



## **SOLID WASTE BYLAW 2012**

In accordance with the needs of the community the following Bylaw has been adopted.

### **PART A – INTRODUCTION**

#### **1. SHORT TITLE**

This Bylaw shall be known as the Taupō District Council Solid Waste Bylaw 2012.

#### **2. COMMENCEMENT**

This Bylaw shall come into force on 1 September 2012.

#### **3. REPEAL**

As from the day on which this Bylaw shall come into force the Taupō District Council Refuse Bylaw 2007 shall be revoked.

#### **4. SCOPE**

The purpose of the Bylaw is to regulate Waste Management Facilities and the collection, transportation and disposal of Waste in Taupō District. From the commencement date all collectors, transporters and disposers of Waste in excess of 30 (thirty) tonnes per annum and operators of Waste Management Facilities are to be subject to a licensing system. This is necessary to ensure that Council can manage Waste in a manner consistent with its statutory responsibilities and Waste management objectives.

#### **5. OBJECTIVES**

The objectives of this Bylaw are to:

- promote the Council Waste Strategy and New Zealand Waste Strategy
- ensure efficient and effective Waste management in accordance with legislative requirements
- impose performance standards for the benefit of the public
- monitor and regulate collectors and facility operators.
- Promote the safe collection and disposal of waste

### **PART B – INTERPRETATION**

#### **6. DEFINITIONS**

For the purposes of this Bylaw the following definitions shall apply:

**APPROVED RECEPTACLE** means a container or bag used for the keeping of Waste approved by Council pursuant to the provisions of this bylaw.

**COMMERCIAL WASTE** means any scrap or Waste material resulting from the carrying on of any business, manufacture, process, trade, market, or other undertaking. Commercial Waste does not include Household Waste, Prohibited Waste, Hazardous Waste or Trade Waste.

**COUNCIL**

Means the Taupō District Council constituted under the Local Government Act 2002 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** means compostable plant material excluding flax and cabbage trees.

**HAZARDOUS WASTE** means any waste that:

- (a) contains substances defined in Section 2 of the Hazardous Substances and New Organisms Act 1996, which exceed the minimum degree of hazard specified by the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000, or
- (b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and the NZ Standard 5433: 1999 - Transport of Dangerous Goods on Land; or
- (c) 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.

**HOUSEHOLD WASTE** means Solid Waste resulting from domestic housekeeping operations. It includes Waste that the Council has agreed to take from retail premises, businesses and offices where the Council provides a collection service. Household Waste does not include Recyclable Waste, Green Waste, Commercial Waste, Prohibited Waste, and Hazardous Waste, Trade Waste or liquid waste of any nature.

**LANDFILL** means land set aside by Council upon which the deposit and disposal of Solid Waste can lawfully occur.

**LANDFILL MANAGER** means any person, whether or not employed by the Council, for the time being appointed by the Council to control or manage or assist in the control and management of a Landfill.

**LICENCE** means a Licence granted by Council under this Bylaw.

**LICENSED WASTE COLLECTOR** means a person or company which has a Licence to collect, transport or dispose of Waste.

**LICENSED WASTE OPERATOR** means a person or company 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.

**MULTI-UNIT PROPERTY** means a property comprising three or more separately occupied residential units or business units, 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.

**PERSON** includes a corporation sole and also a body of persons, whether corporate or unincorporate.

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

**PUBLICLY NOTIFIED** means published in a notice published in a newspaper or newspapers circulating in the District.

**PUBLIC PLACE** means any place that, at any material time, is under the control of Council and is open to or being used by the public, whether free or on payment of a charge; and includes any road whether or not under the control of Council. It also includes every reserve, park, domain, beach, foreshore, and recreational grounds under the control of the Council.

**RECYCLABLES** means any rags, second hand or used clothing, textiles, wood, concrete, steel, paper, cardboard, steel cans, tin cans, aluminium cans, glass, plastic products including plastic containers and other items publicly notified by the Council from time to time.

**REGULATION OR REGULATE** is as defined in s151 of the Local Government Act 2002 (LGA 2002).

**RESIDENT** means any person who resides in the District; or any person who operates a business from premises within the District; or any person temporarily visiting the District for the purpose primarily other than that of disposing of Waste at any sanitary landfill within the District.

**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.

**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.

**WASTE** means any solid, material or thing that is discarded, discharged or selected for disposal.

**WASTE MANAGEMENT FACILITIES** means facilities where Waste in excess of 30 (thirty) tonnes per annum is managed and includes, but is not limited to Landfill sites, Transfer Stations, tips, recycling and sorting centres, transfer points, waste pads, transportation points, cleanfill Sites, composting facilities or Waste consolidation points.

## **PART C - WASTE AND RECYCLABLES COLLECTION**

### **7. Accumulation and Storage of Household Waste and Recyclables**

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

### **8. Accumulation and Storage of Commercial Waste and Recyclables**

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

### **9. Household Waste and Recyclables Collection**

- (1) The Council may, by ordinary resolution, regulate the collection of Household Waste and/or Recyclables including determining:
  - (a) requirements for Approved Receptacles, including type of receptacle, weight, size, capacity, and the types of Waste that are appropriate for collection using such Approved Receptacles;
  - (b) requirements for storage and placement of Household Waste and/or Recyclables and Approved Receptacles by Occupiers;
  - (c) appropriate times and days for Occupiers to place Approved Receptacles for collection.
- (2) The Council may amend or revoke a resolution made under clause 9(1) at any time.
- (3) Before making or amending a resolution under clause 9(1)(a), the Council will consult with Licensed Waste Collectors a minimum of one month prior by providing draft amendments for comment.
- (4) The Council will publicly notify any resolution made or amended under clause 9(1).

### **10. Provision of Approved Receptacles**

- (1) Every Occupier must use an Approved Receptacle for Household Waste and Recyclables.
- (2) Every Owner of a Multi-Unit Property is to provide Approved Receptacles for Household Waste and Recyclables to the Occupiers of units in the Multi-Unit Property.
- (3) Approved Receptacles for Household Waste and Recyclables include:
  - (a) paper bag approved by the Council and sold by or on behalf of Council or Licensed Waste Collectors;
  - (b) plastic bag approved by the Council and sold by or on behalf of Council or Licensed Waste Collectors;
  - (c) biodegradable bag approved by the Council and sold by or on behalf of Council or Licensed Waste Collectors;
  - (d) mobile bin approved by the Council and sold 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 than currently accepted by Council for the purpose of collecting Household Waste and / or Recyclables.

**11. Maintenance of reusable Approved Receptacles**

- (1) Every Occupier using a reusable Approved Receptacle must keep it clean and in good repair, covered at all times with a close-fitting lid where provided and/or securely tied and the contents protected from rain or ingress or egress of flies, vermin and animals.

**12. Use of Approved Receptacles**

- (1) No Waste other than Household Waste and Recyclables shall be placed in an Approved Receptacle.
- (2) No person shall place or leave any non-recyclable materials in any Recyclables receptacle or at any recycling station.
- (3) It is an offence for Licensed Waste Collectors to mix sorted Waste types.
- (4) Household Waste and Recyclables 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.
- (5) Approved Receptacles must not contain Prohibited Waste or be overloaded.

**13. Placement of Household Waste and Recyclables for collection**

- (1) Council will from time to time specify by public notice the days and earliest and latest time Household Waste and / or Recyclables, may be put out for collection during the specified periods. Every Occupier placing Household Waste and / or Recyclables for collection shall cause the Approved Receptacle or Approved Receptacles to be closed to prevent spillage and placed for collection in such situation as may be required by an authorised officer appointed on that behalf.

**14. Retrieval of uncollected Waste**

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

**15. Retrieval of reusable Approved Receptacles**

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

**16. Ownership of the Waste stream**

- (1) When an owner of Household Waste and / or Recyclables puts it out for collection, no other person shall interfere with or remove such Household Waste and / or Recyclables except in accordance with this bylaw or as authorised by Council.

**17. Multi-Unit Properties**

- (1) Every Owner of any Multi-Unit Property built after 1 September 2007 must make adequate provision for Household Waste within the property to the satisfaction of the Council. Every building consent application for a Multi-Unit Property [Dwelling] lodged after that date 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 Licensed 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.

**18. Obstruction to Licensed Waste Collectors**

- (1) No person shall obstruct or hinder any Licensed Waste Collector from removing Household Waste and / or Recyclables from a Public Place and from disposing such Waste into a collection vehicle.

**PART D - DISPOSAL OF WASTE**

**19. Disposal of Waste**

- (1) The disposal of Waste on any land or premises set aside by Council for the disposal of Waste shall be subject to such conditions as Council may from time to time decide in respect of:
- (a) the hours of opening and closing,
  - (b) the nature of the Waste which may be disposed of therein,
  - (c) the nature of the Waste to be directed to a recycling area,
  - (d) the charges in respect of any disposal,
  - (e) the position in any such place, in which Waste may be placed,
  - (f) and any other matter which Council may consider necessary or desirable to determine by any such resolution.

**20. 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.
- (3) No person shall :
- (a) Deposit or dispose of any Waste at a Waste Management Facility which is not permitted to be disposed of at that facility;
  - (b) Deposit or dispose of any particular type of Waste at any location within a Waste Management Facility which has been marked off and designated for the depositing or disposal of a different type of Waste;
  - (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.

**21. Out of District Waste**

- (1) Entry to Landfill shall be refused to persons, except with the permission of Council or an authorised officer, who have brought into the District Waste for the purpose of depositing at or disposing such Waste, whether in its original or some other form at any Landfill in the District.
- (2) The opinion of the Landfill Manager shall be conclusive as to whether any person shall have a right of entry to a Landfill.

## **22. Hazardous Waste**

- (1) No person shall place any Hazardous Waste in a Public Place.

## **23. Disposal of Green Waste**

- (1) Green Waste may only be disposed of at the Landfill and / or Waste Management Facilities within a designated Green Waste area.

# **PART E - WASTE MANAGEMENT FOR EVENTS**

## **24. 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 Recyclables or re-usable materials;
  - (d) the Waste and Recyclables 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.

# **PART F - LICENSING OF WASTE COLLECTORS AND WASTE OPERATORS**

## **25. Waste Collectors and Operators to be Licensed**

- (1) No Person shall remove, collect, transport or dispose of more than 30 (thirty) tonnes per annum of Waste within the district administered by the Council without a Licence from the Council to do so.
- (2) Only a Licensed Waste Operator may operate a Waste Management Facility.

## **26. Application for 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 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 an application for a Licence and make its decision under clause 26(3) within 20 (twenty) working days of receiving an application. If the Council requires further information that is necessary to enable it to process an application it must, within 10 (ten) working days of receiving the application request information from the applicant, and the 20 (twenty) working day period will be suspended from the date of the Council's request and recommence on the date the applicant provides the information to the Council.
- (3) Licences shall be granted in the discretion of the Council, upon and subject to such terms and conditions as the Council thinks reasonable.

- (4) Where the Council decides not to grant a Licence, it will notify the applicant and provide reasons for its decision.
- (5) A Licence is personal to the holder and not transferable.

**27. Matters to be considered**

- (1) When exercising its discretion to grant a Licence and the conditions to be imposed under it, the Council will take into account such matters as may bear upon 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;
  - (f) the applicant's financial position, but only in so far as it is relevant to demonstrating the applicant's solvency;
  - (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.

**28. 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 may be granted for a term of up to five (5) years together with a right of renewal for a maximum of five (5) further years.
  - (b) Licence Fee - The licensee must pay an annual Licence fee in the amount determined by the Council from time to time and publicly notified.
  - (c) Bond – The licensee must post a bank guaranteed (or cash, at the licensee's election) performance bond for an amount not exceeding \$20,000 or such amount as determined by the Council from time to time on an individual case by case basis and be 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 spillage within 5 (five) metres of an Approved Receptacle awaiting collection by the licensee and any Litter spillage from the licensee's vehicle during the collection, removal, transportation or disposal process;
    - (ii) provision of Waste collection services on such days and at such times as Council may from time to time nominate;



(iii) provision of Approved Receptacles.

(e) Provision of information – The licensee must provide Waste data to the Council during the term of the Licence in such form and at such times as Council may reasonably require from time to time as to the quantity, source, destination and types of each Waste collected and transported.

## **PART G - OFFENCES**

### **29. Provisions implied**

(1) The provisions of the Taupō District Council General Bylaw No. 1 apply to this Bylaw and in the event if any inconsistency the provisions of the Taupō District Council General Bylaw No. 1 shall prevail.

### **30. Breach of Bylaw**

(1) Any consistent and/or material breach of this Bylaw shall:

(a) Entitle the Council to suspend any Licence for such period as it considers appropriate or to cancel any Licence having regard to the nature and circumstances of any breach.

(2) Before suspending or cancelling a Licence under clause 30(1), the Council will notify the licensee of its proposed decision and the reasons for its decision, and give the licensee five (5) working days from date of receipt of such notice to provide written and oral submissions on the proposed decision.

(3) In the event of a serious default by a licensee, Council may suspend a Licence immediately by serving the licensee with an interim suspension notice. In that case the licensee shall have five (5) working days from the date of receipt of the interim suspension notice within which to make submissions to Council. Within five (5) working days of receipt of those submissions Council must provide the licensee with a determination as to lifting the suspension, extending it for a specified period or cancelling the Licence.