

APPENDIX TWO

WELLINGTON CITY CONSOLIDATED BYLAW 2008

PART 9 – WASTE MANAGEMENT

Pursuant to sections 145 and 146 of the Local Government Act 2002, section 56 of the Waste Minimisation Act 2008, section 12 of the Litter Act 1979 and section 64 of the Health Act 1956, the Wellington City Council amends the Wellington City Council Consolidated Bylaw 2008 to include a new part, Part 9 - Waste Management.

1. Short Title and Commencement

- 1.1 This is the Wellington City Council Consolidated Bylaw 2008: Part 9 – Waste Management. This part comes into force on 18 December 2008.

2. Purpose

- 2.1 This part of the Bylaw applies to all municipal waste and diverted material that is:
- (a) disposed of or collected within the district and / or
 - (b) transported through or within the district and / or
 - (c) received by a waste handling facility sited within the district.
- 2.2 The purposes of this part of the Bylaw are to:
- (a) contribute to safe, effective and efficient waste management in the district, and, where appropriate, beyond the district
 - (b) protect the health and safety of the public and of the Council's employees and contractors
 - (c) assist with the implementation of the Waste Minimisation Act 2008, the waste minimisation goals in the New Zealand Waste Strategy 2002 and the Council's Solid Waste Management Plan 2003 and Liquid Waste Management Plan 2005, and any subsequent waste minimisation initiatives.
- 2.3 It achieves these purposes by regulating:
- (a) collection services for waste and diverted material including from individual properties and where collection services are offered by commercial providers
 - (b) the types of waste that may be disposed of
 - (c) the prevention of nuisance in relation to waste collection, and litter and recycling bins provided by the Council in public places
 - (d) the rules and conditions for use of the Southern Landfill which provides for the disposal of waste to ground, the temporary collection and storage of divertible material, including for processing and sale, the temporary holding of hazardous substances and hazardous waste and information services.

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3. Interpretations

The following table sets out the meanings that apply in this part of the Bylaw. Where a difference in meaning arises between interpretations in this Bylaw and an act, the act shall prevail.

approved container	any container for the deposit of divertible material ,or waste to be disposed to landfill, which is approved or provided by or on behalf of the Council, and which is used in a collection service
authorised officer	any person appointed by the Chief Executive of the Council for the purposes of acting as an authorised enforcement officer under this Bylaw
collection service	any service provided for the collection of divertible material or waste for disposal to landfill from producers of municipal waste
commercial collection	waste and divertible material collection services based on private user-pay agreements with commercial operators
depositing	in relation to litter, includes— (a) Casting, placing, throwing, or dropping litter; and (b) Allowing litter to be cast, thrown, dropped, or to escape, from any motor vehicle or trailer
destination	the location at which the waste will be disposed of, discharged or unloaded
disposal	the final (or more than short-term) deposit of waste into or onto land set apart for that purpose, and the incineration of waste
disposal facility	a facility, including a landfill, at which waste is disposed of; at which the waste disposed of includes household waste; and that operates, at least in part, as a business to dispose of waste, and any other facility or class of facility at which waste is disposed of that is prescribed as a disposal facility
dispose	the action where liquid waste is discharged or solid waste is unloaded from the vehicle transporting it
diverted and divertible material	any thing that is no longer required for its original purpose and, but for Council, commercial or other waste minimisation activities, would be disposed of or discarded, including material for reuse, recycling and recovery
divertible material station	an area or container set aside by the Council for the deposit of specified types of divertible material
handle	in relation to waste, includes, but is not limited to, any collection, sorting, consolidation, storage or processing of waste
household waste	waste from a household that is not entirely from construction, renovation, or demolition of the house. Household waste includes ashes, sweepings, dust, bones, waste food, cans, cartons, bottles or other containers, paper and any other waste resulting from domestic housekeeping, but does not include trade waste or any material prohibited under this part of the Bylaw
incineration	the deliberate burning of waste to destroy it, but not to recover energy from it
landfill	a designated site for the permanent, underground disposal of waste, but

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noting also that landfill operations are also often used for the temporary collection and storage of divertible material

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 Act 1979)
municipal waste	solid waste in the Wellington District, including divertible material until such diversion has taken place, and including that generated by householders, visitors, commercial businesses, pedestrians and others
nuisance	has the same meaning as in section 29 of the Health Act 1956, the most relevant clauses being: <ul style="list-style-type: none">• (b) Where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health:• (c) Where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin:• (k) Where any animal, or any carcass or part of a carcass, is so kept or allowed to remain as to be offensive or likely to be injurious to health:• (n) Where the burning of any waste material, rubbish, or refuse in connection with any trade, business, manufacture, or other undertaking produces smoke in such quantity, or of such nature, or in such manner, as to be offensive or likely to be injurious to health:• (o) Where any street, road, right of way, passage, yard, premises, or land is in such a state as to be offensive or likely to be injurious to health:• (q) Where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease.
official bag	a bag, or other container approved by the Council under this Bylaw, identified with the Council logo and/or other images or text
operator	the person in control of a disposal facility or other facility
recovery	extraction of materials or energy from waste for further use or processing, including making waste or diverted material into compost
recycling	the reprocessing of waste to produce new materials
reduction	lessening waste generation, including by using products more efficiently or by redesigning products; and in relation to a product, lessening waste generation in relation to the product
reusable container	any container for waste or recycling that can be reused, including wheelie bins, recycling bins and skips
reuse	the further use of waste or diverted material in its existing form for the original purpose of the materials or products that constitute the waste or diverted material, or for a similar purpose
solid waste	all waste generated as a solid, or converted to a solid form for disposal, including cleanfill
treatment	subjecting waste to any physical, biological, or chemical process, other than by dilution, to change its volume or character so that it may be disposed of with no or reduced adverse effect on the environment
waste	any thing disposed of or discarded, including:

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	<ul style="list-style-type: none">a) a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste);b) abandoned material and litter; andc) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded
waste handling facility operator	any company, operator, contractor, partnership, or private non-profit agency that handles waste for treatment, storage/transport or disposal on a commercial basis
waste management and minimisation	waste minimisation, and treatment and disposal of waste
waste minimisation	the reduction of waste, and the reuse, recycling and recovery of waste and diverted material

4. Collection Services

4.1 Overview

4.1.1 This section of the Bylaw is to ensure that municipal waste and divertible material can be collected, transported and disposed of in a safe and efficient manner, and that waste does not cause a nuisance. It aims to prevent the contamination of recoverable resources and maximise the recovery of divertible resources.

4.1.2 This section does not cover high-risk waste, such as blades or needles, sourced from waste producers such as health services, tattooists or beauticians, which are the concern of the New Zealand Waste Strategy 2002.

4.2 Terms and Conditions

4.2.1 Any person using a collection service must comply with the terms and conditions for that service as determined by publicly notified Council resolution. The terms and conditions may include, but are not limited to, the following operational matters:

- (a) the types of waste and divertible material that may be placed in approved containers for collection
- (b) the correct separation and treatment, such as wrapping or cleaning, of waste for disposal to landfill or divertible material into approved containers
- (c) the use and placement of approved containers for collection
- (d) collection times
- (e) retrieval of reusable waste or recycling containers and of any uncollected waste or other material
- (f) the provision of on-site space for approved containers for multi-unit buildings
- (g) restrictions on the weight of approved containers when full

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- (h) additional rules as may be required for the efficient operation of the respective collection systems.

4.3 Commercial Collection Services

- 4.3.1 Any person using a commercial collection service for waste or divertible material must comply with this Bylaw and the terms and conditions made under it, as determined by publicly notified Council resolution including, but not limited to, the operational matters identified in 4.2.1 and any additional rules as may be required for the efficient operation of the respective collection systems.

4.4 Pedestrian Waste and Divertible Material Bins in Public Places

- 4.4.1 No person may deposit, or allow to be deposited, accumulated waste or divertible material arising from a resident's household, vehicle or business activities, including any offensive or dangerous matter, in any bin provided by the Council in any public place.

4.5 Restrictions on Disposal of Waste

- 4.5.1 The Council may by publicly notified resolution prohibit certain material from being deposited in an approved container, recycling station or litter bin provided by the council in a public place.
- 4.5.2 If a resolution has been made under clause 4.5.1 then no person may place or allow such material to be deposited in any approved container, recycling station or litter bin provided by the Council in a public place.

4.6 Interference with Collection Service

- 4.6.1 No person may interfere with or remove any waste or divertible material from an approved container or a Council waste collection point, except the Council or its agent, or with the consent of the person who deposited the material.
- 4.6.2 No one shall obstruct or hinder any person engaged in carrying out waste collection services as agents of the Council.
- 4.6.3 No person may deposit any waste in an approved container provided to any other person, without that person's consent.

4.7 Non-Compliance with Conditions for Collection Service

- 4.7.1 Any person who does not comply with the terms and conditions for the collection service that applies to them may be subject to one or more of the following actions being taken against them:
 - (a) the rejection of any approved container left out for collection if the contents or placement of the container is non-compliant

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- (b) a notice being issued against that person by the Council to prevent them from using that collection service or area
- (c) any other steps that may be taken by the Council in law.

5 Southern Landfill

- 5.1 Entry to the landfill is conditional upon the user abiding by directions given by notice and staff. Failure to abide by the rules stipulated by notice or staff is an offence under this Bylaw.
- 5.2 It will be a condition of entry to the landfill for vehicles that the owners and operators of the vehicles may be subject to random audits of the contents of their waste and waste containers whether carried in a vehicle, trailer, or by some other means. Such inspections, sampling, testing or monitoring of waste, to be undertaken by landfill staff, will be for the purpose of determining whether or not people are complying with the terms and conditions of use of the landfill, with regard to the types of waste or divertible material they are carrying in for disposal or deposit. Detection of material that does not comply with the terms and conditions for use of the landfill may result in:
 - (a) refusal to accept that waste or load for disposal
 - (b) a notice being issued against that person by the Council to prevent them from using the landfill
 - (c) any other steps that may be taken by the Council in law.
- 5.3 A person wishing to dispose of waste or deposit divertible material at the landfill must comply with the terms and conditions as determined by publicly notified Council resolution. The terms and conditions may include, but are not limited to:
 - (a) the hours during which the landfill will be open
 - (b) the types of waste which can be disposed of there, including in relation to any required special handling as defined by the Dangerous Goods and Substances Act
 - (c) the types of divertible material to be directed to a recycling area
 - (d) the charges for disposing of waste in the landfill and for depositing divertible material
 - (e) the part of the landfill where waste is to be placed at any time
 - (f) any other conditions considered necessary for the proper control and management of the landfill.
- 5.4 No one shall remove or disturb any deposit of waste or diverted material, or remove any article or material of any kind from the landfill, unless authorised to do so by the Council.
- 5.5 No one shall light any fire upon or near the landfill without the express permission of the Council.

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- 5.6 Council enforcement officers authorised under this part of the Bylaw are hereby empowered to:
- (a) ensure that anyone entering the landfill complies with the conditions of entry and any other conditions to ensure compliance with health and safety standards, operational requirements and the laws governing the use of the landfill
 - (b) inspect waste and waste containers as provided for in clause 5.2
 - (c) prevent a particular person or organisation from entering the landfill for previous failure to comply with this part or any direction given under it, failure to pay landfill or waste operator licensing fees, or failure to comply with operational requirements, the laws governing the use of the landfill, or health and safety standards in relation to waste management.

6 Public Notification of Council Resolutions

- 6.1 Copies of Council resolutions made under this Bylaw will be made available at its offices and libraries, and online at www.wellington.govt.nz.
- 6.2 For Council resolutions made under 4.2.1, relevant terms and conditions will also be printed on approved collection bags.
- 6.3 For Council resolutions made under 5.3, relevant information will also be notified by signage at the landfill.

7 Offences

- 7.1 The provisions of Part 1 of this Bylaw notwithstanding, every person commits an offence against this Bylaw who does or permits anything contrary to this Bylaw or any resolutions made under this Bylaw.

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PROPOSED TERMS AND CONDITIONS FOR COUNCIL RESOLUTION PURSUANT TO THE WELLINGTON CITY CONSOLIDATED BYLAW 2008 PART 9 – WASTE MANAGEMENT

DECEMBER 2008

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TERMS AND CONDITIONS MADE BY RESOLUTION PURSUANT TO THE WELLINGTON CITY CONSOLIDATED BYLAW 2008 PART 9 – WASTE MANAGEMENT

December 2008

1. Introduction and Commencement

- 1.1 These are the Council resolutions made pursuant to the Wellington City Council Consolidated Bylaw 2008: Part 9 – Waste Management, and should be read in conjunction with it.
- 1.2 These resolutions shall come into force on 18 December 2008.

2. Terms and Conditions for Collection Services

- 2.1 The Council has approved the following ‘official containers’ for use for Council collection services:
 - (a) yellow pre-printed plastic bags intended for non-divertible waste
 - (b) green plastic bins for divertible material
 - (c) white plastic bags for divertible material.
- 2.2 No person shall:
 - (a) put or cause or allow anyone else to put waste or divertible material or a collection container for waste or divertible material, approved or otherwise, in a public place other than during the permitted times, as stated in clause 2.11, without the prior written permission of the Council
 - (b) allow or cause or allow anyone else to allow the placement of waste or divertible material, including hazardous substances and building materials, in a public place in such a manner as to create a risk to members of the public
 - (c) allow or cause or allow anyone else to allow any leakage, spillage or fugitive (wind-blown) waste or divertible material to be released from their containers onto public places.

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- 2.3 No one shall put or cause or allow anyone else to put into any container for collection any hazardous substance, including those that require special handling as defined by the Hazardous Substances and New Organisms Act 1996, the most common of which are listed below:
- (a) explosive or any highly flammable material
 - (b) radioactive material, asbestos or paint
 - (c) trade refuse, offal, dead animals or infectious matter
 - (d) any waste removed from any part of a drainage or sewerage system
 - (e) hot ashes. Cold ashes must be well wrapped to protect anyone handling the bag from the risk of breathing ash dust
 - (f) unwrapped sharp objects. Any broken bottles, glass items or sharp objects must be well wrapped to protect anyone handling the bag from injury.

Note to clause 2.3:

Household substances which are excluded from the collection services may be taken to the Hazardous Waste Storage Facility at the Southern Landfill.

- 2.4 No person shall put out any approved container for collection that, with contents, weighs more than 15 kilograms.
- 2.5 Waste or divertible material must be correctly separated and treated before being put into approved containers, or public litter or recycling bins, for collection. Divertible material put out for collection must be clean, and not contaminated by food or other organic material which may attract rats or disease. The following can be placed in approved containers for collection:
- (a) aluminium cans - wash and squash
 - (b) steel
 - (c) glass bottles and jars
 - (d) plastic Bottles – numbers 1 and 2 - wash, squash and remove the lids
 - (e) cardboard and plastic milk cartons - wash and squash.
- 2.6 Approved containers put out for collection must securely contain all material within the container and be placed:
- (a) as close to the kerb as possible, or in line with any permanent obstructions, without obstructing the footpath or carriageway
 - (b) directly in front of the residence or premises discarding the refuse, where possible
 - (c) out at times consistent with 2.10 (a) or (b)
 - (d) out at any other specified place or time as determined by the Council from time to time.

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- 2.7 The following additional material may be put out for collection:
- (a) cardboard - flattened and securely tied with string or tape into bundles under 15kg in weight
 - (b) paper of any kind, unless it is waxed, or has plastic or food on it – contained in a bag, such as the standard plastic supermarket bags, with handles tied.
- 2.8 The containers, and any uncollected waste or divertible material outside of an approved container, intentionally or otherwise, remains the property and responsibility of the depositor and is considered litter under the Litter Act 1979 if not removed from the public place.
- 2.9 The noise generated during the collection and placement processes of any waste and divertible material management is subject to the District Plan noise controls requirements at all times.
- 2.10 The permitted times for placing approved containers, and any additional material as set out in clause 2.7, in public places for the collection of waste and divertible material are as follows:
- (a) For the Central Area, as defined in the District Plan, no container, waste or divertible material is permitted in public places between 7.00am and 5.00pm.
 - (b) For all other areas in the District Plan, containers may be put out from 7.00pm on the day preceding collection and must be out before 7.00am, or by the latest time as notified by the relevant service provider, on the day of collection. All containers and any uncollected waste and divertible material are to be removed from the public place by 12 midnight on the day of collection.
- A summary of permitted times for clause 2.10 is provided in Figure 1.
- 2.11 The permitted times for the collection of waste and divertible material are as follows:
- (a) Collection is permitted at any time where the operation is completed entirely on private property.
 - (b) Collection activity is not permitted to generate any unreasonable adverse impact on the operation of the transport network or safety. Collection during peak commuter traffic times on Principal, Arterial and Golden Mile roads (as defined under the District Plan) must be avoided. Wellington City Council's Code of Practice for Working on the Road specifies that these peak times are typically weekdays between 7am and 9am and between 4pm and 6pm, and that vehicle and pedestrian traffic may not be disrupted at any time for more than 2 minutes without a Council-approved Temporary Traffic Management Plan.
 - (c) For the Central Area, as defined in the District Plan, collection is permitted 7 days per week between 6.00pm and 7.00am.

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- (d) For all other areas in the District Plan, collection is permitted only on week days and only between 7.00am and 10.00pm.
- (e) The Wellington City Council may approve variations to collection times for reasons of health, safety or congestion. Requests can be made to the relevant Council director. Where a request for variation also requires a change in existing collection times, affected parties must be notified and given the opportunity to have their views considered. If a variation is approved, the collection service provider must notify all affected customers in writing of the times for when waste and divertible material must be put out.

A summary of permitted times for clause 2.11 is provided in Figure 1.

Figure 1: Summary of clauses 2.10 and 2.11

Central Area – any day, as advised by service provider

Collection Night			Collection Night
	7am	5pm	6pm
midnight to 7am Containers may be out	7am to 5pm No containers, waste or divertible material allowed on public property		5pm to midnight Containers may be out
Collection is permitted	7am to 6pm No collection permitted		6pm to midnight Collection is permitted

All other areas – Monday to Friday

Day before	Collection Day		
7pm	7am	10pm	midnight
	7pm day on the before to midnight on collection day Containers may be out		
	7am to 10pm Collection is permitted		

- 2.12 The emptying of pedestrian bins in public places in association with street cleaning activity may occur on any day and time.

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- 2.13 The provision and maintenance of temporary bins in areas of short-term increased demand, such as for events, may be approved under the Footpath Management Policy 2007.
- 2.14 Inorganic collections, such as community clean-ups at beaches or other public areas, may occur on any day.

3. Terms and Conditions for household use of the Southern Landfill

- 3.1 The landfill may operate during the hours as determined by the Council from time to time and published on the Council website.
- 3.2 A full list of material prohibited from disposal into the landfill, but which may be received from households at the Hazardous Waste Storage Facility at the Southern Landfill is to be published on the Council website.
- 3.3 The Council may refuse to accept for disposal to landfill the types of waste and divertible material described in clause 2.3, except that:
 - (a) while the landfill is not intended for the disposal of green waste, it will be accepted if necessary. As garden waste emits significant greenhouse gas emissions when disposed to landfill where its decay is anaerobic, home composting is by far the preferred option for this material.
 - (b) sharp objects need not be wrapped.
- 3.4 In addition to the restrictions described in clause 3.3, the Council may also refuse to accept for disposal to landfill:
 - (a) cleanfill
 - (b) items and material it considers, at its sole discretion, can reasonably be expected to be diverted from the waste stream.
- 3.5 Commercial operators are also referred to the Collection and Transportation of Waste Bylaw 1997 at <http://www.wellington.govt.nz/plans/bylaws/collection.html>.
- 3.6 The charges for disposing of waste in the landfill and for depositing divertible or hazardous material shall be as determined annually by Council through the Annual Plan process. The Council may make additional charges where special handling and / or storage is necessary, and as required by the Waste Minimisation Act 2008.