

Waitakere City Council Waste Bylaw 2005

Contents

Part 1 Introduction

- Citation
- Commencement
- Revocation
- Purpose
- Objectives

Part 2 Interpretation

- Definitions

Part 3 Waste Types

- Household Waste
- Recyclable Waste
- Green Waste
- Paper Waste
- Inorganic Waste
- Commercial Household Waste
- Commercial Waste
- Prohibited Waste
- Hazardous Waste

Part 4 Offence to Deposit Waste, Trolleys and Receptacles on Public Land

Part 5 Offence to Deposit Unaddressed Unsolicited Material

Part 6 Public Litter Bins and Recyclable Waste Collection Bins

Part 7 Waste Management for Special Events

Part 8 Waste Management Facilities

Part 9 Licensing of Waste Collectors and Waste Operators of Waste Management Facilities

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 Waitakere 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 am 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’ (clause 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 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 7.30 am 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 am 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 am 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 am 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 Inorganic Waste Collection

- (1) It is an offence to remove Inorganic Waste placed in a Waste Collection Area if;
- (a) such Inorganic Waste is repeatedly being taken for the purpose of resale or commercial gain; or
 - (b) is removed in a manner likely to cause:
 - (i) injury; or
 - (ii) scattering of waste; or
 - (iii) damage or breakage of any items put out for Inorganic Waste collection which could in the reasonable opinion of Council become a nuisance.
- (2) Clause 57(1) shall not apply to Licensed Waste Collectors contracted to Council to collect Inorganic Waste as a public waste collection service.

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),(a),(b)
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;

- (h) Any receptacles as provided by a Licensed Waste Collector and approved by Council for the purpose of collecting Commercial Household Waste;
- (i) Any other receptacle as provided by Council from time to time for the purpose of collecting Commercial Household Waste.

63 Maintenance of reusable Approved Receptacles

- (1) Reusable Approved Receptacles must be kept clean and in good repair, covered at all times and the contents protected from rain or ingress or egress of flies or vermin.

64 Use of Approved Receptacle

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

65 Placement of Commercial Household Waste for collection

Time

- (1) Commercial Household Waste must be put out for collection not earlier than 5 pm and not later than 6 pm on the day of collection unless otherwise directed by Council from time to time.

Place

- (2) Approved Receptacles for Commercial Household Waste (other than cages and skip bins) must be placed in an upright position within the Waste Collection Area.
- (3) Cages and skips must not be placed in a Waste Collection Area or in a Public Place without the Council's approval.

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.

66 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 or by 8.30 am on the day following, by the Occupier of the property from which the waste was generated.
- (2) Waste left in the Waste Collection Area after 8.30 am 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.

67 Retrieval of reusable Approved Receptacle

- (1) Reusable Approved Receptacles, whether full or empty, must be removed from the Waste Collection Area before 8.30 am on the day following the day for collection by the Occupier and the owner of the property from which the reusable Approved Receptacle came.

68 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 Commercial Household Waste from a Waste Collection Area or from a property, unless licensed to collect Commercial Household Waste under this bylaw.

69 Obstruction of Licensed Waste Collectors

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

70 Offences

- (1) Every person breaches this bylaw who fails to comply with:
 - Clause 61(1)
 - Clause 62(1),(2)
 - Clause 63(1)
 - Clause 64(1),(2),(3)
 - Clause 65(1),(2),(3),(4)
 - Clause 66(1)
 - Clause 67(1)
 - Clause 68(1)
 - Clause 69(1)
- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000⁶.

⁶ As stipulated by the Local Government Act 2002.

Commercial Waste

71 **Definition**

- (1) “**Commercial Waste**” means any Solid Waste resulting from the carrying on of any business, manufacture, process, trade, market, or other undertaking and includes Recyclable Waste which is not accepted by the Council for separate collection, Paper Waste, Inorganic Waste or Green Waste but does not include Commercial Household Waste, Prohibited Waste, Hazardous Waste or Trade Waste.

72 **Accumulation of Commercial Waste**

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

73 **Contract for Removal**

- (1) A licensed Commercial Waste collector (which is not a licensed Commercial Waste collector dealing with its own commercial waste) shall not collect, transport or dispose of commercial waste unless it does so in accordance the terms of its Licence and the terms of its contract with its customer.
- (2) A licensed Commercial Waste collector dealing with its own Commercial Waste shall be required to act in accordance with the terms of its Licence.
- (3) A contract for the collection of Commercial Waste may include such provisions, being provisions which are not inconsistent with the provisions of any Commercial Waste collection Licence, as the parties think fit and shall include the following terms:
 - (a) Commercial Waste must be placed in an Approved Receptacle;
 - (b) Approved Receptacles must bear distinctive colours or symbols to distinguish them from other Approved Receptacles;
 - (c) only Commercial Waste may be placed in Commercial Waste Approved Receptacle;
 - (d) the dates and times for collection of Commercial Waste;
 - (e) if the place for collection is not within the customer’s premises, the place for collection.

74 **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 Commercial 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.

75 Retrieval of uncollected Commercial Waste

- (1) Commercial 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) Commercial Waste left in the Waste Collection Area after 8.30 am 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.

76 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 of the property from which the reusable Approved Receptacle came.

77 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 Commercial Waste from a Waste Collection Area or from a property, unless licensed to collect Commercial Waste under this bylaw.

78 Obstruction of Licensed Waste Collectors

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

79 Offences

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

Clause 72(1)
Clause 73(1),(2)
Clause 74(1)
Clause 75(1)
Clause 76(1)
Clause 77(1)
Clause 78(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000⁷.

⁷ As stipulated by the Local Government Act 2002.

Prohibited Waste

80 **Definition**

(1) **“Prohibited Waste”** means:

- (a) any broken glass, broken china, broken plastic, hacksaw blade, razor blade, skewer, syringe, knife or any other object or material capable by reason of its shape or sharpness of causing injury unless any such waste is properly and sufficiently contained so as to prevent injury damage or loss;
- (b) any sharp object or material capable of puncturing the Approved Receptacle or capable by reason of its brittleness of shattering in the course of collection; unless such waste is properly and sufficiently wrapped or contained so as to prevent injury damage or loss;
- (c) any explosive, hot ashes, flammable material, infectious material, or any other matter, thing or waste of any kind whatsoever that may endanger any person, animal or vehicle which may come in to contact with it at any time prior to during or following collection before or during collection or during or after disposal;
- (d) any liquid or any viscous fluid;
- (e) any radioactive wastes, but excluding domestic smoke detectors;

[Advice Note: Domestic smoke detectors may be disposed of as Household Waste]

- (f) any used oil, lead-acid batteries, refrigerators and/or freezers that have not been de-gassed;
- (g) any Hazardous Waste.

81 **Accumulation of Prohibited Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Prohibited Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.
- (2) Prohibited Waste must not be put out for collection in the Waste Collection Area or any other Public Place.

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

- (1) No person other than the Occupier of the property from which the waste was generated shall collect, transport or dispose of Prohibited Waste unless licensed to do so under this bylaw.

83 Obstruction of Licensed Waste Collectors

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

84 Offences

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

Clause 81(1),(2)

Clause 82(1)

Clause 83(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000⁸.

⁸ As stipulated by the Local Government Act 2002

Hazardous Waste

85 **Definition**

- (1) **“Hazardous Waste”** means any 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*; or
 - (d) is publicly notified by the Council from time to time to be hazardous and to require special handling for the purposes of collection transportation or disposal.

86 **Accumulation of Hazardous Waste**

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

87 **Contract for Removal**

- (1) A licensed Hazardous Waste collector shall not collect, transport or dispose of Hazardous Waste unless it does so in accordance with the terms of its licence and the terms of its contract with its customer.
- (2) The delivery of Hazardous Waste to a Council operated service for collection and disposal of Hazardous Waste shall not be an offence under this bylaw.
- (3) A contract for the collection of Hazardous Waste may include such provisions, being provisions which are not inconsistent with the provisions of any Hazardous Waste collection Licence, as the parties think fit and shall include the following terms:
 - (a) Hazardous Waste must be placed in an Approved Receptacle;
 - (b) Approved Receptacles must bear distinctive colours or symbols to distinguish them from other Approved Receptacles;
 - (c) only Hazardous Waste may be placed in a Hazardous Waste Approved Receptacle;
 - (d) the dates and times for collection of Hazardous Waste;

- (e) if the place for collection is not within the customer's premises, the place for collection.

88 Waste collectors to be licensed and authorised

- (1) No person shall remove Hazardous Waste from a Waste Collection Area or from a property, unless licensed to collect Hazardous Waste under this bylaw.

89 Obstruction of Licensed Waste Collectors

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

90 Offences

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

- Clause 86(1)
- Clause 87(1)
- Clause 88(1)
- Clause 89(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000⁹.

⁹ As stipulated by the Local Government Act 2002.

Part 4

Offence to Deposit Waste, Trolleys and Receptacles on Public Land

91 Depositing Waste, Trolleys and Receptacles on Public Land

- (1) No person shall Deposit, or permit, or suffer the Deposit of any waste or Litter in a Public Place other than in a manner provided for by this bylaw.
- (2) Without limiting the generality of clause 91(1) no person shall:
 - (a) place or leave or abandon any Trolley, or receptacle in any Public Place; or
 - (b) being the Occupier of a property, allow or fail to take reasonable steps to prevent the escape of any waste, Trolley, or receptacle from that property into, on or upon any Public Place, waterway or channel.

92 Removal, Impounding and disposal of Trolleys and Receptacles found on Public Land

- (1) In any case where a Trolley or receptacle has been found in a Public Place waterway or channel, the Council may remove and impound the Trolley or receptacle and Council shall if reasonable and if the owners identity is known give notice to the owner to remove that Trolley or receptacle within 24 hours; and
- (2) Council may remove and impound the Trolley or receptacle if:
 - (a) the owner fails to collect the Trolley or receptacle within 24 hours of notification by Council;
 - (b) in the reasonable opinion of Council immediate removal and impoundment is required.
- (3) Where any Trolley or receptacle is so impounded Council:
 - (a) shall, if the owner's identity is known or reasonably ascertained, give notice to the owner that the Trolley or receptacle has been impounded as soon as practicable after the impounding;
 - (b) shall make the Trolley or receptacle available for collection, if the owner requests the return of the Trolley or receptacle and they meet Council's reasonable costs in seizing, impounding, transporting, and storing the property.
- (4) Council may dispose of any Trolley or receptacle impounded pursuant to this bylaw by way of sale or otherwise as it thinks fit where:
 - (a) it has been impounded for 3 months or more; and
 - (b) after giving the owner (if the owner's identity is known or reasonably ascertained), at least 14 working days' notice of the Council's intention to do so.

- (5) Any proceeds from Council's disposal of the Trolley or receptacle must be applied to pay:
- (a) first, the reasonable costs incurred by Council in seizing, impounding, transporting, storing and disposing of the Trolley or receptacle;
 - (b) second, any surplus to the owner of the Trolley or receptacle.
- (6) Where the proceeds from Council's disposal of the Trolley do not meet Council's costs in seizing, impounding, transporting, storing and disposing of the Trolley or receptacle, these costs shall remain a debt due by the owner to Council.

93 **Identification of ownership of Trolleys and Receptacles**

- (1) Within 6 months of the introduction of this bylaw all Trolleys and receptacles provided by a commercial enterprise to its customers to carry or transport goods within or from its commercial premises shall be clearly marked in a manner which plainly and permanently identifies the name and location of the specific commercial enterprise the Trolleys are from, and the name of the owner, if this is different from the commercial enterprise.

94 **Offences**

- (1) Every person breaches this bylaw who fails to comply with:
- Clause 91(1),(2)(a),(b)
 - Clause 93(1)
- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000¹⁰.

¹⁰ As stipulated by the Local Government Act 2002.

Part 5

Offence to Deposit Unaddressed Unsolicited Material

95 Depositing unaddressed unsolicited material

- (1) No person shall Deposit, cause, permit or authorise the Deposit of any material other than solicited or addressed material in a letterbox marked “Addressed Mail Only”.
- (2) No person shall Deposit, cause, permit or authorise the Deposit of any material other than solicited or addressed material and community newspapers, community newsletters and public notices in a letterbox marked “Addressed Mail and Newspapers Only”.
- (3) No person shall Deposit, cause, permit or authorise the Deposit of any unaddressed unsolicited advertising material including circulars, leaflets, brochures, magazines or flyers in a letterbox marked “No Circulars” or “No Advertising Material” or “No Junk Mail”.
- (4) No person shall Deposit, cause permit or authorise the Deposit of any unaddressed unsolicited advertising material including circulars, leaflets, brochures, magazines or flyers on any parked vehicle, parked in a Public Place.
- (5) For the purposes of clauses 1, 2, 3 addressed means any mail or material that has a street address (i.e. street/road name and number) and unaddressed means any mail or material that does not have a street address i.e. street/road name and number.
- (6) For the purposes of clause 3 advertising material, circulars, junk mail is any material which predominantly:
 - (a) offers to supply goods or services; or
 - (b) advertises or promotes goods or services; or
 - (c) advertises or promotes a supplier, or prospective supplier of goods or services; or
 - (d) offers to supply land, property or buildings; or an interest in land, property or buildings; or
 - (e) advertises or promotes a supplier, or prospective supplier, of land, property or buildings or an interest in land, property or buildings; or
 - (f) advertises or promotes a business opportunity or investment opportunity; or
 - (g) advertises or promotes a provider, or prospective provider, of a business opportunity or investment opportunity;

but does not include:

- (i) any newspaper, community newspaper, community newsletter;
- (ii) public notices from government bodies or territorial authorities;
- (iii) public notices from charities or charitable institutions.

96 **Offences**

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

Clause 95(1),(2),(3),(4)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000¹¹.

97 **Operation**

- (1) Clauses 95 and 96 shall not become operative until 1 July 2006.

¹¹ As stipulated by the Local Government Act 2002.

Part 6

Public Litter Bins and Recyclable Waste Collection Bins

98 No person shall:

- (1) place any Household Waste, Green Waste, Inorganic Waste, Commercial Household Waste, Commercial Waste, Prohibited or Hazardous Waste in any public litter bin or public Recyclable Waste collection bin; or
- (2) put or attempt to put any waste into a public litter bin or Recyclable Waste collection bin if the bin is already full; or
- (3) remove any waste from a public litter bin or Recyclable Waste collection bin unless authorised by Council to do so; or
- (4) attach any advertising material (including but not limited to stickers and posters) to, or paint or vandalise any public litter bins or public Recyclable Waste collection bins unless authorised by Council to do so.

99 Maintenance of public litter bins

- (1) Any Occupier required by Council to provide public litter bins in any Public Place in the vicinity of those premises for the Deposit of Litter shall maintain the litter bins and empty and dispose of all Litter Deposited therein, to Council's satisfaction.

100 Obligations of litter bin owners

- (1) The owner of litter bins provided under clause 99 shall ensure that such litter bins are;
 - (a) regularly emptied so that they do not become full or overflow;
 - (b) thoroughly cleaned and sanitised.

101 Litter collection

- (1) All Litter from Council owned public litter bins must be collected and disposed of by a Licensed Waste Collector.

102 Offences

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

Clause 98(1),(2),(3),(4)
Clause 99(1)
Clause 100(1),(a),(b)
Clause 101(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000¹².

¹² As stipulated by the Local Government Act 2002.

Part 7

Waste Management for Special Events

103 **Obligation of organisers of special events**

- (1) The organiser of a special event held in or on a Public Place shall at the time of making application to Council for consent to the use of that Public Place provide, to the satisfaction of Council, a waste management plan produced for the special event.
- (2) The waste management plan shall identify:
 - (a) an estimate of the types and volumes of waste to be generated by the event;
 - (b) any opportunities for waste minimisation;
 - (c) the steps to be taken to maximise the use and collection of recyclable or re-usable materials;
 - (d) the waste and Recyclable Waste collection, storage and transportation equipment to be provided;
 - (e) the method of and person responsible for the collection and disposal of waste generated by the event;
 - (f) the arrangements made for the provision of post-event waste analysis and reporting of that information to the Council.

104 **Offences**

- (1) Every person breaches this bylaw who fails to comply with:
Clause 103(1),(2),(a),(b),(c),(d),(e),(f)
- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000¹³.

¹³ As stipulated by the Local Government Act 2002.

Part 8

Waste Management Facilities

105 Definition

- (1) “**Waste Management Facilities**” means land or buildings used for the management, treatment or disposal of waste and includes a Landfill, cleanfill, commercial composting operations, recovery operations (scrap metal merchants), Transfer Stations, tips, recycling centres, transfer points, waste pads, transportation points and waste consolidation points.

106 Operation of Waste Management Facilities

- (1) The Council may own and operate Waste Management Facilities.
- (2) Any person wishing to operate a Waste Management Facility must obtain a Licence to do so under this bylaw.

107 Offences

- (1) No person shall:
 - (a) Deposit or dispose of at a Waste Management Facility any waste which is not permitted to be disposed of at that facility;
 - (b) Deposit or dispose of at any location within a Waste Management Facility which has been marked off, and designated for a particular type of waste, any other waste type;
 - (c) Deposit or dispose of any Hazardous Waste, Prohibited Waste, Special Waste, or Trade Waste at a Waste Management Facility unless authorised to do so by the operator of that facility;
 - (d) Enter a Waste Management Facility without authorisation from the operator of that facility; or
 - (e) Move or remove any article, material or waste found in a Waste Management Facility without the permission of the operator of that facility.
- (2) Every person breaches this bylaw who fails to comply with
Clause 107(1)(a),(b),(c),(d),(e)
- (3) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000¹⁴.

¹⁴ As stipulated by the Local Government Act 2002.

Part 9

Licensing of Waste Collectors and Waste Operators of Waste Management Facilities

108 Waste Collectors and Operators to be Licensed

- (1) Any person involved in the removal, collection or transportation of waste from, within or to, or disposal of waste from, the Council's district and the total amount of the waste to be removed collected and transported in any 12 month period will exceed 20 tonnes must obtain a Licence to do so from the Council; or
- (2) Any person involved in the operation of a Waste Management Facility must obtain a Licence to do so from the Council.

109 Licences

- (1) Applications for Licences must be made in the prescribed form, describe the activities in respect of which the Licence is sought and be accompanied by a cheque for the amount of the application and processing fees and such further supporting information as the Council may require to enable processing of the application.
- (2) The Council will process the application with all due speed and diligence.
- (3) Licences shall be granted in the discretion of the Council, upon and subject to such terms and conditions as the Council thinks fit.
- (4) A Licence is personal to the holder and is not transferable.

110 Matters to be considered

- (1) When exercising its discretion to grant a Licence and the conditions to be imposed under it, the Council may take into account such matters as bearing on the suitability to hold a Licence including but not limited to the following:
 - (a) The extent to which the licensed activities will promote public health and safety and achievement of the Council's waste management plan and waste reduction initiatives.
 - (b) The type of waste to be removed collected or transported.
 - (c) The manner of treatment (if any) and disposal of the waste type, and the identity of the Waste Management Facility at which it is proposed that treatment or disposal will occur.
 - (d) The frequency and location of the waste collection, removal, transportation or disposal services.
 - (e) The specifications of the vehicles, equipment and Approved Receptacles to be used for the collection, removal, transportation or disposal of waste.

- (f) 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.
- (g) The applicant's financial position.
- (h) The terms and conditions under which such 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.

111 Licence conditions

- (1) The terms and conditions upon which a Licence may be granted include, but are not limited to the following:
 - (a) Term – A Licence shall be granted for a term of 5 years and is able to be renewed for a further 5 years.
 - (b) Licence Fee – The licensee must pay an annual Licence fee in an amount determined by the Council from time to time and publicly notified notwithstanding a Licence term of 5 years.
 - (c) Bond – The licensee must post a bank guaranteed (or cash, at the licensee's election) performance bond for an amount not exceeding \$150,000, or such amount as determined by the Council from time to time on an individual case by case basis and publicly notified.
 - (d) Compliance with standards – The licensee must comply with the Council's standards and policies for waste collection, removal, transportation or disposal services including, in respect of collection services:
 - (i) The collection of any Litter within 5 metres of an Approved Receptacle awaiting collection and any Litter spillage from the licensee's vehicle during the collection, removal, transportation or disposal process.
 - (ii) Provision of waste collection services on the days and at the times nominated by Council.
 - (e) Provision of information – The licensee must provide 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 the following data:
 - (i) Waste log books for each vehicle operated in accordance with the Licence recording the quantity, source and destination of each waste type and the point in time when such data was recorded during the waste collection, removal, transportation or disposal process.
 - (ii) Weighbridge receipts.
 - (iii) Gate records of waste tonnage.

- (f) Waste levy – The licensee to pay a waste levy of an amount fixed by the Council from time to time and levied on the basis of the amount of waste collected removed or transported for disposal (at the point of the first disposal at a Waste Management Facility). At the introduction of this bylaw the waste levy payable pursuant to this bylaw shall be fixed at the rate paid by each Licensed Waste Collector and Operator pursuant to their current licence (under Bylaw 30). The Council may later change these levy rates pursuant to its power and the processes outlined in the Local Government Act 2002. The waste levy will provide financial incentives and disincentives for the producers of waste, assist the Council to fund waste minimisation initiatives and the recovery of costs incurred by Council in relation to licensed waste activities.

112 **Failure to comply with Licence conditions**

- (1) Every licensee breaches this bylaw who fails to act in full compliance with the terms and conditions of its Licence and may be liable on conviction by the courts for that breach to a fine not exceeding \$20,000¹⁵.

Adopted at a meeting of the Waitakere City Council on 29 June 2005 by Resolution 1154/2005.

Amended at a meeting of the Waitakere City Council on 31 August 2005 by Resolution 1581/2005.

¹⁵ As stipulated by the Local Government Act 2002.