



Solid Waste Bylaw 2012 Te Ture Ā Rohe Para Māro 2012

(as at 25 October 2012)

**Governing Body of Auckland Council
Resolution in Council
25 October 2012**

Explanatory note: The Auckland Solid Waste Management and Minimisation Plan has the long term aspirational goal of zero waste by 2040. It contains the policy direction and a multi pronged approach to intensify the reduction of waste to landfill and encourage a transformational shift in the way Aucklanders reduce, recycle, reuse and recover resources. Collaboration with industry and the community is vital. The bylaw is only one part of this strategy and is not intended to target those who are demonstrating good waste reduction practice.

Pursuant to the Waste Minimisation Act 2008, Local Government Act 2002, the Health Act 1956 and the Litter Act 1979.

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1 Title

This bylaw is the Solid Waste Bylaw 2012.

2 Commencement

- (1) Subject to subclauses (2), (3) (4) and (5), this bylaw comes into force on 1 November 2012.
- (2) Clause 12(1) comes into force on 31 October 2013.
- (3) Subpart 3 of part 3 (disposal of waste and recovery of resources) comes into force on 31 October 2015.
- (4) Subpart 6 of part 3 (multi-unit developments) comes into force on 31 October 2015.
- (5) Subpart 7 of part 3 (events) comes into force on 31 October 2013.

3 Application

- (1) This bylaw applies to Auckland.

Part 1 Preliminary provisions

4 Purpose

- (1) The purpose of this bylaw is to contribute to:
 - (a) the promotion and delivery of effective and efficient waste management and minimisation in Auckland;
 - (b) the implementation of the council's waste management and minimisation plan;
 - (c) the purpose of the Act and the goals in the New Zealand Waste Strategy;
 - (d) the regulation of the collection and disposal of waste from public places or by persons licensed by the council
 - (e) the protection of the health and safety of waste collectors, waste operators and the public;
 - (f) the management of litter and nuisance in public places

5 Interpretation

- (1) In this bylaw, unless the context otherwise requires,—

Act means the Waste Minimisation Act 2008.

Approved container means any container approved by the council for the collection of any type of domestic waste from a public place, with approval criteria based on the prevention of nuisance and the protection of the health and safety of waste collectors and the public.

Auckland has the meaning given by the Local Government (Auckland Council) Act 2009.

Clean fill material means waste that:

- (a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and
- (b) is not diverted material; and
- (c) includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - (i) combustible, putrescible, degradable or leachable components;
 - (ii) hazardous waste;
 - (iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;

- (iv) materials that may present a risk to human health or the environment; and
 - (v) liquid waste.
- (d) has less than two per cent by volume by load of tree or vegetable matter.

Clean fill site means the land used for the disposal of clean fill material.

Commercial waste means 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.

Council means the Auckland Council or any person delegated or authorised to act on its behalf.

Council collection points mean places or containers in locations such as high density areas, marine 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 under clause 20 as suitable for use as cover material at a landfill site, managed fill site, clean fill site or mono-fill site, as the case may be.

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

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

Diverted material has the meaning given by the Waste Minimisation Act 2008.

Domestic waste means waste consisting of refuse, 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.

Event means any organised temporary activity of significant scale that is likely to create litter in a public place including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration.

Food waste means domestic waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food waste.

Green waste means waste that is organic in origin and that results from domestic gardening activities or arboricultural business activities and includes lawn clippings and plant material.

Hazardous waste means waste that:

- (a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by 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 means the activity of creating decaying organic matter from domestic green waste and/or food waste into compost.

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:

- (a) collection from a public place by the council;
- (b) collection from any premises by the council; or
- (c) delivery to a resource recovery facility.

Landfill site means land used for the disposal of waste by burying it, or placing it upon land or other waste.

Licence means a licence, consent, permit or approval to do something under this bylaw and includes any conditions to which the licence is subject.

Litter means any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt filth, rubble, ballast, stones, earth or waste matter or any other thing of a like nature.

Litter receptacle means a receptacle provided for the collection of refuse, recyclable material or organic matter.

Managed fill site means land used for the disposal of soil with low levels of contamination.

Manager means a person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.

Mono-fill site means land used for the disposal or storage of waste of a category specified by the council and that originates from a specified source or location.

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.

Natural hardfill material means materials specified by the council as suitable for use as natural hardfill material at a clean fill site.

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 means food waste and/or green waste that is specified by the council under clause 20 as organic matter.

Other hardfill material means materials other than natural hardfill material specified by the council under clause 20 as suitable for use as hardfill material at a clean fill site.

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 includes an individual, a 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 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) medical waste;
- (i) any material prohibited by the council under clause 20.

Public place means

- (a) a place that is-
 - (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:
 - (i) a road, whether or not the road is under the control of the council, and
 - (ii) any part of the public place.

Recyclable material means waste specified by the council under clause 20 as suitable for recycling. It does not include diverted material.

Recycling means the reprocessing of waste to produce new materials.

Refuse means waste which:

- (a) subject to (b), is not organic matter, recyclable material, prohibited waste, construction and demolition waste or inorganic material;
- (b) may include organic matter and/or recyclable material that does not exceed the maximum allowable limits specified by the council under clause 20 of this bylaw.

Resource recovery facility means any facility that receives, collects, sorts, stores or processes waste to ensure waste minimisation and includes a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot. It excludes any facility that receives, collects, sorts, stores or processes diverted material unless a significant component or element of the diverted material is disposed of or discarded.

Waste has the meaning given by the Waste Minimisation Act 2008. It does not include diverted material.

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

Waste operator means a person who owns or manages a landfill site, cleanfill site, managed fill site, monofill site or a resource recovery facility.

Waste management and minimisation plan means the waste management and minimisation plan adopted by the council under section 43 of the Act.

- (2) Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.
- (3) Explanatory notes and attachments are for information purposes only and do not form part of this bylaw.
- (4) The Interpretation Act 1999 applies to this bylaw.

Part 2 General

6 Controls specified under the bylaw

- (1) Any control specified by the council under clauses 14, 20 and 22:
 - (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 of case, or in a particular case;
 - (ii) apply to all waste or to any specified category of waste;
 - (iii) apply to Auckland or to a specified part of Auckland;
 - (iv) apply at all times or at any specified time or period of time.

7. Compliance with bylaw

- (1) No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this bylaw.
- (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.

Part 3 Collection, transportation and disposal of waste

Subpart 1- Separation of waste for collection and use of approved containers

8 Use of approved containers for domestic waste collection from a public place

- (1) The council may approve the type, size and construction of containers for the collection of domestic waste from a public place.
- (2) The occupier and the manager of a premises must ensure that the domestic waste from the premises is separated into refuse, recyclable material and organic matter and deposited for collection in the correct approved container.
- (3) No person may deposit in the approved containers, material that is not approved for it.

9 Deposit or removal of domestic waste

- (1) No person may put waste into an approved container provided to any other person, without that other person's consent.
- (2) No person may remove waste from, or interfere with any waste deposited in, an approved container, except the council, a licensed waste collector or the person who deposited the waste.

- (3) 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.
- (4) The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected.

10 Responsibilities of occupiers and managers

- (1) 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;
 - (d) the contents of any waste container, excluding containers for green waste, are protected from rain or ingress or egress of flies and animals;
- (2) 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 roadway, 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;
 - (e) the container is placed for the collection of waste and retrieved in accordance with any applicable control specified by the council.

11 Deposit of waste at council collection points

- (1) 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;
 - (b) controls relating to the deposit of waste at the council collection point including the use of specified containers.
- (2) No person may deposit waste at a council collection point other than in accordance with any applicable control.

Subpart 2- Collection and transportation of waste

12 Licensing of the collection or transportation of waste

- (1) Subject to subclause (3), any person who collects or transports waste from or to land in Auckland that on 31 October 2010 was part of Auckland City, Manukau City, Papakura District or Franklin District must obtain a licence to do so from the council.
- (2) Subject to subclause (3), any person who collects or transports waste from or to land in Auckland that on 31 October 2010 was part of Waitakere City, North Shore City or Rodney District must obtain a licence to do so from the council.
- (3) A licence is not required under subclause (1) or subclause (2) if the total amount of waste collected by that person in a 12 month period does not exceed 20 tonnes.

13 Deposit at and collection of waste from a public place

- (1) Waste that can be placed on a public place for collection includes:
 - (a) domestic waste;
 - (b) green waste;
 - (c) inorganic material deposited for collection by or on behalf of the council.
- (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.
- (3) Any waste collector who collects or transports domestic 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 refuse, recyclable material or organic matter from the premises to be collected separately;
 - (b) not collect or dispose of at a land fill site any domestic waste which has not been separated into refuse, recyclable material and organic matter, unless the amount of recyclable material and/or organic matter mixed with the refuse, or the amount of the recyclable material mixed with the organic matter or vice versa, does not exceed the maximum allowable limits specified by the council under clause 20.
 - (c) not dispose to a landfill site, managed fill site, monofill site or cleanfill site any recyclable material or organic matter that is capable of being reused or recycled.

14 Use of a public place for collection of waste

- (1) 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 and construction of approved containers that may be used for the storage and collection of refuse, organic matter and recyclable materials;
 - (c) the categories of recyclable material, organic matter and refuse that may be deposited at or collected from a public place;
 - (d) the conditions applicable to any collection service from a public place, including the placement and retrieval of approved containers for collection, collection times and restrictions on the number and weight of approved containers;
 - (e) requirements to ensure the correct separation of refuse, organic matter and recyclable materials into approved containers;
 - (f) the locations, access times and conditions of use of council waste collection points;
 - (g) any other operational matter required for the safe and efficient operation of a collection service from a public place.
- (2) 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.

Subpart 3- Disposal of waste and recovery of resources

15 Disposal of waste on land

- (1) Waste must be disposed of on land in accordance with this bylaw.
- (2) This clause does not apply to the disposal:
 - (a) on the land of less than 30 cubic metres, or such greater amount as the council may approve, of clean fill material measured over any continuous 12 month period;

- (b) of waste that in the opinion of the council is not likely to contain a significant level of recyclable or organic material that may be recovered in a cost effective manner;
- (c) of waste for home composting;
- (d) of dead companion animals and nuisance pests;
- (e) of dead farm animals in rural areas.

16 Licensing of resource recovery facilities and fill sites

- (1) Any person who operates a resource recovery facility, landfill site, clean fill site, managed fill site or mono-fill site must obtain a licence to do so from the council.
- (2) Clause 16(1) does not apply to land used for the disposal of clean fill material where such disposal:
 - (a) is of clean fill material sourced directly from that land; or
 - (b) consists solely of:
 - (i) hardfill that is natural or uncontaminated or cover material, or both; or
 - (ii) not more than 30 cubic metres, or such greater amount as the council may approve, of other hardfill material specified pursuant to clause 20, measured over any continuous 12 month period.
- (3) The council may grant a licence:
 - (a) in the case of a landfill site, for the receipt, processing and disposal of any waste of a category specified by the council;
 - (b) in the case of a clean fill site, for the disposal of clean fill material;
 - (c) in the case of a managed fill site, for the disposal of contaminated soil on the land;
 - (d) in the case of a mono-fill site, for the disposal or storage of waste of a category specified by the council and that originates from a specified single source or location, in or on specified land.
- (4) The holder of a licence under this clause must comply with the conditions of the licence.

Subpart 4 – Licensing process and conditions

17 Application for licence

- (1) Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the application and processing fees and such further supporting information as the council may require to enable processing of the application.
- (2) The holder of an existing licence may apply to the council for a renewal of that licence.
- (3) Licences may be granted or refused at the discretion of the council, upon such terms and conditions as the council thinks fit.
- (4) A licence is personal to the holder and is not transferable.

18 Consideration of application for licence

- (1) When considering an application for a licence and the conditions to be imposed under it, the council may take into account matters relating to the suitability of the applicant to hold a licence including but not limited to the following:
 - (a) the extent to which the licensed activities will promote public health and safety and achievement of the council's waste management and minimisation plan and waste reduction initiatives;
 - (b) the applicant's experience, reputation and track record in the waste industry, including any known past operational issues which may affect, or may in the future affect, the applicant's performance;

- (c) the type of waste to be collected or transported;
- (d) the manner of treatment (if any) and disposal of the waste type, and the identity of the resource recovery facility, landfill site, managed fill site, mono fill site or cleanfill site at which it is proposed that treatment or disposal will occur;
- (e) the terms and conditions under which such disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations or consents required to be held or complied with in respect of such disposal;
- (f) the frequency and location of the waste collection, transportation or disposal services;
- (g) the specifications of the vehicles, equipment and approved containers to be used for the collection, transportation or disposal of waste.

19 Conditions of licences

- (1) The terms and conditions upon which a licence may be granted include, but are not limited to the following:
 - (a) term – a licence may be granted for a term of up to five years;
 - (b) licence fee – the licensee must pay an annual licence fee in an amount determined by the council from time to time and publicly notified;
 - (c) bond – 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 the council's standards and policies for waste collection, transportation or disposal services including, in respect of collection services:
 - (i) the collection of any litter within five metres of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process;
 - (ii) provision of waste collection services within reasonable times specified by council;
 - (e) provision of information – the licence holder must provide waste data to the council during the term of the licence in the form and at the times determined by the council from time to time including the following data:
 - (i) waste log books for each vehicle operated in accordance with the licence recording the quantity, composition and destination of each waste type and the point in time when such data was recorded during the waste collection, transportation or disposal process;
 - (ii) weighbridge receipts;
 - (iii) gate records of waste tonnage.
- (2) The council will take all reasonable measures to keep commercially sensitive information confidential including by the aggregation of such information for recording purposes.

Subpart 5 – Additional controls relating to the collection, transportation and disposal of waste

20 Controls for the collection, transportation and disposal of waste

- (1) The council may specify controls for the following matters in relation to the collection, transportation or disposal of waste:
 - (a) types of domestic waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable material, organic matter, or refuse;

- (b) maximum allowable limits of recyclable material or organic matter that may be collected or transported from a public place in an approved container for refuse and that subsequently may be disposed of at a land fill site, managed fill site, mono fill site or clean fill site;
- (c) maximum allowable limits of recyclable material that may be placed in an approved container for organic matter and vice versa;
- (d) categories and types of waste that may be received, collected, stored, sorted, processed or disposed of at any landfill site, managed fill site, clean fill site, mono-fill site and material that may be used as cover material at any such site;
- (e) materials that are suitable for use as natural or other hardfill material at a clean fill site;
- (f) types of waste originating from a specified single source or location that may be disposed of at a monofill site;
- (g) types of waste that are prohibited.

Subpart 6 - Multi-unit developments

21 Collection from multi-unit developments

- (1) The owner and manager of a multi-unit development must make provision for the management of all waste generated within the property.
- (2) The owner and manager of a multi-unit development must obtain approval from the council for a waste management and minimisation plan for the development unless they comply within clause 21(5).
- (3) A 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.
- (4) Any person who owns, occupies or manages a multi-unit development must comply with an approved waste management and minimisation plan.
- (5) 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.

22 Multi-unit developments controls

- (1) 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.
- (2) Any person who 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.

Subpart 7- Events

23 Waste Management and Minimisation Plans for events

- (1) Any organiser of an event must obtain prior approval from the council of a waste management and minimisation plan for the event.
- (2) The council may require a 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.
- (3) The organiser of an event must comply with the approved waste management and minimisation plan.

Subpart 8 – Inorganic material

24 Areas specified for inorganic collection

- (1) The council may specify areas where inorganic material may be deposited on a public place for collection by the council.
- (2) No person may remove inorganic material deposited on a public place for collection by the council if the inorganic material is removed in a manner likely to cause:
 - (a) injury to any person; or
 - (b) dispersal of inorganic material or any element or component thereof; or
 - (c) damage to or destruction of any items placed for collection.

25 Controls for inorganic material collection

- (1) The council may specify controls for the following matters in relation to the collection of inorganic material from a public place:
 - (a) the weight, size and nature of inorganic materials that may be deposited for collection by the council;
 - (b) the categories of inorganic waste that may be deposited for collection by the council;
 - (c) the times, locations and conditions applicable to the collection by the council of inorganic material from a public place;
 - (d) the collection methods that cause health and safety risks;

- (e) any other operational matter required for the safe and efficient collection by the council of inorganic material from a public place.
- (2) Any person deposits inorganic material for collection on, or collect and transport inorganic material from, a public place must comply with the controls made by the council.

Subpart 9 – Nuisance and litter

26 Nuisances

- (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;
 - (b) use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.
- (2) 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;
 - (iii) for the purposes of home composting.
 - (c) dispose of any waste on any premises except at –
 - (i) a landfill site, clean fill site, managed fill site, mono-fill site, or
 - (ii) on any premises they own, occupy or manage, for the purposes of home composting.

27 Litter

- (1) 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.
- (2) 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.

28 Unaddressed mail

- (1) No person may deposit, cause, permit or authorise the deposit of any unaddressed mail, advertising material, community newspapers, clothing donations bags, circulars, leaflets, brochures, samples or flyers in any letterbox which is clearly marked “addressed mail only”.

- (2) Subclause (1) does not apply to:
 - (a) public notices from government bodies, local authorities or New Zealand Post;
 - (b) election material during the period beginning two months before polling day and ending with the close of the day before polling day.
- (3) No person may deposit, cause, permit or authorise the deposit of any advertising material, clothing donations bags, circulars, leaflets, brochures, samples or flyers:
 - (a) in any letterbox which is clearly marked “no circulars”, “no junk mail”, or words with similar effect;
 - (b) on a vehicle parked in a public place;
 - (c) in a letterbox in unsecured circumstances, if it is likely to escape and become litter.
- (4) Subclause (3) does not apply to:
 - (a) any daily or regular newspaper, community newspaper or magazine;
 - (b) public notices from government bodies, local authorities or New Zealand Post;
 - (c) communications from local community organisations, charities or charitable institutions;
 - (d) election material during the period beginning two months before polling day and ending with the close of the day before polling day.

29 Donation collection points

- (1) Any person who places a container for the collection of donations of goods:
 - (a) on a public place; or
 - (b) on privately owned premises where the donated goods are likely to be left on an adjoining public place or carried from or to otherwise escape from that premises onto an adjoining public place;
 must obtain a licence to do so from the council.
- (2) Any person who places a container on a public place or privately owned premises pursuant to this clause, must take all steps to the satisfaction of the council to prevent the donated goods from -
 - (a) being carried from or otherwise escaping from the approved container onto a public place or from becoming litter;
 - (b) accumulating on a public place within a radius of 10 metres from the container.

30 Shopping trolleys

- (1) No person in control of a shopping trolley may leave it unattended on a public place other than the premises of the commercial enterprise that provided the shopping trolley.
- (2) No owner or manager of a commercial enterprise that provides shopping trolleys for customer use may allow a person to leave a shopping trolley unattended on a public place other than the premises of that commercial enterprise.
- (3) Any owner or manager of a commercial enterprise must take reasonable measures to prevent the removal of any shopping trolley from any premises occupied by the commercial enterprise onto any public place. Such measure includes the erecting of signage to prevent the removal of a shopping trolley from the premises.
- (4) Within six months of the commencement of this bylaw shopping trolleys provided by a commercial enterprise to its customers for the conveyance of goods obtainable from its commercial premises must be legibly marked in a manner that enables the council to identify the commercial enterprise responsible for providing the shopping trolley. Identification may be by way of a toll free number or address.

Part 4 Enforcement Powers

31 Non-compliance with conditions of a licence

- (1) Where a licence holder does not comply with the terms and conditions of the 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 performance bond or security 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;
 - (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.

32 Non-compliance with conditions for collection of waste from a public place

- (1) Where a person does not comply with clauses 8, 9, 10, 13 or 14 the waste collector may:
 - (a) Reject (i.e. not collect) the contents of any approved container left out by that person for collection from a public place, if the contents or placement of the container is 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 refuse from that premises;
 - (c) Withdraw or suspend the collection service provided by the waste collector to that person.
- (2) Where a person does not comply with clauses 8, 9, 10, 13 or 14 the council may:
 - (a) Enforce any offence that may have been committed under the Litter Act 1979;
 - (b) Enforce breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

33 Non-compliance with controls for council collection points

- (1) Where a person does not comply with a control made by the council under clause 11 the council may:
 - (a) Issue a trespass notice against that person to prevent them from using the collection point;

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

34 Non-compliance with controls for the collection of inorganic material

- (1) Where a person does not comply with a control made by the council under clause 25 the council may:
 - (a) Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is noncompliant;
 - (b) Remove the inorganic material, where the inorganic material or placement is noncompliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by the council;
 - (c) Enforce any offence that may have been committed under the Litter Act 1979;
 - (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.

Part 5 Offences and Penalties

35 Bylaw breaches

- (1) A person who fails to comply with Part 2 or Part 3 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.

Explanatory Note: As at 1 July 2012, the penalty for breach of a bylaw made under the Waste Minimisation Act 2008 is a fine not exceeding \$20,000

- (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.

Part 6: Exceptions, revocation and saving provisions

36 Exceptions

- (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.
- (2) A product stewardship scheme accredited under the Act may be exempted from the requirements of this bylaw.
- (3) Parties to an industry accord approved by the council may be exempted in whole or in part from the requirements of clauses 28 (unaddressed mail) and 30 (shopping trolleys).

37 Revocation

- (1) The following bylaws are revoked:
 - (a) Auckland City Council Solid Waste Bylaw 2006;
 - (b) Franklin District Council Waste Bylaw 2009;
 - (c) Chapter 20 (Waste Management) of the Manukau City Consolidated Bylaw 2008;
 - (d) Part 4 (Solid Waste Management & Minimisation) of the North Shore City Council Bylaw 2000;

- (e) Papakura District Council Collection and Transportation of Refuse Bylaw 2006;
- (f) Chapter 19 (Waste) of the Rodney District Council General Bylaw 1998;
- (g) Waitakere City Council Waste Bylaw 2005.

38 Savings and transitional provisions

- (1) Any resolution or other decision made under the bylaws referred to in clause 37 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the council under this bylaw.
- (2) Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in clause 37 continues in force but:
 - (a) expires on the date specified in that approval; or
 - (b) if no expiry date is specified, expires on 31 October 2015; and
 - (c) can be renewed only by application made and determined under this bylaw.
- (3) Any application for a consent, permit, dispensation, permission or other form of approval made under a bylaw referred to in clause 37 that was filed before the day on which this bylaw commences must be dealt with by the council as if it had been made under this bylaw.