) The number of Approved Receptacles put out from each property for collection or emptying must not exceed the maximum number determined by the Council from time to time (if any) and publicly notified.

25 **Retrieval of uncollected Recyclable Waste**

- (1) Waste which is not collected on the day for collection must be removed from the Waste Collection Area at the end of that day by the Occupier of the property from which the waste was generated.
- (2) Waste left in the Waste Collection Area after 8.30 a.m on the day following the day for collection may be removed by the Council and the cost of collection and disposal of that uncollected waste (except in any case where the missed collection was to be undertaken by the Council) shall be borne by the Occupier of the property from which the waste was generated.

26 **Retrieval of reusable Approved Receptacle**

- (1) Reusable Approved Receptacles, whether full or empty, must be removed from the Waste Collection Area before the expiry of the day for collection by the Occupier and the owner of the property from which the reusable Approved Receptacle came.

27 Recyclable Waste not to be disposed of in Landfill

- (1) Recyclable Waste must not be disposed of in Landfill unless authorised by Council.

28 Waste collectors to be licensed and authorised

- (1) No person other than the Occupier of the property from which the waste was generated shall remove Recyclable Waste from a Waste Collection Area or from a property, unless licensed to collect Recyclable Waste under this bylaw.

29 Obstruction of Licensed Waste Collectors

- (1) No person shall obstruct or hinder any Licensed Waste Collector from removing Recyclable Waste in accordance with a Licence under this bylaw.

30 Offences

- (1) Every person breaches this bylaw who fails to comply with:

Clause 19(1)
Clause 20(1),(2)
Clause 21(1),(2),(3)
Clause 22(1)
Clause 23(1),(2),(3)
Clause 24(1),(2),(3),(4)
Clause 25(1)
Clause 26(1)
Clause 27(1)
Clause 28(1)
Clause 29(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000².

² As stipulated by the Local Government Act 2002.

Green Waste

31 **Definition**

- (1) “**Green Waste**” means compostable plant material but does not include Household Waste, Commercial Household Waste, Recyclable Waste, Paper Waste, Inorganic Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature.

32 **Accumulation of Green Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Green Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

33 **Kerbside Collections of Green Waste**

- (1) Green Waste may only be placed in the Waste Collection Area where it comes from or results from gardening activities on residential property or gardening activities on commercial property which are ancillary to the commercial activities taking place on the property, and which is not:
 - (a) tree trunks or limbs larger than 100mm diameter;
 - (b) flax, bamboo, palm leaves, toitoi, cabbage tree material;
 - (c) tuberous material such as ginger plant;
 - (d) noxious plants and plant pests as defined by the Auckland Regional Council from time to time;
 - (e) animal products including manure; or
 - (f) soil and timber

unless publicly notified by Council from time to time.

34 **Provision of Approved Receptacle**

- (1) Every Occupier must use an Approved Receptacle for Green Waste should they use that service.
- (2) Approved Receptacles for Green Waste include:
 - (a) Mobile bin approved by Council and provided by Council or other Licensed Waste Collectors;
 - (b) Wool sacks or strengthened bags approved by the Council and provided by Council or other Licensed Waste Collectors.

35 Maintenance of reusable Approved Receptacle

- (1) Reusable Approved Receptacles must be kept clean and in good repair.
- (2) Reusable Approved Receptacles must be used in a manner which minimises any adverse effects of the storage of Green Waste in that receptacle to surrounding Occupiers.

36 Use of Approved Receptacle

- (1) No waste other than Green Waste shall be placed in an approved Green Waste receptacle.
- (2) Green Waste may only be placed in the Waste Collection Area if it is in a receptacle approved for Green Waste kerbside collection.
- (3) Green Waste placed in a reusable Approved Receptacle must be placed in a manner which allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied.
- (4) Approved Receptacles must not contain Prohibited Waste or be overloaded.

37 Placement of Green Waste for collection

Time

- (1) Green Waste may only be put out for collection in accordance with the Green Waste collection contract between the Occupier or the owner and the licensed Green Waste collector.

Place (Waste Collection Area)

- (2) Approved Receptacles for Green Waste must be placed in an upright position within the Waste Collection Area.

38 Retrieval of uncollected Green Waste

- (1) Waste which is not collected on the day for collection must be removed from the Waste Collection Area at the end of that day by the Occupier of the property from which the waste was generated.
- (2) Waste left in the Waste Collection Area after 8.30 a.m on the day following the day for collection may be removed by the Council and the cost of collection and disposal of that uncollected waste (except in any case where the missed collection was to be undertaken by the Council) shall be borne by the Occupier of the property from which the waste was generated.

39 Retrieval of reusable Approved Receptacle

- (1) Reusable Approved Receptacles, whether full or empty, must be removed from the Waste Collection Area before the expiry of the day for collection by the Occupier and the owner of the property from which the reusable Approved Receptacle came.

40 **Green Waste not to be disposed of in Landfill**

- (1) Green Waste must not be disposed of in Landfill unless authorised by Council.

41 **Waste collectors to be licensed and authorised**

- (1) No person other than the Occupier of the property shall remove Green Waste from a Waste Collection Area or from a property, unless licensed to collect Green Waste under this bylaw.

42 **Obstruction of Licensed Waste Collectors**

- (1) No person shall obstruct or hinder any Licensed Waste Collector from removing Green Waste in accordance with a Licence under this bylaw.

43 **Offences**

- (1) Every person breaches this bylaw who fails to comply with:

Clause 32(1)

Clause 33(1)

Clause 34(1)

Clause 35(1), (2)

Clause 36(1),(2),(3),(4)

Clause 37(1),(2)

Clause 38(1)

Clause 39(1)

Clause 40(1)

Clause 41(1)

Clause 42(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000³.

³ As stipulated by the Local Government Act 2002.

Paper Waste

44 **Definition**

- (1) “**Paper Waste**” means any paper, cardboard, or any other paper based waste but does not include Household Waste, Recyclable Waste, Green Waste, Inorganic Waste, Commercial Waste, Prohibited Waste, Hazardous Waste or Trade Waste.

45 **Accumulation of Paper Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Paper Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

46 **Kerbside Collections of Paper Waste**

- (1) Only clean Paper Waste of a type, quality or from a source that is publicly notified by Council as suitable for separate collection from time to time may be placed in the Waste Collection Area.

47 **Placement of Paper Waste for collection**

Time

- (1) Paper Waste must be put out for collection no later than 7.30 am on the morning of the day for collection unless otherwise directed by Council from time to time.

Place (Waste Collection Area)

- (2) Paper Waste must be bound together or contained in a manner approved by the Council and publicly notified from time to time, and placed as close to the kerb as possible within the Waste Collection Area.

48 **Multi Unit Properties**

- (1) Every owner of any Multi Unit Property for which building consent is granted after 1 January 2006 must make adequate provision for Paper Waste within the property to the satisfaction of the Council. Any Multi Unit Property for which building consent is granted after 1 January 2006 must be accompanied by a waste management plan which identifies: an adequate area for the storage of Approved Receptacles which is accessible to Occupiers and waste collectors; the methods to be employed to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism.

49 Retrieval of uncollected Waste

- (1) Waste which is not collected on the day for collection must be removed from the Waste Collection Area at the end of that day by the Occupier of the property from which the waste was generated.
- (2) Waste left in the Waste Collection Area after 8.30 a.m on the day following the day for collection may be removed by the Council and the cost of collection and disposal of that uncollected waste (except in any case where the missed collection was to be undertaken by the Council) shall be borne by the Occupier of the property from which the waste was generated.

50 Waste collectors to be licensed and authorised

- (1) No person other than the Occupier of the property shall remove Paper Waste from a Waste Collection Area or from a property, unless licensed to collect Paper Waste under this bylaw.

51 Obstruction of Licensed Waste Collectors

- (1) No person shall obstruct or hinder any Licensed Waste Collector from removing Paper Waste in accordance with a Licence under this bylaw.

52 Offences

- (1) Every person breaches this bylaw who fails to comply with:

- Clause 45(1)
- Clause 46(1)
- Clause 47(1),(2)
- Clause 48(1)
- Clause 49(1)
- Clause 50(1)
- Clause 51(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000⁴.

⁴ As stipulated by the Local Government Act 2002.

Inorganic Waste

53 **Definition**

- (1) **"Inorganic Waste"** means domestic Solid Waste that will not fit within an Approved Receptacle and if the Council so elects for the particular collection may include polystyrene, builder's waste or Prohibited Waste of a particular class but does not include Household Waste, Commercial Household Waste, kerbside recyclables, Green Waste, Paper Waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or other liquid waste of any nature.

54 **Accumulation of Inorganic Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Inorganic Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

55 **Placement of Inorganic Waste for collection**

Time

- (1) Inorganic Waste must not be put out for collection earlier than the weekend prior to the week publicly notified by the Council for the collection.

Size and Bulk of Inorganic Waste that will be collected

- (2) Inorganic Waste placed in the Waste Collection Area by an Occupier must not exceed one (1) cubic metre in total volume and must not include any one item being more than 55 kilograms in weight.

Place (Waste Collection Area)

- (3) Inorganic Waste placed in the Waste Collection Area by an Occupier must not be placed so as to create a nuisance, hazard, or obstruction or to cover service access points or power plinths.
- (4) Nothing above shall be deemed to prevent the collection of Inorganic Waste from a property in accordance with any contract for the collection of Inorganic Waste, nor be deemed to permit the placement of Inorganic Waste for private collection in a Waste Collection Area or a Public Place.

56 **Retrieval of uncollected Waste**

- (1) Waste which is not collected on the day for collection must be removed from the Waste Collection Area by the end of that week by the Occupier of the property from which the waste was generated.
- (2) Waste in the Waste Collection Area following the expiry of the week fixed for collection may be removed by the Council and the cost of collection and disposal of that uncollected waste

(except in any case where the missed collection was to be undertaken by the Council) shall be borne by the Occupier or the owner (jointly and severally) of the property from which the waste was generated.

- (3) In any case where the waste from any property exceeds one (1) cubic metre in total volume or includes any one item which weighs more than 55 kilograms as set out above in clause 55(2), the Council may, if it thinks fit, make a reasonable charge for the collection of the waste, or require the owner or Occupier of the property to have the same removed at his or her own cost.

57 Waste collectors to be licensed and authorised

- (1) No person other than the Occupier of the property from which the waste was generated shall remove Inorganic Waste from a Waste Collection Area or from a property, unless licensed to collect Inorganic Waste under this bylaw.

58 Obstruction of Licensed Waste Collectors

- (1) No person shall obstruct or hinder any Licensed Waste Collector from removing Inorganic Waste in accordance with a Licence under this bylaw.

59 Offences

- (1) Every person breaches this bylaw who fails to comply with:

Clause 54(1)

Clause 55(1),(2),(3)

Clause 56(1)

Clause 57(1)

Clause 58(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000⁵.

⁵ As stipulated by the Local Government Act 2002.

Commercial Household Waste

60 **Definition**

- (1) “**Commercial Household Waste**” means Household Waste generated by Occupiers of industrial and commercial premises but does not include Recyclable Waste, Green Waste, Paper Waste, Inorganic Waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature generated by those activities.

61 **Accumulation of Commercial Household Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Commercial Household Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

62 **Provision of Approved Receptacle**

- (1) Every Occupier must use Approved Receptacles for Commercial Household Waste other than Paper Waste.
- (2) Every owner of any Multi Unit Property for which building consent is granted after 1 January 2006 must make adequate provision for Commercial Household Waste within the property to the satisfaction of the Council. Any Multi Unit Property for which building consent is granted after 1 January 2006 must be accompanied by a waste management plan which identifies: an adequate area for the storage of Approved Receptacles which is accessible to Occupiers and waste collectors; the methods to be employed to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism.
- (3) Approved Receptacles for Commercial Household Waste include:
 - (a) Paper bag approved by Council and sold by Council or Licensed Waste Collectors;
 - (b) Plastic bag approved by Council and sold by or on behalf of Council or other Licensed Waste Collectors;
 - (c) Plastic bin approved by Council and provided by or on behalf of Council or Licensed Waste Collectors;
 - (d) Mobile bin approved by Council and provided by or on behalf of Council or Licensed Waste Collectors;
 - (e) Plastic crates approved by Council and provided by or on behalf of Council or Licensed Waste Collectors;
 - (f) Skip bins approved by Council and provided by or on behalf of Council or Licensed Waste Collectors;
 - (g) Cages approved by Council and provided by or on behalf of Council or Licensed Waste Collectors;