

## Construction and Demolition Waste Reduction - SMF 4194

REGULATING WASTE MANAGEMENT UNDER THE  
LOCAL GOVERNMENT ACT 1974 & 2002 -  
GUIDANCE NOTES

- Task 5
- Final
- May 2004



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# 1. Introduction

Waste from construction and demolition projects has been identified as a key waste stream in the *New Zealand Waste Strategy* (MfE; 2002). The specific target in the Strategy relating to the reduction of construction and demolition waste is as follows:

*By December 2008, there will have been a reduction of construction and demolition waste to landfills of 50% of December 2005 levels measured by weight.*

It is noted that whilst there is a national reduction target, there are no specific national guidelines, policies, regulations, legislation or other mandatory or voluntary tools or resources in the Strategy to assist local councils and / or the construction and demolition industry to achieve this target.

One of the aims of the Construction and Demolition Waste Reduction Project, of which this work is a part of, is to provide guidance on regulatory tools available to Regional and District Councils to achieve the above target.

## 1.1 Earlier work within this project

These Guidance Notes are based on the recommendations of a report entitled “Construction and Demolition Waste Reduction – Inventory of Regulatory Tools” (Sinclair Knight Merz; 2004). The Inventory Report examined various potential legislative mechanisms that could be utilised to legally and effectively control, via regulation, construction and demolition waste. In this regard, the report involved a review of the relevant sections of the Resource Management Act 1991 (RMA 1991), Local Government Act 2002 (LGA 2002), Local Government Act 1974 (LGA 1974), Building Act 1991, Building Bill 2003, Health Act 1956 and the Energy Efficiency and Conservation Act 2000.

A multi criteria weighted analysis approach was utilised to test the options identified. From this analysis, the development and implementation of specific bylaws under the LGA 2002 and LGA 1974 were deemed to be the most appropriate, practical and effective means by which to achieve, by way of regulation, the 2008 target. The analysis also concluded that there is no statute that provides regulatory tools specifically for waste minimisation.

## 1.2 Purpose of the Guidance Notes

The purpose is to assist councils to develop bylaws under the LGA 1974 and LGA 2002 that are appropriate for managing the construction and demolition waste issues in their territory, by providing regulatory approaches and suggested wording. It should be noted that the most appropriate approach for each individual council will be territory specific, and that legal advice should be sought before assessing whether bylaws are the best approach.

It is assumed that councils will have bylaw drafting expertise or have access to legal and planning advice in order to draft a bylaw under the LGA 1974 and LGA 2002 process<sup>1</sup>. Also each district or region will have its own set of issues to address in the drafting of regulations. Therefore, these Guidance Notes do not give detail on how to assess whether a bylaw is the best regulatory tool to use, how to consult with the community, develop enforcement mechanisms, write review clauses or other administrative tasks. The Guidance Notes specifically relate to the clauses in the bylaw that apply to the waste management only. It is recommended that legal advice be sought to assist councils through the bylaw drafting process.

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<sup>1</sup> Also refer to Local Government New Zealand (2003), Section 7.

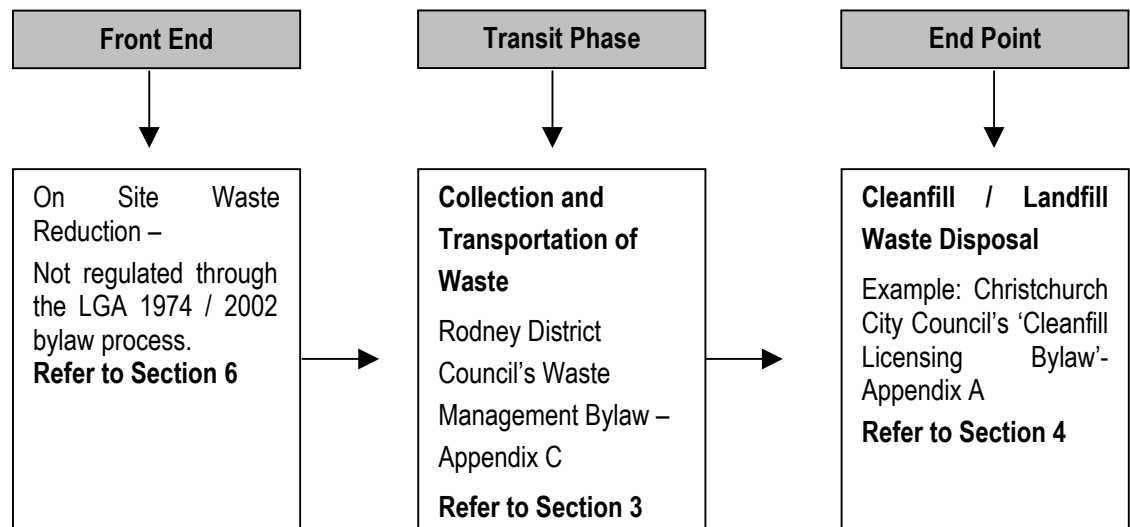


Note that these Guidance Notes consider the disposal to ground in both landfills and cleanfills, whereas the *New Zealand Waste Strategy* target is for *landfills* only. Both scenarios are considered in the C & D Waste Reduction Project because disposal to ground is a lost resource regardless of whether it is to landfill or cleanfill. In approaching this issue, councils will need to consider waste management goals within their own district context, to determine whether the target should be to reduce waste ‘to ground’ or ‘to landfill’.

A brief summary of alternative regulatory and non-regulatory tools is provided in Section 6. It is recognised that councils may need to employ a variety of approaches to attempt to achieve the *New Zealand Waste Strategy* target, or that alternatives to the bylaw process are more suitable for a given territory.

### 1.3 Waste management using these Guidance Notes

- 1) It is recommended that councils first identify the construction and demolition waste issues in their territory or region.
- 2) Once the waste market is clearly understood, and an issue clearly defined, determine whether intervention by regulation is required, or whether other tools may be more appropriate (some alternative regulatory and non-regulatory mechanisms are suggested in Section 6).
- 3) Where it is considered appropriate, address the bylaw process in Section 2.
- 4) Determine at which phase of the waste transfer process regulation is best employed, either the transit phase (collection and transport of waste) or the end point (disposal of waste). Note the ‘front end’ of the waste process is not regulated by bylaws, but there may be indirect regulatory methods that can be employed, as listed in Section 6.



Refer to the purpose and approach in Section 3 and Section 4 and the subsections titled ‘*In what circumstances should this approach be used?*’ to help make this determination.

- 5) Use the suggested wordings as a framework for the bylaw, and use the prompts to develop a bylaw that suits the local waste market.
- 6) Use legal and planning advice to draft the entire bylaw and to follow the prescribed bylaw process in the LGA 2002 (summarised in Section 2).
- 7) Refer to the list of resources in Section 7 for further information.



## 1.4 Waste management definitions

These Guidance Notes have been drafted for a particular set of conditions, as follows:

‘Construction and demolition waste’ is defined as:

*“Waste materials from the construction or demolition of a building, including the preparation and / or clearance of the property or site.”*

‘Waste management’ is defined as:

*“Reduction, recycling, reuse, recovery, treatment, collection, transport, storage, sorting and disposal of waste materials”.*

When councils develop their own bylaw they can modify these definitions, by:

- Removing some steps of the waste hierarchy.
- Including other waste types.
- Including infrastructure and landscaping projects as well as buildings;

or by making any other alteration of the definition that suits the particular circumstances.

## 1.5 Acknowledgements

SKM extends thanks to Minter Ellison Rudd Watts Lawyers, for provision of the legal review of the draft report, the legality of the bylaw implementation approach and the wording in the Guidance Notes. SKM acknowledges the support, peer review and feedback from the following organisations:

- |                                |                              |
|--------------------------------|------------------------------|
| ■ North Shore City Council     | ■ Rodney District Council    |
| ■ Ministry for the Environment | ■ Gisborne District Council  |
| ■ BRANZ                        | ■ Kaikoura District Council  |
| ■ RONZ                         | ■ Manukau City Council       |
| ■ Hamilton City Council        | ■ Papakura District Council  |
| ■ Christchurch City Council    | ■ Waitakere District Council |
| ■ Auckland City Council        | ■ Environment Waikato        |
| ■ Franklin District Council    |                              |

## 1.6 Caveat

While there is a lot of interest by councils in regulating waste management, for a variety of reasons, there has been limited implementation or legal testing of LGA 1974 and 2002 provisions by councils to date. Several councils are currently pursuing various provisions under the Acts, which will provide more case studies, legal opinions, test cases for future use.

These Guidance Notes have been drafted following thorough legal interpretation of the Acts as at May 2004, but do not have the rigour of testing through the courts or lessons from test cases. Any council pursuing regulatory mechanisms to control construction and demolition waste disposal should seek legal advice.



## 2. Local Government Act 1974 / 2002 Bylaw Process

The power of local authorities to manage solid waste is governed primarily under Part XXXI of the LGA 1974, titled Waste Management, which (along with a number of other provisions) remained in force after the LGA 2002 came into force. Part XXXI enables territorial authorities to undertake the function of waste management, conferring on them a general duty to manage waste efficiently and effectively (section 538), and specifically to make bylaws to regulate waste management (section 542).

Local authorities are also empowered under the LGA 2002 to create general bylaws in order to regulate public nuisance issues and in order to protect, promote and maintain public health and safety within their jurisdiction, and in particular can be applied to waste management and solid waste. The general bylaw purpose is considered too restrictive for the management of construction and demolition waste, where public nuisances and adverse effects on health and safety are not directly relevant. The specific waste management provisions of the LGA 1974 are considered more applicable.

The LGA 2002 prescribes the enactment and enforcement process for bylaws provided under both the LGA 1974 and the LGA 2002, along with other general provisions for the content and purpose of bylaws.

### 2.1 Waste management provisions

The LGA 1974 and LGA 2002 sections below provide the legislative context within which councils can apply their waste management powers.

- Section 538 of the LGA 1974 states that *'every territorial authority shall promote effective and efficient waste management and shall have regard to environmental and economic costs and benefits....'*
- Section 539 of the LGA 1974 requires the adoption of a Waste Management Plan by territorial authorities and states that within a Waste Management Plan provision shall be made for the *collection and reduction, reuse, recycling, recovery, treatment, or disposal of waste in the district.*

Note that in section 93 the LGA 2002 requires councils to produce a Long Term Council Community Plan (LTCCP) by June 2005. This plan covers a ten year period and must contain either a summary of any Waste Management Plans in force under section 539 of the LGA 1974, or the entire Waste Management Plan if no plan was in force prior to the LTCCP.

- Section 540 of the LGA 1974 empowers Council in regards to waste management. It specifies that a territorial authority may undertake or contract for any activity it considers appropriate for the efficient and effective management of waste in the district including –
  - (a) *the collection and reduction, reuse, recycling, recovery, treatment, or disposal of any waste from any premises...*

and states that *'Where a waste management plan adopted under section 539 of this act is in force in respect of a district, the territorial authority for the district – (b) shall allocate in accordance with section 544 of this Act, the costs incurred in implementing that plan'*.





- Pursuant to section 542 of the LGA 1974 territorial authority may from time to time make bylaws for the following purposes (amongst others):
  - (a) *Prohibiting or regulating the deposit of waste or of waste of any specified kind:*
  - (b) *Regulating the collection and transportation of waste or of waste of any specified kind...*

Subsection (2) states that licenses made under subsection (1)(b) above may provide for the licensing of persons who carry out the collection and transportation of waste on a commercial basis.

- Section 544 of the LGA 1974 states the following:
  - “Allocation of Costs – (1) Subject to subsection (2) of this section, every territorial authority shall allocate the costs incurred in the implementation of a waste management plan in such a manner as the territorial authority considers will effectively and appropriately promote the objectives of the plan.*
  - (2) Where the waste management plan so provides, the costs incurred in the implementation of the plan may be allocated by the territorial authority in a way that establishes economic incentives and disincentives that promote any or all of the objectives of the plan.”*
- Section 150 of the LGA 2002 gives power to councils to prescribe fees payable for the reasonable administration of a bylaw.
- Under section 151 of LGA 2002 (‘General provisions applying to bylaws’) it is stated that a bylaw may provide for the *licensing of persons or property....the payment of reasonable licensing fees....etc.*

To summarise, opportunities exist for councils to prohibit the disposal of waste of any kind and regulate the collection, transportation and deposition of waste of any kind, through bylaws. Regulation can include the licensing of those carrying out waste services such as collection, transport or deposition. Licenses can then contain conditions such as record keeping, prohibited wastes and the implementation of cost structures.

Cost structures to create economic incentives or disincentives (i.e. grants or levies) can be used to modify waste management behaviour in accordance with section 544 of the LGA 1974. Councils must detail the cost structures and any other distribution of funds in the Waste Management Plan, and then can use bylaws to regulate the collection and administration of funds. It must be noted that the meaning and use of section 544 has been questioned by councils that have argued the powers to impose levies are not implicit enough to withstand challenges of unfair trade restrictions by private operators. Several councils are working through this issue presently.

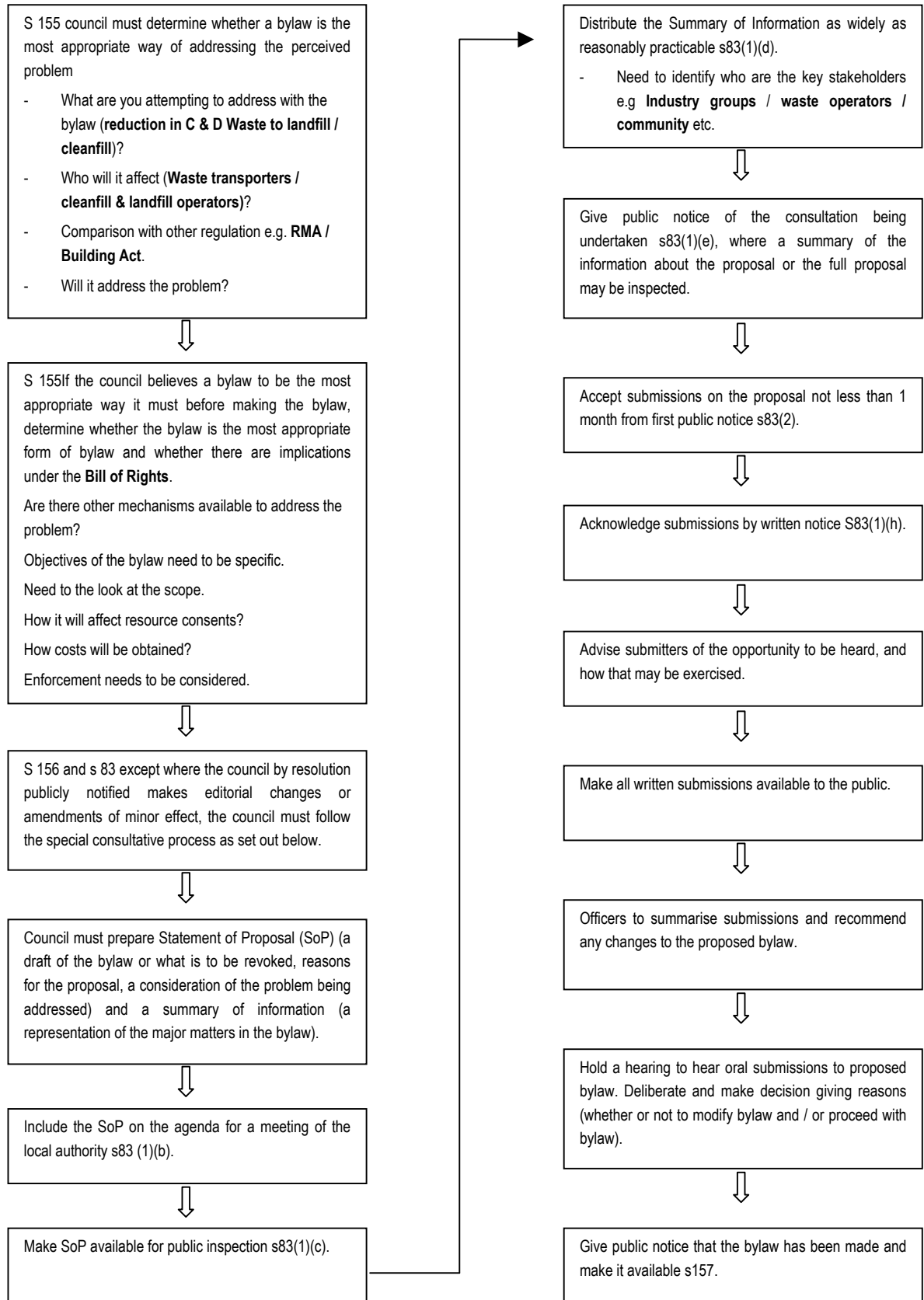
The bylaw-making powers of local authorities are subject the Bylaws Act 1910 and the common law rules relating to the exercise of local authority powers, including requirements as to reasonableness, taking relevant considerations into account and disregarding irrelevant considerations, etc.

## 2.2 Bylaw making process under the LGA 2002

The LGA 2002 outlines a specific process that should be followed when formulating a bylaw, as outlined in the following flow diagram. For more information, refer to “The Know How Guide to the Regulatory and Enforcement Provisions of The Local Government Act 2002” by Local Government New Zealand.



### Bylaw Process





## 3. Waste Collection and Transportation Licensing and Levies

### 3.1 Purpose

The purpose of a bylaw to license and levy the collection and transportation of construction and demolition waste is to:

- 1) Control the management and end use of waste.
- 2) Alter the cost structure of disposal, compared to other alternatives such as recovery, recycling, reuse or reduction, so that disposal to landfill and / or cleanfill is discouraged.

This approach allows councils to be prescriptive about the most appropriate disposal, recycling or reuse end use for waste, and / or the management of waste during collection and transport. For example:

- The sorting of waste prior to disposal.
- Creating a mandatory requirement to recycle types of waste, where markets can support this.

The levy approach intends to manipulate market signals to waste producers to allow them to identify the most cost effective alternative for waste management. The effectiveness of the levy will depend on the elasticity of waste disposal costs and the other market drivers or alternatives to disposal in the district / region. As noted in Section 2, councils must first state the intention and purpose for financial incentives and disincentives in the Waste Management Plan. The ability for councils to effectively implement such cost structures under section 544 of the LGA 1974 is currently being reviewed by several local authorities.

Operators may be licensed, with conditions, without the additional requirement for levies or other cost structures.

### 3.2 Approach

The basic approach of this type of bylaw is to:

- 1) Licence operators who collect and transport waste from construction and demolition sites, or from construction and demolition waste sorting facilities.

Councils will need to determine whether waste is generally transported directly to the end use from the construction or demolition site, or whether waste is generally transported to a sorting facility. Where sorting facilities exist, transport from the sorting facility to the end use will also need to be licensed.

- 2) Rule that operators may not operate without such a licence, and must operate in accordance with conditions of the licence.

Licensing gives councils control over who operates in the market, how and to what standard of service. Conditions include record keeping, sorting practices and options for disposal or recycling.

- 3) Set a levy for waste consignments transported to landfill or cleanfill.

Beyond controlling waste contractors through licensing, levies are a tool to affect the economics of disposal. The purpose of levies is to provide financial signals that support alternatives to waste disposal.



Councils will need to decide:

- Whether levies are required, over and above the conditions on licenses.
  - Whether all wastes disposed to ground attract a levy, and if not, which wastes.
  - Whether landfill or cleanfill disposal is levied, or both.
  - Whether levies are differentiated for different types of wastes, and for landfill or cleanfill disposal.
  - How the industry will respond to such cost structures.
  - How the revenue from the levies will be spent – according to the LGA 1974 this must be on waste minimisation initiatives.
- 4) Collect levies from the operators for the implementation of waste minimisation strategies.
  - 5) Develop enforcement mechanisms to prevent unlicensed operations, or penalise operators for non-compliance with licence conditions.

### 3.3 District council examples

A number of councils in the Auckland region are in the early stages of a bylaw review in order to address licensing and levy issues for collection and transportation. Several already have bylaws for regulating the collection of trade waste, domestic waste, green waste and recyclables (Rodney District Council, Appendix C; Waitakere City Council, Appendix D).

Rodney District Council requires written consent by the council for waste contractors to operate in the district. Provision is made in this bylaw for council to put conditions on the consents regarding such criteria as the method of waste collection and payment of bonds and for the collection of fees. Waitakere City Council bylaw 30 also has provision for the council to charge licensed operators for particular types of waste collected. Neither councils have set charges or fees, pending a review of the LGA 1974 provisions.

### 3.4 In what circumstances should this approach be used?

Levying of waste transportation has not yet been legally tested, although some councils are licensing waste operators successfully, without legal challenge from the industry. The approach is considered worth investigating in the following circumstances:

- Where a region or district does not have cleanfills and / or landfills used for the disposal of construction and demolition waste, and therefore the territorial authority cannot regulate waste disposal.
- Where the majority of collection and transport of construction and demolition waste is undertaken by third parties, and not by the construction or demolition contractors.
- Where it is considered that a price differential is required to increase demand for alternatives to disposal.

### 3.5 Issues

- Challenges of restricting trade practices through the use of economic incentives and disincentives as directed by section 544 of the LGA 1974.
- Limiting the licensing to a particular size of operator so that small volumes of waste such as individuals with trailers do not inadvertently breach the bylaw rules.
- Enforcing unlicensed transport operators in a mobile industry, and in an industry where many operators enter and exit the market over time.
- Getting industry buy-in to the provision of economic drivers for reducing waste disposal.



### 3.6 Waste Management Plan review

Prior to drafting a bylaw, the council's Waste Management Plan should be reviewed, and if necessary, altered, to reflect the intent to manage the districts construction and demolition waste under a bylaw. It is mandatory under section 544(2) of the LGA 1974, where council will collect levies, that the distribution of these funds to waste minimisation initiatives must be stated. Any changes to the Plan will need to go through a consultative process as prescribed in section 84 of the LGA 2002, and is most efficiently done through the Long Term Council Community Plan process.

### 3.7 Suggested bylaw content

The following clause headings, content and suggested wording are given as a starting point for drafting a licensing and levy bylaw for construction and demolition waste collection and transport. General clauses such as the bylaw purpose, review and enforcement mechanisms, and specific details such as licensing and levy costs, are left to the territorial authority to develop.

#### 3.7.1 Definitions

Suggested definitions for waste types that may be subject to the bylaw, include:

##### ***“Natural Hardfill***

- *Uncontaminated soils, rock, gravels, sand, clay and other inorganic inert natural materials*
- *Construction and demolition materials – total less than 1% by volume per load, estimated visually*
- *Vegetative matter less than 2.5% by volume per load, estimated visually*
- *Topsoil and other inorganic inert natural materials used as cover material.*

##### **Construction and Demolition Materials**

*Any material that is collected from a property or premise on which construction and / or demolition activities are, or have taken place, which includes, but is not limited to, the following:*

- *Asphalt (cured).*
- *Bricks.*
- *Ceramics.*
- *Chip seal (cured).*
- *Concrete, reinforced (and exposed reinforcing rods that cannot reasonably be separated from the concrete).*
- *Concrete un-reinforced (including dried concrete slurry).*
- *Fibre Cement Building Products (nil asbestos content).*
- *Plasterboard.*
- *Hardboard, MDF, Particleboard, Plywood, and other wood products.*
- *Roofing iron.*
- *Untreated timber.*
- *Treated timber.*
- *Glass.*
- *Masonry Blocks.*
- *Pavers (clay, concrete, ceramic).*
- *Pipes (clay, concrete, ceramic).*



- Tiles (clay, concrete, ceramic).
- Vegetative matter.
- Plastic.
- Cardboard.”

It is recommended that each council decide which wastes are included in the above list. The types of wastes included or excluded from the list will depend on such things as:

- Local reuse, recycling or recovery opportunities.
- Providing incentives to encourage local reuse, recycling or recovery opportunities.
- Cleanfill and landfill acceptance criteria.
- Hazardous waste management in the territory.
- Whether specific types of wastes are targeted or whether any consignment of waste from a construction or demolition site is targeted.

### 3.7.2 Licensing

Suggested wording:

*“No person shall operate services for the collection of waste from construction and / or demolition sites and / or the transport of waste to sorting, storage, processing or disposal end uses, unless the Council has granted a Licence to that person.*

*The licensing criteria do not apply to those persons collecting and / or transporting construction and / or demolition waste in single consignments no larger than 3 cubic metres.*

*The licence holder shall comply with the terms and conditions of the Licence.*

*The Licensee shall pay to the Council the License Fee as prescribed in the conditions of the License.”*

Note that the licensing applies to those consignments from ‘construction and / or demolition sites’ to limit the license from applying to similar types of waste that may arise from manufacturing or retail outlets.

Note also the size limit relating to the waste consignment. This is to prevent the licensing requirement from applying to homeowners or tradespeople transporting home renovation, building or trade-related waste in their vehicles.

### 3.7.3 Record keeping

Suggested wording:

*“The Licensee shall keep and maintain written records of:*

- a) *The data as specified below for 5 years from the date of receipt of each load of construction and demolition waste or such lesser time as the Council may from time to time specify. The Licensee shall supply recorded data in such form as is specified in the conditions of the licence.*
- b) *The Licensee shall keep written records of the following minimum data for each load collected and / or transported:*
  - *Date of receipt.*
  - *Carrier details, including contact details and truck ID.*
  - *Location of source of the waste material.*



- *Type of activity generating material (e.g. house construction, demolition, etc.).*
- *Description of waste type.*
- *Waste code (from the New Zealand Waste List).*
- *Estimated volume of waste.*
- *Destination of waste – including whether this is for storage, reuse, recycling, recovery or disposal at cleanfill or landfill.”*

Note that while the *New Zealand Waste Strategy* goal is the reduction of 50% waste ‘by weight’, waste carriers are not likely to have the ability to measure the weight of loads. An estimation of waste volumes is more practical and has been suggested instead.

### **3.7.4 Inspections and auditing**

Suggested wording:

*“The Council shall have the right to take all reasonable steps, including inspections of waste consignments and waste storage facilities and inspections of all relevant invoices and other documentation held by the Licensee, to audit the records for the purposes of ensuring compliance with the licence.”*

In order to meet the requirements of ‘reasonableness’ and section 21 of the New Zealand Bill of Rights 1990 (in accordance with section 155 of the LGA 2002), councils should either provide a separate condition outlining the circumstances or timing of inspections, or provide a condition detailing the methods council will take to advise licensees of impending inspections.

### **3.7.5 Levy**

Suggested wording:

*“The Licensee shall pay to the Council the [Differentiated] Waste Minimisation Levy [Levies] specified in Schedule ... of this Bylaw in respect of all waste [or wastes as specified in Schedule ....] disposed of at cleanfill and / or landfill.”*

The council should decide whether the levies are differentiated for different types of wastes, whether disposal at cleanfill has a different levy to disposal at landfill, and whether other end uses such as energy recovery or recycling are levied.

Note, that in setting a levy the cost structures must be defensible in the context of obligations under section 150 of the LGA 2002. Where licensees are likely to incur costs in the administration of levy collection on behalf of council, this cost may be offset from the payment of levy revenue to the council.

### **3.7.6 Enforcement provisions**

Suggested wording:

*“Any breach of this Bylaw shall:*

- (a) be an offence punishable by a fine not exceeding \$20,000.00 as provided by section 242(4) of the Local Government Act 2002, and/or*
- (b) entitle the Council to suspend any Licence for such period as it considers appropriate or to cancel any Licence having regard to the nature and circumstances of any breach.*



## 4. Waste Disposal Licensing and Levies

### 4.1 Purpose

The purposes of a waste disposal bylaw is to:

- 1) To alter the cost structure of disposal, compared to other alternatives such as recovery, recycling, reuse or reduction, so that disposal to cleanfill or landfill is discouraged.
- 2) To control the types of waste disposed to landfill or cleanfill.
- 3) Reuse or reduction, so that disposal to landfill and / or cleanfill is discouraged.

This approach allows councils to be prescriptive about what can and cannot be disposed to ground in the territory, with the intention of diverting wastes from disposal to recycling and reuse options.

As with the transportation and collection approach, the levy intends to manipulate market signals to waste producers to allow them to identify the most cost effective alternative for waste management. Operators may be licensed, with conditions, without the additional requirement for levies or other cost structures.

### 4.2 Approach

The basic approach of the bylaw is to:

- 1) Licence disposal operations. These operations could be landfills and / or cleanfills.  
Councils will need to decide whether landfills or cleanfills are licensed, or both.
- 2) Rule that cleanfills and / or landfills may not operate without such a licence, and must operate in accordance with conditions of the licence.  
Licensing gives councils control over who operates in the market and how. Conditions include record keeping, sorting practices and options for disposal or recycling.
- 3) Set a levy for waste consignments, structured in a way that creates a financial disincentive to dispose to ground construction and demolition waste.

Councils will need to decide:

- Whether all wastes disposed to ground attract a levy, and if not, which wastes.
- Whether landfill or cleanfill disposal is levied, or both.
- Whether levies are differentiated for different types of wastes, and for landfill or cleanfill disposal.

Note the discussion in Section 3.6 regarding the requirement of councils to specify the allocation of funds in the Waste Management Plan.

- 4) Prohibit particular wastes from being disposed at a cleanfill and / or landfill in certain circumstances.  
Councils will need to decide whether prohibition is a viable option, or whether other mechanisms such as levies and / or other legislative or educational tools are more effective at changing behaviour. This will depend on the availability of alternatives and the potential for adverse environmental effects from disposal.
- 5) Collect levies from the operators for use in waste minimisation strategies.  
Councils will need to decide what the waste minimisation strategies are, and include these in their Waste Management Plan.





#### 4.3 Christchurch City Council Cleanfill Licensing Bylaw 2003

This approach has been pursued by Christchurch City Council through the ‘*Christchurch City Cleanfill Licensing Bylaw 2003*’. (Refer to Appendix A and Appendix B). Consultation with industry groups during this process revealed that a ‘stick’ approach is considered beneficial in terms of behavioural change ie. a greater effort being made toward sorting ‘construction and demolition’ waste recyclables from non-recyclables. Industry groups advise that in order to be truly effective, levies should be set at an appropriate rate.

#### 4.4 In what circumstances should this approach be used?

The approach is considered worth investigating in the following circumstances:

- Where cleanfills and / or landfills are used in the territory for the disposal of construction and demolition waste.
- Where it is considered that a price differential is required to increase demand for alternatives to disposal.
- Where the regulation of collection and transportation is difficult due to cross boundary issues, such as where more construction and demolition waste is transported into a territory than produced within the territory.

#### 4.5 Issues

- Challenges of restricting trade practices by using the economic incentives and disincentives as directed by section 544 of the LGA 1974.
- Getting industry buy-in to the provision of economic drivers for reducing waste disposal.
- Cross boundary issues, where waste travels from one district or region to another as a result of the cost structures implemented through licensing and levying.

#### 4.6 Waste Management Plan review

Waste Management Plans should be reviewed, as stated in Section 3.6 prior to a bylaw being drafted.

#### 4.7 Suggested bylaw content

The following clause headings, content and suggested wording are given as a starting point for drafting a licensing and levy bylaw for construction and demolition waste disposal. General clauses such as the bylaw purpose, review and enforcement mechanisms, and specific details such as licensing and levy costs, are left to the territorial authority to develop.

##### 4.7.1 Definitions

Suggested definitions for waste types that may be subject to the bylaw, include:

###### “*Natural Hardfill*”

- *Untaminated soils, rock, gravels, sand, clay and other inorganic inert natural materials.*
- *Construction and demolition materials – total less than 1% by volume per load, estimated visually*
- *Vegetative matter- total less than 2.5% by volume per load, estimated visually.*
- *Topsoil and other inorganic inert natural materials used as cover material.*



### **Construction and Demolition Materials**

*The following materials, originating from the construction or demolition of a building, including site preparation:*

- *Asphalt (cured).*
- *Bricks.*
- *Ceramics.*
- *Chip seal (cured).*
- *Concrete, reinforced (and exposed reinforcing rods that cannot reasonably be separated from the concrete).*
- *Concrete un-reinforced (including dried concrete slurry).*
- *Fibre Cement Building Products (nil asbestos content).*
- *Plasterboard.*
- *Hardboard, MDF, Particleboard, Plywood, and other wood products.*
- *Roofing iron.*
- *Untreated timber.*
- *Treated timber.*
- *Glass.*
- *Masonry Blocks.*
- *Pavers (clay, concrete, ceramic).*
- *Pipes (clay, concrete, ceramic).*
- *Tiles (clay, concrete, ceramic).*
- *Vegetative matter.*
- *Plastic.*
- *Cardboard.”*

The first sentence limits the source of the waste to building sites only. Councils may choose not to limit the source of the waste.

It is recommended that each council decide, when drafting a waste disposal bylaw, which wastes are included in the above list. The types of wastes included or excluded from the list will depend on such things as:

- Existing reuse, recycling or recovery opportunities.
- Providing incentives to encourage new reuse, recycling or recovery opportunities.
- Cleanfill and landfill acceptance criteria.
- Hazardous waste management in the territory.

#### **4.7.2 Licensing**

Suggested wording:

*“No person shall operate premises for the disposal of construction and demolition waste unless the Council has granted a Licence to that person.*

*The licence holder shall comply with the terms and conditions of the Licence.*

*The Licensee shall pay to the Council the License Fee as prescribed in the conditions of the License.”*



Councils may decide that landfills and cleanfills under a certain size do not require licensing.

#### 4.7.3 Record keeping

Suggested wording:

*“The Licensee shall keep and maintain written records*

- a) The data as specified below for 5 years from the date of receipt of each load of construction and demolition waste or such lesser time as the Council may from time to time specify. The Licensee shall supply recorded data in such form as is specified in the conditions of the licence.*
- b) The Licensee shall keep written records of the following minimum data for each load received for disposal:*
  - *Date of receipt.*
  - *Carrier.*
  - *Truck I.D.*
  - *Location of source of the waste.*
  - *Type of activity generating material (e.g. house construction, demolition, etc.).*
  - *Description of waste type.*
  - *Waste code (from the New Zealand Waste List).*
  - *Estimated volume of waste.”*

Note that while the *New Zealand Waste Strategy* goal is the reduction of 50% waste ‘by weight’, cleanfill operators (and some landfills) may not have the ability to measure the weight of loads. An estimation of waste volumes is more practical and has been suggested instead.

#### 4.7.4 Inspections and auditing

Suggested wording:

*“The Council shall have the right to take all reasonable steps, including site inspections and inspections of all relevant invoices and other documentation held by the Licensee, to audit the records and site procedures for the purposes of ensuring compliance with the Licence.”*

In order to meet the requirements of ‘reasonableness’ and section 21 of the New Zealand Bill of Rights 1990 (in accordance with section 155 of the LGA 2002), councils should either provide a separate condition outlining the circumstances or timing of inspections, or provide a condition detailing the methods council will take to advise licensees of impending inspections.

#### 4.7.5 Levy

Suggested wording:

*“The Licensee shall pay to the Council the [Differentiated] Waste Minimisation Levy [Levies] specified in Schedule ... of this Bylaw in respect of all waste [specified wastes] disposed of at the site.”*

The council should decide whether the levies are differentiated for different types of wastes and whether disposal at cleanfill has a different levy to disposal at landfill.

Note, that in setting a levy the cost structures must be defensible in the context of obligations under section 150 of the LGA 2002. Where licensees are likely to incur costs in the administration of levy collection on behalf of council, this cost may be offset from the payment of levy revenue to the council.



#### 4.7.6 Prohibited wastes

Particular wastes can be prohibited from disposal under section 542(1)(a) of the LGA 1974. Councils may wish to use this power to achieve the waste strategy targets, however this approach should be assessed against the ability of a bylaw levy to produce a market incentive to find alternatives to disposal.

Prohibiting waste disposal may be problematic. Prohibition in one district may increase demand for disposal services in other districts, particularly where there are no local alternatives higher up the waste hierarchy. This would not contribute to the targets of the *New Zealand Waste Strategy*. Furthermore, prohibition of waste disposal may conflict with other regulatory mechanisms such as resource consents for landfills. Case law relating to the LGA 1974 held that a bylaw may deal with matters already dealt with by law providing its provisions are consistent with existing law. Therefore using a bylaw to prohibit specified waste disposal at landfills which have been consented under the RMA to accept such wastes may not be legally defensible, although prohibiting waste to non-consented cleanfills may be legally defensible.

Taking into consideration the discussion above, councils may still decide through the bylaw process that prohibition is the best regulatory method. Suggested wording is given for councils to prohibit the disposal of potential contaminants to cleanfills:

*“The following wastes shall not be received for disposal by the Cleanfill Licensee, in quantities greater than 1% by volume of any consignment, as estimated visually:*

- *Treated timber.*
- *Fluorescent lamps.*
- *Plasterboard.*
- *Materials defined as hazardous under the HSNO Act 1996.”*

Councils may wish to prohibit the disposal of waste to landfill (or cleanfill) with commercially viable alternative uses. Councils may also wish to protect landfill space by prohibiting the disposal of inert materials, more suitable for cleanfill disposal. Suggested wording and suggested waste types:

*“The following wastes shall not be received for disposal by the Landfill Licensee, in quantities greater than 1% by volume of any consignment, as estimated visually:*

- *Glass.*
- *Ferrous and non-ferrous metals.*
- *Untreated timber.*
- *Concrete, rubble, soil and other inert, natural materials (unless specified as cover material).”*

#### 4.7.7 Enforcement provisions

Suggested wording:

*“Any breach of this Bylaw shall:*

- (a) be an offence punishable by a fine not exceeding \$20,000.00 as provided by section 242(4) of the Local Government Act 2002, and/or*
- (b) entitle the Council to suspend any Licence for such period as it considers appropriate or to cancel any Licence having regard to the nature and circumstances of any breach.”*



## 5. Regional Approaches to Waste Management

In some circumstances it may be deemed appropriate to address the issue of construction and demolition waste management at a regional, rather than a territorial level. Achieving a form of horizontal integration may work well where there are cross boundary issues with waste, for example, where waste is produced in one district and disposed in another. Cross boundary issues already exist in the Auckland region and may soon be an issue in Canterbury with the Kate Valley Landfill located in the Hurunui District and the majority of waste generated in Christchurch City and adjacent districts.

A territorial authority may delegate its waste management bylaw making powers to a regional council under section 161 of the LGA 2002. This section states the following:

*“Section 161 – Transfer of bylaw-making power*

- 1) *A Territorial authority may transfer all or any of its powers to make bylaws –*
  - a) *to a regional council if any part of the district of the territorial authority is within the region of that regional council; or*
  - b) *to another territorial authority.*
- 2) *A regional council may transfer all or any of its powers to make bylaws to a territorial authority within its region or to another regional council.*
- 3) *The provisions of section 17 apply in relation to a transfer under this section.*
- 4) *A local authority must not transfer or delegate the power to make bylaws except as provided for in this section.*

As stated in section 161(3) of the LGA 1974 the development of bylaws is subject to section 17 of the LGA 2002.

*“Section 17- Transfer of Responsibilities*

.....

- (2) *A territorial authority may transfer 1 or more of its responsibilities (other than a responsibility that may be transferred under section 33 of the Resource Management Act 1991) to a regional council in accordance with this section.*
- (3) *A transfer of responsibilities under this section—*
  - a) *must be made by agreement between the local authorities concerned and may be on the terms and conditions that are agreed; and*
  - b) *may be, as agreed, either—*
    - (i) *a substantive transfer of responsibilities; or*
    - (ii) *a delegation of the undertaking of responsibilities with the transferring local authority remaining responsible for the exercise of those responsibilities.*
- (4) *A local authority may not transfer a responsibility, or accept a transfer of a responsibility, unless—*
  - c) *it has—*
    - (i) *included the proposal in its annual plan or draft long-term council community plan;*
    - or*



- (ii) *used the special consultative procedure; and*
- d) *it has given prior notice to the Minister of the proposal.*
- (5) *From the time a transfer takes effect, the responsibilities and powers of the local authority receiving the transfer are extended as necessary to enable the local authority to undertake, exercise, and perform the transferred responsibilities.*
- (6) *If a transfer of responsibilities has been made, either local authority that was party to the transfer may, through the process set out in subsections (3) to (5), initiate—*
  - e) *a variation of the terms of the transfer; or*
  - f) *the reversal of the transfer.”*

It is important to identify whether a regional approach is appropriate. This is dependent on the territorial authorities that make up the region and their various waste demand / supply issues. For example, a regional approach maybe appropriate if the ability to move waste between districts could discourage construction and demolition waste reuse / recycling.

Liaison with the regional council and the other territorial authorities in the region is fundamental and should be pursued early on in the process. Creating a working group in this regard is an option, as this will identify individual issues for each council as well as interrelationships between the councils.

Section 17 of the LGA 2002 states that before a delegation of authority can occur, the territorial authority must include the proposal in the annual plan and the Long Term Council Community Plan. An alternative to this would be for a council to pursue a ‘special consultative procedure’ to ensure that the public is fully informed of the intended transfer.

There is considerable merit in adopting a set of comprehensive bylaws for a whole region. This approach would address dislocation issues and the exporting of waste from one district to another. For example Auckland City generates large volumes of waste but has very limited cleanfill land area capacity, hence relies on sites within other authorities to dispose of waste. A regional approach will ensure that consistency is maintained.

Once the transfer has occurred all necessary powers and responsibilities fall under the jurisdiction of the regional council. There is potential under section 17 to undertake a variation or reversal of power if this is deemed necessary later.

## **6. Alternative Waste Management Tools**

Bylaws are only one tool that may help councils to reach the *New Zealand Waste Strategy* target. Listed in Table 1 are examples of regulatory and non-regulatory tools available to regional and district councils that may be used to affect, directly or indirectly, the amount and type of construction and demolition waste disposed to landfill or cleanfill. Some options are discussed in more detail below.



■ **Table 1 Summary of Potential Regulatory and Non-Regulatory Tools for C & D Waste Management**

<b>C &amp; D Waste Management Objective</b>	<b>Relevant Statute and Tool</b>
<p><b>1. On Site Waste Management</b></p> <p>Waste Management Plans, and other mechanisms to reduce waste production and increase diversion from landfill.</p>	<p>Resource Management Act 1991</p> <ul style="list-style-type: none"> <li>■ District Plan Rules and Non-Regulatory Methods</li> <li>■ Resource Consent Conditions</li> </ul> <p>Local Government Act 1974 / 2002</p> <ul style="list-style-type: none"> <li>■ Grants, loans and other financial incentives</li> </ul>
<p><b>2. Environmental Effects of Construction and Demolition Land Uses</b></p> <p>Regulating environmental effects such as dust, noise or sediment discharges or impacts on amenity or heritage values.</p>	<p>Resource Management Act 1991</p> <ul style="list-style-type: none"> <li>■ District Plan Rules and Non-Regulatory Methods</li> <li>■ Resource Consents</li> </ul>
<p><b>3. Protecting Buildings from Demolition</b></p> <p>Regulating the protection of buildings with historical, amenity, cultural or other values from development, in particular demolition.</p>	<p>Resource Management Act 1991</p> <ul style="list-style-type: none"> <li>■ District Plan Rules and Methods</li> <li>■ Resource Consents</li> <li>■ Heritage Order</li> </ul> <p>Historic Places Act 1993</p> <ul style="list-style-type: none"> <li>■ Heritage covenant</li> </ul>
<p><b>4. Managing Hazardous Waste</b></p> <p>The transport, storage and disposal of hazardous substances.</p>	<p>Hazardous Substances and New Organisms Act 1996</p> <ul style="list-style-type: none"> <li>■ Various provisions e.g. NZS5443 Hazardous Transport Code</li> </ul> <p>Resource Management Act 1991</p> <ul style="list-style-type: none"> <li>■ Regional and District Plan Rules and Methods</li> <li>■ Resource Consents</li> </ul>
<p><b>5 Waste Minimisation Advice and Education, and Financial Incentives.</b></p>	<p>Local Government Act 1974</p> <ul style="list-style-type: none"> <li>■ Waste Management Plans</li> <li>■ Financial grants</li> </ul> <p>Resource management Act 1991</p> <ul style="list-style-type: none"> <li>■ Regional and District Plan Methods</li> </ul>
<p><b>6. Provision of Waste Services</b></p> <p>Councils to provide C &amp; D waste collection, transport, sorting, storage and reuse facilities to achieve higher waste diversion rates.</p>	<p>Local Government Act 1974</p> <ul style="list-style-type: none"> <li>■ Council may provide waste management facilities</li> </ul>
<p><b>7. Environmental Effects of Waste Disposal</b></p> <p>Managing the environmental effects of waste treatment, waste storage, waste disposal to ground and incineration.</p>	<p>Resource Management Act 1991</p> <ul style="list-style-type: none"> <li>■ Regional and District Plan Rules and Methods</li> <li>■ Resource Consents</li> </ul>

## 6.1 On site waste management

### RMA

The legality of using RMA regulatory tools to control on site waste management has not been tested through the Environment Court, and therefore is not provided for in these Guidance Notes. There are differing opinions on whether waste reduction is consistent the purpose of the Act, and therefore whether the regulatory tools provided by the Act are suitable.



It is noteworthy that Kaikoura District Council has implemented specific waste management rules in the Kaikoura District Council Proposed District Plan (Appendix E), which are reinforced in consent conditions (Appendix F), neither of which have been challenged in the Environment Court or through the plan hearing process.

It is advised that council seek legal opinion, or a declaration with the Environment Court, prior to using the district plan or consent process to regulate on site waste management. Non-regulatory methods, such as advocacy and education, are valid tools under the RMA to address regional waste issues and may be as effective as consent conditions or plan rules.

### **LGA 1974 / 2002**

The LGA 1974 / 2002 enables local government to provide financial assistance or incentives for waste minimisation, which allows council to influence initiatives on the construction or demolition site to reduce waste.

### **6.2 Environmental effects of construction and demolition land uses**

While there is no case law regarding whether waste is an environmental effect of construction or demolition, other environmental effects are well established in law, such as noise, sediment discharges and visual impacts. Regulating any of these effects may indirectly affect waste production, or waste management on site.

### **6.3 Protecting buildings from demolition**

The ability to regulate the protection of buildings under both the RMA and the Historic Places Act 1993 may indirectly affect the amount of construction and demolition waste to landfill or cleanfill. The purpose of the regulatory mechanisms is to protect places of special interest, character, intrinsic value, cultural value, amenity value, historical value or visual appeal. By protecting buildings from demolition waste disposal is reduced, as waste created from the renovation and reuse of existing buildings is less than the replacement of old with new buildings. While this approach is not recommended as a primary method to regulate waste minimisation, it may assist in an overall approach.





## 7. Resources

- Christchurch City Council Cleanfill Licensing Bylaw  
<http://www.ccc.govt.nz/Bylaws/ChchCityCleanfillLicensingBylaw2003.pdf>
- Kaikoura District Council. 2000. Kaikoura District Proposed District Plan.
- [www.legislation.govt.nz](http://www.legislation.govt.nz)
- LGA Website - <http://www.lgnz.co.nz/>
- Local Government New Zealand. 2003. The Know How Guide to the Regulatory and Enforcement Provisions of The Local Government Act 2002.
- Ministry for the Environment. 2002. The Guide to Managing Cleanfills. MfE.
- Ministry for the Environment. 2002. The Solid Waste Analysis Protocol. MfE.
- Ministry for the Environment. 2003. Module 1 – Hazardous Waste Guidelines – Information and Record Keeping. MfE.
- Ministry for the Environment. 2003. Module 2 – Hazardous Waste Guidelines – Landfill Waste Acceptance Criteria and Landfill Classification. MfE.
- Ministry for the Environment, Local Government New Zealand. 2002. The New Zealand Waste Strategy. Towards zero waste and a sustainable New Zealand. MfE.
- Barfoot, L. 2004. “Waste Management Legislation: Legislative Change to Achieve Waste Reduction Goals”. Paper presented at the Waste Management Conference, March 30 and 31, Auckland New Zealand.
- The New Zealand Waste List: <http://www.mfe.govt.nz/issues/waste/content.php?id=25>
- O’Rourke, D. 2004. “Sticks As Well As Carrots: - The use of bylaws as a means of achieving waste avoidance and diversion.” Paper presented at the Waste Management Conference, March 30 and 31, Auckland New Zealand.
- Sinclair Knight Merz. 2004. Construction and Demolition Waste Reduction Project – Inventory of Regulatory Tools.
- Twelfth Knight Consulting. 2004. Cleanfills, Recycling, Licensing & Levies. Report presented by the Christchurch City Council Water and Waste Unit for the Canterbury Waste Sub Committee.



## Appendix A Christchurch City Council Cleanfill Bylaw Process

### A.1 Christchurch City Cleanfill Licensing Bylaw 2003

The *‘Christchurch City Cleanfill Licensing Bylaw’* was enacted on the 1<sup>st</sup> of March 2004. The implementation of this bylaw was understood to be a follow-on action by Christchurch City Council (CCC) to the *New Zealand Waste Strategy*.

### A.2 Problem facing Christchurch

A paper presented by Cr Denis O’Rourke (O’Rourke, 2004) explained the purpose behind the bylaw. O’Rourke (2004) identified the need to “*clean up the cleanfills*”. He advised of a concern by CCC regarding the operation of cleanfills in relation to adequate environmental guidelines and the fact that there was no satisfactory national regulation.

O’Rourke (2004) acknowledged that under the RMA, consents were granted to cleanfills on the basis that such waste materials would not harm the environment. He stated that even though the material may not have a negative impact on the receiving environment, there is still potential to recover some waste for re-use or recycling or for other beneficial purposes. O’Rourke (2004) identified that there are alternatives available for the economic re-use or recycling or energy recovery of / from construction and demolition materials, including wood.

### A.3 Bylaw preparation analysis

CCC’s *Solid and Hazardous Waste Management Plan* was developed and this document identified a clear desire to regulate the waste management industry. A number of key strategies were identified within the plan including:

- The inclusion of incentives and disincentives (e.g. waste minimisation levies) as part of refuse disposal charges to fund local and regional waste reduction and minimisation initiatives....
- To license all waste operators and cleanfill sites in order to achieve high levels of service, to advance resource recovery, and provide better information on waste flows.....

In examining the appropriateness of the potential bylaw approach, CCC received legal opinion, which advised that the proposed bylaw approach may be appropriate. Consultation with key stakeholders was also undertaken.

Additionally, a number of key objectives for the project examining the appropriateness of a potential bylaw were identified in Twelfth Knight Consulting (2004) a report for the Canterbury Waste Sub Committee. These were as follows:

- Identify the general sources and quantities of materials disposed of in cleanfills.
- Develop proposals, which promote materials recovery, reuse and recycling in relation to cleanfill operations.
- Enable the charging of a small levy on cleanfill materials as a contribution towards waste minimisation funding.

Section 151 (3)(a) of the LGA 2002 provides for “*licensing of persons or property*”. The licensing system adopted by CCC is aimed at the cleanfill operator and enables waste minimisation levies to be imposed on certain types of materials. Ultimately this cost will be transferred to the consumer. A schedule of materials is identified as being license approved within the bylaw. Any material not



listed is subject to a \$9 per cubic metre levy, refer to section 4.3 of this report for more discussion and Appendix B for the detail of the bylaw.

#### **A.4 Conclusion**

It is considered that requiring waste operators to obtain a licence is a good approach, as operators are accountable for everything that comes into the site and must keep a record of fees collected. If the operator is seen to be in breach of their licence, the licence may be suspended.

O'Rourke (2004) advised that early anecdotal evidence suggests that the bylaw is having a positive impact. He cited the closure of a poorly performing cleanfill in Christchurch, increased consultation by operators with the 'Recovered Materials Foundation' for assistance in sorting and a movement towards recycling of materials on cleanfill sites, as being positive outcomes of the bylaw approach.



# Appendix B Christchurch City Council Cleanfill Bylaw

**CHRISTCHURCH CITY COUNCIL**  
**CHRISTCHURCH CITY CLEANFILL LICENSING BYLAW 2003**

Pursuant to the powers vested in it by the Local Government Act 2002, the Christchurch City Council makes this Bylaw.

**1. SHORT TITLE AND COMMENCEMENT**

1.1 This bylaw may be cited as the Christchurch City Cleanfill Licensing Bylaw 2003.

1.2 This bylaw shall come into force on 1 March 2004.

**2. INTERPRETATION**

2.1 In this bylaw, unless the context otherwise requires:

“**Cleanfill**” means material that does not undergo any physical, chemical or biological transformations that will cause adverse environmental effects or health effects once placed on or in a disposal area.

“**Cleanfill Site**” means the land in respect of which the Council has granted the Licensee a Licence to allow the land to be used for the disposal of Cleanfill.

“**Construction and Demolition Material**” means those materials listed as construction and demolition material in Schedule A.

“**Council**” means the Christchurch City Council.

“**Cover Material**” means those materials listed as cover material in Schedule A.

“**Differentiated Waste Minimisation Levies**” means the levies specified in Schedule C.

“**Licence**” means a licence issued to a Licensee under this Bylaw.

“**Licence Fee**” means the licence fee specified in Schedule B.

“**Licensed Materials**” means all materials listed in Schedule A.

“**Licensee**” means the person to whom the Council has issued a Licence.

“**Natural Hardfill**” means those materials listed as natural hardfill in Schedule A.

“**On Truck**” in relation to volume measurement of cleanfill, means the volume of cleanfill as measured in the means of conveyance when the cleanfill arrives at the cleanfill site.

“**Person**” includes a corporation sole, and also a body of persons, whether corporate or unincorporate.

### **3. CLEANFILL SITE LICENSING**

- 3.1 No person shall permit or suffer any land owned or controlled by that person to be used for the disposal of cleanfill unless the Council has granted a licence to a person in relation to that land and unless such disposal is undertaken in accordance with the terms and conditions of the licence. This provision shall not apply to land used for the disposal of cleanfill where such disposal:
- (a) is otherwise subject to Council waste minimisation levies not less than those imposed under this bylaw, or
  - (b) consists of:
    - (i) natural hardfill, and/or
    - (ii) cover material, and/or
    - (iii) not more than 50 cubic metres or such greater amount as the Council in its discretion may allow, of other cleanfill measured over any continuous 12 month period, or
  - (c) is of cleanfill sourced directly from that land.
- 3.2 Licences granted under this bylaw are not transferable to any other person.
- 3.3 Every licence shall be subject to the following terms and conditions:
- (a) Subject to clause 3.3(b), no material other than licensed materials shall be disposed of at the cleanfill site.
  - (b) The licensee may seek the prior written consent of the Council to the disposal of materials other than licensed materials at the cleanfill site. The Council may at its entire discretion grant its consent subject to such terms and conditions as it thinks fit.
  - (c) The licensee shall pay to the Council the licence fee specified in Schedule B and the differentiated waste minimisation levies specified in Schedule C of this bylaw in respect of all licensed materials disposed of at the cleanfill site.
  - (d) The licensee shall pay the licence fee to the Council in one sum on the commencement date of the licence. The licensee shall pay the differentiated waste minimisation levies to the Council at monthly intervals.
  - (e) In calculating the differentiated waste minimisation levies, volume measurement shall be made on an on truck basis. Where loads comprise a mixture of material group types, the higher differentiated waste minimisation levy shall apply irrespective of the volume percentage split between the groups. For those cleanfill sites using weight measurements, a weight to volume conversion figure, as specified from time to time by the Council, shall be used to calculate the appropriate volumes in order to assess the levies payable.

- (f) The licensee shall keep and maintain written records on the data specified in Schedule D for 5 years from the date of receipt of each load of cleanfill or such lesser time as the Council may from time to time specify. The licensee shall supply the records to the Council at such intervals and in such form as the Council may from time to time specify. The Council shall have the right to take all reasonable steps, including cleanfill site inspections with or without notice and inspection of all relevant invoices and other documentation held by the licensee, to audit the records for the purposes of ensuring compliance with the licence.
- (g) To compensate the licensee for collecting and providing the information specified in Schedule D of this bylaw, the Council will from time to time specify an amount that the licensee shall be entitled to deduct from the payments of the differentiated waste minimisation levies.
- (h) Such other terms and conditions as the Council deems fit.

3.4 The provisions of the Christchurch City General Bylaw 1990 (as amended from time to time) are implied into and form part of this Bylaw.

3.5 Any breach of this bylaw shall:

- (a) Be an offence punishable by a fine not exceeding \$20,000.00 as provided by section 242(4) of the Local Government Act 2002, and/or
- (b) Entitle the Council to suspend any licence for such period as it considers appropriate or to cancel any licence having regard to the nature and circumstances of any breach.

The initial resolution to make this bylaw was passed by the Christchurch City Council at an ordinary meeting of the Council held on the 28th day of August 2003 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution at a subsequent meeting of the Council on the 20th day of November 2003.

**THE COMMON SEAL** of the **CHRISTCHURCH)**  
**CITY COUNCIL** was affixed in the presence of )

\_\_\_\_\_ Mayor/Councillor

\_\_\_\_\_ Authorised Manager

**SCHEDULE A**  
**LICENSED MATERIALS**

**Natural Hardfill**

Uncontaminated soils, rock, gravels, sand, clay and other inorganic inert natural materials construction and demolition materials as below - total less than 1% by volume per load vegetative matter less than 2.5% by volume per load.

**Construction and Demolition Materials**

Asphalt (cured)

Bricks

Ceramics

Chip seal (cured)

Concrete, reinforced (and exposed reinforcing rods that cannot reasonably be separated from the concrete)

Concrete un-reinforced (including dried concrete slurry)

Fibre cement building products (nil asbestos content)

Gib board, hardboard, MDF, particleboard, plywood, roofing iron and untreated timber - total less than 1% by volume per load

Glass

Masonry blocks

Pavers (clay, concrete, ceramic)

Pipes (clay, concrete, ceramic)

Tiles (clay, concrete, ceramic)

Vegetative matter less than 2.5% by volume per load

**Cover Material**

Topsoil used for cleanfill cover at the completion of the rehabilitation process



**SCHEDULE B**  
**LICENSING FEE**

\$50.00 plus GST

## SCHEDULE C

### DIFFERENTIATED WASTE MINIMISATION LEVIES

<b>Material</b>	<b>Levy</b>
<b>Cover Material:</b>	Nil
<b>Natural Hardfill:</b>	Nil
<b>Construction and Demolition Materials:</b>	\$9.00 plus GST per cubic metre

## **SCHEDULE D**

### **INFORMATION ON MATERIALS RECEIVED**

The Licensee shall keep written records of the following minimum data for each load received for disposal:

- Date of receipt.
- Carrier.
- Truck I D.
- Location of source of the licensed material.
- Type of activity generating material (eg road construction, trenching, site clearance, etc).
- Licensed material group type ie natural hardfill, construction and demolition materials or cover material.
- Volume of licensed material.
- Such other information as Council resolves is required from time to time and is notified to the licensee.



# Appendix C Rodney District Council Bylaw – Removal and Storage of Waste

## **RODNEY DISTRICT COUNCIL**

### **RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998**

#### **CHAPTER 13**

#### **REMOVAL AND STORAGE OF WASTE**

##### **EXPLANATION**

This Bylaw is prepared pursuant to powers granted by:

- Section 12 of the Litter Act 1979
- Section 684(1)(8) and 542(1)(a) and (b) of the Local Government Act 1974
- Section 64(1) of the Health Act 1956.

Because of the potential to cause nuisance, to become a health risk and to affect the amenity of the district, the manner in which waste is stored and disposed of is of considerable concern to the Council. The Council will exercise control over the manner in which waste is stored on site, the manner in which it is placed for collection from properties and the manner in which collectors of waste are controlled so as to ensure minimum health risk and nuisance to the public.

The Council is also concerned to ensure that its waste management objectives are met. This Bylaw will facilitate the implementation of the Zero Waste Plan adopted under section 539 of the Local Government Act 1974. Amongst other requirements of that Plan, the Council needs the ability to require waste collectors to provide the Council with information and, in addition, the Council is able in some circumstances to create economic incentives and disincentives, such as fees, to promote its waste management objectives.

*Note – The Auckland Regional Council operates a free hazardous waste collection service.*

1. STORAGE OF HOUSEHOLD AND TRADE WASTE
- 1.1 No person of any premises shall cause or permit any household waste, trade waste, or recyclables to be on those premises unless that waste is secured and contained to exclude rain, insects and vermin.. *Waste to be contained*
- 1.2 Every person shall keep all household waste, trade waste, recyclables and green waste containers as clean as practicable and maintained in good repair. *Cleanliness requirement*
- 1.3 If any person does not comply with the provisions of Clauses 1.1 and 1.2 of this chapter it shall be the duty of the owner of those premises, where the owner is not the occupier, to comply with those clause as if the owner was the occupier. *Occupier/owner to comply*
2. DISPOSAL OF HOUSEHOLD WASTE, TRADE WASTE, RECYCLABLES AND GREEN WASTE IN A PUBLIC PLACE
- 2.1 No person of any premises shall cause or permit any household waste to be placed beside or in any public litter bin provided in a public place for the use of the public. *No placing of waste in public bins*
- 2.2 No person of any premises shall cause or permit any household waste, trade waste, recyclables or green waste from those premises to be, or to remain, in any public place unless that waste is in a suitable container, specified by the Council or an Authorised Officer, which is secure and capable of preventing its contents from escaping or spilling prior to collection. Non-compliance with this Clause shall constitute a deposit of litter for the purpose of the Litter Act. *Complying waste container*
- 2.3 No person shall place a container of household waste, trade waste or recyclable waste in any public place other than at the kerb line adjacent to the premises on which the container was filled with waste. *Waste container to be adjacent to premises*
- 2.4 No person shall place a container of household waste, trade waste, recyclables or green waste in any public place for collection:  
(a) Prior to 5.00 pm on the day before the day on which it is to be collected; or  
(b) In such a way that it obstructs any footpath or carriageway. *Limitations on placement of waste*
- 2.5 No person shall allow uncollected household waste, trade waste, recyclables or green waste to remain in any public place after the expiry of the day fixed for collection. The person placing that waste for collection shall be responsible for removing that waste. *Requirement to remove waste from public place*
- 2.6 No person shall deposit waste in or on any private land without the consent of the owner or occupier of that land *Landowners consent to deposit waste*
- 2.7 Any contravention of Clauses 2.1, 2.2, 2.3, 2.4, 2.5, or 2.6 shall constitute a deposit of litter for the purposes of the Litter Act 1979 *Deposit of litter*
- 2.8 No person may remove any waste from the public place it has been placed in for collection (this does not apply to the person who placed the waste or the person authorised to collect it). *Scavenging*

3. DEPOSIT OF CERTAIN MATERIALS PROHIBITED

- 3.1 No person shall deposit or cause or permit to be deposited in any household waste, trade waste, recyclables or green waste container, or put out, or cause or permit to be put out, for collection from a public place: *Materials prohibited from household collection*
- (a) Any explosive, hot ashes, highly inflammable material or infectious material, hypodermic needles, hospital or medical or veterinary waste;
  - (b) Any liquid, acid, printers ink, paint, or any other viscous or toxic fluid;
  - (c) Any pesticides or poisons;
  - (d) Any broken or sharp object unless it is well wrapped so as to prevent the possibility of injury to persons engaged in the collection and disposal of waste; or
  - (e) Any hazardous waste.

4. COLLECTION OF HOUSEHOLD WASTE, TRADE WASTE, RECYCLABLES AND GREEN WASTE

- 4.1 Any person who engages in the collection and disposal of household waste, trade waste, recyclables or green waste shall take such steps as are necessary to inform persons using that person's service of the days and times of collection and any other conditions or information necessary to ensure the provisions of this Bylaw are complied with. *Provision of information by collectors of waste*
- 4.2 No person who engages in the collection and disposal of household waste, trade waste, recyclables or green waste shall: *Conditions for collection and disposal of waste*
- (a) operate in public places in a way that causes a danger or nuisance to the public;
  - (b) use vehicles or containers for waste which are not secure and capable of preventing their contents from escaping or spilling out prior to their disposal.
- 4.3 No person shall engage in the collection from a public place of household waste, trade waste, recyclables or green waste without the prior written consent of the Council or any authorised officer. *Council approval necessary*
- 4.4 Any written consent referred to in Clause 4.3 shall be subject to such conditions as the Council or an Authorised Officer may impose in any particular case. Without limiting the generality of the foregoing, conditions may be imposed, following consultation with the consent holder, relating to: *Conditions of consent*
- (a) The types of vehicles to be employed in waste collection;
  - (b) The hours during which and the days on which waste may be collected; and
  - (c) The payment of a bond by the consent holder to allow the Council to recover any costs it may incur as a result of a breach of the conditions of written consent by the consent holder.
  - (d) The types of waste containers to be used and the information to be displayed on such containers;

- (e) The payment of any fee or fees by the consent holder to the Council. For the avoidance of doubt, such a fee may include a fee calculated by reference to the type and/or quantity of any waste collected by the consent holder;
- (f) A requirement to provide returns of information at monthly intervals setting out the quantities and types of waste collected under the consent by reference to how much, in volume or weight, of the total waste is household waste, trade waste, green waste and recyclables; and
- (g) A requirement to provide returns of information at monthly intervals setting out the source and destination of the waste collected and transported under the consent.





## Appendix D Waitakere City Council Bylaw 30 – Refuse Placement and Collection

**WAITAKERE CITY COUNCIL**

**REVOCATION OF BYLAW NO.30 1999**  
**REFUSE, PLACEMENT AND COLLECTION**

**REPLACEMENT WITH BYLAW NO.30 2003**  
**REFUSE, PLACEMENT AND COLLECTION**

The Waitakere City Council acting in pursuance and exercise of the powers conferred by the Local Government Act 1974 and any other act or authority in any way enabling Council in that behalf, **HEREBY RESOLVES BY SPECIAL ORDER** to revoke Bylaw No.30 1999 Refuse, Placement and Collection, and make the following Bylaw incorporating those amendments arising from submissions made, as tabled:

1     **SHORT TITLE**

The short title of this bylaw shall be The Waitakere City Council Bylaw No.30, 2003 - Refuse Placement and Collection.

2     **COMMENCEMENT**

This bylaw shall come into force on                 **of**                         **2003.**

3     **APPLICATION OF BYLAW**

This bylaw shall apply to all occupiers of each separately used or inhabited portion of a property or building in the District, to persons providing, or intending to provide, Refuse collection services in the District or any part or parts of the District, on or after 2002; and to the general public.

4     **PURPOSE**

The object of this bylaw is to better regulate the placement and collection of Refuse, recognising that Refuse management is an environmental concern, by:

- (a)     Providing an efficient Refuse collection system within the District;
- (b)     Monitoring the management of Refuse and planning for its minimisation through accurate and timely information; and
- (c)     Imposing standards to provide a quality Refuse collection service to the public.

5     **INTERPRETATION**

In this bylaw unless the context otherwise requires:-

**“Authorised Refuse Collector”** means any person licensed pursuant to this bylaw to collect Refuse.

**“Carriageway”** means so much of any road as is laid out or constructed by authority of the Council primarily for vehicular traffic, and includes the road's edging and kerbing in the District.

“**Commercial Refuse**” means household refuse generated by occupiers of industrial and commercial premises, but excludes Trade Refuse and Prohibited Refuse.

“**Council**” means the Waitakere City Council.

“**Designated Collection Area**” means that part of the road reserve which borders the Carriageway and which is nearest to the Occupier's premises, and access to which from the Carriageway is unimpeded.

“**District**” means the district of the City of Waitakere.

“**Household Refuse**” means wrapped cold ashes, sweepings, dust, paper, bottles, wrapped bones and waste food, cans, cartons, or other food containers, or any other refuse arising or resulting from domestic housekeeping operations, but excluding Prohibited Refuse.

“**Inorganic Refuse**” means any solid Refuse not able to be collected by normal Refuse collection services, but does not include Prohibited Refuse unless specifically notified by Council.

“**Kerbside Collection of Recyclables**” or '**KCR**' means Refuse notified by the Council to be recyclable Refuse, which has been sorted prior to its being placed in the Designated Collection Area by the Occupier for collection by an Authorised Refuse Collector.

“**Licence**” means a valid Refuse collection licence granted by Council in writing.

“**Litter**” includes 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 Control Officer**” means any person appointed or deemed to have been appointed as such under s.5 or s.6 of the Litter Act 1977.

“**Occupier**” means the person or persons occupying any separately used or inhabited portion of a property or building in the District.

“**Officer**” means any officer of Council.

“**Prohibited Refuse**” means:

- (a) explosive, hot ashes, inflammable material, infectious material, or matter, or thing, other than Household Refuse; or
- (b) liquid, acid, printer's ink, paint, or other viscous fluid; or
- (c) any ashes, broken bottles, glass or glass articles, broken crockery, china or other sharp articles or material unless so wrapped as to prevent injury to persons engaged in collection or disposal work; or
- (d) any Special Refuse.

“**Receptacle**” in relation to Refuse collected as part of a regular kerbside collection means a receptacle approved by Council, being specifically:

- (a) a paper bag with a maximum capacity of 70 litres constructed of wet strength water-proof glue used on all joints and with the bottom seam securely sealed; or
- (b) a plastic bag with a maximum capacity of 70 litres constructed from film with a satisfactory tear resistance and with bottom seam securely sealed; or
- (c) any other Refuse container (disposable or reusable) approved by the Council from time to time, provided Refuse containers exceeding 240 litres in capacity will not be approved for use in regular kerbside collection; or
- (d) a Recycling Crate.

All paper bags and plastic bags must pass both the Impact Resistance Test and the Drop Resistance Test set out below:

#### **Drop Resistance Test**

There shall be no spillage of contents as a result of rips or tears when the bag is tested by the following method:

- (a) load the bag with 15 kg of water-saturated wood chips free from sawdust;
- (b) tie the bag as recommended by the manufacturer;
- (c) drop the bag from a height of 3 metres onto a concrete surface so that the bag lands on one face;
- (d) check the bag for rips or tears.

#### **Impact Resistance Test**

The impact resistance and fold impact resistance of the sample bag shall be determined in accordance with method 306F of BS 2782. The impact resistance (F50 value) shall be not less than 200 grams and the fold impact resistance shall be not less than 160 grams.

“**Refuse**” includes any material or thing unwanted by the Occupier including Household Refuse, Commercial Refuse, KCR and Inorganic Refuse.

“**Recycling Crates**” means the containers distributed by the Council for the containment of KCR, or such other container as the Council may permit to be used for this purpose from time to time;

“**Special Refuse**” means any Refuse whether from trade premises or any other source which is hazardous, toxic or requires special disposal because of environmental considerations or landfill operational requirements.

“**Trade Refuse**” means any scrap or waste material resulting from the carrying on of any business, manufacture, process, trade, market, or other undertaking, but excluding Prohibited Refuse.

## **PART I - PLACEMENT OF REFUSE**

### **6 PLACEMENT OF REFUSE FOR COLLECTION**

Any Refuse left for collection shall be placed in the Designated Collection Area in such manner as facilitates its removal by an Authorised Refuse Collector or in such manner as the Council may direct from time to time, and if in a Receptacle, the Receptacle must be positioned for collection in accordance with any instructions stipulated on the Receptacle or as directed by Council from time to time. All Refuse other than Inorganic Refuse must be placed in a Receptacle. Every Receptacle (other than a Recycling Crate or Receptacle used only for paper recycling collection) must be closed and/or sealed so as to minimise the spillage of Refuse from the Receptacle. If Refuse is not so placed or positioned, the Authorised Refuse Collector will not be required to collect the Refuse.

### **7 CONTAMINATION**

Household Refuse, Commercial Refuse, KCR and Inorganic Refuse shall be separately placed for collection unless Council directs otherwise. No Occupier shall mix any of these different types of Refuse, except where Council has permitted such mixing.

### **8 TIME AT WHICH REFUSE MAY BE PLACED FOR COLLECTION**

No person shall place Household Refuse or KCR for collection earlier than the collection day and in any event not later than 07:30 on that collection day unless otherwise directed by Council from time to time. Commercial Refuse must be placed for collection at the times directed by Council from time to time.

No person shall place Inorganic Refuse for collection earlier than the Saturday prior to the day fixed for that collection unless otherwise directed by Council from time to time.

### **9 SPECIAL PICK UP OF INORGANIC REFUSE**

The Council may from time to time provide special collection services for Inorganic Refuse. The period fixed for collection and the type of Refuse which will be collected will be publicly notified by Council.

Inorganic Refuse for the purposes of Council's special collection shall comply with Council's notified requirements and, unless otherwise specified, be subject to the same rules as other Refuse under this bylaw.

## **PART II - REMOVAL OF REFUSE**

### **10 REMOVAL OF REUSABLE RECEPTABLES**

Every Refuse collector shall return every emptied reusable Receptacle to an upright position within the relevant Occupier's Designated Collection Area. Prior to the expiry of the day fixed for collection, every Occupier must remove the Occupier's emptied reusable Receptacle, or the emptied reusable Receptacle that relates to that Occupier's premises, from the Designated Collection Area.

**11 UNCOLLECTED REFUSE TO BE REMOVED**

Uncollected Refuse must not be left in a public place after expiry of the day fixed for collection. The Occupier shall be responsible for returning uncollected Refuse which relates to that Occupier's premises. A failure to comply with this clause shall be an offence under Clause 18 of this bylaw.

**12 OFFENCE TO REMOVE REFUSE WITHOUT A LICENCE**

Every person commits an offence who, without a Licence, removes Refuse:

- (a) from a Designated Collection Area; or
- (b) from within an Occupier's property (and passes it over the Designated Collection Area) for the purpose of immediate transfer to a collection vehicle in a public place;
- (c) from within an Occupier's property and passes it over the Carriageway for the purpose of immediate transfer to a collection vehicle in a public place.
- (d) from the Carriageway adjacent to the Occupier's property.
- (e) however, it shall not be an offence for an Occupier to remove Refuse from his/her premises and over, or from, the Designated Collection Area for the purpose of lawfully placing Refuse for collection or taking Refuse to a transfer station or landfill for lawful disposal of such Refuse.
- (f) It shall not be an offence to return uncollected Refuse in accordance with clause 11 of this bylaw.

**13 OFFENCE TO DEPOSIT LITTER**

Where a Litter Control Officer either observes or has reasonable cause to believe that:

- (a) A person is depositing or has just deposited Litter in a public place (including the Designated Collection Area) without reasonable excuse, earlier than the collection date nominated by Council, or in the case of Inorganic Refuse, earlier than the Saturday prior to the date nominated for collection by Council:  
or
- (b) A person has deposited Litter in a public place (including the Designated Collection Area) and without reasonable excuse leaves the Litter there after the expiry of the day nominated by Council for collection regardless of why the Litter remains uncollected;

Then a Litter Control Officer may serve on that person an infringement notice requiring an infringement fee to be paid of up to \$100 in respect of an offence under

s.15 of the Litter Act 1979. Such notice shall set out the details of the offence, the amount of the infringement fee, where and by when the infringement fee is to be paid, a statement of the right of the person served to request a hearing, a statement of consequences for failure to pay the infringement fee in the event that there is no request for hearing, and such other particulars required by s.14 of the Litter Act 1979.

### **PART III - AUTHORISED REFUSE COLLECTORS**

#### **14 LICENSING OF REFUSE COLLECTORS**

The Council may from time to time grant Licences authorising applicants to carry on the trade or business of collection of Refuse in accordance with this bylaw and on such other terms as the Council sees fit.

#### **15 MATTERS AFFECTING GRANT OF LICENCE**

The Council will consider the following matters in deciding whether to grant or refuse consent to any person applying to carry on a trade or business involving the collection of Refuse:

- (a) The objectives of Council's Waste Management Plan;
- (b) The impact of granting or refusing a Licence on the volumes of recyclable Refuse and any existing recycling system;
- (c) The nature and frequency of the proposed Refuse collection;
- (d) The type and capacity of Receptacles the applicant proposes to collect;
- (e) Proposals to assist the Council with its reasonable information requirements;
- (f) Public liability insurance;
- (g) Such evidence of the applicant's good character and track record as the Council may require;
- (h) The past history of the applicant and shareholders, directors and employees of the applicant or other persons associated with the applicant, in complying with this bylaw, or the former bylaw 30, or with any licences previously granted under such bylaw;
- (i) Such evidence as to the applicant's intentions with respect to the disposal of Refuse as the Council may require, and confirmation as to the terms and conditions under which such disposal of Refuse is permitted, and the existence of any statutory approvals, authorisations or consents required to be held or complied with in respect of such disposal.

#### **16 REQUIREMENTS OF LICENCE**

A licence granted by Council may require each Authorised Refuse Collector as a condition of its licence:

- (a) To provide as security for the performance of its obligations under the licence and this bylaw a Bank bond of \$100,000 or such other amount as Council deems appropriate from time to time;
- (b) To pay Council a charge per tonne of waste collected in respect of costs incurred by Council resulting from the activity of licensed Refuse collection;
- (c) To charge the same fee per unit of Refuse (from wherever the Refuse was collected), however that unit is measured, without restriction by Council as to what that fee may be;
- (d) To provide a Refuse collection service for the whole district of Waitakere City, or such other area as Council deems appropriate;
- (e) To publicise the Refuse collection service and the fee charged for that service;
- (f) To provide reports to Council monthly (or such other frequency as Council determines) on the quantity and type of Refuse, and source and destination of Refuse;
- (g) To permit Council access to gate records of tonnage left at the Transfer Station to enable verification by Council;
- (h) To collect only that Refuse which each Licence permits;
- (i) To collect Refuse on days and at times nominated by Council;
- (j) To only sell and collect Receptacles for refuse of a kind and durability approved by Council and bearing such description and text as is approved by Council;
- (k) To collect any loose litter within three (3) metres of a Receptacle for Refuse being uplifted for collection by the Licensee and to collect any Litter spilling from any Receptacle for Refuse or from the Licensee's collection vehicle during the collection process including the transportation of the Refuse on the Licensee's collection vehicle;
- (l) To comply with all relevant laws and bylaws and with all conditions of any other statutory approvals, authorisations or consents required to be held or complied with in respect of the Licensee carrying on the trade or business of collection of Refuse and in respect of the disposal of Refuse collected by the Authorised Refuse Collector.
- (m) Each such Licence so granted shall be valid for a term to be specified by the Council in each case, not exceeding three (3) years from the date such Licence is granted, and shall expire at the conclusion of the term so specified.

17 **BREACH OF CONDITION OF LICENCE**

Breach of any of the terms or conditions set out in the Licence, shall entitle Council to terminate the Licence with immediate effect.



**PART IV - ENFORCEMENT, PENALTIES AND  
AMENDMENT TO BYLAW**

18 **POWER TO ENFORCE**

Any Officer may enforce the provisions of this bylaw.

19 **OFFENCES AND PENALTIES**

Every person commits an offence against this bylaw who does any act in contravention of or fails to comply with any requirements thereof. Every person who commits an offence against this bylaw is liable on summary conviction to a fine not exceeding \$20,000.

**The Common Seal** of the )  
**THE WAITAKERE CITY COUNCIL** )  
was hereunto affixed in the presence of:)

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Mayor/Deputy Mayor

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Chief Executive



## Appendix E Kaikoura District Council Proposed District Plan Rules

*“Section 20.5 Permitted – Any activity not listed as a restricted or unrestricted discretionary activity (subject to compliance with performance standards in rule 20.6).*

*Section 20.6 Performance Standard 16. Waste Management – Any commercial activity which generates waste shall comply with the Waste Management Protocol set out in Appendix G.*

### *Appendix G Waste Management Protocol –*

*The following protocol applies to all commercial activities in all zones.*

#### ***Odour and Public Health***

- 1. All waste shall be stored in a covered or sealed container which is not accessible to dogs, cats or vermin....*
- 4. Waste storage areas shall be disinfected on a regular basis.*

#### ***Minimisation***

- 1. Recyclable material shall be separated from non-recyclable materials prior to disposal at the Resource Recovery Centre.*
- 2. All organic waste shall be separated from other waste prior to disposal at the Resource Recovery Centre.*

#### ***Screening***

- 1. All waste which is stored outside shall be screened from public view.*
- 2. All waste which is stored outside shall be screened from adjacent residential properties.”*



## Appendix F Kaikoura District Council Example of Resource Consent Conditions

Excerpts from the decision of the hearings and applications committee for the following consent:

<b>Application Number:</b>	02077
<b>Consent Sought:</b>	Land Use – Erection of a standalone supermarket

Activity: to construct, establish and operate a 2657m<sup>2</sup> stand alone supermarket with associated carparking, signage, fencing and landscaping. The building will contain the following areas:

- Food Hall of 964m<sup>2</sup>
- Offices, preparation areas and storage areas of 1144m<sup>2</sup>
- Supermarket ground floor area of 2108m<sup>2</sup>
- Supermarket first floor area of 549m<sup>2</sup>
- A total of 110 parking spaces have been proposed for the development including 4 disabled parking spaces.
- Four signs are proposed for the site. These included three signs fixed to the building and a double sided pole mounted sign at the southern entrance to the site.
- The applicants have applied to allow the supermarket to be operated from 7am to 10pm seven days per week.
- Landscaping is proposed along the western, southern and partly along the eastern boundary of the site.

### FORMAL DECISION:

Land use consent is hereby granted pursuant to sections 105, 108 and 409 of the Resource Management Act 1991, to construct and establish a 2657m<sup>2</sup> supermarket with associated carparking, signage, fencing and landscaping .... as set out in application 02077, subject to the following conditions:

.....

14) The applicant shall ensure that on-site contractors separate and recycle all construction materials, in provided recycling skips in accordance with the Kaikoura District Council recycling standards. This shall be specified as a condition of contract specifications and tender documents.

.....

19) All waste shall be recycled in accordance with the Waste Management Protocol, Appendix G of the Proposed Kaikoura District Plan. Specifically all food waste shall be sealed and vermin proof.

.....