



## **Waste Management and Minimisation Bylaw 2021**

Central Otago District Council

Date of making: March 2021

Commencement: 1 April 2021

This bylaw is adopted pursuant to section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002 and section 12 of the Litter Act 1979

## Contents

	<i>Page</i>		<i>Page</i>
1 Title and Commencement	1	9 Public litter bins in public places	7
2 Area within which Bylaw applies	1	10 Multi-unit developments	7
3 Purpose	1	11 Waste management for events	8
4 Interpretation	1	12 Enforcement	9
5 General Responsibilities	5	13 Offences and Penalties	9
6 Waste and waste container placement in public places	6	14 Exceptions	10
7 Collections from a public place	6	Schedule 1 - Operational Controls	
8 Visual amenity, nuisance and litter	7	Schedule 2 - Additional Information to Waste Management and Minimisation Bylaw 2021	

## Part 1 – Preliminary

### 1 Title and Commencement

- 1.1 This bylaw is the “Central Otago District Council Waste Management and Minimisation Bylaw 2021”.
- 1.2 This bylaw comes into force on 1 April 2021.

### 2 Area within which Bylaw applies

- 2.1 This bylaw applies to the area of the Central Otago District.

### 3 Purpose

- 3.1 The purpose of this bylaw is to support:
  - (a) the promotion and delivery of effective and efficient waste management and minimisation in the Central Otago District, as required under the Waste Minimisation Act 2008;
  - (b) the implementation of the Council’s Waste Management and Minimisation Plan;
  - (c) the purpose of the Waste Minimisation Act and the goals in the New Zealand Waste Strategy;
  - (d) the minimisation of the visual impact of waste and the management of litter and nuisance in council-controlled public places.

### 4 Interpretation

- 4.1 In this bylaw, unless the context otherwise requires:

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

**Approved Container** means any container (including bags) that has been approved by the Council for the collection of any type of waste, with approval based on the following criteria:

- a. the prevention of nuisance;
- b. the protection of the health and safety of waste collectors and the public; and
- c. the achievement of effective waste management and minimisation.

**Commercial** means concerned with or engaged in commerce, with the intent of making a profit.

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

**Council** means the Central Otago District Council.

**Public place** means:

- (a) a place or any part of a place that is under the control of the 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
- (b) includes any park, reserve, recreational ground, sports field, public garden, public square, cemetery, campgrounds, pontoon, road, footpath, accessway, grass verge, berm.

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

**Disposal** is as defined in the Act.

**Diverted material** is as defined in the Act.

**Domestic waste** means 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.

**Drop-off point** means an area provided by the Council for the purpose of depositing approved waste and approved diverted material for collection by the Council's kerbside collection service.

**Enforcement officer** means a person appointed to be an enforcement officer by the Central Otago District Council.

**Event** means an organised, temporary activity of significant scale that it is likely to create litter, takes place in a public place on one or more days and includes an open-air market, pop-up stall, parade, protest, wedding, private function (which is independent of premises), festival, film shoot, concert, celebration, multi-venue sports event, fun run, marathon, duathlon or triathlon. An event will be considered of significant scale if it has an expected attendance of 500 or more people across the duration of the event.

For the purposes of this bylaw an 'event' excludes:

- (a) indoor performances, markets, displays, exhibitions or conferences, functions;
- (b) indoor tasting and sampling activities; and
- (c) any regularly occurring recreational activities, such as weekly school or club sports competitions.

**Green waste** means compostable plant material, excluding flax, cabbage tree leaves and noxious weeds.

**Hazardous waste** means waste that:

- (a) contains hazardous substances at sufficient concentrations to exceed the minimum degree of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000

under the Hazardous Substances and New Organism Act 1996;  
or

- (b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 2433: 1999- Transport of Dangerous Goods on Land; or
- (c) meets the definition for radioactive material included in the Radiation Safety Act 2016.

It does not include domestic waste, commercial-domestic waste, inorganic material, construction and demolition waste or commercial waste.

**Inorganic material** 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 domestic waste in an Approved Container, and that is specified by the Council as suitable for collection from a public place by the Council.

**Litter** means any rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, other waste or any other thing of a like nature that has been disposed of in a public place, other than in a public litter bin, approved container or collection point for such disposal. For the avoidance of doubt this includes organic material.

**Multi-unit development** means an apartment block with four or more units and retirement villages. It includes a unit title development and any development with controlled or restricted access. It may also include mixed-use premises with businesses or other activities.

**Nuisance** means a nuisance in terms of the Health Act 1956.

**Occupier** means the inhabitant occupier of a property or premises.

**Offence** means an offence under section 239 of the Local Government Act 2002.

**Organic matter** means food waste and/or green waste that is organic in origin and capable of decay, as determined by the Council.

**Owner** means the registered owner of the property or premises.

**Person** has the meaning given in the Interpretation Act 1999 as follows: an individual, corporation sole, a body corporate, and an unincorporated body.

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

**Prohibited waste** means waste containing:

- (a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;
- (b) any material capable of causing damage to the approved container or likely to shatter in the course of collection unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;
- (c) any material that may endanger any person, animal or vehicle which may come into contact with it prior to, during or following collection, transportation or disposal;
- (d) any radioactive wastes, but excluding domestic smoke detectors;
- (e) any used oil and lead-acid batteries;
- (f) any hazardous waste;
- (g) medical waste;
- (h) any material prohibited by the Council.

**Public litter bin** means a container for disposed of or discarded material on a public place, which includes containers for different types of material (for example, mixed recyclable material, glass, litter or waste (excluding prohibited waste)).

**Recovery** is as defined in the Act.

**Recyclable material** means waste accepted by the Council as part of its kerbside recycling and public litter bin collection services. For the avoidance of doubt only recyclable material from a public litter bin set aside for recyclable material is accepted.

**Recycling** is as defined in the Act.

**Refuse** means waste that is not organic matter, recyclable material, prohibited waste, construction and demolition waste or inorganic material.

**Resource recovery facility** means any premises:

- (a) at which material that has been disposed of or discarded is received, collected, sorted, stored, processed or any combination of these activities for the purpose of recovering components or elements for recycling or reuse;
- (b) to avoid doubt, includes a commercial composting operation, recovery operation, materials recovery facility, transfer station and recycling depot.

**Visual amenity** means the pleasant or attractive look of a place, area or view.

**Waste** is as defined in the Waste Minimisation Act 2009.

**Waste collector** means any person who collects or transports waste

and includes commercial and non-commercial collectors and transporters of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, a person taking green waste to a landfill).

**Waste management and minimisation plan** is as defined in the Act.

- 4.2 Any word used in this bylaw that is defined in the Acts has the same meaning as in the Act, unless the context otherwise requires.
- 4.3 Notes and attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without any formality.
- 4.4 The Interpretation Act 1999 applies to this bylaw.

## **Part 2 – Collection of Waste**

### **5 General responsibilities**

- 5.1 The occupier and manager of a premises must ensure that the domestic and commercial waste from the premises is separated into waste types as determined by the Council in its Waste Management and Minimisation Plan.
- 5.2 The occupier and manager of any premises, in the reasonable opinion of the Council, must provide:
  - (a) adequate areas on the same premises for the storage of disposed of or discarded material from the activity on the premises;
  - (b) for the collection of waste material if collection occurs on the premises and not at kerbside.
- 5.3 The occupier and manager of any premises must ensure that:
  - (a) all waste material is placed in the approved containers for kerbside collection or delivered to a waste management facility or resource recovery facility;
  - (b) the approved container is kept in a safe location, is hygienic, in good repair, and without any modifications or alterations to its appearance;
  - (c) reasonable steps are taken to prevent the waste escaping from any container;
  - (d) any container is regularly emptied when it is full;
  - (e) the contents of any approved container are protected from rain or ingress or egress of flies and animals.
- 5.4 The occupier and manager of any premises is responsible for any waste generated on the premises until it has been collected.
- 5.5 No person may:
  - (a) deposit in a container material that is not approved for that type of waste;

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

## **6 Waste and waste container placement in public places**

6.1 The occupier and manager of any premises who is in control of an approved container must ensure that:

- (a) if required, waste is deposited in the approved container in a manner that allows the whole of the contents to fall out easily and cleanly when the approved container is emptied;
- (b) unless the approved container is placed at a Council drop-off point, the approved container is placed for collection in an upright position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible;
- (c) reasonable steps are taken to prevent the approved container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises;
- (d) reasonable steps are taken to ensure that access to the approved container by the waste collector is unimpeded and not obstructed by parked vehicles or other barriers;
- (e) the approved container is placed for collection of waste and retrieved in accordance with the timeframes specified in Schedule 1 of this bylaw.

## **7 Collections from a public place**

7.1 Waste may not be placed on a public place for collection unless it is:

- (a) domestic waste;
- (b) green waste;
- (c) inorganic material deposited for collection by or on behalf of the Council;
- (d) any other type of waste determined by the Council as able to be placed on a public place for collection.



- 7.2 Prohibited waste, diverted material, construction and demolition waste or commercial waste may not be placed in a public place for collection unless authorised by the Council under this bylaw.
- 7.3 Any person providing or using a waste collection service in or from a public place must comply with all controls made by the Council relating to that collection.

## **8 Visual amenity, nuisance and litter**

- 8.1 The occupier and manager must ensure that the placement of waste minimises the adverse effect on neighbouring occupiers and maintains an overall clean and tidy presentation.
- 8.2 The occupier and manager must ensure that the placement of waste minimises any negative impact on the visual amenity of the surrounding area.
- 8.3 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;
  - (b) use or store an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health;
  - (c) make any modifications or alterations to the appearance of an approved container.

## **9 Public bins in public places**

- 9.1 A person may dispose of or discard material in public litter bins if that material is generated in a public place and is of a type that the public litter bin is intended to collect.
- 9.2 No person may:
- (a) deposit any domestic waste or waste arising from the person's business activities in or near any public litter bin provided by the Council in any public place;
  - (b) remove any waste from any public litter bin provided by the Council in any public place, where this results in any waste being deposited outside the public litter bin, unless authorised by the Council to do so;
  - (c) deposit, or attempt to deposit any waste in any public litter bin provided by the Council in any public place if the public litter bin is full or the waste is likely to escape.

## **10 Multi-unit developments**

- 10.1 The owner and manager of a multi-unit development must make provisions for the management of all waste generated within the property.

- 10.2 Subject to clause 10.6, the owner and manager of a proposed or existing multi-unit development must have a Council approved development waste management and minimisation plan.
- 10.3 A development waste management and minimisation plan must include, but is not limited to:
- (a) identification of an adequate area on the premises for the storage of containers that is readily accessible to the occupiers of units and to a waste collector to enable separate collection and transportation of refuse, recyclable material, hazardous waste and/or organic matter;
  - (b) 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;
  - (c) identification of the means and route of access and egress to the waste storage area;
  - (d) an estimate of the volumes of the refuse and recyclable material and organic waste that will be generated;
  - (e) the steps that will be taken to further the objective of waste minimisation.
- 10.4 Any person who owns, occupies or manages a multi-unit development must comply with the approved development waste management and minimisation plan for that development.
- 10.5 Any person who manages a multi-unit development and/or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation and management of waste in the multi-unit development made by the Council.
- 10.6 The Council may, on application, grant a written exemption from compliance with all or any of the requirements of clause 10 if:
- (a) in the opinion of the Council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or
  - (b) the manager or owner demonstrates to the satisfaction of Council that refuse, recyclable material and organic waste are separately and regularly collected.

## **11 Waste management for events**

- 11.1 At least twenty (20) working days prior to the commencement of an event, the organiser of the event must get prior written confirmation from the Council as to whether an event waste management and minimisation plan is required for the event.
- 11.2 Where an event waste management and minimisation plan is required the Council may require the 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;
  - (g) any other matters relating to event waste management and minimisation that may be specified by the Council.
- 11.3 The organiser of the event must comply with the approved event waste management and minimisation plan.
- 11.4 On completion of the event, the organiser must provide the Council with a report on the implementation of the event waste management and minimisation plan, including a waste analysis that 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.

## **Part 3 – General Provisions**

### **12 Enforcement**

- 12.1 The Council may use its powers under the Health Act 1956, the Litter Act 1979, the Local Government Act 2002, and the Waste Minimisation Act 2008 or its power as a service provider to enforce this bylaw.

### **13 Offences and Penalties**

- 13.1 Every person who contravenes this bylaw commits an offence.
- 13.2 Every person who commits an offence against this bylaw is liable for the penalties imposed under the legislation defined in clause 12.1.
- 13.3 The Council may use its powers to suspend or withdraw a waste collection service to a specific location or person in accordance with the written warning process specified in Schedule 1 - Operational Controls of this bylaw.
- 13.4 The Council may take action to enforce this bylaw against a person who has obtained an approval.
- 13.5 The Council may take one or more of the actions in subclause 13.6 if a person to whom an approval has been granted:
- (a) fails to comply with the approval;
  - (b) fails to comply with any condition of that approval; or
  - (c) provided inaccurate information in that person's application which materially influenced the decision made on the application.

- 13.6 The Council may take any one or more of the following actions against a person to whom this clause applies:
- (a) written advice or a written warning;
  - (a) a review, suspension or cancellation of the approval;
  - (b) a review of the conditions of the approval;
  - (c) forfeiture of any bond or security; or
  - (d) the use of statutory powers in Schedule 2 – Additional information to Waste Management and Minimisation Bylaw 2021 section 3 Enforcement powers.

#### **14 Exceptions**

- 14.1 A person is not in breach of this bylaw if that person proves that the act or omission was not of the person's own making.
- 14.2 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 Council officer.
- 14.3 A person is not in breach of this bylaw if there is an instance of domestic waste contamination, despite the individual's best endeavours, and it is not a reoccurring event.
- 14.4 A product stewardship scheme accredited under the Act may be exempted from the requirements of this bylaw.

## Schedule 1 - Operational Controls

### Explanatory Note

Clauses 6.1 (e) and 13.3 of the Waste Management and Minimisation Bylaw 2021 provides that the Council may establish operational controls containing detailed provisions by resolution.

This schedule contains detailed provisions in relation to approved container placement and retrieval and the warning process steps followed prior to the Council suspension or withdrawal of a waste collection service to a specific location or person.

The information in this schedule may be updated at any time by Council resolution and the revised operational controls will be publicly notified.

### Controls applicable to clause 6.1 (e)

#### Placement and retrieval of approved containers in rural and urban waste collection areas

- (1) Except with the approval of the Council, any approved container may only be placed on a public place in a rural and urban waste collection area for collection between 7pm of the day before collection and 7am on the morning of the collection.
- (2) Regardless of whether the waste has been collected, unless the Council has classified the collection as a missed collection, the occupier or the manager of any premises who is in control of an approved container from which the waste has been set out for collection, must remove the container from the public place by 7 am of the day following the scheduled collection day.

### Related Information

A collection is classified as a missed collection if it is domestic waste, has been reported as a missed collection to either a council officer or the Council's waste collector and has been deemed by either to be a missed collection for which a return pick up has been agreed with the occupier or the manager of a premises.

#### Placement and retrieval of approved containers in commercial centres

##### *Domestic waste*

- (1) Except with the approval of the Council, any approved container containing domestic waste may only be placed on a public place at an approved collection point in a commercial centre for collection between 5pm of the day before collection and 7am on the morning of the collection.
- (2) Where an approved collection point in a commercial centre is not used waste collection must occur from 'on-property'.

- (3) Regardless of whether the waste has been collected, unless the Council has classified the collection as a missed collection, the occupier or the manager of any premises who is in control of an approved container from which the waste has been set out for collection must remove the container from the public place by 7 am of the day following the scheduled collection day.
- (4) The Council may on application approve the extension of the hours for the placement and collection of any approved container containing domestic waste on a specific route or street in a commercial waste collection area.

#### **Related Information**

A collection is classified as a missed collection if it is domestic waste, has been reported as a missed collection to either a council officer or the council's waste collector and has been deemed by either to be a missed collection for which a return pick up has been agreed with the occupier or the manager of a premises.

### **Controls applicable to clause 13.3**

#### **Warning Process to suspend or withdraw a collection service**

To ensure efficient operation of the respective waste collection services any occupier or manager of a premises using a waste collection service must comply with the terms and conditions for that service as determined by publicly notified Council resolution.

In the event that these terms and conditions are not adhered to by an occupier or manager of premises the Council will use a four-step warning process prior to suspension or withdrawal of a waste collection service from a premises.

These steps are:

##### **Step 1 – First incident – Sticker 1**

Place a sticker on the approved container advising the occupier or manager of the specific non-compliant act and how this may be resolved.

##### **Step 2 – Second incident – Sticker 2 and Letter 1**

Place a second sticker on the approved container and place a letter in the premises letterbox advising of the non-compliant act and the responsibilities of the occupier or manager under the bylaw.

##### **Step 3 – Third incident – Letter 2**

Send a formal letter to the premises advising the reason why the approved container has not been emptied and advising that the Council is considering suspension or withdrawal of the waste collection service unless the terms and conditions of the service are followed.

##### **Step 4 – Final incident - Send a formal letter to the premises – Final Letter**

Send a letter to the premises advising that the Council is suspending or withdrawing the waste collection service and how reinstatement of the service can occur.

## **Schedule 2 - Additional information to Waste Management and Minimisation Bylaw 2021**

This document contains matters for information purposes only and does not form part of any bylaw. It may include matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance. The information contained in this document may be updated at any time.

### **Contents**

	<i>Page</i>
i. History of Bylaw	2
ii. Related documents	3
iii. Enforcement powers	3
iv. Delegations	3

#### **i. History of Bylaw**

The Waste Management and Minimisation Bylaw 2021 is a new bylaw. It is one of the tools the Council is using to give effect to its Waste Management and Minimisation Plan. The bylaw is intended to underpin the Council's key approaches - education and signage, and monitoring, in encouraging and embedding good waste management and minimisation habits within its community.

Key outcomes the bylaw will contribute to are:

- (a) Separation of waste streams to maintain high rates of diversion and quality products;
- (b) Cost effective and efficient services;
- (c) Clean, tidy public places.

The Waste Management and Minimisation Bylaw 2021 is intended to address discrete but important waste management problems that have emerged within the District, as identified in the Waste Management and Minimisation Bylaw determination report. It is not intended to cover all possible waste management eventualities. Instead, it focusses on responding to these key problem areas.

The bylaw is not intended to be applied in a punitive manner. Rather, it is seen as a backup tool where there are recidivist breaches of the bylaw by individuals.

**ii. Related documents**

<b>Document title</b>	<b>Description</b>	<b>Location</b>
Central Otago District Council Waste Management and Minimisation Plan 2018	A guiding document that identifies the Council's vision, goals, objectives, targets and methods for promoting effective and efficient waste minimisation and management.	<a href="http://www.codc.govt.nz">www.codc.govt.nz</a>
Waste Minimisation Act 2008	Drives waste management and minimisation planning in New Zealand.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Resource Management Act 1991	Promotes the sustainable management of natural and physical resources.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Litter Act 1979	Prohibits littering.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Health Act 1956	Gives territorial authorities the power to manage waste that may cause a hazard to human health.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Climate Change Response Act 2002	Introduces the Emissions Trading Scheme, including obligations for owners of landfills.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Climate Change Response (Zero Carbon) Amendment Act 2019	Sets a new domestic greenhouse gas emissions reduction target for NZ.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Local Government Act 2002	Provides certain functions, duties, powers and penalties to make and enforce the bylaw	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Interpretation Act 1999	Provides for certain matters related to the interpretation of bylaws	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>

**iii. Enforcement powers**

<b>Legislative provision</b>	<b>Description</b>
Sections 66 Waste Minimisation Act 2008	Allows the Council to prosecute for breaches of a Waste Management & Minimisation bylaw, imposing fines of up to \$20,000.
Litter Act 1979	Allows the Council to issue infringement notices for littering offences, and issue infringement fees of up to \$400.
Part 8 of the Local Government Act 2002	162 Injunctions restraining commission of offences and breaches of bylaws 171 General power of entry 172 Power of entry for enforcement purposes 173 Power of entry in cases of emergency 175 Power to recover for damage by wilful or negligent behaviour 176 Costs of remedying damage arising from breach of bylaw 178 Enforcement officers may require certain information 183 Removal of fire hazards



**iv. Delegations**

Any of the various powers and functions of the Council as detailed and set out in this Bylaw, may be delegated by it, to its Chief Executive Officer and sub-delegated by the Chief Executive Officer to any such other Officer of Council.