

Upper Hutt City Council

Solid Waste Management and Minimisation Bylaw 2020

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Part A: Introduction

1 Title and application

1.1 The bylaw is called the “Solid Waste Management and Minimisation Bylaw 2020”.

1.2 This bylaw applies within the boundaries of Upper Hutt City.

2 Commencement

2.1 This bylaw comes into force on 25th January 2021, with the following exceptions, which will come into force on the dates specified:

- (a) The licensing provisions in section 11 come into force two years after the commencement date of this bylaw; and
- (b) The event waste management plan provisions under section 13 come into force one year after the commencement date of this bylaw; and
- (c) The construction and demolition waste provisions under section 14 come into force six months after the commencement date of this bylaw.

3 Revocation

3.1 This Bylaw does not repeal or replace any existing Council bylaw.

4 Purpose

4.1 The purpose of this bylaw is to support:

- (a) The promotion and delivery of effective and efficient waste management and minimisation in Upper Hutt City as required under the Waste Minimisation Act 2008;
- (b) The implementation of the Wellington Region Waste Management and Minimisation Plan;
- (c) The purpose of the Waste Minimisation Act 2008 and the goals in the New Zealand Waste Strategy 2010, 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) The regulation of waste collection, transport and disposal, including recycling, waste storage and management;
- (e) Controls regarding the responsibilities of customers who use approved solid waste services, and the licensing of waste collectors and waste operators;
- (f) The protection of the health and safety of waste collectors, waste operators and the public; and

(g) The management of litter and nuisance relating to waste in public places.

4.2 This bylaw is made pursuant to section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Heath Act 1956, and section 12 of the Litter Act 1979.

5 Compliance with the bylaw

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

5.2 For the avoidance of any doubt, compliance with this bylaw does not remove the need to comply with all other applicable acts, regulations, bylaws, and rules of law.

6 Interpretation

6.1 For this bylaw, unless the context otherwise requires, the following definitions apply¹:

Term	Means
Act (the Act)	Waste Minimisation Act 2008
Advertising material	Any message which: (a) Has printed content controlled directly or indirectly by the advertiser; and (b) Is expressed in any language and communicated in any medium with the Intent to influence the choice, opinion or behaviour of a person.
Approved	Authorised in writing by Council.
Approved collection point(s)	Council approved places, facilities or receptacle where approved receptacles may be left for collection or waste may be deposited.
Approved receptacle	Any container, bag or other receptacle that has been approved by Council for the collection of any type of waste or diverted material, with approval based on the following criteria: the prevention of nuisance, the provision for adequate security to prevent scavenging, the protection of the health and safety of waste collectors and the public, and the achievement of effective waste management and minimisation.
Authorised officer	Any officer of Council or other person authorised by Council to administer and enforce its bylaws, and any person appointed especially or generally by Council to enforce the provisions of this bylaw.
Building work	As defined in the Building Act 2004 and includes any work for, or in connection with, the construction, alteration, demolition, or removal of a building. It can include site work and design work relating to the building work.
Bylaw	This Solid Waste Management and Minimisation Bylaw 2020.
Cleanfill material	Waste that meets all of the following requirements: (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) includes virgin excavated 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, hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown; (iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;

¹ For the avoidance of doubt, where this Bylaw relies on a definition in legislation and that definition changes, the definition in this Bylaw changes accordingly.

	(iv) materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health or the environment; and (v) contaminated soil and other contaminated materials; and (v) liquid waste; and (c) has less than two per cent by volume by load of tree or vegetable matter.
Cleanfill	Land used for the disposal of cleanfill material.
Commercial or industrial waste	Waste (excluding trade waste) that results from a commercial or industrial enterprise and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other activity or operation of a similar nature.
Construction and demolition waste	Waste generated from any building work (including renovation and repair); and includes but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, asphalt and rubble.
Council	Upper Hutt City Council or any person delegated or authorised to act on its behalf.
Deposit	To cast, place, throw or drop any waste or diverted material.
Dispose or Disposal	As defined in the Act.
Diverted material	As defined in the Act.
Donation collection point	A place where approved types of waste may be deposited for the purposes of raising funds or the charitable reuse/recovery of the waste items.
Estimated value	As defined in the Building Act 2004.
Event	<p>Any organised temporary activity of significant scale that is likely to create litter and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, festival, performance, concert or celebration. An event will be considered significant if it has an expected attendance of 1,000 or more people across the duration of the event, whether it be a single or multi-day event.</p> <p>For the purpose of this bylaw 'event' 'outdoor event' <u>excludes</u>:</p> <ul style="list-style-type: none"> any regularly occurring recreational activities such as weekly sports events. <p>An indoor event will be considered significant if it has an expected attendance of 1000 or more people across the duration of the event, whether it be a single or multi-day event.</p> <p>For the purpose of this Bylaw an 'indoor event' excludes:</p> <ul style="list-style-type: none"> Indoor private functions: and Any regularly occurring recreational activities such as weekly sports events.
Food waste	Waste that is derived from any item of food and is organic in origin and free of contamination and includes fruit and vegetable scraps, meat, fish, bone and shell discards, and any other similar food scraps.
Green waste	Organic plant material from gardening or arboriculture activities including lawn clippings, weeds, plants and other soft vegetable matter, which by nature or condition and being free of any contaminants will degenerate into compost.
Handled or Handles	Includes removing, collecting, transporting, storing, sorting, treating, processing or disposing of waste.
Hazardous substance	<p>As defined in the Hazardous Substances and New Organisms Act 1996 and means, unless expressly provided otherwise by regulations, any substance—</p> <p>(a) with 1 or more of the following intrinsic properties:</p> <ul style="list-style-type: none"> (i) explosiveness: (ii) flammability: (iii) a capacity to oxidise: (iv) corrosiveness: (v) toxicity (including chronic toxicity): (vi) ecotoxicity, with or without bioaccumulation; or <p>(b) 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 1 or more of the properties specified in paragraph (a).</p>
Hazardous waste	<p>Waste that:</p> <p>(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 Organisms Act 1996; or</p>

	(b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 2007 – Transport of Dangerous Goods on Land; or (c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982. Hazardous waste does not include household waste, inorganic waste, construction and demolition waste, or commercial or industrial waste.
Home composting	The activity of aerobically decaying household organic waste (green waste and/or food waste) and other compostable items originating from that property to create compost at home. To avoid doubt, includes worm farms and anaerobic digestors.
Household waste	Waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include , commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.
Inorganic waste	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 receptacle, and that is specified by council as suitable for: (a) collection from a public place by council or an approved waste collector; or (b) collection from any premises by council or an approved waste collector; or (c) delivery to a resource recovery facility.
Landfill	As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand) ² or by Government standards or regulation.
Licence	A licence, consent, permit or approval to do something under this bylaw and includes any conditions to which the licence is subject.
Litter	Any rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, other residual waste or any other thing of a like nature that has been disposed of in a public place, other than in an approved receptacle or collection point for such disposal, or on private land without the consent of the occupier. For the avoidance of doubt this includes organic material, dog faeces in a container or bag, or disposable nappies.
Litter receptacle	A receptacle provided for the collection of litter.
Manager	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. For clarity, this includes the chairperson of a body corporate for a multi-unit development.
Multi-unit development	A multiple tenancy property comprising of 10 or more separately occupied residential units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership. This includes a unit title development, a mixed-use premises with business activities, and any development with controlled or restricted access, such as a gated community.
Nuisance	As defined in section 29 of the Health Act 1956, and includes anything offensive or injurious to the health of the community or any member of it.
Occupier	In relation to any property or premises, means the inhabitant occupier of that property or premises and, in any case where any building, house, tenement, or premises is unoccupied includes the owner.
Organic waste	Food waste and/or green waste that is specified by council under section 7 of this bylaw as organic waste.
Owner	In relation to any property or premises, means the person or persons entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent, and where such a person is absent from New Zealand, includes their attorney or agent.
Person	An individual, a corporation sole, a body corporate, and an unincorporated body.
Premises	Any separately occupied land, dwelling, building, or part of the same.
Prohibited waste	Waste containing - (a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;

² The guidelines can be accessed at <http://www.wasteminz.org.nz/pubs/technical-guidelines-for-disposal-to-land-april-2016/>

	<p>(b) any material capable of causing damage to the approved receptacle or likely to shatter and cause injury in the course of collection unless the material is sufficiently contained to prevent damage to the approved receptacle or to prevent injury;</p> <p>(c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation, storage, sorting or disposal;</p> <p>(d) any radioactive wastes, but excluding domestic smoke detectors;</p> <p>(e) any used oil and lead-acid batteries;</p> <p>(f) any hazardous waste;</p> <p>(g) medical waste including wastes generated at health care facilities, such as hospitals, physicians' offices, dental practices, blood banks, pharmacies/chemists, and veterinary hospitals/clinics, as well as medical research facilities and laboratories;</p> <p>(h) any asbestos containing material; and</p> <p>(i) any material prohibited by council under section 7 of this bylaw.</p>
Public place	<p>(a) A place that is under the control of Council or a Council-controlled organisation that, at any material time, is open to or is being used by the public, whether free or on payment of a charge; and</p> <p>(b) To avoid doubt this includes any park, reserve, recreational ground, pool, community facility, sports field or facility, public open space, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat ramp, pontoon, road, street, lane, thoroughfare, footpath, access way, cycleway, bridleway, car park, grass verge, berm, and any part of the public place.</p>
Recovery	As defined in the Act.
Recyclable material or Recyclables	The types of waste that are able to be recycled and that may be specified by council from time to time under this bylaw.
Recycling	As defined in the Act.
Reuse	As defined in the Act.
Rural areas	Any areas zoned and/or defined in the [insert name] District Plan as rural.
Site	For the purposes of this bylaw means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.
Specified intended life	As defined in the Building Act 2004.
Treatment	As defined in the Act.
Unaddressed mail	Any mail or material that does not display a full address and name of a person at that address.
Waste	As defined in the Act.
Waste collector	Any person or entity that collects and 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, the owner taking their own household garden waste to a waste management facility).
Waste hierarchy	As defined in the Act.
Waste management facility	A facility authorised by council which primarily provides waste treatment and disposal services or waste remediation and materials recovery services, in relation to solid waste. Includes but is not limited to waste transfer stations, resource recovery stations, recycling centres, composting facilities, landfills or clean fill sites, or hazardous waste facilities.
Waste Management and Minimisation Plan, or WMMP	A waste management and minimisation plan adopted by council under section 43 of the Act.
Waste operator	Any person or entity that operates a waste management facility.

Waste remediation and materials recovery services	The remediation and clean-up of contaminated buildings and mine sites, mine reclamation activities, removal of hazardous material and abatement of asbestos, lead paint and other toxic material. This also includes recovery, sorting, and/or storage services in relation to waste.
Waste treatment and disposal services	The treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, composting, biodigesters and other treatment facilities (except sewage treatment facilities), and waste transfer stations.

7 Controls

7.1 Council may make, amend or revoke controls to support the implementation of this bylaw.

7.2 The controls made by Council under section 7.1 may relate to but are not limited to the following matters:

- a) The type, size, capacity/volume, weight, number, colour and construction of approved receptacles that may be used for the disposal, storage and collection of waste and recyclable material;
- b) The types of household waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable, organic waste, or other residual waste;
- c) The types and categories of waste that may be deposited in approved receptacles;
- d) The conditions applicable to any collection service from a public place, including the placement and retrieval of approved receptacles for collection, collection days and times, and restrictions on the number and weight of approved receptacles;
- e) Requirements to ensure the correct separation of wastes into approved receptacles, including content control messaging and symbology on an approved receptacle that specifies the permitted and prohibited content;
- f) Maximum allowable limits of a specified waste type that may be deposited, collected or transported from a public place in an approved receptacle;
- g) Maximum allowable limits of a waste type that may be placed in a receptacle that is approved for another type of waste;
- h) Types of waste that are prohibited;
- i) The locations, access times and conditions of use of approved collection points;
- j) Requirements relating to the safe and secure transportation of waste;
- k) Requirements applicable to waste service users and/or to waste handling and collection if traffic or pedestrian safety have the potential to be adversely impacted by the deposit of material in a public place or by waste servicing operations; and
- l) Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.

7.3 Council must, before making, amending or revoking any control under section 7.1, comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002.

7.4 Any control made, amended or revoked under section 7.1:

- a) Must be made by a resolution of Council that is made publicly available; and
- b) May:
 - i. Regulate, control or prohibit any matter or thing either generally, for any specified classes of case, or in a particular case;
 - ii. Apply to all waste or to any specified category or type of waste;
 - iii. Apply to Upper Hutt or to a specified part of Upper Hutt; and/or
 - iv. Apply at all times or at any specified time or period of time.

Part B: Deposit, collection, transportation, storage, processing and disposal of waste

8 General responsibilities

8.1 The occupier and/or the manager of a premises must ensure that the household waste from the premises is separated into waste types as determined by council and is deposited for collection in the correct approved receptacle. No person may deposit in a receptacle any material that is not approved for that type of receptacle.

8.2 The occupier and/or the manager of any premises must ensure that:

- a) All waste receptacles are appropriately secured to deter scavenging and to prevent waste escaping;
- b) Any waste receptacle is regularly emptied when it is full; and
- c) The contents of any waste receptacle are protected from rain, dispersal by wind, or ingress or egress of flies, vermin and animals.

8.3 The occupier and/or the manager of any premises must ensure that:

- a) All approved receptacles are kept in a safe location, are hygienic, in good repair, and are without any modifications or alterations to their appearance;
- b) The contents of any approved receptacle do not seep or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter;
- c) Waste is deposited in the receptacle in a manner that allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied;
- d) The receptacle is placed upright either at an approved collection point or for collection in a position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible;
- e) The receptacle is placed so that it does not disrupt or obstruct pedestrian, wheelchair or vehicular traffic, and so that access to the premises is preserved; and
- f) The receptacle is placed for the collection of waste and is retrieved in accordance with any applicable control specified by council under this bylaw.

8.4 No person shall deposit waste in a manner where:

- a) The receptacle is damaged or otherwise likely to cause injury to the collector;
- b) In the opinion of council, or the waste collector or waste operator where applicable, the waste is in an unsanitary or in an offensive condition;
- c) The waste includes waste prohibited under this bylaw;
- d) The container/receptacle is not an approved receptacle;
- e) The receptacle is in a condition that allows spillage of waste or is not of a sufficient size to contain the waste;
- f) The receptacle or the waste does not comply with the rules under this bylaw in terms of type, size, volume, weight, numbers, colour, placement or any other detail;
- g) The number of approved receptacles placed out for collection is greater than the authorised number of receptacles for the property, unless approved by an authorised officer; or
- h) Any other reason which council, or the waste collector or operator, deems would cause a health and safety concern to the waste collection operation.

8.5 No person shall:

- a) Put waste into an approved receptacle allocated to any other person, without that other person's consent;
- b) Remove waste from, or interfere with any waste deposited in, an approved receptacle, except council, a waste collector, or the person who deposited the waste; or
- c) Remove a receptacle provided to the premises to which it has been allocated, except with the prior written approval of council or the waste collector.

- 8.6 The occupier and/or the manager of any premises is responsible for any waste generated on that premise until it has been collected.
- 8.7 The occupier and/or the manager of any premises is responsible for any waste not collected because of non-compliance with this bylaw. Any waste or recyclables not collected shall be removed from the roadside by the occupier and returned to the occupier's premises by noon on the day following collection or within such other time period as specified by a control made under this bylaw.
- 8.8 To enable the occupier and/or the manager of a premises to be able to comply with sections 8.1 - 8.5, an authorised officer may approve placement of approved receptacles in a location other than directly outside that premises.
- 8.9 Where any breaches of the conditions in sections 8.1 - 8.5 occur, the waste collector shall not be obligated to collect the waste.
- 8.10 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 any of the waste from falling or otherwise escaping on to any road or other public place.
- 8.11 Any waste or diverted material deposited in or on a public place or disposed of in a manner that is in breach of this bylaw, and/or any controls made under section 7 of the bylaw, shall be deemed to be litter under the Litter Act 1979 and will be subject to enforcement action under that Act.

9 Waste collections from a public place

- 9.1 Waste must not be placed on or in a public place for collection unless it is:
- A type of waste specified and approved by council as able to be placed on or in a public place for collection; and
 - Placed in an approved receptacle for collection by a waste collector.
- 9.2 Prohibited waste, diverted material, construction and demolition waste, or commercial or industrial waste must not be placed on or in a public place for collection unless authorised by council under this bylaw or another Council bylaw.
- 9.3 Any waste collector who collects or transports waste from a public place must:
- Make available to the occupier and/or manager of a premises the appropriate approved receptacles to enable separate collection of each of the waste types required to be separately collected from the premises;
 - Clearly identify their name and contact details on all approved receptacles;
 - Not collect any household waste which has not been separated into the waste types as required under this bylaw and/or any controls made under section 7 this bylaw; and
 - Following collection, ensure that any receptacle is placed so that it does not disrupt or obstruct pedestrian, wheelchair or vehicular traffic, and so that access to the premises is preserved.
- 9.4 Any person providing or using a waste collection service in or from a public place must comply with all controls made under this bylaw by council relating to that collection.

10 Approved collection points

- 10.1 No person may deposit waste at an approved collection point other than in accordance with any applicable Council control.
- 10.2 Council may specify:
- Any place, or receptacle in a public place or on a barge in a marine area, as an approved collection point for the collection of household waste; and
 - Controls relating to the deposit of waste at the collection point including the use of specified receptacles.

11 Licensing of waste collectors and waste operators

11.1 Any:

- a) Waste collector who handles more than 20 tonnes of waste in any one twelve month period in, around or out of Upper Hutt; or
- b) Waste operator with a waste management facility in Upper Hutt that handles more than 20 tonnes of waste in any one twelve-month period;

must have a current licence that has been issued by council and may not collect waste or operate a waste management facility (as the case may be) without such a licence.

11.2 An application for a licence must be made on the approved form available from council, and must be accompanied by the application fee and the supporting information required by council to process the application.

11.3 The holder of an existing licence may apply to council for a renewal of that licence.

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

11.5 A licence may be granted or refused at the discretion of council, and if granted, may be on such terms and conditions as council considers fit.

11.6 When considering a licence application, council may take into account a range of factors including but not limited to the following:

- a) The nature of the activity for which a licence is sought;
- b) The extent to which the licensed activities will promote public health and safety, and support achievement of council's WMMP, including the waste minimisation goals and initiatives within that plan;
- c) The extent to which the licensed activities will adopt best practice waste management and minimisation;
- d) The quantity and type of waste to be handled;
- (e) The methods employed for the handling, disposing and recycling of the waste and the minimisation of litter, including (but not limited to):
 - i. the identity of the waste management facility at which it is proposed that recycling, recovery, sorting, storage, treatment, or disposal will occur; and
 - ii. adherence to health and safety standards and any other relevant industry standards;
- (f) The frequency and location of the waste collection, removal, storage and transportation services;
- (g) 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
- (h) 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.

11.7 When considering an application for a licence, council may inspect the premises or locations related to the application in relation to the purposes for which the licence is sought.

11.8 A licensed waste collector or waste operator must comply with all terms and conditions of the licence.

The terms and conditions may include, but are not limited to, the following matters:

- (a) Term – a licence may be granted for a term of up to five years from the date of Council approval, or for a shorter duration if specified in the terms and conditions of the licence, and will be reviewed every year by council to ensure compliance with the terms and conditions of the licence;
- (b) Licence fee – the licensee must pay an annual licence fee in the amount determined by council;
- (c) Performance bond – council may require a licence holder to post a bank-guaranteed bond or a security;
- (d) Compliance – the licence holder must comply with any relevant controls, standards or policies council has set for waste handling such as (but not limited to):
 - i. Provision of waste collection services within reasonable collection times and to meet any minimum collection frequencies specified by Council;
 - ii. Provision of appropriate approved receptacles for waste collection which clearly identify the waste collector's name and contact details; and

- iii. The collection of any litter within a specified distance of an approved receptacle awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation, storage or disposal process.
- (e) Provision of information – the licence holder must provide data relating to all waste they have handled to council during the term of their licence, in the form and at the times determined by council (but not limited to):
 - i. The quantities of various waste types that have been handled by the waste collector or waste operator during a specified period of time, including the source and destination of each waste type and the method of processing (recycling, recovery, treatment, disposal etc); and
 - ii. Weighbridge receipts, gate records of waste tonnages per waste type as specified in the licence.

The minimum requirement will be an annual performance report due within one month of the completion of each year of the licence.

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

11.10 Fees and charges for the issue of licences under this bylaw are 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](#).

12 Multi-unit developments (MUDs)

12.1 The owner and/or the manager of a multi-unit development must make adequate provision for the management of all waste, recycling and organic material generated within the premises. This includes arrangements for the regular collection of waste to the satisfaction of Council and the provision of adequate areas for:

- a) The storage of disposed of or discarded material on the premises from any activity on that premises; and
- b) The collection of disposed of or discarded material if collection occurs on the premises.

Waste management plans

12.2 Subject to any exemption granted in accordance with section 12.5, the owner and/or the manager of a multi-unit development must submit to council for approval a multi-unit development waste management plan for:

- (a) The management of an existing multi-unit development if any of the occupiers cannot dispose of or discard material as expressly allowed in section 8, within three months of the date that the owner and/or manager is notified by council of the requirement to obtain approval of a multi-unit development waste management plan; or
- (b) A planned multi-unit development, prior to the commencement of construction of the multi-unit development.

12.3 A multi-unit development waste management plan must include, but is not limited to, the following information:

- (a) The person or persons responsible for the management, collection and disposal of waste and the methods to be used;
- (b) Identification of an adequate area on the premises for the storage of receptacles that is readily accessible to the occupiers of units and the waste collector to enable separate collection and transportation of waste and recycling as specified by council;
- (c) An estimate of the types and volumes of waste that will be generated;

- (d) How waste generated within the premises is to be minimised employing the waste hierarchy and the steps to maximise the collection and use of recyclables, organic waste and reusable material;
- (e) The methods to be used to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations, and protected from theft and vandalism;
- (f) Identification of the means and route of access and egress to the waste storage area; and
- (g) Any other matter relating to waste management and minimisation that may be specified by council.

12.4 Any person who owns, manages or occupies a multi-unit development must comply with the approved multi-unit development waste management plan for that development and any conditions applied to the approval by council (except if an exemption is granted in accordance with section 12.5).

12.5 Council may, on application, grant a written exemption from compliance with all or any the requirements of this section 12 if:

- (a) In the opinion of council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; and/or
- (b) The owner and/or the manager demonstrates to the satisfaction of council that recyclable material, organic waste and other wastes are separately and regularly collected.

Waste collection, transportation, storage and deposit controls

12.6 Council may specify controls for the following matters in relation to the collection, transportation, storage or deposit of waste from multi-unit developments:

- (a) The categories of recyclable material, organic waste and other residual waste that may be deposited at or collected from a multi-unit development;
- (b) (The times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of receptacles for collection, collection times and restrictions on the number and weight of approved receptacles;
- (c) Requirements to ensure the correct separation of organic waste, recyclable materials and other residual waste into approved receptacles; and
- (d) Any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.

12.7 Any person who owns or manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation, storage and management of waste in the multi-unit development made by council under section 7 of this bylaw.

13 Events

13.1 At least 30 working days prior to the commencement of an event, the event manager must submit to the Council for approval an event waste management plan for the event.

13.2 The event waste minimisation plan must 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 use of reusable systems, the collection and use of recyclables, other recoverable and compostable materials, and an estimate of the diversion of waste and the avoidance of waste
- (d) The equipment to be provided for the storage, collection and transportation of waste and diverted material;
- (e) The proposed method for minimising and capturing litter associated with the event;
- (f) The person responsible for the collection and disposal of waste and the methods to be used;
- (g) The timing and frequency of the collection of waste, during or after the event; and
- (h) Any other matters relating to event waste management and minimisation that may be specified by council.

13.3 The manager of an event must comply with the event waste management plan approved by council for the event.

13.4 On completion of the event, the event manager must provide council with a waste analysis report, which at a minimum, will include a breakdown of:

- The types of waste generated by the event;
- The amounts of waste (by type) generated by the event;
- The amount of waste diverted and avoided; and
- The waste management facilities used to recover, recycle, treat or dispose of this waste.

14 Construction site and demolition waste

14.1 Council may make a control under this bylaw to require any person that is applying for a building consent for building work of a certain estimated value or higher to submit a construction site and demolition waste management plan to council for approval prior to the commencement of any building work.

14.2 At a minimum, a construction site and demolition waste management plan must set out:

- (a) The name of the client, principal contractor, and person who prepared the waste management plan;
- (b) The location of the site;
- (c) The estimated total cost of the building work;
- (d) A description of all types of waste expected to be produced;
- (e) The proposed method of waste management for each type of waste (e.g. reuse, recovery, recycling, disposal); and
- (f) The proposed method for minimising and capturing litter associated with the project and the building work.

14.3 A construction site and demolition waste management plan is required by Council to set out:

- (a) An estimate of the quantity of each type of waste; and
- (b) An estimate of the diversion of waste.

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

- (a) Review the construction site and demolition waste management 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. Sent to cleanfill; or
 - vi. Otherwise disposed of.

14.5 Within three months of completion of the building work the principal contractor must add to the construction site and demolition waste management 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; and
- (d) An estimate of any cost savings that have been achieved by completing and implementing the plan.

14.6 Where a construction site and demolition waste management plan is required, the principal contractor must ensure that a copy of the construction site and demolition waste management 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.

15 Inorganic waste

15.1 Council may specify controls for the following matters in relation to the collection of inorganic waste from a public place:

- a) the weight, size and nature of inorganic waste that may be deposited for collection;
- b) the categories of inorganic waste that may be deposited for collection;
- c) the times, locations and conditions applicable to the collection of inorganic waste from a public place;
- d) the collection methods that cause health and safety risks;
- e) any other operational matters required for the safe and efficient collection of inorganic waste from a public place.

15.2 Any person who deposits inorganic waste for collection on, or collects and transports inorganic waste from, a public place must comply with any controls made by council under this bylaw.

16 Nuisance and litter

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

16.2 Except as provided for under this bylaw, no person may:

- (a) bury or allow to be buried any waste on any property they own, occupy or manage except:
 - i. organic waste, including dead farm animals in rural areas;
 - ii. dead companion animals and nuisance pests; or
 - iii. for the purposes of home composting;
 - iv. waste deposited in a farm refuse dump or an offal pit that is consented or complies with the permitted activity conditions of the Wellington Region Natural Resources Plan;
- (b) dispose of any waste on any premises except at –
 - i. a waste management facility, or
 - ii. any premises they own, occupy or manage, for the purposes of home composting.

16.3 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 council in any public place;
- (b) remove any waste from any litter receptacle provided by council in any public place, where this results in any waste being deposited outside the litter receptacle, unless authorised by council to do so;
- (c) deposit or attempt to deposit any litter in any litter receptacle provided by 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 council in any public place; or
- (e) damage any litter receptacle provided by council in any public place.

16.4 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 council to prevent it becoming litter and to clean it up in the event that it does become litter.

17 Unaddressed mail and advertising material

17.1 No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material:

- a) in any letterbox which is clearly marked "no circulars", "no junk mail", "addressed mail only" or with words of similar effect, or around or near any such letterbox or associated vehicle accessway;
- b) on any vehicle parked in a public place; or
- c) in a letterbox that is already full of mail and/or advertising materials.

17.2 Section 17.1(a) does not apply to:

- a) material or public notices from any government department or agency, crown entity, local authority, or material from a network utility relating to the maintenance, repair, servicing or administration of that network utility;
- b) communications or fund raising material from local community organisations, charities or charitable institutions;
- c) material from a political party, political candidate or elected member; or
- d) a community newspaper or newsletter, unless the letterbox is clearly marked "no community newspapers" or with words of similar effect.

17.3 Any unaddressed mail or advertising mail deposited in a manner in breach of sections 17.1 and 17.2 shall be deemed to be litter under the Litter Act 1979.

18 Donation collection points

18.1 Anyone intending to establish a donation collection point in or on a public place must notify council in advance and must operate the donation collection point in compliance with any requirements council specifies including but not limited to:

- (a) location;
- (b) vehicle access;
- (c) type of waste which may be deposited; and
- (d) use of approved receptacles.

18.2 All donation collection points must ensure:

- (a) the removal of deposited material from the collection point;
- (b) the clean-up of any litter or illegal dumping; and
- (c) the clean-up or removal of any graffiti.

Part C: Other matters

19 General offences and penalties

19.1 Any person who fails to comply with this bylaw and the decisions and controls made under this bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable to a fine as specified in section 242(4) of the Local Government Act 2002.

19.2 A person who commits a breach of this bylaw that is an offence under the Litter Act 1979, the Waste Minimisation Act 2008 or the Health Act 1956 is liable to a penalty (without limitation) under those Acts, as relevant.

20 Other enforcement powers

20.1 Any control that is made or amended by Council under section 7.1 shall be enforceable under this bylaw.

Non-compliance with licence terms and conditions

20.2 Where a licence holder does not comply with the requirements of this bylaw and/or the terms and conditions of a licence, council may take one or more of the following steps:

- a) Issue a written warning to the licence holder, which may be treated as evidence of a prior breach of a licence condition during any subsequent review of the licence;
- (b) Review the licence, which may result in:
 - i. amendment of the licence; or
 - ii. suspension of the licence; or
 - iii. withdrawal of the licence.
- (c) Have recourse to any 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:
 - iv. an increase of the amount of the performance bond or security;
 - v. 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.

Non-compliance with general responsibilities and waste collection requirements

20.3 Where a person does not comply with the requirements of this bylaw and/or any controls made under the bylaw in relation to the waste and diverted materials collection service that applies to them, council (or a licensed waste collector where applicable) may take the following action(s) against the person:

- a) Reject (i.e. not collect) the contents of any approved receptacle left out by that person for collection from a public place, if the contents or placement of the receptacle is non-compliant;
- b) Remove the contents of any approved receptacle left out for collection from a public place where the contents or placement of the receptacle is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount payable for the collection of the largest available size of approved receptacle from that premises;
- c) Withdraw or suspend the collection service being provided to that person;
- d) Enforce any offence that may have been committed under the Litter Act 1979; and/or
- e) 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.

20.4 Where action has been taken against a person under section 20.3(c), council can authorise the reinstatement of the collection service once it is satisfied on reasonable grounds that the bylaw will be complied with.

Non-compliance with approved collection point requirements

20.5 Where a person does not comply with a control made by council under section 10 of this bylaw the Council may:

- a) Suspend that person's use of any service provided by council at any or every waste collection service;
- b) Enforce any offence that may have been committed under the Litter Act 1979; or
- c) 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.

Non-compliance with waste management plan requirements

20.6 Where a person does not comply with any of the requirements in sections 12 (Multi-Unit Developments), 13 (Events) or 14 (Construction Site and Demolition Waste Management Plans) and/or any controls made under the bylaw, council may take one or more of the following steps:

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

Non-compliance with inorganic material requirements

20.7 Where a person does not comply with a control made by council under section 15 of this bylaw, the Council (or a licensed waste collector or waste operator where applicable) may:

- a) Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;
- b) Remove the inorganic material, where the inorganic material or placement is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by council;
- c) Enforce any offence that may have been committed under the Litter Act 1979; and/or
- d) 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.

Non-compliance with unaddressed mail requirements

20.8 Where a person does not comply with any of the requirements in section 17 of this bylaw, council may use its enforcement powers under the Litter Act 1979.

21 Exceptions and saving provisions

21.1 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.

21.2 A product stewardship scheme accredited under the Act may be exempt from the requirements of this bylaw.

22 Fees

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

22.2 Council may refund, remit or waive any fee prescribed by this bylaw or charge payable for an authority, approval, licence, permit or consent from, or inspection by, council, for any reason it thinks fit.

Schedule 1: Controls for Upper Hutt City Council Solid Waste Management and Minimisation Bylaw 2020.

1 Introduction and Commencement

- 1.1 These are Council resolutions made pursuant to section 6.1 of the Upper Hutt City Council Solid Waste Management and Minimisation Bylaw 2020 (bylaw) and should be read in conjunction with it.
- 1.2 These resolutions come into force on the 25 January 2021.

2 Controls

2.1 Collection of domestic refuse and recyclable material

- 2.1.1 All domestic refuse collected by Council's bag collection service must be placed in an approved receptacle ('official Upper Hutt City Council rubbish bag')
- 2.1.2 The occupier of every dwelling unit, commercial building, or part of a commercial building, who wishes to be served by a refuse collection service conducted or controlled by Council shall, on each collection day, and not later than 7am on that day, place their approved bag or bags at the kerbside nearest the dwelling unit or commercial building, or in any other position determined by Council Officers.
- 2.1.3 Where as a result of circumstances beyond its control Council is unable to collect domestic refuse and/or recyclable material on the stipulated collection day the occupier must remove the domestic refuse and/or recyclable material from the kerbside, within 24 hours.

2.2 Construction and Demolition Waste

- 2.2.1 In accordance with section 14.1 of the Bylaw, the Council will require any person who is applying for building consent for building work with an estimated value of \$2 million or higher to submit a construction site and demolition waste management plan to the Council for approval prior to the commencement of the building work. This section will become effective six months following the date on which the Upper Hutt Solid Waste Management and Minimisation Bylaw 2020 takes effect.