



**DRAFT**

**Waste Management and  
Minimisation Bylaw 2024**

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## 1 Waste Management and Minimisation Waste Bylaw

- 1.1 This Bylaw is the Tararua Waste Management and Minimisation Bylaw 2024, as reviewed from the Tararua Solid Waste Bylaw 2018.
- 1.2 This Bylaw is made under the Local Government Act 2002; Health Act 1956; Litter Act 1979 and the Waste Minimisation Act 2008 (the **Act**); and all amendments and regulations of the same. Nothing in this Bylaw will derogate from the provisions of any of the listed legislation and its regulations. In the event of any inconsistency between this Bylaw and legislation the more stringent requirement applies.

## 2 Commencement

- 2.1 This Bylaw comes into force on XXXXXXXX
- 2.2 This Bylaw should be read in conjunction with, but not in replacement of, the Waste Management and Minimisation Plan and the Public Places Bylaw and any policy statements referred to in clause 6 (including but not limited to Council's Litter Infringement Policy).

## 3 Purpose

- 3.1 The purpose of this Bylaw is to:
- a) Promote and deliver effective and efficient Waste Management and minimisation in the District;
  - b) Assist in implementing the Council's Waste Management and Minimisation Plan;
  - c) Promote the purpose of the Act and the goals of the New Zealand Waste Strategy;
  - d) Regulate the collection, storage, management and disposal of waste (including recyclable material); and
  - e) Protect the health and safety of waste collectors, waste operators and the public.

## 4 Interpretation

- 4.1 In this bylaw, unless context requires otherwise:

**Act** means the Waste Minimisation Act 2008.

**Animal Waste Receptacle** means a receptacle provided for the collection of animal waste in a public place.

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**Approved Container** means any container (including any reusable container) approved by the Council from time to time for the collection of waste and/or recyclable material by a waste collector.

**Cleanfill Material** means waste that:

- a) Does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is unlikely to have adverse effects on the environment or human health; and
- b) Is not Diverted Material; and
- c) Includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
  - (i) Combustible, putrescible, degradable or leachable components;
  - (ii) Hazardous Waste;
  - (iii) Products or materials derived from Hazardous Waste treatment, Hazardous Waste stabilisation or Hazardous Waste disposal practices;
  - (iv) Materials that may present a risk to human health or the environment; and
- d) Has less than 2% by volume by load of tree or vegetable matter.

**Cleanfill Site** means the land used for the disposal of Cleanfill Material.

**Commercial Waste** means Waste resulting from the carrying on of any business, manufacture, process, trade, market or other undertaking.

**Commercial Waste Minimisation And Recycling Plan** means a plan approved by Council for the collection, management and disposal of waste by commercial producers.

**Collection Point** means a Council advertised location used for the collection of waste or recyclable materials.

**Council** means Tararua District Council.

**Disposal** has the same meaning as in the Act.

**Diverted Material** means any thing that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded.

**Deposit** means in relation to Waste or Diverted Material, to cast, place, throw or drop and “**deposited**” has a corresponding meaning.

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**Fly Tipping** means Litter or Recycling Material that is deposited or disposed of at a public place or onto private property without the owner's consent.

**Hazardous Waste** means waste that:

- a) Contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by the Health and Safety at Work (Hazardous Substances) Regulations 2017 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 2005 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or
- c) Meets the definition for radioactive material included in the Radiation Safety Act 2016 and associated regulations.

**Home Composting** means organic waste processed by worms and microorganisms to produce humus.

**Household Waste** means cold ashes, sweepings, dust, bones, waste food, cans, cartons, bottles or other containers, paper and any other waste resulting from domestic activities, but does not include commercial waste or any of the materials prohibited under this Bylaw.

**Landfill** means a disposal facility as defined in section 7 of the Act.

**Licence** means any licence, permit or approval or any other form of consent issued or granted under this Bylaw.

**Litter** has the same meaning as defined in section 2 of the Litter Act 1979 and includes any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter.

**Litter Receptacle** means a receptacle provided for the collection of waste or recyclable material in a public place.

**Managed Fill Site** means a disposal site to accept well defined types of nonmunicipal waste, e.g. low-level contaminated soils.

**Monofill Site** means a landfill that is permitted to receive one type of waste material of similar origin or chemical character.

**Nuisance** means a nuisance in terms of the Health Act 1956.

**Occupier** in relation to any land or premises, means any lessee, licensee, or other occupant of the land, and includes the owner or the agent of the owner where there is no apparent occupier.

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**Organic Waste** means material from plants and trees. Without limitation, it excludes tyres, petroleum plastics, polystyrene, metals, insecticides and herbicides.

**Overfilled** in relation to Approved Containers means:

- a) The lid of the Approved Container is not able to be fully closed; or
- b) Where there is no lid, that the contents of the Approved Container sit above the top rim of the Approved Container.

**Person** includes an individual, a corporation sole, a body corporate, and an unincorporated body.

**Premises** means any separately occupied land, dwelling, building or part of the same.

**Prohibited Waste** means waste containing any:

- a) Material capable of causing any injury to any person or animal unless that material is sufficiently contained to prevent injury;
- b) Material capable of causing damage to the approved container or likely to shatter in the course of collection unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;
- c) Material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or Disposal;
- d) Liquid or viscous fluid (including but not limited to used oil and paints);
- e) Radioactive wastes, but excluding domestic smoke detectors;
- f) Batteries, including but not limited to used oil, lithium and lead acid batteries;
- g) Hazardous waste;
- h) Medical waste;
- i) Asbestos;
- j) Fluorescent lights or lightbulbs containing any mercury;
- k) Gas containers;
- l) Aerosol cans;
- m) Other material prohibited by Council from time to time.

**Public Place** has the same meaning as set out in section 2 of the Litter Act 1979.

**Recyclable Material** means waste specified by the Council in accordance with this Bylaw as suitable for recycling. It does not include diverted material.

**Recycling** means the reprocessing of waste to produce new materials.

**Rural** means any area that is zoned Rural Management Area in the Tararua District Plan.

**Special Collection Areas** means an area or road determined by Council that will receive a waste collection service in the commercial zoned areas.



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**Special Wastes** means any wastes whether from a trade premise or any other source which is hazardous, toxic or by its nature requires special disposal because of environmental considerations or landfill operational requirements.

**Trade Refuse** means any scrap or waste material resulting from the carrying on of any business, manufacture, process, trade, market or other undertaking.

**Waste** means anything disposed of or discarded, and includes:

- a) Waste that is defined by its composition or source (for example, organic waste, household waste, commercial waste and electronic waste, or construction and demolition waste);
- b) Recyclable material;
- c) Abandoned material and litter;
- d) Any other material specified by the Council in accordance with this Bylaw; and
- e) To avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded; and
- f) Any other matter specified by Council in accordance with this Bylaw.

**Waste Collector** means any person who is licensed to collect or transport waste and includes commercial and non-commercial collectors and transporters of waste.

**Waste Management Facility** means any facility authorised by Council that receives, collects, sorts, stores or processes waste to ensure waste minimisation. It includes but is not limited to composting operations, recovery operations, materials recovery facilities, resource recovery centres, transfer stations, landfills or cleanfill sites, hazardous waste facilities and recycling depots. It excludes any facility that receives, collects, sorts, stores or processes diverted material unless a significant component or element of the diverted material is disposed or discarded.

**Waste Management and Minimisation Plan** means the Waste Management and Minimisation Plan adopted by the Council under section 43 of the Act.

**Waste Operator** means a person who owns or manages a landfill site, clean fill site, managed fill site, monofill site or any other Waste Management Facility.

4.2 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this Bylaw, has the meaning given to it by the Act.

4.3 Any explanatory notes are for information purposes only. They do not form part of the Bylaw, and may be made, amended, revoked, or replaced by the Council at any time.

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## GENERAL RESPONSIBILITIES

### 5 Compliance with the Bylaw

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

### 6 Controls specified under the Bylaw

- 6.1 Council may from time to time by resolution, publicly notified, make, amend or revoke controls to support the implementation of this Bylaw. Any such controls may relate to, but are not limited to, the following matters:
- (a) The nature and origin of the waste;
  - (b) Categories and types of waste that may be received, collected, stored, sorted, processed or disposed of at any landfill site, managed fill site, clean fill site and mono-fill sites;
  - (c) Materials that are suitable for use as natural or other hard-fill material at a clean fill site;
  - (d) Types of waste that are prohibited;
  - (e) The geographic areas and provisions that apply to the different categories of waste including collection services;
  - (f) The types of waste that may be collected by waste collectors;
  - (g) The type, size and construction of approved containers for the collection of waste and recyclable materials from a public place in different parts of the District;
  - (h) The correct separation of recyclable materials and waste into approved containers;
  - (i) Restrictions on the weights of approved containers, including any maximum allowable limits of recyclable material that may be placed in, collected and transported from a public place in an approved container;
  - (j) The placing of approved containers for collection;
  - (k) Collection times, conditions of use and any other operational matter relating to collection points or collection of approved containers; and
  - (l) Any other matters as Council considers appropriate from time to time.
- 6.2 Council may at any time by resolution add, amend or revoke any controls specified in accordance with this section of the Bylaw.
- 6.3 A Waste Collector must comply with this Bylaw and the terms and conditions made under it, including (but not limited to) the matters set out in Clause 6.1 and any



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additional controls that may be required from time to time for the collection of Waste from a Public Place.

## **COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF WASTE**

### **7 Use of Approved Containers**

- 7.1 The Occupier or manager of a Premises must ensure that Waste materials are separated and deposited into the correct Approved Container as determined by Council; and that Approved Containers are only filled with Waste as determined by Council.
- 7.2 The Occupier and manager of any Premises is responsible for any Waste generated and stored on the Premises until it has been collected from an Approved Container.
- 7.3 No person may:
- (a) Cause, permit or allow the deposit of any Prohibited Waste into an Approved Container;
  - (b) Cause, permit or allow the deposit of any material into an Approved Container that is not approved for that type of waste.
  - (c) Interfere with or remove any Waste or Diverted Material from an Approved Container or a Collection Point, except a Waste Collector, or without the consent of the person allocated or owner of the Approved Container;
  - (d) Cause, permit or allow the deposit of any Waste in an Approved Container provided to any other person, without that person's consent;
  - (e) Remove an Approved Container from the Premises to which it has been provided or from any other Premises, without the consent of Council (noting Council reserves the right to charge to replace any Approved Containers that are lost, stolen or damaged);
  - (f) Damage any Approved Container;
  - (g) Obstruct or hinder a Waste Collector from lawfully collecting Waste or Recyclable Material from an Approved Container.

### **8 Collection of Approved Containers**

- 8.1 In respect of the collection of Approved Containers, the Occupier or manager of a Premises must ensure:

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- (a) The Approved Container is placed for collection in an upright position off the roadway, in front of the Premises from which the Waste originated and as close to the kerbside as possible;
  - (b) Reasonable steps are taken to prevent any Approved Container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the Premises;
  - (c) If Waste is not collected and/or emptied on the day of collection, Approved Containers must be removed from the kerbside by the occupier or manager no later than 7pm on the scheduled collection day, except when notified by Council to do otherwise;
  - (d) Approved Containers are placed for collection of Waste and retrieved in accordance with any applicable control specified by the Council under clause 6; and

8.2 If required by Council, the Approved Container must be placed in an alternative location specified by Council (for example a centralised receptacle or consolidation point or to address a health and safety issue at the location).

## **9 Care of Approved Containers**

9.1 The Occupier or manager of any Premises must ensure that:

- (a) Approved Containers are kept in a safe location and in a hygienic state, including regular washing of an Approved Container with detergent and water;
- (b) Reasonable steps are taken to prevent any Waste from escaping any Approved Container;
- (c) Any Approved Container is not Overfilled; and
- (d) Any lidded Approved Container must have its lid closed when not in use and when presented for waste collection, so that its contents are protected from rain ingress, or egress of flies and access by animals.

## **10 Deposit of Waste at Collection Points**

10.1 Council may specify:

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- (a) Any place, or an Approved Container in a Public Place, as a Collection Point for the collection of Waste (being all waste or certain types of waste);
  - (b) Controls relating to the deposit of Waste at a Collection Point including the use of Approved Containers (being all waste or certain types of waste).
- 10.2 No person may deposit waste at a Collection Point other than in accordance with any applicable Council control.

## **11 Special Collection Areas**

- 11.1 Council may declare by resolution a specific area and/or road a Special Collection Area.
- 11.2 In Special Collection Areas, Waste must not be placed out for collection between 10am and 5.30pm. These hours may change from time-to-time as a result of Council resolution.
- 11.3 If Waste is not collected and emptied on the day of collection, Approved Containers must be removed from the kerbside by the Occupier or manager of the Premises by no later than 7pm on the scheduled day for collection, except when notified by Council to do otherwise.

## **12 Disposal of Waste at a Waste Management Facility**

- 12.1 A person wishing to dispose of Waste at a Waste Management Facility must comply with the terms and conditions as determined by Council resolution from time to time. These terms and conditions may include, without limitation:
- (a) Hours of access;
  - (b) The payment of fees for disposal of different types of waste and recyclable material, as set out in Council Schedule of Fees and Charges from time-to-time;
  - (c) The nature of the waste that may be disposed of;
  - (d) Any other matters identified at clause 6.1 of this Bylaw; and
  - (e) Any other conditions considered necessary for the proper control and management of the Waste Management Facility.
- 12.2 No unauthorised person may loiter, or disturb any waste at any Waste Management Facility, or remove any article or material, except with Council's written consent.
- 12.3 No person may deposit any waste at any Waste Management Facility other than in an approved manner as directed by the Waste Management Facility management.

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## 13 Nuisances

13.1 No Person may:

- (a) Allow any accumulation of Waste or Diverted Material on any Premises they own, occupy or manage to become unsightly, offensive, a nuisance or likely to be injurious to health;
- (b) Use an Approved Container in a manner that creates a nuisance, is offensive (in terms of smell or otherwise) or is likely to be injurious to health.

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

- (a) Store or burn, or allow to be burnt, any Waste on any premises that they own, occupy or manage where this activity may result in a nuisance or breach of any legislation;
- (b) Bury or allow to be buried on any premises that they own, occupy or manage any Waste except Organic Waste or dead animals, or for the purposes of home composting.
- (c) Dispose of any Waste or deposit, permit or suffer the deposit of any Litter on any Premises except at:
  - (i) A Waste Management Facility (in accordance with the conditions of such a facility); or
  - (ii) Any premises they own, occupy or manage, for the purposes of Home Composting.

13.3 The Managers, Owners and Occupier of any Premises must take all reasonable steps to prevent the escape of any Waste from that Premises into, on or upon any Public Place.

## 14 Litter Receptables

14.1 No Person may:

- (a) Use any Litter Receptacle provided by Council for depositing any Household or Commercial Waste or Prohibited Waste of any kind;
- (b) Deposit or attempt to deposit any Litter in any Litter Receptacle if the Litter Receptacle is full or the Litter is likely to escape; or
- (c) Remove any waste from any Litter Receptacle, where this results in litter being deposited outside the Litter Receptacle, unless authorised by Council to do so;

(d) Cause, permit or allow the deposit of any material into a Litter Receptacle that is not approved for that type of waste (as evidenced by signage on or near the Litter Receptacle).

(e) Damage any Litter Receptacle provided by Council.

14.2 Animal Waste Receptacles may only have animal waste deposited in them.

## LICENCING

### 15 Licencing of the Collection or Transportation of Waste

15.1 Any Waste Collector must obtain a Licence to operate within the District from the Council.

15.2 Clause 15.1 does not apply where the total amount of collected waste in the District does not exceed 20 tonnes when measured over a continuous 12-month period.

15.3 The holder of a licence under this clause must comply with any conditions imposed on the licence by the Council.

### 16 Licencing of Fill Sites

16.1 Any Waste Operator who operates a landfill site, clean fill site or managed fill site in the District where annual quantities exceed 20 tonnes must obtain a licence to do so from Council.

16.2 Clause 16.1 does not apply to land used for the disposal of clean fill material where such disposal:

(a) Is of clean fill material sourced directly from that land; or

(b) Consists solely of:

(i) Hard fill that is natural or uncontaminated or cover material, or a combination of such; or

(ii) Not more than 30 cubic metres, or such greater amount as the Council may approve, of other hard-fill material specified in accordance with clause 6 measured over a continuous 12-month period.

16.3 Council may grant a Licence:

(a) In the case of a landfill site, for the receipt, processing, and disposal of any waste of a category specified by the Council;

(b) In the case of a clean fill site, for the disposal of clean fill material; and

- (c) In the case of a managed fill site for the disposal of contaminated soil on the land.

16.4 The holder of a licence under this clause must comply with any conditions imposed on the licence by the Council.

## **17 Application for Licence**

17.1 Every application for a licence under this Bylaw must:

- (a) Be in the form the Council may prescribe from time-to-time;
- (b) Describe the activities in respect of which the licence is sought;
- (c) Be accompanied by any fees set out in the Council's Schedule of Fees and Charges; and
- (d) Include any supporting information the Council may require to enable processing of the application.

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

17.3 The grant or renewal of a licence (in whole or in part) is at the discretion of Council, upon such terms and conditions as it considers fit.

17.4 Where Council refuses to grant or renew a licence, or only partially grants or renews a licence, it will provide the applicant with reasons for its decision.

## **18 Consideration of Application for Licence**

18.1 In considering whether to grant or renew a licence and the conditions to be imposed under it, Council may take into account matters relating to the suitability of the applicant to hold a licence and the need for and suitability of the collection, including (without limitation):

- (a) The extent to which the licensed activities will promote public health and safety and achievement of the objectives of the Council's Waste Management and Minimisation Plan and waste reduction initiatives;
- (b) 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;
- (c) The type of waste proposed to be collected or transported;
- (d) The proposed manner of treatment (if any) and disposal of the waste type, and the identity of the Waste Management Facility, landfill site, managed fill site, or clean fill site at which it is proposed that treatment or disposal will occur;



- (e) The frequency and location of the waste collection, transportation or disposal services;
- (f) The specification of vehicles, equipment and approved containers to be used for the collection, transportation or disposal of waste;
- (g) The terms and conditions under which disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations or consents in respect of such disposal; and
- (h) The percentage of waste diverted from landfill by recycling.

## 19 Conditions of Licence

19.1 The terms and conditions upon which Council may grant or renew a licence include, but are not limited to, the following:

- (a) The term of the licence, up to a maximum of five years;
- (b) The payment of a licence fee as may be prescribed in the Council's Schedule of Fees and Charges from time to time;
- (c) From time-to-time and on a case-by-case basis the provision of a performance bond or security, or both, for the performance of the licensed work;
- (d) Compliance with Council standards and policies for waste collection, transportation or disposal services including in respect of the collection services:
  - (i) The collection of litter within five metres of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process; and
  - (ii) Provision of waste collection services within reasonable times specified by the Council.
- (e) Provision of 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, but not limited to:
  - (i) The quantity, composition and destination of each type of waste including recyclable materials recorded during the waste collection, transportation or disposal process;
  - (ii) Weighbridge receipts; and
  - (iii) Gate records of waste tonnage.

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- 19.2 Council will take all reasonable measures to keep commercially sensitive information confidential including by the aggregation of such information for recording purposes.
- 19.3 A licence is not transferable and no licence authorises any person other than the licence holder to act in any way under its terms and conditions.

## **20 Suspension or Revocation of Licence**

- 20.1 Council may suspend or revoke a licence if the licence holder fails to comply with this Bylaw, any of the terms or obligations of the licence, any relevant controls made under this Bylaw, or acts in a manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for a holder of a licence under this Bylaw.
- 20.2 Where a licence holder does not comply with the terms and conditions of a waste operator licence, 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 amendment of the licence; or suspension of the licence; or withdrawal of the licence;
  - (c) Have recourse to any bond where Council has incurred any cost as a result of the breach of the licence condition, including where 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 bond, which may result in an increase of the amount of the performance bond or security; and/or a change to the nature of the security that has been provided.
  - (e) Enforce any breach of this Bylaw, applicable policies or of applicable legislation, including the Litter Act 1979, the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

## **ENFORCEMENT**

### **21 Offences and Breaches**

- 21.1 Council may use its powers under the Act, the Local Government Act 2002, the Litter Act 1979, and the Health Act 1956 to enforce this Bylaw.
- 21.2 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

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collection service that applies to them, the Council (or licensed waste operator where applicable) may take any/all of the following action(s) against the person:

- (a) Reject (i.e. not collect) the contents of any Approved Container left out by that person for collection from a public place, if the contents or placement of the container is non-compliant;
- (b) Issue written notices identifying the breach, requiring compliance with the Bylaw and warning of the consequences of continued offending;
- (c) Remove the non-compliant contents in a container (or remove the entire Approved Container) with the owner/occupier subject to payment of the costs of removal, administrative costs and an additional penalty specified by Council. If payment is not made within the specified period, the service may be withdrawn or suspended as below.
- (d) Withdraw or suspend the collection service provided to that owner/occupier. The suspension can be for a set period of time or indefinite, depending on the severity, at the discretion of Council (or licensed waste operator where applicable).

21.3 A person who fails to comply with this Bylaw commits an offence and is liable to pay:

- (a) A fine pursuant to the Local Government Act 2002;
- (b) A fine or penalty specified in the Waste Minimisation Act 2008, the Litter Act 1979, and the Health Act 1956; and
- (c) Any other penalty specified in another Act for the breach of the Bylaw.

## ADMINISTRATION

### 22 Repeals, Savings and Transitional Provisions

22.1 The Tararua Solid Waste Bylaw 2018 is repealed on commencement of this Bylaw except that:

- (a) Every consent, exemption, approval or licence granted under the Tararua Solid Waste Bylaw 2018 that was in force immediately before the

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commencement of this Bylaw, continues in force as if it is a consent, exemption, approval or licence of that kind issued under this Bylaw, but:

- (i) Expires on the date specified in the consent/exemption/approval/licence; or
  - (ii) Where no expiry date is specified, the consent/exemption/approval/licence expires 12 months from the commencement of this Bylaw; and
  - (iii) In either case, such consent/exemption/approval/licence may only be renewed by application made and considered in accordance with this Bylaw; and
- (b) Any resolution or other decision made under the Tararua Solid Waste Bylaw 2018 remains in force until revoked or replaced by Council.

This Bylaw was made by the Tararua District Council on XXXX 2024.

THE COMMON SEAL of the TARARUA DISTRICT COUNCIL was hereto affixed by resolution of the said Council in the presence of:

\_\_\_\_\_ Mayor

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