



Solid Waste Management and Minimisation **BYLAW** 2021



Responsibility: Regulatory

COUNCIL **B** **Y** **L** **A** **W**
Adopted by Council – April 2021

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Solid Waste Management and Minimisation Bylaw 2021



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1. Title

The title of this bylaw is the South Waikato District Council Solid Waste Management and Minimisation Bylaw 2021.

2. Commencement

This bylaw shall come into force after Council resolves to adopt the bylaw and the date of commencement of the bylaw shall be identified in Council's resolution.

3. Purpose

3.1 The bylaw is intended to support the Waste Management and Minimisation Plan in:

- (a) The promotion and delivery of effective and efficient waste management and minimisation in South Waikato as required under the Waste Minimisation Act 2008;
- (b) The implementation of the Council's waste management and minimisation plans;
- (c) The purpose of the Waste Minimisation Act and the goals in the New Zealand Waste Strategy;
- (d) The regulation of the collection, transport, and processing of waste;
- (e) The protection of the health and safety of waste collectors, waste operators and the public; and,
- (f) The management of litter and nuisance in public places.

3.2 This bylaw is made pursuant to the Waste Minimisation Act 2008, Local Government Act 2002, Heath Act 1956, and the Litter Act 1979.

4. Compliance with Bylaw

- 4.1. No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this bylaw.
- 4.2. To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.

Note: Please refer to the Bylaws Administration Bylaw 2017, Clause 9 Serving of Orders and Notices and Clause 18 Right of Appeal.

5. Interpretation

In this bylaw, unless the context requires otherwise, the following definitions apply:

Term	Definition
Act	Waste Minimisation Act 2008.
Approved	Authorised in writing by the Council.
Approved container	Any container (including bags, crates and wheelie bins) that have been approved by the Council for the collection of any type of waste, with approval criteria based on the prevention of nuisance, the protection of the health and safety of waste collectors and the public, and the achievement of effective waste management and minimisation.
Building work	As defined in the Building Act 2004.
Bylaw	This Solid Waste Management and Minimisation Bylaw.
Cleanfill material	<p>Cleanfill is material that when buried will have no adverse effect on people or the environment.</p> <p>It includes:</p> <p>virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:</p> <ul style="list-style-type: none">(i) combustible, putrescible, degradable or leachable components;(ii) hazardous waste;(iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;(iv) materials that may present a risk to human health or the environment; and(v) liquid waste.
Cleanfill site	Landfills where cleanfill material is disposed to land.
Commercial Recycling	Recyclable materials that result from a commercial enterprise and are generated by the carrying on of any business, manufacture, process, trade, market or other undertaking.
Commercial waste	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.
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.

Contaminated recycling	Contamination in recycling refers to the presence of any of the following in recycling wheelie bins and crates, or in the recycling drop-off containers: <ul style="list-style-type: none"> • non-recyclable materials in with recyclable materials, and / or • dirty recyclable materials and /or • rubbish.
Council	The South Waikato District Council or any person delegated or authorised to act on its behalf.
Council collection points	Places or containers in locations such as high density areas or rural areas where approved containers may be left for collection or waste may be deposited if collection from a public place is unfeasible or impractical.
Cover material	Means material specified by the Council as suitable for cleanfill use and meets minimal contamination as cover material at a landfill site.
Deposit	Means to cast, place, throw or drop any waste or diverted material.
Disposal	As defined in the Act.
Diverted material	As defined in the Act. Diverted material can often also be 'waste.'
Domestic recycling	Means recyclable material originating from any household or from the cafeteria, lunchroom or canteen of any commercial enterprise.
Domestic waste	Means waste consisting of rubbish, domestic recyclable material or organic matter (food waste and/or greenwaste) originating from any household or from the cafeteria, lunchroom or canteen of any commercial enterprise.
Donation collection point	Places or containers in locations such as carparks, berms or footpaths where approved containers may be left for waste to be deposited for the purposes of raising funds from the waste items.
Event	Any organised temporary activity of significant scale that is likely to create litter including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration.
Food waste	Waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food waste
Green waste	Waste that is organic in origin and that results from gardening activities or arboriculture business activities, excluding flax, cabbage trees, stumps, pampas, bamboo and gorse; and excluding any plant material sprayed with the herbicide Clopyralid.
Handling waste	Removing, collecting, transporting, storing, treating, processing or disposing of waste
Hazardous waste	Waste that: <ul style="list-style-type: none"> (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 Organism Act 1996; or (b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or

	(c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982; or
	It does not include domestic waste, commercial-domestic waste, inorganic material, construction and demolition waste or commercial waste.
Home composting	The activity of creating decaying organic matter from domestic green waste and/or food waste into compost.
Landfill	Facilities for controlled disposal of waste in or onto land. Under the RMA landfills must have consent conditions which are appropriate to the material they accept.
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 or waste matter or any other thing of a like nature.
Litter receptacle	A receptacle provided for the collection of litter.
Managed Fill	Landfills composed mainly of cleanfill, but also construction and demolition waste with light contaminants.
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.
Mobile Garbage Bin (MGB)	Has the same meaning as wheelie bin.
Multi-unit development	Means a development consisting of 10 or more residential or residential and commercial units on any premises. It includes a unit title development and any development with controlled or restricted access.
Nuisance	Has the meaning given by the Health Act 1956.
Occupier	In relation to any property or premises, means the inhabitant occupier of that property or premises.
Organic matter	Food waste and/or green waste that is specified by the Council as organic matter.
Owner	In relation to any property or premises, means the person 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.
Person	An individual, a corporation sole, a body corporate, and an unincorporated body.
Premises	Any separately occupied land, building, or part of the same
Prohibited waste	Waste containing: <ul style="list-style-type: none"> (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 material 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 in to contact with it prior to, during or following collection, transportation or disposal; (d) any liquid or any viscous fluid; (e) any radioactive wastes, but excluding domestic smoke detectors;

	(f)	any used oil and lead-acid batteries;
	(g)	any hazardous waste;
	(h)	any medical waste;
	(i)	any material prohibited by the Council.
Public place	(a)	A place that is: <ul style="list-style-type: none"> (i) under the control of the Council and/or (ii) that is open to or being used by the public, whether or not there is a charge for admission and
	(b)	includes: <ul style="list-style-type: none"> (i) a road, whether or not the road is under the control of the Council and including the berm and footpath, and (ii) any part of the public place.
Recovery		As defined in the Act.
Recyclable material		Waste specified by the Council as suitable for recycling.
Recycling		As defined in the Act.
Rubbish		Means the same as Waste as defined in the Act.
Rural		Any areas defined in the operative South Waikato District Plan as rural.
Treatment		As defined in the Act.
Waste		As defined in the Act.
Waste collector		Means any person or business who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste.
Waste management facility		Facilities falling in to these two categories: <p><i>'Waste Treatment and Disposal Services'... units mainly engaged in the treatment or disposal of solid, liquid and other waste types (including hazardous), including operating landfills, combustors, incinerators, compost dumps and other treatment facilities (except sewage treatment facilities), including waste transfer stations.</i></p> <p>And;</p> <p><i>'Waste Remediation and Materials Recovery Service'... units mainly engaged in the remediation and clean up of contaminated buildings and mine sites, mine reclamation activities, hazardous material removal and asbestos, lead paint and other toxic material abatement. This class also includes units mainly engaged in providing materials recovery, sorting, and/or waste storage services...</i></p> <p>where these facilities undertake activities involving solid waste.</p>
Waste management facility operator		A person who owns or manages a waste management facility.
Waste Management and Minimisation Plan		As defined in the Act.
Waste operator		A person that collects waste or operates a waste management facility, and may therefore be required by Council to hold a waste operator's license.

Wheellie bin Has the same meaning as an MGB (mobile garbage bin). A wheelie bin is a light, plastic, lidded, wheeled bin generally used by a householder or business as a receptacle for rubbish, or recycling or organic waste, or other waste as may be specified by Council. It can be wheeled to kerbside for collection by a waste operator. A property may have multiple wheelie bins with different coloured lids to identify the contents.

6. Controls

6.1 Any control specified by the Council to support the implementation of this bylaw:

- (a) Must, after consultation pursuant to the Local Government Act 2002, be made by a Council resolution that is publicly notified; and
- (b) May:
 - (i) Prohibit, restrict, or control any matter or thing generally, for any specific category or case, or in a particular case;
 - (ii) Apply to all waste or to any specified category of waste;
 - (iii) Apply at all times or at any specified time or period of time.

7. Collection, Transportation, Processing, and Disposal of Waste

General Responsibilities

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

7.2. The occupier and the manager of any premises must ensure that:

- (a) reasonable steps are taken to prevent the waste from escaping from any waste container;
- (b) there are minimal adverse effects of waste on surrounding occupiers;
- (c) any waste container is regularly emptied when it is full; and
- (d) the contents of any waste container, excluding containers for green waste, are protected from rain or ingress or egress of flies and animals;
- (e) containers that are to be manually lifted shall not exceed 15kg in weight;
- (f) all residential waste shall be placed for collection no later than 7.30am on collection day.

7.3. In addition, the occupier and the manager of any premises who is in control of an approved container must ensure that:

- (a) the container is kept in a safe location, hygienic, in good repair, and without any modifications or alterations to its appearance;
- (b) waste is deposited in the container in a manner that allows the whole of the contents to fall out easily and cleanly when the container is emptied;
- (c) unless the container is placed at a Council collection point, the 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;
- (d) reasonable steps are taken to prevent the container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises; and

- (e) the container is placed for the collection of waste and retrieved in accordance with any applicable control specified by the Council.

7.4. No person may:

- (a) Put waste into an approved container provided to any other person, without that other person's consent.
- (b) Remove waste from, or interfere with any waste deposited in, an approved container, except the Council, a licensed or Council-contracted waste collector or the person who deposited the waste
- (c) Management of Healthcare Waste Medical waste will be disposed of as per the New Zealand Standard NZS4304:2002 (Management of Healthcare Waste).

7.5. Except with the prior written approval of the Council, no person may remove a container provided by the Council from the premises to which it has been allocated. The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected.

Licensing Waste Collection and Waste Management Facility Operators

7.6. Any waste collector or waste management facility operator that handles more than 30 tonnes of waste in any one twelve-month period from or to land in South Waikato may be required by Council to have a waste operator licence issued by the Council.

7.7. The application form for a waste operator licence, and the information required on that form, is available from the Council.

7.8. The holder of an existing licence may apply to the Council for a renewal of that licence.

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

7.10. When considering a licence application, the Council will 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 materials 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.

7.11. A licenced waste operator must comply with all terms and conditions of the licence. These conditions may include the following non-exhaustive list:

- (a) Term – a licence may be granted for a term of up to three years;
- (b) Licence fee – the licensee must pay an annual licence fee in an amount determined by the Council from time to time;
- (c) Bond – the Council may, from time to time and on a case by case basis, require a licence holder to post a bank-guaranteed bond;
- (d) 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 Council;
 - (ii) The collection of any litter within five metres of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process; and
- (e) 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:
 - (i) The quantities of various waste categories that have been handled by the waste operator during a period of time (eg a three-month period, including the destination of each waste type and method of processing (recycling, recovery, treatment, disposal etc).
- (f) The Council will take all reasonable measures to keep commercially sensitive information confidential, including methods such as aggregating such information for reporting purposes.

7.12. After following due process, 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 reasonably considers is not suitable for a commercial waste collector.

General Controls on the Collection, Transportation and Disposal of Waste Collections from a Public Place

7.13. Waste that can be placed on a public place for collection includes:

- (a) domestic waste;
- (b) domestic recyclable material
- (c) organic matter, including greenwaste and / or food waste;
- (d) any other type of waste determined by the Council as able to be placed on a public place for collection.

7.14. Prohibited waste, contaminated recycling, diverted material, construction and demolition waste may not be placed in a public place for collection unless authorised by the Council under this bylaw.

7.15. Any waste operator who collects or transports waste from a public place must:

- (a) make available to the occupier or manager of a premises one or more approved containers to enable any waste from the premises to be collected separately; or verify that the occupier or manager of a premises has the use of one or more approved containers to enable any waste from the premises to be collected separately.
- (b) not collect for disposal any domestic waste which has not been separated into rubbish and recyclable material and, when specified by Council, organic matter.
- (c) not dispose to landfill any waste type that is capable of being reused or recycled.

- 7.16.** The Council may specify controls for the following matters in relation to the collection or transportation of waste from a public place:
- (a) the area to which the control applies;
 - (b) the type, size, colour, and construction of approved containers that may be used for the storage and collection of waste;
 - (c) the types of waste that may be collected in various types of approved container;
 - (d) the categories of wastes that may be deposited at or collected from a public place;
 - (e) the conditions applicable to any collection service from a public place - including the placement and retrieval of approved containers for collection, collection days and times, and restrictions on the number and weight of approved containers;
 - (f) requirements to ensure the correct separation of categories of wastes into approved containers;
 - (g) the locations, access times and conditions of use of Council waste collection points;
 - (h) any other operational matter required for the safe and efficient operation of a collection service from a public place.
- 7.17.** 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.

General Collection Controls

- 7.18.** The Council may specify controls for the following matters in relation to the collection, transportation or disposal of waste from any property:
- (a) maximum allowable limits of a specific waste type that may be collected or transported from a public place in an approved container for rubbish and that subsequently may be disposed of;
 - (b) maximum allowable limits of a waste type that may be placed in an approved container for another waste type and vice versa;
 - (c) types of waste that may be handled at any landfill and material that may be used as cover material at any such site;
 - (d) materials that are suitable for use at a clean fill site;
 - (e) types of waste that are prohibited;
 - (f) no out-of-district wastes will be accepted for disposal at any solid waste disposal facilities, unless the prior consent of the Group Manager Assets has been granted.

Council Collection Points

- 7.19.** No person may deposit waste at a Council collection point other than in accordance with any applicable control.
- 7.20.** The Council may specify:
- (a) any place, or receptacle in a public place or on a barge in a marine area, as a Council collection point for the collection of domestic waste; and
 - (b) controls relating to the deposit of waste at the Council collection point including the use of specified containers.

Multi-Unit Developments

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

- 7.22.** The owner and manager of a multi-unit development must obtain approval from the Council for a development waste management and minimisation plan.
- 7.23.** 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 licensed waste operator to enable separate collection and transportation of refuse, recyclable material and/or organic;
 - (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 refuse, recyclable material and organic matter that will be generated;
 - (e) the steps which will be taken to further the objective of waste minimisation.
- 7.24.** Any person who owns, occupies or manages a multi-unit development must comply with an approved development waste management and minimisation plan.
- 7.25.** The Council may provide a written exemption on application to any person who manages a multi-unit development from full compliance with the requirements of this clause 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 the Council that refuse, recyclable material and organic waste are separately and regularly collected.
- 7.26.** The Council may specify controls for the following matters in relation to the collection or transportation of waste from multi-unit developments:
- (a) the categories of recyclable material, organic matter and refuse 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 containers for collection, collection times and restrictions on the number and weight of approved containers;
 - (c) requirements to ensure the correct separation of refuse, organic matter and recyclable materials into containers;
 - (d) any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.
- 7.27.** Any person who owns and 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 and management of waste in the multi-unit development made by the Council.

Events

- 7.28.** Any organiser of an event must obtain prior approval from the Council of an event waste management and minimisation plan for the event. The plan content must be appropriate for the scale of the event.
- 7.29.** 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) 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 in future.

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

7.31. On completion of the event, the organiser must provide Council with an implementation report for their event waste management and minimisation plan, including the waste analysis giving a comparison of 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.

Construction Site Waste Management and Minimisation Plans

7.32. Any person submitting a building consent application for building work with *criteria to be set* must also submit a site waste management and minimisation plan to the Council for approval.

7.33. The Council will require a site waste management and minimisation plan to set out:

- (a) The name of the client, principal contractor, and person who prepared the site waste management and minimisation plan;
- (b) The location of the site;
- (c) The estimated total cost of the building work;
- (d) Describe each waste expected to be produced;
- (e) Estimate the quantity of each type of waste; and
- (f) Identify the waste management action for each type of waste (ie recovery, recycling, disposal).

7.34. 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.

7.35. Within three months of completion of the building work being completed 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 the cost savings that have been achieved by completing and implementing the plan.
- 7.36.** 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.

Nuisance and Litter

7.37. 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 an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.

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

- (a) burn or allow to be burnt on any property they own, occupy or manage any waste except organic matter in rural areas;
- (b) bury or allow to be buried on any property they own, occupy or manage any waste 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.
- (c) dispose of any waste on any premises except at –
 - (i) a landfill, or
 - (ii) on any premises they own, occupy or manage, for the purposes of home composting.

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

- 7.40. 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 the Council to prevent it becoming litter and to clean up any litter caused by the display.

Donation Collection Points

- 7.41. Anyone intending to establish a donation collection point, or that operates a donation collection point, must notify the Council and comply with any requirements the Council specifies including but not limited to: location, safe vehicle access, removal of full bins, clean up of any litter or illegal dumping, clean up/ removal of any graffiti etc.

8. General Offences and Penalties

- 8.1. A person who fails to comply with Part 7 of 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 and/or the Health Act 1956.
- 8.2. 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.

9. Other Enforcement Powers

Waste Collectors and Licensed Waste Collectors

- 9.1. 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 considered as evidence of a prior breach of a licence condition during any subsequent review of the licence;
 - (b) Review the licence, which may result in:
 - (i) amendment of the licence; or
 - (ii) suspension of the licence; or
 - (iii) withdrawal of the licence.
 - (c) Have recourse to any bond where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
 - (d) Review the amount and nature of the performance bond or security, which may result in:
 - (i) an increase of the amount of the performance bond or security;
 - (ii) a change to the nature of the security that 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.
- 9.2. Where a person does not comply with clauses 7.17 the waste collector may:
- (a) Reject (ie 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 noncompliant;

- (b) Remove the contents of any approved container left out for collection from a public place, where the contents or placement of the container is noncompliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount due for the collection of the largest available size of approved container of rubbish from that premises;
- (c) Withdraw or suspend the collection service provided by the waste collector to that person.

9.3. Where a person does not comply with a control made by the Council under clause 7.13-7.20 the Council may:

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

Waste Management and Minimisation Plans for Multi-Unit Dwellings, Events, and Construction

9.4. Where a person does not comply with the terms and conditions of clauses 7.21 – 7.36 the Council may take one or more of the following steps:

- (a) Where a construction site waste management plan is not provided for a building project; Council may decline their application.
- (b) Enforce any offence that may have been committed under the Litter Act 1979; and
- (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.

10. Exceptions and Saving Provisions

10.1. 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.

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

11. Revocation

This bylaw repeals the South Waikato District Council Solid Waste Bylaw 2017.

12. Adoption of bylaw


The foregoing bylaw was duly adopted by resolution of the South Waikato District Council.

I, Benjamin Smit, Chief Executive of South Waikato District Council, CERTIFY that this bylaw was made by Resolution No 21/88 on the 15th day of April to come into effect on the 1st day of May 2021.

Dated this 11th day of May 2021

The COMMON SEAL of the)
SOUTH WAIKATO DISTRICT COUNCIL)
was hereto affixed in the presence of:)





JR Shattock – Mayor



B Smit – Chief Executive

