

# Solid Waste Management and Minimisation Bylaw 2019



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**

## DOCUMENT HISTORY

<b>Meeting</b>	<b>Date</b>	<b>Decision</b>	<b>Next Review</b>
Council	25/9/2019	Make bylaw	Five years from adoption.
Council	1/9/2020	Amendment to Appendix 1 clause 4.1(d)	

# Solid Waste Management and Minimisation Bylaw 2019

## New Plymouth District Council

The purpose of this bylaw is to promote effective and efficient waste management and minimisation in the New Plymouth District and ensure that waste collection and disposal does not have significant environmental or health impacts, by regulating recycling, ownership of the waste stream, waste storage, waste management and waste collection.

### **1 Title and Commencement**

- 1.1 This bylaw is the New Plymouth District Council Solid Waste Management and Minimisation Bylaw 2019.
- 1.2 This bylaw comes into force on 30 September 2019.

### **2 Authority**

- 2.1 This bylaw is made under:
  - a) Sections 145 and 146 of the Local Government Act 2002;
  - b) Section 56 of the Waste Minimisation Act 2008;
  - c) Section 64 of the Health Act 1956; and
  - d) Section 12 of the Litter Act 1979.
- 2.2 All bylaws previously made by the Council relating to solid waste, or any matter dealt with in this bylaw or inconsistent with this bylaw are hereby revoked.
- 2.3 A reference to a repealed enactment, standard or document is a reference to an enactment, standard or document that, with or without modification, replaces, or that corresponds to, the enactment, standard or document repealed.

### **3 Purpose**

- 3.1 The purpose of this bylaw is to contribute to the:
  - a) Promotion of effective and efficient waste management and minimisation in the New Plymouth District;
  - b) Implementation of the Council's Waste Management and Minimisation Plan;
  - c) Purpose of the Act, 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) Regulation of waste collection and disposal, including recycling, ownership of the waste stream, waste storage and management;
  - e) Rules or controls regarding the responsibilities of customers who use the Council's solid waste services and the licensing of waste collection contractors;
  - f) Protection of the health and safety of waste collectors, waste operators and the public; and
  - g) Management of litter and nuisance in public places.

## 4 Interpretation

### Definitions

4.1 In this bylaw unless the context otherwise requires:

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

**Approval or Approved** means a written approval from the Council.

**Approved container** means any container approved by the Council for the collection, transportation or disposal for a category of waste and collected by or on behalf of the Council.

**Authorised Officer** means an officer or other person appointed by the Council to perform duties required under this bylaw, irrespective of the designation given to that officer or person.

**Building work** has the same meaning as defined in the Building Act 2004.

**Bylaw** means the New Plymouth District Council Solid Waste Management and Minimisation Bylaw 2019.

**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 likely 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;
  - i) hazardous waste;
  - ii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
  - iii) materials that may present a risk to human health or the environment; and
  - iv) liquid waste; and
- d) has less than two per cent by volume by load of tree or vegetable matter.

**Cleanfill site** means the land used for the disposal of clean fill material.

**Commercial waste and Industrial waste** means waste from industrial, commercial and institutional undertaking and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other operation or undertaking such as scrap, waste material, liquid waste, floor sweepings, waste paper; flattened cartons tied in bundles and waste of a type similar to household waste but does not include trade waste.

**Compostable** means materials that are organic in origin and can be aerobically decayed leaving no trace in the soil within twelve months.

**Construction and demolition waste** means waste generated from any building construction or demolition works; and includes any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.

**Council** means the New Plymouth District Council.

**Deposit** means to cast, place, throw or drop any waste or diverted material.

**Designated waste collection area** means an area within which the Council provides waste and recyclable collection services to those properties that pay a targeted waste collection rate.

**Disposal or dispose** has the same meaning as defined in the Act.

**District** means the New Plymouth District.

**Diverted material** has the same meaning as defined in the Act.

**Donation collection point** means a place where approved types of waste may be deposited for the purposes of raising funds from the waste items.

**Estimated value** has the same meaning as defined in the Building Act 2004.

**Event** means:

- a) any organised temporary activity of significant scale that is either open to the public or ticketed, and is likely to create litter, and:
  - i) receives Council funding, or
  - ii) is held on Council land such as parks, reserves, roads or Council owned or managed venues, or
  - iii) the organiser seeks Council support for event waste management and minimisation.
- b) does not include regularly occurring recreational activities (such as weekly sports events)

**Food waste** means waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food waste.

**Green waste** means lawn clippings, weeds, plants, other soft vegetable matter or other organic waste, which by nature or condition and being free of any contaminants will degenerate into compost. This does not include cooked food, timber, ponga trees, agapanthus, flax, bamboo, ginger plant, gorse cuttings, cabbage tree, Norfolk pine, tree stumps or branches greater than 100mm in diameter, or species of plant defined as a plant pest under the *Taranaki Regional Council's Regional Pest Management Plan* or the *National Pest Plant Accord*.

**Hazardous waste** means waste that:

- a) Contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organism Act 1996; or
- b) Meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or
- c) Meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.

It does not include household waste, commercial waste, industrial waste, inorganic material, or construction and demolition waste.

**Home composting** means the activity of aerobically decaying organic matter from domestic green waste and/or food waste and other compostable items originating from that property to create compost.

**Household waste** means waste consisting of recyclable material, food waste or residual waste originating from any household but does not include, green waste, industrial waste, commercial waste, prohibited waste, hazardous waste, trade waste or liquid waste or construction, demolition or renovation wastes.

**Landfill** has the same meaning as defined in the "*Technical Guidelines for Disposal to Land*" (updated August 2018) being a waste disposal facility used for the controlled deposit of solid wastes onto or into land.

**Licence** means a licence, consent, permit or approval to do something under this bylaw and includes any conditions to which the licence is subject.

**Liquid waste** means any waste with a solid content of less than 20 per cent per volume and waste which liberates free liquids when transported.

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

**Litter receptacle** means a receptacle provided for the collection of litter.

**Managed fill site** means a landfill that accepts inert material such as selected inert construction or demolition material, or soils with specified maximum contaminant concentrations greater than applicable local background concentrations.

**Multi-unit development** means any residential land containing four or more separately used or inhabited parts of a rating unit (as that term is defined in the Council's Funding Impact Statement) where there is common or shared access to the separate parts including unit title developments, blocks of flats, apartments, gated communities and properties with access via a shared right of way. For the avoidance of doubt, this excludes standalone houses, lifestyle blocks and farms.

**Nuisance** has the meaning of any unreasonable interference with the peace, comfort or convenience of another person and includes a statutory nuisance as defined in Section 29 of the Health Act 1956 or any statutory enactment.

**Occupier** means the inhabitant of any property or premises, and in any case where any property or premises are unoccupied includes the owner of that property or premises.

**Organic** means relating to or derived from living matter.

**Owner (of any property or premises)** means any person who would be entitled to receive the rack rent of the property or premises, if the property or premises was let to a tenant at a rack rent, and where any person is absent from New Zealand, includes that person's attorney or agent, or any other person acting on their behalf.

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

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

**Prohibited waste** means waste containing any:

- a) Material capable of causing injury to any person or animal unless the 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 any viscous fluid.
- e) Radioactive wastes; but excluding domestic smoke detectors.
- f) Used oil and lead-acid batteries.
- g) Hazardous waste.
- h) Medical waste.
- i) Material prohibited by the Council under this bylaw.

**Proprietary bin** means a commercially provided mobile waste bin, drum, bag, or similar container under contract to a licensed waste operator, which is emptied on a regular basis.

**Public place:**

- a) Means a place that is
  - i) under the control of the Council and/or
  - ii) open to or being used by the public, whether admission is free or on payment of a charge; and
- b) Includes:
  - i) A road, whether or not the road is under the control of the Council and including the berm and footpath; and
  - ii) Any part of the public place.

**Recovery** has the same meaning as defined in the Act.

**Recyclable material** means any waste that is potentially recyclable such as, aluminium cans, steel cans, plastic containers, glass, paper, cardboard and other such items as may be publicly notified by the Council as recyclable material from time to time. It does not include diverted material, such as rags and textiles but it includes any component or element of diverted material, if the component or element is disposed of or discarded.

**Recycling** has the same meaning as defined in the Act.

**Rejected waste sticker** means an official sticker to explain why the waste collection contractor has elected not to remove or empty any approved container placed out for waste, recyclable material or food collection.

**Residual waste** means waste which is not organic matter, recyclable material, prohibited waste, inorganic material, or construction and demolition waste and is disposed of to landfill.

**Resource recovery facility** means any facility that receives, collects, sorts, stores or processes waste to ensure waste minimisation and may include a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot. 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 of or discarded.

**Rural area** means that area of the district that is predominantly rural in character including (without limitation) the following characteristics -

- a) Spacious areas of pasture.
- b) Low density and widely spaced built form.
- c) Infrequent intensively developed industrial sites.
- d) Areas of vegetation or rural noise and smell.

**Special waste** means any waste as defined in the Centre for Advanced Engineering document, "*Landfill Guidelines*" dated April 2000, Section 4 Waste Classification for Landfill Disposal (Section B) Wastes possibly suitable for municipal landfill disposal subject to specific conditions of preparation, notification, placement, covering and record keeping.

**TCLP test** means a 'Toxicity Characteristic Leaching Procedure' test that estimates the potential for both organic and inorganic constituents to leach from a non-liquid waste. The test results indicate the environmental acceptability of disposing the non-liquid to landfill.

**Trade waste** means any liquid, with or without matter in suspension or solution that is or may be discharged from a trade premises in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, but does not include condensing or cooling water, stormwater, or domestic sewage. Condensing or cooling waters and stormwater which cannot practically be separated from wastewater may be included subject to specific approval.

**Transfer station contractor** means any person or company contracted to the Council to operate, control or manage or assist in the control or management of a Council owned or operated transfer station.

**Transfer station** means any land or other place for the receiving, containment or transfer of waste.

**Treatment** has the same meaning as defined in the Act.

**Urban** means any land contained within New Plymouth, Bell Block, Waitara, Inglewood, Oakura, Okato, Lepperton, Egmont Village, Onaero and Urenui, and that is or is capable of reticulation for water supply, sewage, and/or stormwater disposal.

**Waste** has the same meaning as defined in the Act.

**Waste collection contractor** means any person or company contracted by the Council for the purpose of the collection of waste.

**Waste collector** means any person who collects or 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, a person taking household garden waste to a landfill).

**Waste disposal facility** has the same meaning as defined in part 1 in section 7 of the Act and includes disposal facilities, resource recovery facilities, composting facilities, transfer stations, hazardous waste facilities, landfill sites, cleanfill sites and managed fill sites.

**Waste management and minimisation plan** has the same meaning as defined in the Act.

**Waste operator (or operator)** means a person who owns or manages a waste disposal facility.



## **5 Controls/rules**

### **Council may make controls or rules**

- 5.1 The Council may make, amend or revoke controls or rules to support the implementation of this bylaw. The controls or rules may relate to the following non-exhaustive list of matters -
- a) the weights, numbers, types and contents of approved containers for disposal of waste, recyclable material or food;
  - b) recycling, including procedures for disposal of newspapers and flattened cardboard;
  - c) the separation of recyclable material, food waste and residual waste;
  - d) commercial waste collection on either an ad hoc or ongoing basis;
  - e) the days and hours that a Council operated transfer station or landfill will be available for solid waste disposal and management;
  - f) the types of waste Council operated landfills may accept, including whether they will accept special waste or hazardous waste;
  - g) the ability for Council to require a fee for receiving a service under this bylaw;
  - h) the ability for Council to allow for the rebate of a fee;
  - i) the ability for Council to remit a rate, in accordance with a rates remission policy adopted in accordance with the Local Government Act 2002, for receiving part of a service or not receiving a service under this bylaw; or
  - j) the size, location, quantity and general management of propriety bins allowed in public places.
- 5.2 The Council must, before making, amending or revoking controls or rules in clause 5.1 -
- a) comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002;
  - b) be satisfied that the controls or rules ensure that the purpose of the bylaw will be met;
  - c) have regard to:
    - i) the feasibility and practicality of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition; and
    - ii) any other matters considered relevant by the Council.
- 5.3 Any control or rule made, amended or revoked under clause 5.1 must be made publicly available and shall be enforceable under this bylaw.
- 5.4 To avoid doubt, compliance with the bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and rules of law.

## **6 Household waste and recyclables collection**

### **Responsibilities of the occupier of residential premises**

- 6.1 The occupier and the manager of a premises must:
- a) ensure that all waste is in an approved container or proprietary bin;

- b) ensure that the contents of any approved container or proprietary bin do not soak or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter;
- c) protect contents of the approved container or proprietary bin from the rain, dispersal by wind or ingress of flies and vermin;
- d) take reasonable steps to prevent the approved container or proprietary bin disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises;
- e) ensure that the approved container or proprietary bin is kept in a safe location, hygienic, in good repair, and without any modifications or alterations to its appearance other than an indication of the address of the premise; and
- f) ensure that the approved container or proprietary bin is placed for collection in an upright position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible.

6.2 Where the Council makes provision for a waste collection service, users of that service must:

- a) place approved waste containers out after 5pm the night before the collection day, or by 7am on the day of the collection. Neither the Council nor any refuse waste collection contractor or agent employed by the Council will accept responsibility for the non-collection of waste if it is not put out for collection by 7am on the day appointed for collection in the area concerned, or in the case of special circumstances, the time specified on the notification; and
- b) place all recyclable material, food waste and residual waste into the appropriate approved containers.

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

#### **Types of waste**

6.4 Users of Council's waste collection service must ensure that the household waste from the premises is separated into waste types as determined by the Council and deposited for collection in the correct approved container.

6.5 No person may deposit in a container material that is not approved for that type of container.

6.6 For the avoidance of doubt:

- a) Household waste containers must not contain green waste; but can contain those organic materials excluded from the definition of green waste.
- b) Recycling containers must only contain the items listed in appendix 1, clause 4.1 of this bylaw.
- c) Food waste containers must only contain the items listed in appendix 1, clause 4.3 of this bylaw.

#### **Refusal to collect**

6.7 No person shall deposit waste in a manner where -

- a) the container is damaged or otherwise likely to cause injury to the collector;
- b) in the opinion of the Council or waste collection contractor, the waste is in an unsanitary or in an offensive condition;
- c) the waste includes waste prohibited under this bylaw;

- d) the container is not an approved container;
- e) the container is in a condition that allows spillage of waste;
- f) the container or the waste does not comply with the rules under this bylaw in terms of type, volume, weight, numbers, placement or any other detail;
- g) the number of approved containers placed out for collection is greater than the waste units rated on the household rate account unless approved by an authorised officer; or
- h) any other reason which the waste collection contractor deems would cause a health and safety concern to the waste collection operation.

6.8 No person shall:

- a) put waste into an approved container provided to any other person, without that other person's consent;
- b) remove waste from, or interfere with any waste deposited in, an approved container, except the Council, a licensed waste collector or the person who deposited the waste;
- c) remove a container provided by the Council from the premises to which it has been allocated, except with the prior written approval of the Council; or
- d) put their approved container outside another person's property without the prior approval of an authorised officer or that other person's consent.

6.9 To enable the occupier or manager of a premises to be able to comply with clause 6.1, an authorised officer may approve placement of approved bins in a location other than directly outside the property of the premises.

6.10 Where any breaches of the conditions in clauses 6.1 - 6.9 occur the waste collection contractor shall not be obligated to collect the waste.

**Labelling of uncollected waste**

6.11 When the waste collection contractor does not remove any container of waste or recyclables because of non-compliance with this bylaw they are required to place a "Rejected Waste Sticker" on the container to inform the occupier why the waste has been rejected.

**Removal of uncollected waste**

6.12 The occupier is responsible for any waste not collected because of non-compliance with this bylaw. Any waste or recyclables shall be returned to the occupier's premises by noon on the day following collection day and alternative arrangements for disposal shall be made by the occupier as soon as practicable.

**Collection of commercial waste**

6.13 Unless by written approval of an authorised officer no industrial waste or commercial waste will be removed or disposed of as part of the household waste collection.

**Ownership of the waste stream**

6.14 No person, other than the occupier of the property from which the waste has come, shall on any public place interfere with or remove any waste which is awaiting collection.

### **Waste to be covered during transportation**

- 6.15 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 the waste from falling or otherwise escaping on to any road or other public place.

### **Proprietary bin**

- 6.16 Any occupier of a dwelling or any portion thereof separately occupied may lease a proprietary bin for the depositing of household waste.
- 6.17 Users of a proprietary bin must comply with the responsibilities of owners and managers of premises in clause 6.1 of this bylaw.

### **Multi-unit development**

- 6.18 Subject to the Council's prior approval, the owner or owners of a multi-unit development may, instead of providing individual approved containers for each unit, provide, maintain and keep clean proprietary bins for depositing household waste and have arrangements for the regular emptying and collection of the waste subject to the satisfaction of the Council and compliance with clauses 6.19 and 6.20 of this bylaw.
- 6.19 The Council may require the owner or owners of a multi-unit development to complete a waste management and minimisation plan to set out -
- a) an estimate of the types and amounts of waste to be generated on a monthly basis;
  - b) how waste generated is to be minimised;
  - c) the steps to maximise the collection and use of recyclables and reusable material;
  - d) an explanation of the bin storage location and collection point, and description of the management of any health and safety matters;
  - e) the person or persons responsible for the management, collection and disposal of waste and the methods to be used; and
  - f) any other matters relating to waste management and minimisation that may be specified by the Council.
- 6.20 The owner or owners of the multi-unit development must comply with any Council approved waste management and minimisation plan and with this bylaw.
- 6.21 Where the owner or owners of a multi-unit development have complied with clause 6.18, 6.19 and 6.20 of this bylaw, the Council may, in accordance with the Council's Rate Remission Policy, remit some or all of the relevant solid waste kerbside collection rate if the conditions and criteria in the Rate Remission Policy are met.

## **7 Industrial and Commercial waste**

### **Accumulation and storage of industrial and commercial waste**

- 7.1 Every owner or occupier of any premises shall ensure that in the opinion of an authorised officer no undue accumulation of industrial or commercial waste or salvaged material is permitted or suffered to remain or be in, on, or about such premises or any portion thereof.

### **Removal of perishable and putrid waste**

- 7.2 Any perishable or putrid industrial or commercial waste shall be removed by the occupier or owner of a premise on a daily basis, at the cost of the owner or occupier, except where stored in an approved manner that does not cause a nuisance of any kind.

### **Collection of industrial or commercial waste**

- 7.3 The Council will not remove industrial or commercial waste from any non-residential premises except under clause 6.12 of this bylaw.

*Note: For rules on the disposal of Trade Waste (liquid waste) refer to New Plymouth District Council Bylaw 2008 Part 11 Trade Waste.*

## **8 Waste disposal facilities**

### **Responsibilities of users**

- 8.1 All persons entering any waste disposal facility shall observe and comply with all erected signs, or any instructions given by an authorised officer with regard to operational and safety matters relating to the site or the deposition of waste material therein.
- 8.2 No person shall take any animal on to any waste disposal facility or allow any stock to wander or graze thereon without the prior consent of an authorised officer.

*Note: For further rules on animals in public places see New Plymouth District Council Bylaw 2008 Part 5 Public Places and Part 2 Dogs.*

### **Disposal of waste**

- 8.3 No person shall at any waste disposal facility -
- a) Enter other than for the purposes of depositing waste, or recyclable material and only during such hours as the site is open, except with the prior approval of an authorised officer;
  - b) Dispose any special waste without the approval of an authorised officer and in accordance with whatever conditions may be imposed in relation to the nature of the disposal required, or any charges that may be imposed; or
  - c) Tip, throw, or deposit any waste in any manner at any place on any waste disposal facility which is not intended for that purpose.

### **Refusal of waste**

- 8.4 An authorised officer may refuse to accept at any Council waste disposal facility any waste which, in his or her opinion:
- a) May cause undue hazard to the health and safety of the public or to any operator of the site,
  - b) May damage the environment; or
  - c) Cannot be adequately treated or handled by the normal methods used on that site.
- 8.5 An authorised officer may refuse to accept at any Council waste disposal facility any waste for which fees or charges have not been paid.

## **Scavenging**

- 8.6 No person shall remove any deposited waste, article or materials from any waste disposal facility without the approval of an authorised officer, provided that this shall not apply to any person authorised by the Council to remove articles or materials for recycling or reuse.

## **Ownership of waste**

- 8.7 All waste, garden waste, recyclable material, unwanted articles or other things deposited and left at any Council waste disposal facility shall be deemed to be the property of the Council which may dispose of such materials by recycling or in such other manner as it sees fit. The person so depositing and leaving such waste shall be deemed to have abandoned all claims to ownership thereof but shall not be relieved of any liability for damage flowing in any way from such action nor from the penalties provided for offences against this bylaw.

## **Unlawful entry on or interference with operations**

- 8.8 An authorised officer may require any person to leave any waste disposal facility, with or without any waste brought by that person for disposal, who is on the site contravening the provisions of this bylaw.

## **9 Council transfer stations**

### **Responsibilities of users**

- 9.1 All persons using the facilities of a transfer station shall ensure that -
- a) All waste is separated into compostable waste, recyclable material and residual waste categories;
  - b) All waste is off-loaded at the place and in the manner directed by the site operator;
  - c) All reasonable steps are taken to assist in the minimisation of waste;
  - d) All reasonable steps are taken to protect and promote the health and safety of all of those persons on site including site staff; and
  - e) No prohibited waste is off-loaded.

### **Hazardous waste**

- 9.2 No person shall deposit any hazardous waste in any place except at those premises licenced for the waste disposal of hazardous waste.
- 9.3 Persons using any hazardous waste facility must before using the facility:
- a) Complete all health and safety documentation; and
  - b) Pay any applicable fee.

### **Recyclable waste**

- 9.4 No person shall:
- a) Deposit any general waste in any place, facility or container designated for the deposition of recyclables;
  - b) Disregard any reasonable instruction of an authorised officer to separate recyclables from residual waste and to deposit them as directed; or

- c) Wrongly or unlawfully dispose of non-recyclable material or hazardous waste through the recycling system.

### **Green waste**

9.5 Any person disposing green waste must ensure that:

- a) It is free of contaminants; and
- b) It is sorted into firewood, shredable material and fine material.

## **10 Council landfills**

### **Landfills controls or rules**

10.1 The Council will make controls or rules applicable to the operation and management of Council landfills under clause 5.1 of this bylaw.

### **Prohibited wastes**

10.2 Prohibited waste shall not be accepted at any landfill.

### **Special wastes**

10.3 No person shall deposit any special waste at any Council landfill , unless it complies with the landfill waste acceptance criteria in Appendix 1 (see clause 9.1) of this bylaw.

10.4 No person shall access the landfill to dispose of special wastes unless all relevant documentation has been completed and cited by the landfill operator.

## **11 Nuisance and Litter**

11.1 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 container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.

11.2 Except as provided for as permitted or consented activities under any Taranaki Regional Plan or under this bylaw, no person may, on any urban property they own, occupy or manage:

- a) burn or allow to be burnt any waste;
- b) bury or allow to be buried any waste except:
  - i) organic waste;
  - ii) dead companion animals and nuisance pests; or
  - iii) for the purposes of home composting.
- c) dispose of any waste on any premises except at:
  - i) a waste disposal facility, or
  - ii) any premises they own, occupy or manage, for the purposes of home composting.

11.3 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 receptacle, unless authorised by the Council to do so;
  - c) deposit or attempt to deposit any litter in any 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.
- 11.4 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.

## **12 Donation Collection Points**

- 12.1 Anyone intending to establish a donation collection point 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;
  - d) Use of approved containers.
- 12.2 All donation collection points must:
- a) Remove deposited waste from the collection point;
  - b) Clean up any litter or illegal dumping; and
  - c) Clean up or remove any graffiti.

## **13 Events**

- 13.1 Any organiser of an event is responsible for the waste created by the event and must have an event waste management and minimisation plan.
- 13.2 Any organiser of an event must obtain approval from the Council of their event waste management and minimisation plan at least 15 working days prior to the event.
- 13.3 The Council may require an event waste management and minimisation plan to 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 to maximise the reduction of waste and/or collection and use of recyclable, compostable and reusable material;



- d) the equipment to be provided for the storage, collection and transportation of waste and diverted material;
  - e) the person responsible for the collection and disposal of waste and the methods to be used;
  - f) any support that Council will provide in relation to the event waste management and minimisation;
  - g) the requirement to provide a waste analysis following the conclusion of the event; and
  - h) any other matters relating to event waste management and minimisation that may be specified by the Council.
- 13.4 The organiser of an event must comply with the approved event waste management and minimisation plan.
- 13.5 The organiser must provide the Council with a report 15 working days after completion of the Event on the implementation of the event waste management and minimisation plan, including a waste analysis which sets out the predicted and actual types and amounts of waste generated by the event, and which waste management facility was used to recover, recycle, treat or dispose of this waste.

## **14 Construction Site Waste Management and Minimisation Plans**

- 14.1 Any person applying for a building consent for non-residential building work with an estimated value of \$500,000 or higher must also submit a site waste management and minimisation plan to the Council for approval.
- 14.2 A site waste management and minimisation plan must set out:
- a) The name of the client, principal contractor, and person who prepared the site waste management and minimisation plan;
  - b) The location of the site;
  - c) The estimated total cost of the building work;
  - d) A description of each type of waste expected to be produced;
  - e) An estimate of the quantity of each type of waste; and
  - f) The proposed method of waste management for each type of waste (e.g. reuse, recycling, recovery, disposal).
- 14.3 While the building work is being carried out, the principal contractor will:
- a) Monitor and review the plan as necessary;
  - b) Record quantities and types of waste produced; and
  - c) Record the types and quantities of waste that have been:
    - i) Reused (on or off site);
    - ii) Recycled (on or off site);
    - iii) Composted (on or off site);
    - iv) Sent to other forms of recovery (on or off site);
    - v) Sent to landfill;

- vi) Sent to cleanfill; or
- vii) Otherwise disposed of.

- 14.4 Within three months of completion of the building work the principal contractor must update the plan to add:
- a) Confirmation that the plan has been monitored, reviewed and updated if necessary;
  - b) A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type recorded as per clauses 14.3 b) and 14.3 c) of this Bylaw;
  - c) An explanation of any deviation from the plan; and
  - d) An estimate of any financial savings or expenses of completing and implementing the plan.
- 14.5 The updated plan reflecting the requirements in clause 14.4 must be submitted to Council within three months of completion of the building work.
- 14.6 The principal contractor must ensure that a copy of the plan is kept on site, and that every contractor knows where it can be found, and that the plan is complied with. It must be available to any contractor carrying out any work described in the plan.

## **15 Licensing of Commercial Waste Collectors and Waste Disposal Operators**

### **General requirement for licence**

- 15.1 No person shall, unless licensed by Council to do so, engage in the collection, transportation or disposal of:
- a) Waste (excluding hazardous waste) in excess of 10 tonnes in any one twelve-month period;
  - b) Any hazardous waste, or
  - c) Diverted materials in excess of 10 tonnes in any one twelve-month period.

### **Application for licence**

- 15.2 An application for a licence must be made on the application form which is available from the Council and must be accompanied by any application fee and the information required by the Council to process the application.
- 15.3 The holder of an existing licence may apply to the Council for a renewal of that licence.
- 15.4 A licence may be granted or refused at the discretion of the Council, and if granted may be on such terms and conditions as the Council thinks fit.
- 15.5 A licence is personal to the holder and is not transferable.

### **Consideration of application for licence**

- 15.6 When considering an application for a licence and the conditions to be imposed under it, the Council may take into account matters relating to the suitability of the applicant 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 and minimisation plan and waste reduction initiatives;

- b) The applicant's experience, reputation and track record in the waste and diverted material industry, including any known past operational issues which may affect, or may in the future affect, the applicant's performance, and any breaches of previous licence conditions;
- c) The quantity and type of waste to be collected or transported;
- d) The manner of treatment (if any) and disposal of the waste type, and the identity of the waste disposal facility at which it is proposed that recycling, recovery, treatment or disposal will occur;
- e) 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;
- f) The frequency and location of the waste collection, transportation or disposal services; and
- g) The specifications of the vehicles, equipment and approved containers to be used for the collection, transportation or disposal of waste.

### **Conditions of licences**

- 15.7 The Council may impose such terms and conditions on any licence as it determines, which may include without limitation:
- a) Term – a licence may be granted for a term of up to five years but will be reviewed annually to ensure compliance.
  - b) Licence fee – the licence holder must pay an annual licence fee in an amount determined by the Council from time to time and publicly notified.
  - c) Bond – the Council may from time to time and on a case by case basis require a licence holder to post a bank guaranteed bond.
  - d) Compliance with standards – the licence holder must comply with the Council's standards and policies for waste collection, transportation or disposal services including, in respect of collection services:
    - i) The collection of any 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 Council.
  - e) Provision of information – the licence holder must provide waste data to the Council during the term of the licence in the form and at the times determined by the Council from time to time including the following data -
    - i) Waste log books for each vehicle operated in accordance with the licence recording the quantity, composition and destination of each waste type and the point in time when such data was recorded during the waste collection, transportation or disposal process;
    - ii) Weighbridge receipts; and
    - iii) Gate records of waste tonnage.
- 15.8 The Council will take all reasonable measures to keep commercially sensitive information confidential including by the aggregation of such information for recording purposes.

## **16 Licensing of waste disposal facilities**

- 16.1 Any operator who operates a waste disposal facility must obtain a licence to do so from the Council.
- 16.2 Clause 16.1 does not apply to land used for the disposal of cleanfill material where such disposal:
- a) Is of cleanfill material sourced directly from that land; or
  - b) Consists solely of:
    - i) Cleanfill that is natural or uncontaminated or cover material, or both; or
    - ii) Not more than 30 cubic metres, or such greater amount as the Council may approve, of other cleanfill material measured over any continuous twelve-month period.
- 16.3 The Council may grant a licence in the case of a:
- a) Municipal Solid Waste Industrial Waste Landfill
  - b) Cleanfill site.
  - c) Controlled/Managed Fill site.
  - d) Construction and Demolition Industrial Waste Landfill.
- 16.4 The determination and issuing of the licences shall be in accordance with clauses 15.2 to 15.8.
- 16.5 The holder of a licence under this clause must comply with the conditions of the licence.

## **17 General Offences and Penalties**

- 17.1 Any person commits a breach of this bylaw who fails to comply with the requirements of this bylaw and the decisions made under this bylaw and is liable to a penalty under (without limitation) the Waste Minimisation Act 2008, the Local Government Act 2002, the Health Act 1956 and/or the Litter Act 1979.
- 17.2 Every licence holder breaches this bylaw who fails to act in full compliance with the terms and conditions of its licence, this bylaw and the decisions made under this bylaw.

## **18 Other Enforcement Powers**

- 18.1 Where a person does not comply with this bylaw or a decision made under it, the Council may (without limitation) undertake following actions against them:
- a) Issue a non-compliant notification including a time period to rectify the issue;
  - b) Reject (i.e. not collect) the contents of any approved container left out by that person for collection in a public place, if the contents or placement of the container is non-compliant;
  - c) Remove the contents of any approved container left out for collection from a public place, where the contents or placement of the container is non-compliant, subject to payment of the costs of removal, administrative costs and any other reasonable costs incurred by the Council. If compliance is not reached within the specified time period of the notification, then Council may rectify or organise for the issue to be rectified and recover all costs from that person in doing so; and

- d) Any other steps that may be taken by the Council at law.

### **Licensed operators**

- 18.2 The Council may suspend, amend 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 the holder of a licence.
- 18.3 Where a licence holder fails to comply with any of the terms or conditions of the 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 bond 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.

## **19 Fees**

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

## **20 Transitional Provisions**

- 20.1 The requirements under clause 13 and 14 of this bylaw to submit a waste management and minimisation plan shall come into effect on the day which is twelve months from this bylaw coming into force.
- 20.2 Any person required under clauses 15 and 16 of this bylaw to obtain a licence must do so within twelve months of clauses 15 and 16 coming into force.

## **APPENDIX 1**

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This appendix is for information purposes only. It does not form part of the New Plymouth District Council Solid Waste Management and Minimisation Bylaw 2019.

In accordance with clause 5.1 of the New Plymouth District Council Solid Waste Management and Minimisation Bylaw 2019, the Council resolves the following rules in relation to solid waste collection and disposal.

### **1 Approved Residual Waste Container**

- 1.1 A kerbside waste collection service shall be provided to all designated waste collection areas in New Plymouth District.
- 1.2 The approved residual waste container shall consist of a 140L or 80L New Plymouth District Council bin.
- 1.3 The Council will provide each domestic premise rated for the waste collection service with one 140L container. Any person may exchange the 140L bin for the 80L bin, and vice versa, on application and payment of any applicable fee.

### **2 Approved Recycling Containers**

- 2.1 A kerbside recycling service shall be provided to all designated waste collection areas in New Plymouth District.
- 2.2 The approved recycling containers shall consist of -
  - a) A 240L or 140L mobile recycling bin for mixed recyclables; and
  - b) A 60L crate for glass bottles and jars.
- 2.3 The Council will provide each domestic premise rated for the waste collection service with one 240L mobile recycling bin for mixed recyclables, and a 60L crate for glass bottles and jars. Any person may exchange the 240L mixed recyclables bin for the 140L mixed recyclables bin, and vice versa, on application and payment of any applicable fee.

### **3 Approved Food Waste Containers**

- 3.1 The approved food waste container shall consist of a 23L food waste container for food waste as defined in the bylaw.

### **4 Weights, types and contents of containers which will be collected**

- 4.1 The following items can be placed in the 240L or 140L approved recycling container:
  - a) Paper.
  - b) Flattened cardboard.
  - c) Aluminium and tin cans.
  - d) Plastics containers numbered 1, 2 or 5 (excluding soft plastics, plastic bags, plastics labelled 3, 4, 6, 7 or non-labelled plastics and expanded polystyrene).

All recyclable items shall be clean and free of food or liquid residue.

- 4.2 The following items can only be placed in the 60L approved recycling container:
- a) Unbroken glass bottles and jars (all colours).
- 4.3 Only food waste as defined in the bylaw may be placed in the approved 20L food waste container.
- 4.4 No person shall deposit or cause or allow any of the following materials to be deposited in any approved container placed for collection:
- a) Any hazardous, prohibited or special waste co-mingled with household waste;
  - b) Explosives, hot ashes, highly inflammable material or infectious material;
  - c) Liquids, acids, printer's ink, paint, or any other viscous fluid;
  - d) Any ashes, broken glass, broken crockery, china or other such sharp articles or materials unless such sharp articles or materials are wrapped so as to prevent injury to persons engaged in collection or disposal work;
  - e) Any matter, thing or waste of any kind whatsoever, other than household waste unless specifically allowed by a specific policy;
  - f) Any commercial or industrial waste except as allowed in clause 6.12 of the bylaw;
  - g) Any pesticides, herbicides, fungicides or other toxic compounds;
  - h) Any effluent from chemical toilets or waste removed from any part of a drainage or sewerage system;
  - i) Any sharps such as medical needles, skin piercing devices; or other similar sharp objects. Broken glass from household waste may be accepted as long as it is securely wrapped in newspaper; or
  - j) Any other prohibited wastes.
- 4.5 Approved waste containers shall not exceed 35kg in weight.
- 4.6 Approved mixed recycling containers shall not exceed 70kg in weight.
- 4.7 Approved glass recycling containers shall not exceed 12kg in weight.
- 4.8 Approved food waste containers shall not exceed 10kg in weight.

## **5 Excess Recycling**

- 5.1 Additional glass recycling containers can be used if these are approved containers, purchased from Council service centres.

## **6 Recycling**

- 6.1 Recycling facilities shall be provided at all New Plymouth District Council transfer stations, with restricted processing at Tongaporutu.
- 6.2 Recycling services by community organisations and the private sector are encouraged.

## **7 Waste Separation**

- 7.1 Glass must be separated from other recyclables.

- 7.2 Any person disposing of waste for household collection must separate recyclable and food waste material from other waste.
- 7.3 No person shall place or leave any non-recyclable materials in any recycling container or at any recycling station.

## **8 Days and hours during which a council-owned and operated transfer station will be available for solid waste disposal and management**

- 8.1 The minimum opening hours for Council-owned and operated transfer stations are:
- a) Tongaporutu three hours per week.
  - b) Waitara 16 hours per week.
  - c) Okato nine hours per week.
  - d) Inglewood 10 hours per week.
- 8.2 Nothing in Appendix 1, Clause 8.1 above shall refer to New Year's Day, the day after New Year's Day, Waitangi Day, Taranaki Anniversary Day, Good Friday, Easter Sunday, Easter Monday, Anzac Day, Queens Birthday, Labour Day, Christmas Day and Boxing Day when the transfer stations will be closed.

## **9 Council landfill waste acceptance criteria**

- 9.1 Only the following special waste types and quantities can be deposited at a Council landfill:
- a) Asbestos (acceptable only if provided in accordance with the Asbestos Regulations 1998);
  - b) Confidential documents;
  - c) Hydrocarbon contaminated material;
  - d) Non-hazardous liquid waste and waste from commercial grease interceptors which cannot be disposed of at the New Plymouth Waste water Treatment Plant;
  - e) Non-hazardous commercial and industrial waste;
  - f) Screenings from approved waste water treatment plants;
  - g) Small quantities of waste products containing potentially hazardous materials that are not likely to have adverse effects when contained within the residential waste collection;
  - h) Landfill leachate; or
  - i) Other such waste which when tested by a TCLP test shows that the leachate concentrations will not affect the landfill's leachate or trade waste consent conditions.
- 9.2 Further to clause 9.1, unless authorised by the Council, the special waste must:
- a) comply with the acceptance criteria for a Class 1 Landfill as defined in Appendix D of the "Technical Guidelines for Disposal to Landfill" (updated August 2018)
  - b) have a solids content of greater than 20 per cent and contain no free water
  - c) not contain PCP (pentachlorophenol)