

# **Kaipara District Council**

# **Consolidated**

# **General Bylaw**

# **2020**

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*Kaipara te Oranganui*

**KAIPARA  
DISTRICT**

*Two Oceans Two Harbours*

## Consolidated General Bylaw 2020

# Part 7 – Solid Waste

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## 1. Purpose

- 1.1 The purpose of this Bylaw is to contribute to:
- a. the management and minimisation of waste, through regulating the collection, transportation and disposal of waste
  - b. the protection of the health and safety of waste collectors, waste operators and the public
  - c. the management of litter and nuisance.
- 1.2 Relevant Acts
- a. Local Government Act 2002
  - b. Waste Minimisation Act 2008
  - c. Litter Act 1979
  - d. Health Act 1956

## 2. Interpretation

- 2.1 In this Part of the Bylaw, unless the context otherwise requires:

- Approved container* means any mobile bin, plastic bag or multi-wallpaper bag or other receptacle from time to time approved by Council for the collection of household waste.
- Authorised agent* means any person that has the written authority from the Chief Executive to act as an agent on Council's behalf.
- Approved incinerator* is a drum or container with a mesh or solid lid designed to prevent the escape of hot ash or fire and designed exclusively for incineration.
- Clean fill 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
  - b. is not diverted material
  - c. includes natural 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
    - v. liquid waste.
  - d. has less than 2% by volume by load of tree or vegetable matter.

- Clean fill site* means the land used for the disposal of clean fill material and other hard fill material.
- Council collection point* means a place publicly notified by Council as a place where waste and/or recycling may be placed for collection, subject to this bylaw.
- Deposit* means to cast, place, throw or drop any waste or diverted material and *deposited* has the equivalent meaning.
- Disposal* has the meaning given by the Waste Minimisation Act 2008.
- Diverted material* has the meaning given by the Waste Minimisation Act 2008.
- Donated goods container* means a container approved by the Council for the collection of donated goods.
- Event* means any organised temporary activity that is likely to create litter in a public place including an organised gathering, open air market, parade, protest, festival, film shoot, concert or celebration.
- Food waste* means household 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 waste that is organic in origin and that results from domestic gardening activities or arboriculture business activities and includes lawn clippings and plant material.
- Hazardous waste* means waste that:
- a. contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017 under the Hazardous Substances and New Organisms Act 1996
  - b. meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433:2012 Part 1 & Part 2 Transport of Dangerous Goods on Land
  - c. meets the definition for radioactive material included in the Radiation Safety Act 2016.
- Household waste* means waste consisting of refuse, recyclable material or organic matter (food waste and/or green waste) originating from any household and includes but is not limited to 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 operations.
- Illegal dumping* means the placement of any waste onto private or public land where no licence or lawful approval exists to place or accept such waste.

This may include but is not limited to small bags of rubbish in an urban environment to larger scale dumping of materials in isolated areas, such as bushland.

<i>Inorganic waste</i>	means waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an approved container, and that is specified by a Council resolution as suitable for: <ol style="list-style-type: none"> <li>collection from a public place by Council</li> <li>collection from any premises by Council</li> <li>delivery to a resource recovery facility.</li> </ol>
<i>Litter</i>	means any waste, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste material, or any other similar thing not deposited in an approved container or public litterbin.
<i>Managed fill site</i>	means land used for the disposal of soil with low levels of contamination.
<i>Manager</i>	means a person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.
<i>Mono-fill site</i>	means land used for the disposal or storage of waste of a category specified by Council and that originates from a specified source or location.
<i>Multi-unit building</i>	means a building which contains more than one separate household.
<i>Organic waste</i>	includes green waste and food waste.
<i>Other hard fill material</i>	means materials other than natural hard fill material specified by Council under clause 27 as suitable for disposal at a clean fill site.
<i>Prohibited waste</i>	means waste containing: <ol style="list-style-type: none"> <li>any material capable of causing injury to any person or animal unless it is sufficiently contained to prevent injury</li> <li>any material capable of causing damage to an approved container or likely to shatter in the course of collection unless it is sufficiently contained to prevent damage to the approved container or to prevent injury</li> <li>any material that may endanger any person, animal or vehicle that may come into contact with it prior to, during or following collection, transportation or disposal</li> <li>any liquid or any viscous fluid</li> <li>any radioactive wastes, excluding domestic smoke detectors</li> <li>any used oil and lead-acid batteries</li> <li>any hazardous waste</li> </ol>

- h. medical waste (as defined in New Zealand Standard 4304:2002 Management of Healthcare Waste)
- i. any material prohibited by Council under clause 21.

*Recovery* has the meaning given by the Waste Minimisation Act 2008

*Recyclables* means items which are so designated from time to time by Council and which are either collected, or accepted at any transfer station, by or on behalf of Council.

*Recycling* has the meaning given by the Waste Minimisation Act 2008.

*Resource recovery facility* means any facility that receives, collects, sorts, stores or processes waste in order to contribute to waste minimisation and a decrease in waste disposal, and includes a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot.

*Reuse* has the meaning given by the Waste Minimisation Act 2008.

*Trade waste* means any scrap or waste material resulting from the carrying-on of any business (including a commercial business), construction, demolition, manufacture, process, trade, market, or any other undertaking.

*Transfer Station* means any land or facility owned, managed, leased or used by Council, or used with the consent of Council, as a site for the recovery, reuse, recycling, collection and transfer of any waste including waste, recyclables and organic waste and includes any, resource recovery facility and any similar facility.

*Waste* has the meaning given by the Waste Minimisation Act 2008.

*Waste collector* means any person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste.

*Waste operator* means a person who owns or manages a landfill site, clean fill site, managed fill site, mono-fill site or a resource recovery facility.

*Waste Management and Minimisation Plan* means the waste management and minimisation plan adopted by Council under section 43 of the Waste Minimisation Act 2008.

- 2.2 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 by the Waste Minimisation Act 2008.
- 2.3 Explanatory notes and attachments are for information purposes only and do not form part of this bylaw.
- 2.4 The Interpretation Act 1999 applies to this Bylaw.

### **3. General compliance with Bylaw**

- 3.1 No person may deposit, discard, dispose of, collect, transport, sort, store or process waste other than in accordance with this Bylaw;
- 3.2 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, and bylaws.

### **4. Household waste**

#### **4.1 Ownership of Waste Stream**

Except with the approval of an Authorised Officer:

- a. with respect to any premises, no person other than the occupier may put waste into an approved container for those premises, without the consent of the occupier
- b. no person may remove waste from, or interfere with, any waste deposited in an approved container except the person who deposited the waste.

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

### **5. Accumulation of waste**

- 5.1 The owner and manager of any premises must provide adequate areas and receptacles for the storage on the premises of waste from activity on the same premises.
- 5.2 Where in the opinion of an Authorised Officer an accumulation of household waste exists on any premises that is likely to be:
  - a. cause injury to health
  - b. harbour vermin

an Authorised Officer may serve a notice on the occupier requiring them to remove and dispose of the household waste within a specified time. If the occupier of that premises neglects or refuses to comply with such notice, the occupier shall be guilty of an offence.

### **6. Approved containers**

- 6.1 Approved containers containing waste and recycling shall be placed for collection on the berm outside the premises or at a Council collection point on the day and time notified by Council or an Authorised Officer.
- 6.2 An Authorised Officer will notify an occupier or owner of an affected premises, of any change to the official collection day, time or Council collection point.
- 6.3 Occupiers shall not leave an approved container on the berm or at the Council collection point earlier than the collection day.
- 6.4 Where an occupier fails to remove an approved container or any waste left at the berm or Council collection point, the Council may remove the approved container. Council may recover the costs of removal of the approved container from the owner or occupier of the premises.



## **7. Council supplied approved containers**

- 7.1 Council may either directly or by way of private contract, supply approved containers to individual properties.
- 7.2 Any approved containers supplied in accordance with 6.1 may be registered against specific properties and shall remain at that property.
- 7.3 Approved containers no longer required must be returned by the owner of the property to Council.

## **8. Use of approved containers**

- 8.1 Where the approved container provided by Council pursuant to clause 6.1 is re-useable:
  - a. occupiers shall place waste only in a manner that allows the whole of the contents to fall out easily and cleanly when emptied
  - b. during collection, the licensed waste collector, or its employees or agents, shall pick up any waste spilled and deposit it into the waste collection vehicle
  - c. the licensed waste collector, or its employees or agents shall return approved containers to the berm adjoining the premises or Council collection point but clear of private ways, car parking areas, and placed in such a way to ensure the container does not unduly interfere with the free passage of pedestrians
  - d. an approved container must be kept clean and in good repair by the occupier
  - e. this clause shall not absolve any contractor from any contractual requirements regarding the provision and maintenance of approved containers.
- 8.2 Where the approved container provided by Council pursuant to clause 6.1 is single use:
  - a. the approved container is to be securely sealed and placed for collection at a Council collection point or within a berm side collection area;
  - b. the contents of the approved container must not weigh more than 15kg.

## **9. Private waste collection and placement of approved containers**

- 9.1 No person shall put out an approved container for private waste collection other than in accordance with a contract between the occupier and a licensed waste collector, and in accordance with the licensed waste collector's conditions.

## **10. Deposit of certain materials in an approved container is prohibited**

- 10.1 No prohibited waste may be deposited in an approved container.

## **11. Owner of multi-unit building to manage waste**

- 11.1 The owner and manager of a multi-unit development or building must ensure that provision is made through a waste management and minimisation plan approved by Council for the management of all waste generated within the property.
- 11.2 The approved container(s), as stipulated in a waste management and minimisation plan provided in accordance with clause 10.1 must have sufficient storage capacity to hold waste pending collection and ensure that any potential pests are managed so as to not cause a nuisance or health hazard.

## 12. Trade waste

- 12.1 No person carrying on a business or other undertaking shall cause or permit an accumulation of trade waste to remain in, or about the premises.
- 12.2 Perishable waste shall be removed at the cost of the owner or occupier on a daily basis, except where stored in a manner approved by an Authorised Officer.
- 12.3 Where Council agrees to accept trade waste for disposal, the person disposing of the waste shall take it to the place specified by an Authorised Officer at the appointed time and must pay any charge as Council shall determine by resolution for the disposal of the trade waste.
- 12.4 To avoid doubt, Council is not obliged to accept for disposal any trade waste, or any particular component or type of trade waste.
- 12.5 No person shall take to any place of disposal any prohibited waste.

*Explanatory note: The term business includes, commercial business, Industrial business, construction, demolition, manufacture, process, trade, market.*

## 13. Collection by Council

- 13.1 No trade waste will be removed or disposed of by Council, unless the waste is contained within an approved container, at an approved location.

## 14. Prohibited or hazardous waste

- 14.1 All prohibited or hazardous waste is required to be disposed of in a place specifically set aside for the disposal of waste of that type.
- 14.2 No person shall place any prohibited or hazardous waste in a public place.
- 14.3 When prohibited or hazardous waste is being disposed of by Council, the generator of the waste shall supply to Council a complete description of the waste including:
  - a. chemical composition
  - b. form (solid, liquid or gas)
  - c. quantity
  - d. any other information needed to assess the environmental and operational impact of its disposal.
- 14.4 Council may charge all reasonable costs associated with undertaking the disposal of prohibited or hazardous waste from the generator of the waste, including any pre-treatment costs.
- 14.5 Prior to acceptance for disposal, Council may require prohibited or hazardous waste to be pre-treated to neutralise and stabilise them.

*Explanatory note: If the disposal method is unknown, the generator should contact Council to identify the best disposal method.*

## 15. Recycling

- 15.1 Council may arrange for the collection of specified recyclable material.

- 15.2 Council may by resolution determine the items which are recyclable and that will be either collected by
- 15.3 Council or accepted at any Council recycling station.
- 15.4 Council may supply to occupiers an approved container for the recyclable materials to be placed in. Clause 6 applies to any such containers.
- 15.5 When an approved container has been placed on any road berm for collection by Council, no person shall interfere with or remove the container or the contents, except in the course of collecting the container or the contents on behalf of Council.
- 15.6 Where recyclable materials may be received at a Council Resource Recovery Facility, every person using that facility shall adhere to an Authorised Officer's verbal or written directions for the use of that facility.
- 15.7 No person shall place or leave any non-recyclable materials in any approved container meant for recyclable materials at any Resource Recovery Facility, berm or Council collection point.
- 15.8 All private recycling operators are required to be licensed in accordance with this bylaw.

## **16. Collection and transportation of waste**

- 16.1 Persons transporting waste in the district shall at all times ensure that waste contained in any vehicle is adequately secured, to prevent the waste falling or escaping from the vehicle.

## **17. Restrictions on waste collection operations**

- 17.1 All waste collectors require a Waste Collection licence.
- 17.2 No person shall engage in the collection of household waste, green waste, recyclables, trade waste or donated goods from any roadside or from any land or premises owned by or under the control of Council without first obtaining a licence under this Bylaw and subject to such conditions as the Council may impose.
- 17.3 Any waste collector who is operating in the district without a licence as at the date that this Bylaw comes into force must apply for a licence within thirty (30) days. If any such waste collector fails to apply for a licence within that time period or if Council refuses the application for a licence, the waste collector must cease operating within the district within seven (7) days.
- 17.4 A waste collector holding a licence at the date that this Bylaw comes into force, shall be required to obtain a new licence under this Bylaw when that licence has expired or five (5) years of the Bylaw coming into force, whichever is the earlier.

## **18. Application for licence**

- 18.1 Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the prescribed application and processing fees and such further supporting information as Council may require to enable processing of the application.
- 18.2 The holder of an existing licence may apply to Council for a renewal of that licence.

18.3 Licences may be granted or declined at the discretion of Council, upon such terms and conditions as an Authorised Officer thinks fit.

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

## **19. Consideration of application for licence**

19.1 When considering an application for 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, including but not limited to the following:

- a. public health and safety
- b. the extent to which the licensed activities will promote the achievement of Council's Waste Management and Minimisation Plan and waste reduction initiatives
- c. the applicant's experience, reputation and track record in the waste industry, including any past operational or other issues which may affect, or may in the future affect, the applicant's performance and suitability to hold a licence
- d. if the applicant is a past or present licence-holder, the performance of the applicant in carrying out the licensed operations
- e. the type of waste to be collected or transported
- f. the manner of treatment (if any) and disposal of the waste type, and the identity of the resource recovery facility, landfill site, managed fill site, mono-fill site or clean fill site at which it is proposed that treatment or disposal will occur
- g. 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
- h. the frequency and location (private or public space) of the waste collection, transportation (including routes) or disposal services
- i. the specifications of the vehicles, equipment and approved containers to be used for the collection, transportation or disposal of waste.

## **20. Conditions of licences and use of a public place for collection of waste**

20.1 A licence under clause 17 may be issued subject to such conditions as Council may approve, including but not limited to the following matters in relation to the collection or transportation of waste from a public place:

- a. the area to which the licence applies
- b. the type, size and construction of approved containers that may be used for the storage and collection of waste and recyclable materials
- c. the categories of recyclable material and waste that may be deposited at or collected from a public place
- e. the conditions applicable to any collection service from a public place, including the placement and retrieval of approved containers for collection, collection times and restrictions on the number and weight of approved containers
- f. requirements to ensure the correct separation of waste and recyclable materials into approved containers
- g. the locations, access times and conditions of use of Council collection points

- g. duration of licence
- h. any other operational matter required for the safe and efficient operation of a collection service from a public place.

20.2 Any person providing or using a waste collection service in or from a public place must comply with all conditions of any licence relating to that collection.

20.3 The general terms and conditions upon which a licence may be granted include, but are not limited to the following:

- a. term – a licence may be granted for a term of up to five (5) years
- b. licence fee – the licensee must pay an annual licence fee in an amount determined by the Council from time to time and publicly notified
- c. bond – Council may require a licence holder to post a bank guaranteed bond
- d. compliance with standards – the licence holder must comply with national and 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
  - ii. provision of waste collection services within reasonable times specified by Council
- e. provision of information – the licence holder must provide waste data to Council during the term of the licence in the form and at the times specified by Council including the following data:
  - i. waste logbooks 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
  - iii. gate records of waste tonnage
  - iv. provision of itemised recycling volume data.

20.4 Further conditions may be imposed relating to:

- a. the types of vehicles to be employed in waste collection
- b. the hours and days of waste collection
- c. placement of approved containers before and after collection
- d. suitably qualified vehicle operators
- e. type and capacity of approved containers collected.

## **21. Controls for the collection, transportation and disposal of waste**

21.1 Council may specify controls for the following matters in relation to the collection, transportation or disposal of waste:

- a. household waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable material or waste

- b. maximum allowable limits of any matter that may be disposed of at a mono-fill site or clean fill site
- c. categories and types of waste that may be received, collected, stored, sorted, processed or disposed of at any clean fill site, mono-fill site and material that may be used as cover material at any such site
- d. materials that are suitable for use as natural or other hard fill material at a clean fill site
- e. types of waste originating from a specified single source or location that may be disposed of at a mono-fill site
- f. types of waste that are prohibited
- g. approve containers for use for waste collection
- h. use and maintenance of approved containers
- i. type and amount of waste that may be and may not be deposited in a type of approved container
- j. the times when approved containers maybe placed on or retrieved from a public place.

21.2 Any control specified by Council under clause 21.1:

- a. must, be made by a Council resolution that is publicly notified
- b. may:
  - i. prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case
  - ii. apply to all waste or to any specified category of waste
  - iii. apply to Kaipara district or to a specified part of Kaipara district
  - iv. apply at all times or at any specified time or period of time.

*Explanatory note: A control under clause 21.1 may relate to collection of inorganic waste.*

## **22. Waste management for events at Council reserves and facilities**

22.1 Council may require an organiser of an event being undertaken on Council-owned reserve or facility to have a Waste Plan approved for that event.

22.2 Council may require an approved Waste 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 that will be taken to maximise the collection and use of recyclables and re-usable 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. a waste analysis following the conclusion of the event.

22.3 The organiser of an event must comply with the approved Waste Plan for that event.

## 23. Nuisance

### 23.1 No person may:

- a. allow any accumulation of waste or diverted material on any premises they own, occupy or manage to escape, become offensive, be a nuisance or likely to be harmful to health
- b. use an approved container in a manner that creates a nuisance, is offensive or is likely to be harmful to health
- c. dispose of any waste on any premises except at a Council approved landfill site, clean fill site, managed fill site, mono-fill site.

## 24. Donated goods containers

### 24.1 Any Person who places or provides a donated goods container for collection of donated goods on:

- a. a public place; or
- b. any privately owned premises where the donated goods are likely to be left within ten (10) metres of public place.

must obtain a licence to do so from the Council in accordance with clause 17 of this Bylaw.

### 24.2 The grant of a licence is at the discretion of the Council, on such terms and conditions as it sees fit.

### 24.3 The licence holder must comply with any conditions of the licence.

### 24.4 The licence holder must take all steps to the satisfaction of the Council to prevent the donated goods from:

- a. being carried from or otherwise escaping from the donated goods container onto a public place
- b. accumulating on a public place outside of a donated goods container.

### 24.5 The Council may recover costs from the owner of a donated goods container associated with the removal and disposal of donated goods on a public place in breach of clause 24.4.

## 25. Litter and illegal dumping

### 25.1 No person may:

- a. deposit any waste arising from that person's household or that person's domestic or business activities in any public litterbins;
- b. remove any waste from any public litterbins, where this results in any waste being deposited outside the approved container unless authorised by Council to do so;
- c. deposit or attempt to deposit any litter in any public litterbin if:
  - i. the public litterbin or public recycling litterbin is full
  - ii. the litter is likely to escape.
- d. deposit in a public litterbin any waste which is not intended for that bin, for example non-recyclable waste in a public recycling litterbin



- (e) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any public litterbin or public recycling litterbin
- (f) damage any public litterbin or public recycling litterbin.

25.2 No person may undertake illegal dumping of waste within the Kaipara district.

## 26. Transfer stations

26.1 A transfer station must be authorised by Council as a disposal site.

26.2 The delivery and receipt of waste to a transfer station owned or operated by Council shall be subject to such conditions as may be imposed by Council.

Conditions may include:

- a. the operational hours
- b. the nature of solid waste including recyclables and/or organic waste which may be delivered
- c. any prescribed fees that may be payable
- d. the layout of various disposal options
- e. any other matter which Council may consider necessary or desirable as determined by any such resolution.

26.3 All persons entering a transfer station shall comply with any relevant rules and requirements of the transfer station and any instructions from an Authorised Officer or manager of the transfer station. Any person who fails to comply with any such rules, requirements or instructions commits a breach of this Bylaw.

*Explanatory Note: Conditions imposed may be the result of any consent or approval given under the Resource Management Act 1991 or other legislation and such conditions and policies as Council and/or Council contractors may from time to time impose in respect to access to a transfer station.*

## 27. Establishment and control of other disposal sites

27.1 A waste disposal sites must be authorised by Council as a disposal site.

27.2 Any land or premises authorised by Council for the disposal of waste shall be subject to such controls as Council may from time to time by resolution impose in respect of:

- a. the operational hours
- b. the nature of the waste which may be disposed
- c. the charges in respect of any such disposal
- d. the layout of various disposal options
- e. any other matter which Council may consider necessary or desirable to determine by any such resolution.

27.3 All persons entering a disposal site shall comply with the relevant rules and requirements made in accordance with clause 27.1 of this Bylaw and as posted at the entrance of such facility. Any person failing to abide by such conditions or who acts contrary to the instruction of an, Authorised Officer or manager of the disposal site shall be deemed to be in breach of this Bylaw.



**Explanatory Note:** Conditions imposed may be the result of any consent or approval given under the Resource Management Act 1991 or other legislation and such conditions and policies as Council may from time to time by resolution impose in respect of access to such land or premises.

## **28. Removal of material from disposal site**

28.1 A person must not enter, loiter at, or disturb any deposit of waste at any land or premises set aside by Council for the disposal of waste, nor remove from such a place any article or material of any kind, unless those premises have specific approved facilities that allow for members of the public or other agencies to purchase or obtain waste materials for the purposes of re-use or upcycling.

## **29. Solid waste policies**

29.1 Council may, by resolution publicly notified, make and amend controls governing the collection of household waste by or for Council, including:

- a. the weights and contents of containers which will be collected
- b. the placing of containers for collection and such other matters as Council considers relevant
- c. such policy shall be enforceable as part of this Bylaw.

Upon the making or amendment of such policy Council shall in full give public notice of the policy so made or amended.

## **30. Non-compliance with conditions of a licence**

30.1 Where a licence holder does not comply with the terms and conditions of the licence, Council may take one or more of the following steps:

- a. issue a written warning to the licence holder, which may be considered 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
  - ii. suspension of the licence
  - iii. withdrawal of the licence.
- c. require a performance bond or security 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 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 must be provided
- e. prosecute or issue an infringement notice for any offence that may have been committed under the Litter Act 1979
- f. prosecute or issue an infringement notice for any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

### **31. Non-compliance with public place waste collection conditions**

- 31.1 Where a person does not comply with clauses 6,7,8,10,14 or 15, the waste collector may:
- 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. 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 an additional penalty equivalent to the amount due for the collection of the largest available size of approved container of waste from that premises
  - c. withdraw or suspend the collection service provided by the waste collector to that person.
- 31.2 Where a person does not comply with clauses 6,7,8,10,14 or 15, Council may:
- a. prosecute or issue an infringement notice for any offence that may have been committed under the Litter Act 1979
  - b. prosecute or issue an infringement notice for any breach of this Bylaw as provided for in the Health Act 1956, Local Government Act 2002, Litter Act 1979 and Waste Minimisation Act 2008.
- 31.3 If a person places an approved container for waste collection outside of the specified date, time or place for collection of the approved container, any costs incurred by Council for collection of the approved container may be recovered from that person.

### **32. Non-compliance with controls for Council collection points**

- 32.1 Where a person does not comply with a control made by Council under clause 21 the Council may:
- a. issue a trespass notice to that person to prevent them from using the Council collection point
  - b. suspend that person's use of any waste collection service provided by or on behalf of Council
  - c. prosecute or issue an infringement notice for any offence that may have been committed under the Litter Act 1979
  - d. prosecute or issue an infringement notice for any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

### **33. Offences and penalties**

- 33.1 A person who fails to comply with this Bylaw commits a breach of this Bylaw and is liable to a penalty upon conviction pursuant to the Waste Minimisation Act 2008, the Local Government Act 2002, Litter Act 1979 and/or the Health Act 1956.

### **34. Exceptions, revocation and saving provisions**

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

34.2 A product stewardship scheme accredited under the Waste Minimisation Act 2008 may be exempted from the requirements of this Bylaw.