



# Wairarapa Solid Waste Management and Minimisation Bylaw 2021



## Commencement

The Wairarapa Solid Waste Management and Minimisation Bylaw 2021 will come into force throughout the Carterton, Masterton and South Wairarapa districts on 17 April 2021.

## Adoption

Council	Bylaws	Adoption Date
Masterton District Council	Consolidated Bylaws 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaws 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council and South Wairarapa District Council	Removed from the Consolidated Bylaw 2012. Reformatted and continued as the standalone Masterton and South Wairarapa District Council Solid Waste Bylaw	26 June 2019
Carterton, Masterton and South Wairarapa District Council	Standalone Bylaw of the three Wairarapa District Councils	10 February 2021 (South Wairarapa District Council) 17 February 2021 (Masterton District Council) 17 March 2021 (Carterton District Council)

# Proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021

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## Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- Health Act 1956
- Litter Act 1979
- Local Government Act 2002
- Waste Minimisation Act 2008

## A. INTRODUCTION

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### Foreword

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The proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 draws on the New Zealand Standards 9201 series Solid Waste Bylaw. The NZS 9201 series are Model General Bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 2002 to make bylaws.

Reference should be made to the Health Act 1956, Local Government Act 2002, Litter Act 1979, Waste Minimisation Act 2008 and Wellington Region Waste Management and Minimisation Plan 2017-2023.

Reference should be made to the Wairarapa Consolidated Bylaw 2018: Part 1 Introductory for any definitions not included in this bylaw.

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### 1. Title and application

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- 1.1. The title of this Bylaw is the “Wairarapa Solid Waste Management and Minimisation Bylaw 2021”.
  - 1.2. This Bylaw applies throughout the Wairarapa Region (Carterton, Masterton and South Wairarapa Districts).
  - 1.3. The regulation and enforcement of this Bylaw will be undertaken individually by each Council for their respective District.
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### 2. Commencement

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2.1 This Bylaw comes into force on 17 April 2021 except for the following exceptions which come into force on the date specified:

- a. The licensing provisions in clause 11 come into force one year after the commencement date of this bylaw; and
  - b. The event waste minimisation plan provisions under clause 12 come into force one year after the commencement date of this bylaw.
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### 3. Revocation

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3.1 This Bylaw repeals and replaces the Masterton and South Wairarapa District Council Solid Waste Bylaw 2012 for the Masterton and South Wairarapa District Councils.

3.2 This is a new Bylaw and does not repeal or replace any existing solid waste bylaw for Carterton District Council.

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### 4. Purpose

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- 4.1. The purpose of this Bylaw is to support:
  - a. The promotion and delivery of effective and efficient waste management and minimisation throughout the Wairarapa Region (Carterton, Masterton and South Wairarapa Districts) as required under the Waste Minimisation Act 2008;
  - b. The implementation of the Wellington Region Waste Management and Minimisation Plan 2017-23;
  - c. The purpose of the Waste Minimisation Act 2008 and the goals in the New Zealand Waste Strategy 2010, being to encourage waste minimisation and a decrease in waste disposal in

order to protect the environment from harm; and provide environmental, social, economic, and cultural benefits;

- d. The regulation of waste collection, transport and disposal, including recycling, waste storage and management;
- e. Controls regarding the responsibilities of customers who use approved solid waste services, and the licensing of waste collectors and waste operators;
- f. The protection of the health and safety of waste collectors, waste operators and the public; and
- g. The management of litter and nuisance relating to waste in public places.

4.2. This Bylaw is made pursuant to section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956, and section 12 of the Litter Act 1979.

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## 5. Compliance with Bylaw

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

5.2 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.

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## 6. Interpretation

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6.1 For this Bylaw, unless the context otherwise requires, the following term definitions apply<sup>1</sup>:

Term:	Means:
<b>Act (the Act)</b>	Waste Minimisation Act 2008
<b>Advertising material</b>	Any message which: <ul style="list-style-type: none"><li>(a) Has printed content controlled directly or indirectly by the advertiser; and</li><li>(b) Is expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of a person.</li></ul>
<b>Approved</b>	Authorised in writing by the Council.
<b>Approved collection point(s)</b>	Council approved places, facilities or receptacles where approved receptacles may be left for collection or waste may be deposited.
<b>Approved receptacle</b>	Any container, bag or other receptacle that has been approved by the relevant District Council for the collection of any type of waste or diverted material, with approval based on the following criteria: the prevention of nuisance, the provision for adequate security to prevent scavenging, the protection of the health and safety of waste collectors and the public, and the achievement of effective waste management and minimisation.

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<sup>1</sup> Where this Bylaw relies on a definition in legislation and that definition changes, the definition in this Bylaw changes accordingly.

<b>Authorised officer</b>	Any officer of the relevant District Council or other person authorised by the relevant District Council to administer and enforce its bylaws, and any person appointed especially or generally by the relevant District Council to enforce the provisions of this Bylaw.
<b>Building work</b>	As defined in the Building Act 2004 and includes any work for, or in connection with, the construction, alteration, demolition, or removal of a building. It can include sitework and design work relating to the building work.
<b>Bylaw</b>	This Wairarapa Solid Waste Management and Minimisation Bylaw 2021.
<b>Cleanfill material</b>	<p>Waste that meets all of the following requirements:</p> <p>(a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and</p> <p>(b) includes virgin excavated natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:</p> <ul style="list-style-type: none"> <li>(i) combustible, putrescible, degradable or leachable components;</li> <li>(ii) hazardous waste, hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown;</li> <li>(iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;</li> <li>(iv) materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health or the environment;</li> <li>(v) contaminated soil and other contaminated materials;</li> <li>(v) liquid waste; and</li> </ul> <p>(c) has less than two per cent by volume by load of tree or vegetable matter.</p>
<b>Cleanfill</b>	Land used for the disposal of cleanfill material.
<b>Commercial or industrial waste</b>	Waste (excluding trade waste) that results from a commercial or industrial enterprise and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other activity or operation of a similar nature.
<b>Construction and demolition waste</b>	Waste generated from any building work (including renovation and repair); and includes but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, asphalt and rubble.
<b>Council</b>	Refers to either the Carterton District Council, Masterton District Council or South Wairarapa District Council or any person delegated or authorised to act on its behalf.
<b>Deposit</b>	To cast, place, throw or drop any waste or diverted material.

<b>Dispose or Disposal</b>	As defined in the Act.
<b>Diverted material</b>	As defined in the Act.
<b>Donation collection point</b>	A place where approved types of waste may be deposited for the purposes of raising funds or the charitable reuse/recovery of the waste items.
<b>Estimated value</b>	As defined in the Building Act 2004.
<b>Event</b>	<p>Any organised temporary activity of significant scale that is likely to create litter and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, festival, concert or celebration. An event will be considered significant if it has an expected attendance of 1,000 or more people across the duration of the event, whether it be a single or multi-day event. For the purpose of this Bylaw 'event' <u>excludes</u>:</p> <ul style="list-style-type: none"> <li>• open-aired events that are enclosed within a building or structure (e.g. an open-aired stadium)</li> <li>• indoor performances, markets, displays, exhibitions or conferences</li> <li>• indoor private functions</li> <li>• indoor tasting and sampling activities</li> <li>• any regularly occurring recreational activities such as weekly sports events.</li> </ul>
<b>Food waste</b>	Waste that is derived from any item of food and is organic in origin and free of contamination and includes fruit and vegetable scraps, meat, fish, bone and shell discards, and any other similar food scraps.
<b>Green waste</b>	Organic plant material from gardening or arboriculture activities including lawn clippings, weeds, plants and other soft vegetable matter, which by nature or condition and being free of any contaminants will degenerate into compost.
<b>Handled or Handles</b>	Includes removing, collecting, transporting, storing, sorting, treating, processing or disposing of waste.
<b>Hazardous substance</b>	<p>As defined in the Hazardous Substances and New Organisms Act 1996 and means, unless expressly provided otherwise by regulations, any substance—</p> <p>(a) with 1 or more of the following intrinsic properties:</p> <ul style="list-style-type: none"> <li>(i) explosiveness;</li> <li>(ii) flammability;</li> <li>(iii) a capacity to oxidise;</li> <li>(iv) corrosiveness;</li> <li>(v) toxicity (including chronic toxicity);</li> <li>(vi) ecotoxicity, with or without bioaccumulation; or</li> </ul> <p>(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a).</p>

<b>Hazardous waste</b>	<p>Waste that:</p> <p>(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 Organisms Act 1996; or</p> <p>(b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 2007 – Transport of Dangerous Goods on Land; or</p> <p>(c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.</p> <p>Hazardous waste does not include household waste, inorganic waste, construction and demolition waste, or commercial or industrial waste.</p>
<b>Home composting</b>	The activity of aerobically decaying household organic waste (green waste and/or food waste) and other compostable items originating from that property to create compost at home. To avoid doubt, includes worm farms and anaerobic digestors.
<b>Household waste</b>	Waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.
<b>Inorganic waste</b>	<p>Waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an approved receptacle, and that is specified by the relevant District Council as suitable for:</p> <p>(a) collection from a public place by the relevant District Council or an approved waste collector; or</p> <p>(b) collection from any premises by the relevant District Council or an approved waste collector; or</p> <p>(c) delivery to a resource recovery facility.</p>
<b>Landfill</b>	As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand) <sup>2</sup> or by Government standards or regulation.
<b>Licence</b>	A licence, consent, permit or approval to do something under this Bylaw and includes any conditions to which the licence is subject.
<b>Litter</b>	Any rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, other residual waste or any other thing of a like nature that has been disposed of in a public place, other than in an approved receptacle or collection point for such disposal, or on private land without the consent of the occupier. For the avoidance of doubt this includes organic material, dog faeces in a container or bag, or disposable nappies.
<b>Litter receptacle</b>	A receptacle provided for the collection of litter.
<b>Manager</b>	A person who controls or manages any premises, activity or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.

<sup>2</sup> The guidelines can be accessed at <http://www.wasteminz.org.nz/pubs/technical-guidelines-for-disposal-to-land-april-2016/>

<b>Nuisance</b>	As defined in section 29 of the Health Act 1956 and includes anything offensive or injurious to the health of the community or any member of it.
<b>Occupier</b>	In relation to any property or premises, means the inhabitant occupier of that property or premises and, in any case where any building, house, tenement, or premises is unoccupied includes the owner.
<b>Organic waste</b>	Food waste and/or green waste that is specified by the Council's under clause 6 of this Bylaw as organic waste.
<b>Owner</b>	In relation to any property or premises, means the person or persons entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent, and where such a person is absent from New Zealand, includes their attorney or agent.
<b>Person</b>	An individual, a corporation sole, a body corporate, and an unincorporated body.
<b>Premises</b>	Any separately occupied land, dwelling, building, or part of the same.
<b>Prohibited waste</b>	<p>Waste containing -</p> <p>(a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;</p> <p>(b) any material capable of causing damage to the approved receptacle or likely to shatter and cause injury in the course of collection unless the material is sufficiently contained to prevent damage to the approved receptacle or to prevent injury;</p> <p>(c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation, storage, sorting or disposal;</p> <p>(d) any radioactive wastes, but excluding domestic smoke detectors;</p> <p>(e) any used oil and lead-acid batteries;</p> <p>(f) any hazardous waste;</p> <p>(g) medical waste including wastes generated at health care facilities, such as hospitals, physicians' offices, dental practices, blood banks, pharmacies/chemists, and veterinary hospitals/clinics, as well as medical research facilities and laboratories;</p> <p>(h) any asbestos containing material; and</p> <p>(i) any other material identified by the Council's as posing an unacceptable risk of nuisance to the public, or to public health and safety, and subject to a control made under clause 7 of this Bylaw.</p>
<b>Public place</b>	<p>(a) A place that is under the control of a Council or a Council-controlled organisation that, at any material time, is open to or is being used by the public, whether free or on payment of a charge; and</p> <p>(b) To avoid doubt this includes any park, reserve, recreational ground, pool, community facility, sports field or facility, public open space, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat ramp, pontoon, road, street, lane, thoroughfare, footpath, access way, cycleway, bridleway, car park, grass verge, berm, and any part of the public place.</p>

<b>Recovery</b>	As defined in the Act.
<b>Recyclable material or Recyclables</b>	The types of waste that are able to be recycled and that may be specified by the relevant District Council from time to time under this Bylaw.
<b>Recycling</b>	As defined in the Act.
<b>Reuse</b>	As defined in the Act.
<b>Rural areas</b>	Any areas zoned and/or defined in the Wairarapa Combined District Plan as rural.
<b>Site</b>	For the purposes of this Bylaw, 'site' means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.
<b>Specified intended life</b>	As defined in the Building Act 2004.
<b>Treatment</b>	As defined in the Act.
<b>Unaddressed mail</b>	Any mail or material that does not display a full address and name of a person at that address.
<b>Waste</b>	As defined in the Act.
<b>Waste collector</b>	Any person or entity that collects and transports waste and includes commercial and non-commercial collectors and transporters of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, the owner taking their own household and garden waste to a waste management facility).
<b>Waste hierarchy</b>	A list of waste management options with decreasing priority – usually shown as reduce, reuse, recycle, reprocess, treat, dispose.
<b>Waste management facility</b>	A facility authorised by the relevant District Council which primarily provides waste treatment and disposal services or waste remediation and materials recovery services, in relation to solid waste. Includes but is not limited to waste transfer stations, resource recovery stations, recycling centres, composting facilities, landfills or clean fill sites, or hazardous waste facilities.
<b>Waste Management and Minimisation Plan or WMMP</b>	A waste management and minimisation plan adopted by the Council's under section 43 of the Act.
<b>Waste operator</b>	Any person or entity that operates a waste management facility.
<b>Waste remediation and materials recovery services</b>	The remediation and clean-up of contaminated buildings and mine sites, mine reclamation activities, removal of hazardous material and abatement of asbestos, lead paint and other toxic material. This also includes recovery, sorting, and/or storage services in relation to waste.
<b>Waste treatment and disposal services</b>	The treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, composting, biodigesters and other treatment facilities (except sewage treatment facilities), and waste transfer stations.

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## 7. Controls

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7.1 The Council may make, amend or revoke controls for the safe and efficient operation of waste collections services from a public place to support the implementation of this Bylaw.

7.2 The controls made by Council under clause 7.1 may relate to the following matters:

- a. The type, size, capacity/volume, weight, number, colour and construction of approved receptacles that may be used for the disposal, storage and collection of waste and recyclable material;
- b. The types of household waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable, organic waste, or other residual waste;
- c. The types and categories of waste that may be deposited in approved receptacles;
- d. The conditions applicable to any collection service from a public place, including the placement and retrieval of approved receptacles for collection, collection days and times, and restrictions on the number and weight of approved receptacles;
- e. Requirements to ensure the correct separation of wastes into approved receptacles, including content control messaging and symbology on an approved receptacle that specifies the permitted and prohibited content;
- f. Requirements applicable to waste minimisation;
- g. Maximum allowable limits of a specified waste type that may be deposited, collected or transported from a public place in an approved receptacle;
- h. Maximum allowable limits of a waste type that may be placed in a receptacle that is approved for another type of waste;
- i. Types of waste that are prohibited;
- j. The locations, access times and conditions of use of approved collection points;
- k. Requirements relating to the safe and secure transportation of waste;
- l. Requirements applicable to waste service users and/or to waste handling and collection if traffic or pedestrian safety have the potential to be adversely impacted by the deposit of material in a public place or by waste servicing operations; and
- m. Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.

7.3 The Council must, before making, amending or revoking any control under clause 7.1, comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002.

7.4 Any control made, amended or revoked under clause 7.1:

- a. Must be made by a resolution of Council that is made publicly available; and
- b. May:
  - i. Regulate, control or prohibit any matter or thing either generally, for any specified classes of case, or in a particular case;
  - ii. Apply to all waste or to any specified category or type of waste;
  - iii. Apply to Carterton, Masterton, and South Wairarapa Districts or to a specified part of the Carterton, Masterton, and South Wairarapa District; and/or
  - iv. Apply at all times or at any specified time or period of time.

## B. DEPOSIT, COLLECTION, TRANSPORTATION, STORAGE, PROCESSING AND DISPOSAL OF WASTE

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### 8. General responsibilities

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8.1 The occupier and/or the manager of a premises must ensure that the household, commercial and/or industrial waste from the premises is separated into waste types as determined by the Council and is deposited for collection in the approved receptacle. No person may deposit in a receptacle any material that is not approved for that type of receptacle.

8.2 The occupier and/or the manager of any premises must ensure that:

- a. All waste receptacles are appropriately secured to deter scavenging and to prevent waste escaping;
- b. Any waste receptacle is regularly emptied when it is full; and
- c. The contents of any waste receptacle are protected from rain, dispersal by wind, or ingress or egress of flies, vermin and animals.

8.3 The occupier and/or the manager of any premises must ensure that:

- a. All approved receptacles are kept in a safe location, are hygienic, in good repair, and are without any modifications or alterations to their appearance;
- b. The contents of any approved receptacle do not seep or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter;
- c. Waste is deposited in the receptacle in a manner that allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied;
- d. The receptacle is placed upright either at an approved collection point or for collection in a position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible;
- e. The receptacle is placed so that it does not disrupt or obstruct pedestrian, wheelchair or vehicular traffic, and so that access to the premises is preserved; and
- f. The receptacle is placed for the collection of waste and is retrieved in accordance with any applicable control specified by the Council under this Bylaw.

8.4 No person shall deposit waste in a manner where:

- a. The receptacle is damaged or otherwise likely to cause injury to the collector;
- b. In the opinion of the Council, or the waste collector or waste operator where applicable, the waste is in an unsanitary or in an offensive condition;
- c. The waste includes waste prohibited under this Bylaw;
- d. The container/receptacle is not an approved receptacle;
- e. The receptacle is in a condition that allows spillage of waste or is not of a sufficient size to contain the waste;
- f. The receptacle or the waste does not comply with the rules under this Bylaw in terms of type, size, volume, weight, numbers, colour, placement or any other detail;
- g. The number of approved receptacles placed out for collection is greater than the authorised number of receptacles for the property, unless approved by an authorised officer; or
- h. Any other reason which the Council, or the waste collector or operator, deems would cause a health and safety concern to the waste collection operation.

8.5 No person shall:

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

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

8.7 The occupier and/or the manager of any premises is responsible for any waste not collected because of non-compliance with this Bylaw. Any waste or recyclables not collected shall be removed from the roadside by the occupier and returned to the occupier's premises by noon on the day following collection or within such other time period as specified by a control made under this Bylaw.

8.8 To enable the occupier and/or the manager of a premises to be able to comply with clauses 8.1-8.5, an authorised officer may approve placement of approved receptacles in a location other than directly outside that premises.

8.9 Where any breaches of the conditions in clauses 8.1-8.5 occur, the waste collector shall not be obligated to collect the waste.

8.10 No waste shall be transported by vehicle through, over or upon any road or public place unless such waste is sufficiently and adequately covered to prevent any of the waste from falling or otherwise escaping on to any road or other public place.

8.11 Any waste or diverted material deposited in or on a public place or disposed of in a manner that is in breach of this Bylaw, and/or any controls made under clause 7 of the Bylaw, shall be deemed to be litter under the Litter Act 1979 and will be subject to enforcement action under that Act.

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## 9. Waste collections from a public place

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9.1 Waste must not be placed on or in a public place for collection unless it is:

- a. A type of waste specified and approved by the Council as able to be placed on or in a public place for collection; and
- b. Placed in an approved receptacle for collection by a waste collector.

9.2 Prohibited waste, diverted material, construction and demolition waste, or commercial or industrial waste must not be placed on or in a public place for collection unless authorised by the Council under this Bylaw or another Council Bylaw.

9.3 Any waste collector who collects or transports waste from a public place must:

- a. Make available to the occupier and/or manager of a premises the appropriate approved receptacles to enable separate collection of each of the waste types required to be separately collected from the premises;
- b. Clearly identify their name and contact details on all approved receptacles;
- c. Not collect any household waste which has not been separated into the waste types as required under this Bylaw and/or any controls made under clause 7 this Bylaw; and
- d. Following collection, ensure that any receptacle is placed so that it does not disrupt or obstruct pedestrian, wheelchair or vehicular traffic, and so that access to the premises is preserved.

9.4 Any person providing or using a waste collection service in or from a public place must comply with all controls made under this Bylaw by the Council relating to that collection.

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## 10. Approved collection points

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10.1 No person may deposit waste at an approved collection point other than in accordance with any applicable Council control.

10.2 The Council may specify:

- a. Any place, or receptacle in a public place or on a barge in a marine area, as an approved collection point for the collection of household waste; and
- b. Controls relating to the deposit of waste at the collection point including the use of specified receptacles.

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## 11. Licensing of waste collectors and waste operators

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11.1 Any:

- a. Waste collector who handles more than 20 tonnes of waste in any one twelve-month period in, around or out of either the Carterton District, Masterton District, or South Wairarapa District;
- b. Waste operator with a waste management facility in either the Carterton District, Masterton District, or South Wairarapa District that handles more than 20 tonnes of waste in any one twelve-month period; must have a current licence that has been issued by the Council and may not collect waste or operate a waste management facility (as the case may be) without such a licence.

11.2 An application for a licence must be made on the approved form available from the relevant District Council and must be accompanied by the application fee and the supporting information required by the Council to process the application.

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

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

11.5 A licence may be granted or refused at the discretion of the relevant District Council, and if granted, may be on such terms and conditions as the Council considers fit.

11.6 When considering a licence application, the Council may take into account a range of factors including but not limited to the following:

- a. The nature of the activity for which a licence is sought;
- b. The extent to which the licensed activities will promote public health and safety, and support achievement of the Council's WMMP, including the waste minimisation goals and initiatives within that plan;
- c. The extent to which the licensed activities will adopt best practice waste management and minimisation;
- d. The quantity and type of waste to be handled;
- e. The methods employed for the handling, disposing and recycling of the waste and the minimisation of litter, including (but not limited to):
  - i. the identity of the waste management facility at which it is proposed that recycling, recovery, sorting, storage, treatment, or disposal will occur; and

- ii. adherence to health and safety standards and any other relevant industry standards;
- f. The frequency and location of the waste collection, removal, storage and transportation services;
- g. The applicant's experience, reputation, and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions; and
- h. The terms and conditions under which any disposal of waste is permitted and the existence of, or need for, any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposal.

11.7 When considering an application for a licence, the Council may inspect the premises or locations related to the application in relation to the purposes for which the licence is sought.

11.8 A licensed waste collector or waste operator must comply with all terms and conditions of the licence. The terms and conditions may include, but are not limited to, the following matters:

- a. Term – a licence may be granted for a term of up to five years from the date of Council approval, or for a shorter duration if specified in the terms and conditions of the licence, and will be reviewed every year by the Council to ensure compliance with the terms and conditions of the licence;
- b. Licence fee – the licensee must pay an annual licence fee in the amount determined by the Council;
- c. Performance bond – the Council may require a licence holder to post a bank-guaranteed bond or a security;
- d. Compliance – the licence holder must comply with any relevant controls, standards or policies the Council has set for waste handling such as (but not limited to):
  - i. Provision of waste collection services within reasonable collection times and to meet any minimum collection frequencies specified by Council;
  - ii. Provision of appropriate approved receptacles for waste collection which clearly identify the waste collector's name and contact details; and
  - iii. The collection of any litter within a specified distance of an approved receptacle awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation, storage or disposal process.
- e. Provision of information – the licence holder must provide data relating to all waste they have handled to the Council during the term of their licence, in the form and at the times determined by the Council (but not limited to):
  - i. The quantities of various waste types that have been handled by the waste collector or waste operator during a specified period of time, including the source and destination of each waste type and the method of processing (recycling, recovery, treatment, disposal etc); and
  - ii. Weighbridge receipts, gate records of waste tonnages per waste type as specified in the licence.

The minimum requirement will be an annual performance report due within one month of the completion of each year of the licence.

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

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

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## 12. Events

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12.1 At least 30 working days prior to the commencement of an event, the event manager must submit an event waste minimisation plan to the relevant District Council for approval.

12.2 The event waste minimisation plan must set out:

- a. An estimate of the types and amounts of waste to be generated by the event;
- b. How waste generated by the event is to be minimised;
- c. The steps that will be taken to avoid waste generation and to maximise the use of reusable systems, the collection and use of recyclables and other recoverable, and compostable materials, and an estimate of the diversion of waste;
- d. The equipment to be provided for any reusable system and the storage, collection and transportation of waste and diverted material;
- e. The proposed method for minimising and capturing litter associated with the event;
- f. The person responsible for the collection and disposal of waste and the methods to be used;
- g. The timing and frequency of the collection of waste, during or after the event; and
- h. Any other matters relating to event waste management and minimisation that may be specified by the Council.

12.3 The manager of an event must comply with the event waste minimisation plan approved by the relevant District Council for the event.

12.4 On completion of the event, and if requested by the Council, the event manager must provide the Council with a waste analysis report (if the event is for more than 1,000 people). At a minimum, this report will include a breakdown of:

- The types of waste generated by the event;
- The amounts of waste (by type) generated by the event;
- The amount of waste diverted; and
- The waste management facilities used to recover, recycle, treat or dispose of this waste.

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## 13. Construction site and demolition waste

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13.1 The Council may make a control under this Bylaw to require any person that is applying for a building consent for building work of a certain estimated value or higher to submit a construction site and demolition waste management plan to the Council for approval prior to the commencement of any building work.

13.2 At a minimum, a construction site and demolition waste management plan must set out:

- a. The name of the client, principal contractor, and person who prepared the waste management plan;
- b. The location of the site;
- c. The estimated total cost of the building work;
- d. A description of all types of waste expected to be produced;
- e. The proposed method of waste management for each type of waste (e.g. reuse, recovery, recycling, disposal); and

- f. The proposed method for minimising and capturing litter associated with the project and the building work.

13.3 A construction site and demolition waste management plan may also be required by Council to set out:

- a. An estimate of the quantity of each type of waste; and
- b. An estimate of the diversion of waste.

13.4 While the building work is being carried out, the principal contractor may be required by Council to:

- a. Review the construction site and demolition waste management plan as necessary;
- b. Record quantities and types of waste produced; and
- c. Record the types and quantities of waste that have been:
  - v. Reused (on or off site);
  - vi. Recycled (on or off site);
  - vii. Sent to other forms of recovery (on or off site);
  - viii. Sent to landfill;
  - ix. Sent to cleanfill; or
  - x. Otherwise disposed of.

13.5 Within three months of completion of the building work the Council may require the principal contractor to add to the construction site and demolition waste management plan:

- a. Confirmation that the plan has been monitored and updated;
- b. A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type;
- c. An explanation of any deviation from the plan; and
- d. An estimate of any cost savings that have been achieved by completing and implementing the plan.

13.6 Where a construction site and demolition waste management plan is required, the principal contractor must ensure that a copy of the construction site and demolition waste management plan is kept on site, and that every contractor knows where it can be found. It must be available to any contractor carrying out any work described in the plan.

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## 14. Inorganic waste

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14.1 The Council may specify controls for the following matters in relation to the collection of inorganic waste from a public place:

- a. The weight, size and nature of inorganic waste that may be deposited for collection;
- b. The categories of inorganic waste that may be deposited for collection;
- c. The times, locations and conditions applicable to the collection of inorganic waste from a public place;
- d. The collection methods that cause health and safety risks;
- e. Any other operational matters required for the safe and efficient collection of inorganic waste from a public place.

14.2 Any person who deposits inorganic waste for collection on, or collects and transports inorganic waste from, a public place must comply with any controls made by the Council under this Bylaw.

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## 15. Nuisance and litter

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15.1 No person may:

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

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

- a. Bury or allow to be buried any waste on any property they own, occupy or manage except:
  - i. Organic waste, including dead farm animals in rural areas;
  - ii. Dead companion animals and nuisance pests; or
  - iii. For the purposes of home composting;
  - iv. Waste deposited in a farm refuse dump or an offal pit that is consented or complies with the permitted activity conditions of the Wellington Region Natural Resources Plan;
- b. Dispose of any waste on any premises except at –
  - i. A waste management facility, or
  - ii. Any premises they own, occupy or manage, for the purposes of home composting.

15.3 No person may:

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

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

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## 16. Unaddressed mail and advertising material

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16.1 No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material:

- a. In any letterbox which is clearly marked "no circulars", "no junk mail", "addressed mail only" or with words of similar effect, or around or near any such letterbox or associated vehicle accessway;
- b. On any vehicle parked in a public place; or
- c. In a letterbox that is already full of mail and/or advertising materials.

16.2 Clause 16.1(a) does not apply to:

- a. Material or public notices from any government department or agency, crown entity, local authority, or material from a network utility relating to the maintenance, repair, servicing or administration of that network utility;
- b. Communications or fundraising material from local community organisations, charities or charitable institutions;
- c. Material from a political party, political candidate or elected member; or
- d. A community newspaper or newsletter, unless the letterbox is clearly marked “no community newspapers” or with words of similar effect.

16.3 Any unaddressed mail or advertising mail deposited in a manner in breach of clauses 16.1 and 16.2 shall be deemed to be litter under the Litter Act 1979.

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## 17. Donation collection points

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17.1 Anyone intending to establish a donation collection point in or on a public place must notify the Council in advance and must operate the donation collection point in compliance with any requirements the Council specifies including but not limited to:

- a. Location;
- b. Vehicle access;
- c. Type of waste which may be deposited; and
- d. Use of approved receptacles.

17.2 All donation collection points must ensure:

- a. The removal of deposited material from the collection point;
- b. The clean-up of any litter or illegal dumping; and
- c. The clean-up or removal of any graffiti.

## C. OTHER MATTERS

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### 18. General offences and penalties

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18.1 Any person who fails to comply with this Bylaw and the decisions and controls made under this Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable to a fine as specified in section 242(4) of the Local Government Act 2002.

18.2 A person who commits a breach of this Bylaw that is an offence under the Litter Act 1979, the Waste Minimisation Act 2008 or the Health Act 1956 is liable to a penalty (without limitation) under those Acts, as relevant.

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### 19. Other enforcement powers

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#### *Non-compliance with licence terms and conditions*

19.1 Any control that is made or amended by Council under clause 7.1 shall be enforceable under this Bylaw.

19.2 Where a licence holder does not comply with the requirements of this Bylaw and/or the terms and conditions of a licence, the Council may take one or more of the following steps:

- a. Issue a written warning to the licence holder, which may be treated as evidence of a prior breach of a licence condition during any subsequent review of the licence;
- b. Review the licence, which may result in:
  - i. amendment of the licence; or
  - ii. suspension of the licence; or
  - iii. withdrawal of the licence.
- c. Have recourse to any performance bond or security where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
- d. Review the amount and nature of the performance bond or security, which may result in:
  - i. an increase of the amount of the performance bond or security;
  - ii. a change to the nature of the security that has been provided.
- e. Enforce any offence that may have been committed under the Litter Act 1979; and
- f. Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

#### *Non-compliance with general responsibilities and waste collection requirements*

19.3 Where a person does not comply with the requirements of this Bylaw and/or any controls made under the Bylaw in relation to the waste and diverted materials collection service that applies to them, the Council (or a licensed waste collector where applicable) may take the following action(s) against the person:

- a. Reject (i.e. not collect) the contents of any approved receptacle left out by that person for collection from a public place, if the contents or placement of the receptacle is non-compliant;
- b. Remove the contents of any approved receptacle left out for collection from a public place where the contents or placement of the receptacle is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount payable for the collection of the largest available size of approved receptacle from that premises;
- c. Withdraw or suspend the collection service being provided to that person;
- d. Enforce any offence that may have been committed under the Litter Act 1979; and/or
- e. Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

19.4 Where action has been taken against a person under clause 19.3(c), the Council can authorise the reinstatement of the collection service once it is satisfied on reasonable grounds that the Bylaw will be complied with.

#### *Non-compliance with approved collection point requirements*

19.5 Where a person does not comply with a control made by the Council under clause 7 of this Bylaw the Council may:

- a. Suspend that person's use of any service provided by the Council at any or every waste collection service;
- b. Enforce any offence that may have been committed under the Litter Act 1979; or
- c. Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

### *Non-compliance with waste management plan requirements*

19.6 Where a person does not comply with any of the requirements in clause 12 (Events) or clause 13 (Construction Site and Demolition Waste Management Plans) and/or any controls made under the Bylaw, the Council may take one or more of the following steps:

- a. Enforce any offence that may have been committed under the Litter Act 1979; and/or
- b. Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

### *Non-compliance with inorganic material requirements*

19.7 Where a person does not comply with a control made by the Council under clause 7 of this Bylaw, the Council (or a licensed waste collector or waste operator where applicable) may:

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

### *Non-compliance with unaddressed mail requirements*

19.8 Where a person does not comply with any of the requirements in clause 16 of this Bylaw, the Council may use its enforcement powers under the Litter Act 1979.

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## **20. Exceptions and saving provisions**

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20.1 A person is not in breach of this Bylaw if that person proves that the act or omission was in compliance with the directions of an Authorised Officer.

20.2 A product stewardship scheme accredited under the Act may be exempt from the requirements of this Bylaw.

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## **21. Fees**

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21.1 The Council may in accordance with the provisions of section 150 of the Local Government Act 2002 set prescribed fees under this Bylaw.

21.2 The Council may refund, remit or waive any fee prescribed by this Bylaw or charge payable for an authority, approval, licence, permit or consent from, or inspection by, the Council, for any reason it thinks fit.

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## **22. Forms and processes**

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22.1 The Council may prescribe the form of, and process to be followed for, any application, approval, licence, or other document, which is required under this Bylaw (or any related controls made by Council). These forms and processes may be altered or amended at any time.