



# Waste Management Bylaw 2022

Effective 1 September 2022

Clauses 7.1-7.5 effective 1 December 2022



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Property of the Hauraki District Council	

## 1 Introduction

### 1.1 Purpose

The purpose of the Hauraki District Council Solid Waste Bylaw is to:

- support the promotion and delivery of effective and efficient waste management and minimisation in the Hauraki District as required by the Waste Minimisation Act 2008,
- implement the Council's waste management and minimisation plan,
- minimise nuisance created by accumulation, storage and spilling of waste,
- protect the health and safety of the public and the Council's waste contractor.

### 1.2 Title

This bylaw is the Hauraki District Council Waste Management Bylaw 2022.

### 1.3 Enabling enactments

This bylaw is made in accordance with section 56 of the Waste Minimisation Act 2008, section 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956, and section 12 of the Litter Act 1979.

### 1.4 Commencement

This bylaw comes into force on 1 September 2022, with the exception of clause 7 which comes into effect three months following that date.

### 1.5 Review

The review of this bylaw will be undertaken no later than 10 years after the last review.

### 1.6 Related information

There is related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.

This is what the comment boxes look like – they're to help explain the more technical bits, or refer you to information that is somewhere else.

## 2 Definitions

In this bylaw, definitions are as per section 5 of the Waste Minimisation Act 2008. In addition, the following definitions apply, unless the context requires otherwise:

<b>Act</b>	means the Waste Minimisation Act 2008.
<b>Approved container</b>	means any container approved by the Council for the collection of any type of domestic waste by a waste contractor from a public place, with approval criteria based on the prevention of nuisance and the protection of the health and safety of waste contractors and the public.
<b>Authorised officer</b>	means any person delegated, appointed or authorised in writing by the Council to act on its behalf.

<b>Building work</b>	has the meaning given by the Building Act 2004.
<b>Commercial waste</b>	means any waste that results from a commercial enterprise and includes waste generated by the carrying on of any business, manufacture, process, trade, market, or other undertaking including scrap, salvaged materials or waste material.
<b>Construction and demolition waste</b>	means waste generated from any building construction or demolition works; and includes any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.
<b>Council</b>	means the Hauraki District Council or any person delegated or authorised to act on its behalf.
<b>District</b>	means the district of the Hauraki District Council.
<b>Diverted material</b>	has the meaning given by the Waste Minimisation Act 2008.
<b>Domestic waste</b>	is waste consisting of refuse, recyclable material or organic matter (food waste and/or green waste) originating from any household or from the cafeteria, lunchroom or canteen of any commercial enterprise.
<b>Estimated value</b>	has the same meaning given by the Building Act 2004
<b>Event</b>	means any organised temporary activity of significant scale that is likely to create litter including an open-air market, parade, protest, festival, film shoot, concert or celebration.
<b>Food waste</b>	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.
<b>Green waste</b>	means compostable plant material excluding flax and cabbage trees.
<b>Litter</b>	has the meaning given by the Litter Act 1979, and includes 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.
<b>Occupier</b>	means the occupier of any property, and in any case where any premises is or are unoccupied shall be deemed to include the owner.
<b>Person</b>	means any person or corporation sole, a body corporate, and an unincorporated body, as provided for in Part 2 of the Legislation Act 2019.
<b>Premises</b>	means any private land that is occupied or unoccupied and includes any dwelling, building, shop, yard, or part of the same.
<b>Public place</b>	<p>is a place under the control of the Hauraki District Council, and</p> <p>is open to, or being used by the public, whether or not there is an admission charge, and includes:</p> <ul style="list-style-type: none"> <li>(i) any road within the district, whether or not the road is under the control of the Council; and</li> <li>(ii) any part of a public place.</li> </ul> <p>Examples of a public place include a reserve (including road reserve), public square, cemetery, beach, wharf, footpath, Hauraki Rail Trail.</p>

<b>Public rubbish bin</b>	means a litter receptacle provided by the Council in a public place for the disposal of rubbish or recycling.
<b>Recyclables</b>	means items which can be recycled to produce new materials, and are approved by the Council as collectable and marketable.
<b>Special waste</b>	means any waste whether from a trade premise or any other source which is hazardous, toxic or by its nature requires special disposal because of environmental considerations or landfill operational requirements.
<b>Waste</b>	has the meaning given by the Waste Minimisation Act 2008.
<b>Waste container</b>	means a container used to hold domestic waste, and includes, where the context permits, approved containers.
<b>Waste contractor</b>	means a person or persons that the Council has authorised to collect waste on its behalf.
<b>Waste disposal site</b>	means any landfill, transfer station, recycling station, or other land or facility operated by or for the Council for the disposal or temporary storage of waste or any specified recyclable.
<b>Waste management facility</b>	means a facility which primarily provides waste management and disposal services or waste remediation and materials recovery services, in relation to solid waste.
<b>Waste management facility operator</b>	means a person who owns or manages a waste management facility.
<b>Waste operator</b>	means a person who is a waste collector or operates a waste management facility.

### 3 Council kerbside waste collection

#### 3.1

The council may specify:

- approved containers that may be used for kerbside collection,
- the types of waste that may be collected in various types of approved container,
- the categories of wastes that may be collected,
- the conditions applicable to Council's kerbside collection service, including the placement and retrieval of approved containers for collection, collection days and times, and restrictions on the number and weight of approved containers;
- requirements to ensure the correct separation of categories of wastes into approved containers;
- any other operational matter required for the safe and efficient operation of the Council's kerbside collection.

Our website has more information on what can and can't go in our approved containers:  
<https://www.hauraki-dc.govt.nz/services/refuse/>

#### 3.2

Every occupier or manager of the premises must ensure:

- (a) that the approved container put out for collection is securely fastened or closed to prevent spillage, and no domestic waste is sitting higher than the rim of the approved container.
- (b) that domestic waste is not be packed tightly in rigid walled approved containers, but must be stored in such a manner that the whole of the contents of the container fall out easily and cleanly when the container is upended.
- (c) that their approved container is kept as clean as practicable and is to maintain the same in good repair to the satisfaction of the Council, and
- (d) is responsible for any domestic waste generated on the premises until it has been collected.

If an animal gets into your rubbish bag while it is waiting to be collected it is your responsibility to pick up any rubbish, not the waste contractor's.

### 3.3 Separation of waste

The occupier or the manager of a premises must ensure that the domestic waste from the premises is separated into waste types as determined by the Council, and deposited for collection in the correct approved container. No person may deposit in a container material that is not approved for that type of container.

### 3.4 Dangerous waste

No person is to deposit or allow to be deposited in any approved container:

- (a) Explosive, highly flammable or infectious material, or hot ashes;
- (b) Liquids, acids, printer ink, paint, or any other thick fluid;
- (c) Broken glass, glass articles, broken crockery, china or other such sharp articles or materials unless the sharp articles or materials are wrapped to prevent injury to the waste contractor

A person must not:

- (a) put domestic waste into an approved container provided to any other person, without that other person's consent;
- (b) remove domestic waste from, or interfere with any waste deposited in, an approved container, except the council, a waste contractor or the person who deposited the waste;
- (c) remove an approved container from the premises to which it has been allocated, except with the prior written approval of the Council.

## 4 Public rubbish bins

### 4.1

No person is to:

- (a) deposit any domestic or commercial waste in a public rubbish bin,
- (b) damage any litter receptacle provided by the Council in any public place.

### 4.2

No person is to affix any item to any public rubbish bin provided by the Council in any public place, without the permission of the Council.

## 5 Accumulation, deposit, or storage of waste on any property

No person is to leave or place domestic waste or commercial waste from one property outside another property unless the location has been approved by the Council.

### 5.1

No person is to leave or place any domestic waste or commercial waste for collection in any public place unless it is in a suitable container or containers which are secured to prevent spillage and are placed in a position that does not obstruct or present a hazard to pedestrian or vehicular traffic or the flow of storm water.

### 5.2

No person is to:

- (a) allow any accumulation of domestic waste, commercial waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health;
- (b) use any domestic waste or commercial waste container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.

The Litter Act also allows Council to require a person clean up litter on private property if it 'grossly defaces or defiles' the area.

### 5.3

Where in the opinion of the Council an accumulation of any waste exists on any premises which is offensive, a nuisance, or likely to be injurious to health, the Council may by notice in writing require its removal and disposal.

### 5.4

No person is to dispose of domestic waste or commercial waste by burying it or burning it in such a manner as to cause a nuisance or breach any Act.

### 5.5

No person is to dispose of domestic waste or commercial waste on any property, unless the property is a waste disposal site.

### 5.6

No person shall place any special waste in a public place.

Breaches of outdoor burning rules can result in enforcement action being taken by the Waikato Regional Council. Search '[Outdoor burning](#)' on Waikato Regional Council website for more guidance.

## 6 Waste disposal sites

### 6.1

All persons entering any waste disposal site must observe and comply with all signs or any instructions given by the Council with regard to waste disposal site operational and safety matters or the depositing of waste or recyclables.

## 6.2

Any person driving a vehicle in a waste disposal site must obey all signs or notices concerning traffic movement and parking displayed in that waste disposal site.

## 6.3

No person is to drive a vehicle at a greater speed than indicated on any road within the waste disposal site. In the absence of speed limit signs, no person is to drive a vehicle at a speed greater than 10 kilometres an hour in any waste disposal site.

The Council has transfer stations (waste disposal sites) at Grey Street, Paeroa and Dean Crescent, Waihi. Check our [website](#) for operating hours.

## 6.4

No person is to enter any waste disposal site other than for the purposes of depositing waste and/or recyclables and during such hours as the waste disposal site is open except with the approval of the Council.

## 6.5

The Council may refuse any waste at a disposal site for which charges payable have not been paid or which in its opinion:

- (a) May cause undue hazard to the health and safety of persons; or
- (b) May damage the environment; or
- (c) Cannot be adequately treated or handled by the normal methods used on that site.

## 6.6

Acceptance of special waste at a waste disposal site is at the discretion of the Council. All special waste is to be declared to the site operator.

## 6.7

No person is to deposit or allow to be deposited at any waste disposal site:

- (a) Explosive, highly flammable or infectious material, or hot ashes;
- (b) Liquids, acids, printer ink, paint, or any other thick fluid;
- (c) Broken glass, glass articles, broken crockery, china or other such sharp articles or materials unless the sharp articles or materials are wrapped to prevent injury to the waste contractor;
- (d) Asbestos.

## 6.8

Loads greater than 2 cubic metres require prior approval from the Council for disposal at the Waihi Waste Transfer Station.

## 6.9

No person is to remove any deposited waste, article or materials from any waste disposal site unless authorised by the Council to remove articles or materials for recycling or reuse.



#### 6.10

Except when secured to or confined completely within a vehicle, no person is to take any animal on to any waste disposal site or allow any stock to wander or graze thereon without the permission of the Council.

#### 6.11

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

## 7 Waste operator and waste management facility operator licensing

### 7.1 Requirement to hold a licence

Any:

- (a) waste operator who collects and/or transports more than 30 tonnes of waste in any one twelve month period from land in the Hauraki District; and
- (b) waste management facility operator with a facility in the Hauraki District that handles more than 30 tonnes of waste in any one twelve month period

must have a waste operator licence issued by the Council, and may not collect waste or operate the waste management facility (as the case may be) without such a licence.

### 7.2 Licence applications

- (a) An application for a waste operator 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.
- (b) The holder of an existing licence may apply to the Council for a renewal of that licence.
- (c) A licence is personal to the holder and is not transferable.
- (d) 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.

As part of their application, applicants will need to provide a plan on how they will divert waste from landfill.

### 7.3 Consideration of licence applications

When considering a licence application, the Council may take into account the following non-exhaustive list of factors:

- (a) The extent to which the licenced activities will promote public health and safety, and support achievement of the Council's waste management and minimisation plan, including goals and initiatives within that plan;
- (b) The quantity and type of waste to be handled;
- (c) The methods employed for the handling of the waste including the identity of the waste management facility at which it is proposed that recycling, recovery, treatment, or disposal will occur;
- (d) The frequency and location of the waste collection, removal and transportation services;
- (e) The specifications of the vehicles, equipment, and containers to be used for the handling of waste;

- (f) The applicant's experience, reputation, and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions; and
- (g) The terms and conditions under which any 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.

#### **7.4 Conditions of licence**

A licenced waste operator must comply with all terms and conditions of the licence. These conditions may include, but are not limited to, the following matters:

- (a) Term – a licence may be granted for a term of up to 5 years;
- (b) Licence fee – the licensee must pay an annual licence fee in an amount determined by the Council from time to time;
- (c) Compliance with standards – the licence holder must comply with any standards or policies the Council has set for waste handling such as:
  - i. Provision of waste collection services within reasonable times specified by the Council;
  - ii. The collection of any litter within a specified distance of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process; and
  - iii. Resource consent conditions.
- (d) Provision of information – the licence holder must provide data relating to waste they have handled to the Council during the term of their licence, in the form and at the times determined by the Council from time to time, such as the quantities of various waste categories that have been handled by the waste operator during a period of time (e.g. a three month period, including the destination of each waste type and method of processing (recycling, recovery, treatment, disposal etc)).

The Council will take all reasonable steps to keep commercially sensitive information confidential, for example by aggregating such information for reporting purposes.

#### **7.5**

The Council may suspend or revoke a licence if the licence holder fails to comply with this bylaw, any of the terms or obligations of the licence, any relevant controls made under this bylaw, or acts in a manner which the Council considers, on reasonable grounds and in light of the purpose of this bylaw, is not suitable for the holder of a waste operator licence.

#### **7.6 Waste collection vehicle**

No person while in charge of or operating any waste collection vehicle is to:

- (a) Put any person in danger;
- (b) Allow the vehicle to stand or park, in any public place for any period of time other than is necessary for the collection of waste from any premises;
- (c) Permit or allow the vehicle to be in an unclean or offensive condition;
- (d) Neglect or omit to immediately collect waste spilled from a waste collection vehicle on any road or other place and redeposit it in the collection vehicle.

A waste collection vehicle may belong to our waste contractor or another waste operator in the District.

## 7.7

No waste is to be transported by vehicle through, over or upon any road or public place unless such waste is adequately covered to prevent the waste from falling or otherwise escaping on to any road or other public place.

# 8 Events

## 8.1

Any organiser of an event must obtain prior approval from the council for a waste management and minimisation plan for the event.

## 8.2

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 collection and use of recyclables 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) the requirement to provide a waste analysis following the conclusion of the event; and
- (g) any other matters relating to event waste management and minimisation that may be specified by the Council.

See our website for guidance and a waste planning and reporting templates for events.

## 8.3

The organiser of an event must comply with the approved event waste management and minimisation plan.

For large events, we suggest reaching out to volunteer groups that may be able to assist with rubbish and recycling support on the day.

## 8.4

On completion of the event, the organiser must complete the council's event waste management report template 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.

## 9 Construction site waste management and minimisation plans

### 9.1

Any person applying for a building consent for building work or multi-unit development with an estimated total value of \$500,000 or higher must also submit a site waste management and minimisation plan to the council for approval.

### 9.2

A site waste management and minimisation plan must set out:

- (h) The name of the client, principal contractor, and person who prepared the site waste management and minimisation plan;
- (i) The location of the site;
- (j) The estimated total cost of the building work;
- (k) A description of each type of waste expected to be produced;
- (l) An estimate of the quantity of each type of waste; and
- (m) The proposed method of waste management for each type of waste (e.g. recovery, recycling, disposal).

See our website for guidance and a waste planning and reporting templates for construction waste.

### 9.3

While the building work is being carried out, the principal contractor will:

- (a) 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. Sent to other forms of recovery (on or off site)
  - iv. Sent to landfill
  - v. Otherwise disposed of.

### 9.4

Within three months of completion of the building work the principal contractor must add to the plan:

- (a) Confirmation that the plan has been monitored and updated;
- (b) A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type;
- (c) An explanation of any deviation from the plan;
- (d) An estimate of any cost savings that have been achieved by completing and implementing the plan.

### 9.5

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. It must be available to any contractor carrying out any work described in the plan.

## 10 Fees and charges

### 10.1

The Council may prescribe a licensing fee for waste operators in accordance with clause 6.

### 10.2

The Council may prescribe fees for the disposal of solid waste. All fees are set out in the Council's schedule of fees and charges.

### 10.3

Recyclables will be accepted at waste disposal sites without charge.

### 10.4

If an approved container has become unfit for purpose it will need to be replaced and may incur a charge for a replacement container.

## 11 Enforcement

### 11.1 General

Where a breach of this bylaw occurs, the Council may:

- (a) Enforce any offence that may have been committed under the Litter Act 1979; and
- (b) 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.



Keep Hauraki beautiful!  
We can fine up to \$400 for  
littering in a public place.  
For more information, see  
[https://www.hauraki-  
dc.govt.nz/our-  
council/policies/litter-  
infringements/](https://www.hauraki-dc.govt.nz/our-council/policies/litter-infringements/)

### 11.2 Council kerbside collection

Where a person does not comply with clause 3.0 of this bylaw (Council kerbside domestic waste collection) the waste contractor 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) for repeated offences withdraw or suspend the collection service provided by the waste contractor to that person.

### 11.3 Licenced waste operators

Where a licence holder does not comply with the terms and conditions of a waste operator 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.

## 12 Offences and penalties

### 12.1

A person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Waste Minimisation Act 2008, the Local Government Act 2002 or the Health Act 1956.

### 12.2

A person who commits a breach of this bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.

The penalty for a breach of a bylaw made under the Waste Minimisation Act 2008 is a fine up to \$20,000.

## 13 Exceptions

- a) 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.
- b) A product stewardship scheme accredited under the Act may be exempted from the requirements of this bylaw.

## Solid Waste Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 27 July 2022, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

\_\_\_\_\_ Mr. Toby Adams, Mayor

\_\_\_\_\_ Mr. Langley Cavers, Chief Executive



For more information:

- **W** [www.hauraki-dc.govt.nz](http://www.hauraki-dc.govt.nz)
- **E** [info@hauraki-dc.govt.nz](mailto:info@hauraki-dc.govt.nz)
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Visit us at one of our offices:

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