



**Controls made under the Solid Waste Bylaw 2012 for approved
containers for waste collected from a public place**

*(Containers for Kerbside Collection Control)
(Tikanga Kohikohi Ipu Para i te Taha Huarahi)*

(as at 19 September 2013)

**Regional Development and Operations Committee
Resolution RDO/2013/164
19 September 2013**

Explanatory note: Clauses 6, 14(2) and 20 of the Solid Waste Bylaw provides that the council may establish controls containing detailed provisions by resolution. This control contains detailed provisions in relation to approved containers that may be placed for collection from a public place

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1. Title

This control is titled *Controls made under the Solid Waste Bylaw 2012 for containers collected from a public place* and may be referred to as the *Containers for Kerbside Collection Control*.

2. Commencement

This control comes into force on 31 October 2013.

3. Application

This control applies to Auckland.

4. Purpose

This control regulates the placement and collection of waste in approved containers from a public place.

5. Interpretation

(1) In this control, unless the context otherwise requires,—
Act means the Waste Minimisation Act 2008.

Bylaw means the Solid Waste Bylaw 2012.

Container means a container approved by the council for the collection of domestic or commercial waste from a public place.

Public place in this control does not include school premises, privately-owned car parks, privately-owned access ways and privately-owned roads that are not under the control of the council, any of the council controlled organisations or the NZ Transport Agency.

(2) Unless the context requires another meaning, a term or expression that is defined in the Act or the bylaw used, but not defined, in this control has the meaning given by the Act or bylaw.

(3) Explanatory notes are for information purposes only and do not form part of this control.

(4) The Interpretation Act 1999 applies to this control.

Part 1 – Domestic and commercial waste

6. Commercial, urban and rural waste collection areas

The council may from time to time specify commercial, urban and rural waste collection areas.

7. Standards for containers

(1) The following weight requirements apply for the collection of domestic and commercial waste from a public place:

Type	Capacity	Maximum weight
Bins	1l - 80l bin	<20kg
	81l - 120l bin	<30kg
	121l - 140l bin	<35kg
	140l - 240l bin	<60kg
	241l – 360l bin	(<90kg
Bags	1l - 80 litre bag	<10 kg

(2) Any container used for the collection of any domestic or commercial waste must meet the relevant minimum standards required by the council, contained in Attachment A1 to A3.

8. Placement and collection of domestic waste in rural and urban waste collection areas

- (1) A container deposited for collection of domestic waste from a public place must be placed directly adjacent to the premises from which it emanates, as close to the kerbside as possible and without restricting the access to any premises or footpath.
- (2) Except with the approval of the council, no container containing domestic waste may be placed for collection or collected from any part of a public place except as provided in subclause (1).
- (3) Except with the approval of the council, any container containing domestic waste may only be placed on a public place in a rural or urban waste collection area for collection between 7pm of the day before collection and 7am on the morning of the collection.
- (4) Except on arterial routes and streets approved by the council, the collection of any container containing domestic waste in a rural or urban collection area must take place between 7 am and 7pm on any day, except Sunday. The council may on application approve the collection of any container containing domestic waste on any arterial route or street in a rural and urban collection area to commence from 6am on any day, except Sunday.
- (5) Regardless of whether the waste has been collected, the owner or occupant of the premises from which domestic waste has been set out for collection in a rural or urban collection area must remove the container from the public place by 7am of the day following the scheduled collection day.

9. Placement and collection of domestic and commercial waste in commercial centres

- (1) A container deposited for collection of domestic or commercial waste from a public place must be placed directly adjacent to the premises from which it emanates, as close to the kerbside as possible and without restricting the access to any premises or footpath.
- (2) Except with the approval of the council, no container containing domestic or commercial waste may be placed for collection or collected from any part of a public place except as provided in subclause (1).
- Domestic waste*
- (3) Any container containing domestic waste may only be placed on a public place for collection in a commercial waste collection area between 7pm on the day before collection and 7am on the morning of the collection.
- (4) Subject to clause 9(7), the collection of any container containing domestic waste in a commercial waste collection area must take place between 7 am and 7pm on any day, except Sunday.
- Commercial waste normally collected by day*
- (5) Any container containing commercial waste that is normally collected by day must be placed for collection on a public place in a commercial waste collection area up to one hour before the start of the collection and must be removed within one hour after collection.
- Commercial waste normally collected at night*
- (6) Any container containing commercial waste that is normally collected by night must be placed for collection on a public place in a commercial waste collection area between 5:00pm and 6:00pm on the collection day and must be removed by 7:00am on the day following collection.
- High-density commercial centre collection*
- (7) In a high density commercial waste collection area, a container containing waste:
 - (a) can only be put on a public place on any day:
 - (i) from 12.00am to 4.00am; and
 - (ii) from 5.00pm to 6.00pm (excluding Sundays).
 - (b) may only be collected from a public place on any day:
 - (i) from 4.00am to 6.00am; and
 - (ii) from 6.00pm to 9.00pm (excluding Sundays).

- (8) Regardless of whether the waste has been collected, the owner or occupant of the premises from which domestic or commercial waste has been set out for collection must remove the container from the public place as soon as reasonably possible after the scheduled collection time.
- (9) The council may on application approve the extension of the hours for the placement and collection of any container containing domestic or commercial waste on a specific route or street in a commercial waste collection area or high density commercial collection area.

Part 2 – Responsibilities of waste collectors

10. Responsibilities of waste collectors for commercial and domestic waste collection

- (1) Every waste collector must provide its customers on an ongoing basis with current information on collection times and days of collection.
- (2) The waste collector is responsible for removing any spillage that results from the deposit or collection of waste on a public place, including spillage before, during or after collection.
- (3) A waste collector is responsible for the collection of waste deposited on a public place in any container provided by the collector regardless of the day or time of deposit. This includes the deposit on days that the waste collector does not provide a collection service, or on days the council has notified as collection days for services, or on days affected by public holidays, or due to the early deposit of waste by the customers for collection.
- (4) If waste is not collected or a container is not removed from a public place by the owner or occupant of the premises from which it has been set out for collection, the council may require the waste collector -
 - (a) whose particulars are on the container, or
 - (b) who is responsible for that collection serviceto collect the waste or remove the container before 8.30am on the day following the collection day.
- (5) Regardless of subclause (4), if any waste or container causes a nuisance or affects public health and safety, the council may collect the waste or remove the container as soon as practically possible.
- (6) The council may recover the costs provided for in clause 32(1)(b) of the bylaw from the waste collector referred to in subclause (4) for the removal of waste or any container.

STANDARDS FOR APPROVED CONTAINERS: **DOMESTIC WASTE BINS FOR COLLECTION FROM PUBLIC PLACES**

Mobile garbage bins (the “bin”) used for the collection of domestic waste from a public place must meet the following requirements:

1. The bin will have the waste collector’s name (and logo, if any) printed on the bin in such a manner that the responsible waste collector may easily be identified from a collection vehicle on a roadway when the bin is deposited on a public place for collection. The waste collector may identify the premises on the bin to which the bin has been allocated.
2. Every waste collector must place a legible educational sticker on the inside of the bin lid informing the customer of the material that may be collected as refuse, recyclable material or food waste (relevant to whatever the purpose of the specific bin may be) as well as the standard collection times and days provided by the waste collector.
3. Bins must meet the latest edition of the following standard or its replacement:
 - a) BS EN 840-6:2004+A1: *2008 Mobile waste containers. Safety and health requirements*
4. Bins must also either:
 - a) meet the latest editions of the either of the following standards or their replacements:
 - BS EN 840-1:2012 *Mobile waste and recycling container (2 wheels up to 400litres)*;
 - AS 4123: 2008: *Mobile Waste Containers (Addresses dimensions and design, performance requirements, testing methods, colours, markings and recycled content of a mobile waste container)*;
 - or,
 - b) be approved by the council.
5. The council shall approve the bins under 4(b) if,
 - a) the bins are demonstrated to be ‘fit-for-purpose’ ie. operationally efficient, durable and are able to securely contain the waste until collection, and able to ensure that the contents are not trapped when the bin is emptied; and
 - b) the bins do not create a risk of injury to any person (including employees of the waste collector) or damage to the public place or anything on the public place.
6. Every bin supplied to a customer will be free from defects that might affect its performance. Bins which have been damaged or which are incomplete or faulty and that are no longer fit for purpose may not be placed on a public place for the collection of waste.

STANDARDS FOR APPROVED CONTAINERS: **DOMESTIC WASTE BAGS FOR COLLECTION FROM PUBLIC PLACES**

Bags used for the collection of domestic waste from a public place must meet the following requirements:

1. The bag will have the waste collector's name (and logo, if any) printed on the bag in such a manner that the waste collector responsible may easily be identified from a collection vehicle on a roadway when the bag is deposited on a public place for collection.
2. Every waste collector must print legible educational material on the bag informing the customer of the material that may be collected as refuse, recyclable material or food waste (relevant to whatever the purpose of the specific bag may be) as well as the standard collection times and days provided by the waste collector.
3. Bags must either;
 - a) meet the latest edition of either of the following standard or their replacements:
 - BS EN 135921: 2007 *Specification for disposable plastics refuse sacks made from polyethylene* or its replacement, or
 - NZS 7603:1979 *Specification for refuse bags for local authority collection (low density polyethylene)* or
 - b) be approved by council.
4. The council shall approve the bag under 3(b) if,
 - a) the bag is demonstrated to be 'fit-for-purpose'. i.e. operationally efficient, durable and able to securely contain the waste until collection; and
 - b) the bag does not create a risk of injury to any person (including employees of the waste collector) or damage to the public place or anything on the public place.
5. Bags must be of a standard that does not allow liquid content in its content to leak onto the public place.
6. Every bag supplied to a customer will be free from defects that might affect its performance. Bags which have been damaged or which are incomplete or faulty and that are no longer fit for purpose may not be placed on a public place for the collection of waste.

STANDARDS FOR CONTAINERS: FOR THE COLLECTION FROM PUBLIC PLACES OF WASTE OTHER THAN DOMESTIC WASTE

Bins used for the collection from a public place of waste other than domestic waste must meet the following requirements:

1. The bin will have the waste collector's name (and logo, if any) printed on the bin in such a manner that the responsible waste collector may easily be identified from a collection vehicle on a roadway when the bin is deposited on a public place for collection. The waste collector may identify the premises on the bin to which the bin has been allocated.
2. Mobile garbage bins must either;
 - a) meet the latest edition of each of the applicable following standards or their replacements:
 - BS EN 840-1:2012 *Mobile waste and recycling container* (2 wheels up to 400litres)
 - BS EN 840-2:2012 *Mobile waste and recycling containers* (4 wheels up to 1300litres)
 - BS EN 840-3:2012 *Mobile waste and recycling containers* (4 wheels up to 1300litres)
 - BS EN 840-4:2012 *Mobile waste and recycling containers* (4 wheels up to 1700litres)
 - BS EN 840-5: 2012 *Test Methods*
 - BS EN 840-6:2004+A1: 2008 *Mobile waste containers. Safety and health requirements;*
 - AS 4123: 2008: *Mobile Waste Containers* (Addresses dimensions and design, performance requirements, testing methods, colours, markings and recycled content of a mobile waste container);
 - or,
 - b) be approved by the council.
3. The council shall approve the mobile garbage bins under 2(b) if,
 - a) the bins are demonstrated to be 'fit-for-purpose'. i.e. operationally efficient, durable and are able to securely contain the waste until collection, and able to ensure that the contents are not trapped when the bin is emptied; and
 - b) the bins do not create a risk of injury to any person (including employees of the waste collector) or damage to the public place or anything on the public place.
4. Stationary bins must either;
 - a) meet the latest edition of each of the applicable following standards or their replacements:
 - BS EN 13071-1:2008 Stationary waste containers up to 5000 l, top lifted and bottom emptied. General requirements
 - BS EN 13071-2:2008 Stationary waste containers up to 5000 l, top lifted and bottom emptied. Additional requirements for underground or partly underground systems
 - BS EN 12574-3:2006 Stationary waste containers. Safety and health requirements
 - BS EN 12574-2:2006 Stationary waste containers. Performance requirements and test methods
 - BS EN 13071-3:2011 Stationary waste containers up to 5000 l, top lifted and bottom emptied. Recommended lifting connections
 - BS EN 13071-1:2008 Stationary waste containers up to 5000 l, top lifted and bottom emptied. General requirements
 - BS EN 13071-2:2008 Stationary waste containers up to 5000 l, top lifted and bottom emptied. Additional requirements for underground or partly underground systems

- BS EN 12574-1:2006 Stationary waste containers. Containers with a capacity up to 10000 l with flat or dome lid(s), for trunnion, double trunnion or pocket lifting device.
- or,
- b) be approved by the council.
5. The council shall approve the stationary bins under 4(b) if,
 - a) the bins are demonstrated to be 'fit-for-purpose' i.e. operationally efficient, durable and are able to securely contain the waste until collection, and able to ensure that the contents are not trapped when the bin is emptied; and
 - b) the bins do not create a risk of injury to any person (including employees of the waste collector) or damage to the public place or anything on the public place.
 6. Every bin supplied to a customer will be free from defects that might affect its performance. Bins which have been damaged or which are incomplete or faulty and that are no longer fit for purpose may not be placed on a public place for the collection of waste or diverted material.