



**WAIPA DISTRICT COUNCIL
SOLID WASTE BYLAW
2012**

September 2012

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This Bylaw is made pursuant to section 56 of the Waste Minimisation Act 2008 and sections 145 and 146 of the Local Government Act 2002.

1. Title

This Bylaw shall be cited and referred to as the “Waipa District Solid Waste Bylaw 2012”

This Bylaw shall apply within the boundaries of the Waipa District.

2. Purpose

The purpose of this Bylaw is to:

- (a) protect the health and safety of the public and persons involved in the collection and disposal of Waste and/or Diverted Materials;
- (b) ensure that any Bylaw provisions relating to the collection and disposal of Waste and/or Diverted Materials are consistent with Council’s Waste Management and Minimisation Plan 2011-17;
- (c) ensure that any nuisances created from the collection and disposal of Waste and/or Diverted Materials are minimal;
- (d) maintain the visual amenity of the District; ,
- (e) provide for the appropriate collection, transportation and disposal of Waste and/or Diverted Materials.

3. Definition

For this Bylaw the following definitions shall apply:

Approved Container	any container or bag approved by the Authorised Officer and used for the containment of Waste and/or Diverted Materials for collection
Authorised Officer	any officer of Council or other person authorised by Council to administer and enforce its Bylaws.
Council	the Waipa District Council.
Commercial Waste	any scrap or waste material resulting from the carrying on of any business, manufacture, process, trade or market

Diverted Material	anything that is no longer required for its original purpose and, if not for commercial or other waste minimisation activities, would be disposed of or discarded.
Event	Includes <ul style="list-style-type: none"> (a) a public performance involving the gathering of people; (b) a meeting, parade, sporting event, exhibition, filming or festival; and (c) a fair, market or other gathering of people for the sale, purchase or exchange of goods but excludes regularly occurring recreational activities such as weekly sports events.
Green Waste	Compostable plant material
Hazardous Waste	any item that may present a significant risk to the health and safety of any person and includes: <ul style="list-style-type: none"> (a) explosive, highly combustible or highly flammable materials or matter including hot ashes; (b) Substances known, or reasonably expected, to contain pathogens, including bacteria, viruses, rickettsia, parasites, fungi or recombinant micro-organisms (hybrid or mutant) that are known, or reasonably expected, to cause infectious diseases in humans or animals that are exposed to them. (c) any solvents, acid, printers ink, paint or any other viscous fluid; (d) unwrapped sharp objects; (e) Any article containing a specific radioactivity exceeding 100 kilobecquerels per kilogram and a total radioactivity exceeding 3 kilobecquerels. (f) any waste removed from any part of a drainage or sewer system; (g) any machinery, metal or other material that could damage collection or disposal equipment; (h) any substance with one or more of the following intrinsic properties: <ul style="list-style-type: none"> i. Explosiveness ii. Flammability iii. A capacity to oxidise iv. Corrosiveness v. Toxicity (including chronic toxicity) or vi. Ecotoxicity, with or without

	<p>bioaccumulation</p> <p>and which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (i) to (vi) of this definition; and</p> <p>(i) any mixture of the waste referred to above.</p>
Household Waste	cold ashes, sweepings, dust, paper, bottles, bones and waste food, cans, cartons or other food containers, or any other waste arising or resulting from domestic housekeeping activities, but does not include Commercial Waste or Hazardous Waste.
Kerbside Collection Service	A service for the collection of Household Waste and/or Recyclables and/or Diverted Materials from the roadside.
Licence	a Licence granted by the Council under this Bylaw
Licensee	a person (includes a corporation sole and also a body of persons whether incorporated or unincorporated) who has been granted a Licence by the Council under this Bylaw
Litter Bin	a Council provided bin fixed in place into which the public may place Waste
Multi Unit Property	a property comprising two 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	includes an owner, tenant, licensee or any agent, manager, foreperson or other person apparently acting in the general management of any land or premises.
Recyclables	any Waste that can be reprocessed to produce new materials or a new product and for which arrangements have been made by or on behalf of the Council for collection and/or acceptance at a Recycling Collection Site.
Waipa District	the area administered by the Council.
Waste	anything disposed of or discarded; and includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and to avoid doubt, includes any component or element of

	diverted material, if the component or element is disposed of or discarded.
Waste and/or Recycling Collector	any person or organisation licensed by Council to engage in the collection , transport and storage of Waste and/or Diverted Materials
Waste Management Facility	a facility authorised by the Council for the storage and processing of Waste and/or Diverted Materials
Waste Management and Minimisation Plan	a waste management and minimisation plan adopted by a territorial authority under section 43 of the Waste Minimisation Act 2008.

4. Licensing

4.1 No person shall

- (a) engage in the collection, transport or processing of Waste for commercial purposes; or
- (b) engage in the collection, transport or processing of Diverted Materials for commercial purposes, where those diverted materials have been collected from the kerbside or from public property or delivered to a recycling centre; or
- (c) operate a Waste Management Facility

unless a Licence has first been obtained from the Council.

4.2 Any application for a Licence under this Bylaw must be made in the prescribed form and must be accompanied by the applicable application fee and any supporting information the Council may require to enable the application to be processed.

4.3 A Licence to undertake Waste and/or Diverted Materials collection or operator activities may be granted or renewed where the applicant satisfies the Council that the proposed activities:

- (a) are not inconsistent with the achievement of the Council's Waste Management and Minimisation Plan; and
- (b) do not pose an undue risk to public health and safety or the health and safety of workers; and
- (c) will not create a nuisance.

- 4.4** The holder of an existing Licence may apply to the Council for a renewal of that Licence. Any such application will be considered as if it is an application for a new Licence.
- 4.5** Where Council decides not to grant a Licence or to only grant a Licence in respect of some activities, it will notify the applicant of both the decision and the reasons for it. Where the application is rejected due to issues capable of resolution by the Applicant, the Applicant will be invited to resubmit the application. Any resubmitted application will be dealt with as if it were an application for a new Licence.
- 4.6** Licences shall be granted at the discretion of the Authorised Officer, upon and subject to such terms and conditions as Council determines.
- 4.7** A Licence is personal to the holder and not transferable.

Matters to be considered

- 4.8** In considering any application for a Licence or a renewal of an existing Licence, the Council may take into account any relevant matters, including but not limited to those matters listed in Schedule One.

Licence conditions

- 4.9** A Licence under this Bylaw may be granted on such terms and conditions as the Council considers reasonable and appropriate. Examples of conditions that may be imposed are listed in Schedule Two of this Bylaw.

Waste operations by unlicensed person

- 4.10** Every person commits an offence, and is liable to the penalty set out in clause 9.1 of this Bylaw, who collects, transports, deposits or disposes of Waste and/or Diverted Materials for commercial purposes or operates a Waste Management Facility, without a Licence from the Council.

Breach of Licence conditions

- 4.11** If a Licensee commits a breach of any of the terms and conditions of a Licence the Council, in addition to the penalty set out in clause 9.1 of this Bylaw, may cancel the Licence or suspend the Licence for such period as it considers appropriate.
- 4.12** Before suspending or cancelling a Licence under this Bylaw, the Council must notify the Licensee of the intention to suspend or cancel the Licence and, before making a final decision, must provide the Licensee with a reasonable opportunity to make written or oral submissions on the proposed suspension or cancellation.

Fees and Charges

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

5. Hazardous waste

- 5.1** Hazardous Waste may only be disposed of in a manner, or to a site, approved by the Authorised Officer or a public authority that has statutory responsibility for the management of hazardous substances, including Hazardous Waste.

6. Kerbside Collection Services

- 6.1** Any Occupier using a kerbside collection service must comply with the terms and conditions on which that service is provided.

Provision of Approved Containers

- 6.2** Every Occupier must use an Approved Container for Waste and Diverted Materials and Recyclables.
- 6.3** All Approved Containers must be kept clean and securely fastened so as to prevent the spillage of the contents.
- 6.4** Newspaper and cardboard which is put out for collection must be securely fastened and placed in accordance with clause 6.3.
- 6.5** Waste placed in a reusable Approved Container must be placed by the owner of that Container, or with the approval of the owner of that Container, and in a manner that allows the whole of the contents to fall out easily and cleanly when the container is emptied.
- 6.6** Approved Containers must not contain Hazardous Waste or be overloaded.
- 6.7** All newspaper or cardboard put out for collection and all Approved Containers containing Waste and/or Recyclables shall be placed:
- (a) as close as practicable to the kerb, where there is a kerb, or the roadside, where there is no kerb, in front of the property from which the material is being discarded; and
 - (b) in a manner so as to avoid obstructing the footpath or normal flow of traffic; and

- (c) prior to 7am on the usual day of collection of waste for that property or such other day or time as public notified by the Council from time to time.

Non-compliance with conditions for kerbside collection

- 6.8 A failure to comply with clauses 6.2 or 6.3 of this Bylaw may, in addition to the penalty set out in clause 9.1 of this Bylaw, result in the non-collection of Waste and/or the withdrawal of the Kerbside Collection Service.

Removal of Uncollected Waste and Recyclables, and Retrieval of Approved Containers

- 6.9 Any Waste and/or recyclables not collected must be removed from the roadside by the Occupier by 7pm on the day it was placed out for collection, unless otherwise authorised by Council.
- 6.10 Approved containers must be removed from the roadside on the day of collection.

Removal of Waste from Approved Containers

- 6.11 No person may remove or interfere with any Recyclables from an Approved Recyclables Container except the person who deposited the materials, or unless authorised by the Council to do so.

Restriction on disposal of Wastes

- 6.12 The Council may by resolution prohibit certain materials from being deposited in an Approved Container or any Litter Bin.
- 6.13 No person may deposit or allow materials to be deposited contrary to any prohibition made under clause 6.12.

7. Multi-Unit Properties

- 7.1 The owner of a Multi-Unit Property must make adequate provision for the management of Household Waste/Recyclables and/or Commercial Waste within the Property, to the satisfaction of the Council, including:
 - (a) an adequate area for the storage of any Approved Containers which is accessible to Occupiers and Licensed Waste and/or Recycling Collectors; and
 - (b) appropriate measures to minimize odour, theft and vandalism and to maintain hygiene within the area, including keeping the area free from vermin or other infestations.

8. Waste Management for Events

8.1 The Council may require the organisers of an Event to prepare and implement a Waste Management Plan. In determining whether a Waste Management Plan is required, the Council shall have regard to:

- (a) The nature of the Event;
- (b) The location of the Event;
- (c) The duration of the Event;
- (d) The anticipated audience for the Event; and
- (e) Such other matters as the Council may consider relevant to assessing the waste management implications of the event.

9. Offences

9.1 Every person who does, or causes or allows to be done, anything in contravention of this Bylaw, or who omits or neglects to do, or knowingly permits to remain undone, any matter or thing required under this Bylaw, commits an offence and, upon conviction, is liable to a fine not exceeding \$20,000.00.

10. Revocation

The Waipa District Refuse Collection and Disposal Bylaw 2007 is hereby revoked.

Schedule One

1. Application Criteria

1.1 The following matters may be taken into account by the Council when considering an application for a new or renewed Licence. The matters listed below are a non-exhaustive list and the Council may take into account such other matters as it considers relevant and appropriate:

- (a) The suitability of the applicant including the applicant's experience, financial position, reputation and track record in the Waste industry, and whether the applicant has had a previous Licence cancelled or suspended;
- (b) The proposed health and safety practices of the operation;
- (c) The type of Waste and/or Diverted Materials to be collected, transported, deposited and/or disposed of;
- (d) The type and manner of treatment (if any) of the Waste and/or Diverted Materials, and the location of the Waste Management Facility at which it is proposed that treatment and/or disposal will take place;
- (e) The frequency and location of the proposed waste and/or Diverted Materials collection, transportation, deposit and/or disposal operation;
- (f) The specifications of the vehicles, equipment and Approved Containers to be used for the collection, transportation, deposit and/or disposal of Waste and/or Diverted Materials;
- (g) The scale of the proposed service, including the customer base and anticipated volume of waste (including recyclables) for collection;
- (h) The extent to which the proposed activities complement existing waste minimisation services provided by the applicant or any other provider in the Waipa District;
- (i) The terms and conditions under which disposal of Waste and/or Diverted Materials is permitted and the existence of or need for any statutory approvals, authorisations or consents to be held or complied with in respect of such disposal.

Schedule Two

1. Licence Conditions

1.1 The following are examples of conditions that the Council may impose in respect of any new or renewed Licence under this Bylaw. This list is non-exhaustive and the Council may impose such other conditions as it considers reasonable and appropriate in the circumstances:

- (a) **Term** - A Licence may be granted for a term of up to five (5) years. The Licensee is required to renew his or her Licence before the expiry date;
- (b) **Fee** - The Licensee must pay an annual Licence fee in the amount determined by Council in accordance with this Bylaw
- (c) **Compliance with Council policies and standards** - the Licensee must comply with Council's policies for Waste and/or Diverted Materials collection, removal, transportation or disposal services.
- (d) **Provision of information** – The holder of a Licence to collect and/or transport Waste and/or Diverted Materials must provide the Council with information as to the quantity, source, composition and destination of Waste and/or Diverted Materials collected and/or transported by the Licensee, in such form and at such times or periods as the Council may reasonably require.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on the 25th September 2012. This Bylaw becomes operative on the 1st day of November 2012.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the 25th September 2012 in the presence of:

