

**Bylaw Hearings Panel**  
**MINUTES ATTACHMENTS**

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**Date:** Thursday 17 August 2023  
**Time:** 9 am  
**Venue:** Waste Bylaw Consultation  
Committee Room 2, Level 2, Civic Offices,  
53 Hereford Street, Christchurch

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# Draft Christchurch City Council Waste Management and Minimisation Bylaw

The Christchurch City Council makes this bylaw under section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956, and section 12 of the Litter Act 1979.

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Draft Bylaw for Panel including suggested edits

## 1. Short title and commencement

- (1) This bylaw is the Christchurch City Council <insert title> Bylaw <insert year>.
- (2) This bylaw comes into force on <insert date>.

## 2. Purpose

- (1) The purpose of this bylaw is to promote the delivery of effective and efficient waste management and waste minimisation and to support the Council's Waste Management and Minimisation Plan by-
  - (a) Promoting effective, efficient and safe collection, transportation, management, storage, processing, treatment and disposal of waste and diverted materials;
  - (b) Requiring waste management operations to obtain council approval;
  - (c) Requiring the collection and provision of data to the Council for the purpose of planning for waste management and minimisation;
  - (d) Protecting, promoting and maintaining public health and safety, and the health and safety of waste and diverted material collectors and operators; and
  - (e) Supporting the appropriate management of litter and nuisance relating to waste in public places and private premises.

## 3. Interpretation

**Explanatory note:** *The definitions below relate to all clauses in this bylaw and are used in terms and conditions, controls and guidelines made under or in relation to this bylaw.*

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

**Act** means the Waste Minimisation Act 2008

**Advertising material** means any message which:

- (a) has printed content controlled directly or indirectly by the advertiser; and
- (b) is expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of a person.

**Explanatory Note:** *Advertising material includes material such as circulars, leaflets, flyers, brochures, business cards, samples and clothing donation bags.*

**Approved container** means any container (including bags) approved by the Council for the collection of any type of waste or diverted material, under the kerbside collection service, with approval based on the following criteria:

- (a) the prevention of nuisance
- (b) the protection of the health and safety of waste collectors and the public, and
- (c) the achievement of effective waste management and minimisation.

**Authorised officer** means any officer of the Council or other person authorised by the Council to administer this Bylaw. Authorised officers may also be enforcement officers under section 177 of the Local Government Act 2002.

**Chief Executive** means the Chief Executive Officer of the Christchurch City Council.

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<b>Cleanfill</b>	means virgin excavated natural materials such as clay, soil or rock. A cleanfill disposal facility (Class 5 landfill) means a landfill site which only accepts uncontaminated natural materials such as clay soil and rock.
<b>Commercial and industrial waste</b>	means all solid waste that results from a commercial or industrial enterprise and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other activity or operation of a similar nature.
<b>Community Collection Point</b>	means a Council owned Community Collection Point (CCP) that provides a disposal point for recyclable materials and residual waste for residential properties not on a kerbside collection route.  <i><b>Explanatory note:</b> At the time of publication of this bylaw the provision of Community Collection Points is confined to the Banks Peninsula only.</i>
<b>Construction and demolition waste</b>	means waste generated as a result of <u>demolition, site preparation and building activities</u> <del>work</del> <u>including the renovation and repair of buildings</u> ; it includes, but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, rubble and asphalt.  <i><b>Explanatory note:</b> For clarity and the avoidance of doubt, waste created during the manufacture of building products is not 'construction and demolition waste' in terms of this bylaw.</i>
<b>Container Return Scheme (CRS)</b>	means an authorised collection scheme for beverage containers, including authorised collection points
<b>Council</b>	means the Christchurch City Council, or any person authorised to act on its behalf
<b>Cover material</b>	means uncontaminated topsoil used for covering a controlled or managed landfill
<b>Deposit</b>	means to cast, place, throw, exchange or drop any waste or diverted material
<b>Dispose or disposal</b>	has the same meaning as 'disposal' in section 6 of the Act
<b>District</b>	means the territorial area of the Christchurch City Council.
<b>Diverted material</b>	has the same meaning as 'diverted material' in section 5(1) of the Act
<b>Eligible properties</b>	means properties entitled to receive the Council kerbside collection services or properties whose occupants are entitled to access Community Collection Points.
<b>Event</b>	means any organised temporary activity of significant scale that is likely to create litter and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, protest, festival, concert or celebration.
<b>Handle</b>	includes, any collection, sorting, consolidation, storage or processing of waste, but excludes the transporting of waste.
<b>Handling requirements</b>	means, in relation to each waste operations licence, the requirements for handling waste imposed by the Council.
<b>Hazardous substance</b>	has the same meaning as 'hazardous substance' in section 2 of the Hazardous Substances and New Organisms Act 1996.
<b>Hazardous waste</b>	means waste that:  (a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum

Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organisms Act 1996; or

- (b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 2012 – Transport of Dangerous Goods on Land; or
- (c) is a radioactive material being any material that spontaneously emits ionising radiation, including any naturally occurring radioactive material or any nuclear material.

**Explanatory Note:** *Hazardous waste does not include household waste, inorganic waste, construction and demolition waste, or commercial or industrial waste.*

<b>Household waste</b>	means waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.
<b>Hydro-excavation waste</b>	includes the suspended solids and/or mixture of solids and water derived from hydro-excavation works requiring disposal.
<b>Inorganic waste</b>	means waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an approved container, and that is specified by the Council as suitable for: <ul style="list-style-type: none"> <li>(a) collection from a public place by the Council or an approved waste collector; or</li> <li>(b) collection from any premises by the Council or an approved waste collector; or</li> <li>(c) delivery to a resource recovery facility.</li> </ul>
<b>Kerbside collection service</b>	means any collection service provided by or on behalf of the Council for the collection of any waste from eligible properties within the District.
<b>Landfill (landfill class)</b>	means a facility where waste is disposed of to land.
<b>Litter receptacle or litter bin</b>	means a Council provided receptacle in a public place for the disposal of litter
<b>Licence</b>	means a licence, consent, permit or approval to do something under this bylaw
<b>Licensee</b>	means a person or entity to whom the Council has issued a current licence.
<b>Litter</b>	has the same meaning as 'litter' in section 2(1) of the Litter Act 1979.
<b>Managed or controlled landfill</b>	Means a managed or controlled fill disposal facility: classes 3 and 4; that accepts the following for disposal: inert waste material from construction and demolition activities and /or inert waste material from earthworks or site remediation. <b>Explanatory Note:</b> <i>This definition is consistent with recent changes to the Waste Minimisation (Calculation &amp; Payment Waste Disposal Levy) Regulations 2009. Managed or controlled landfills were termed 'cleanfills' under the Council's previous bylaw, the Cleanfill and Licensed Waste Handling Bylaw 2015.</i>
<b>Medical Waste (Healthcare Waste)</b>	means any waste considered to be of an infectious or unsanitary nature that could endanger public health or worker health and safety. Including all waste categorised as either hazardous or controlled under NZS4304 (2002).
<b>Multi-unit residential development</b>	(a) means a multiple occupancy residential property comprising 10 or more separately occupied units, whether in the same building or in separate

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- buildings, and held either in common ownership or in separate ownership;  
and
- (b) includes a unit title development, a mixed-use premises with business activities, and any development with controlled or restricted access, such as a gated community.

<b>Natural hardfill</b>	means soils, rock, gravels, sand, clay and other inorganic inert natural materials, sourced from earthworks, site remediation and other similar activities, which do not include any combustible, putrescible, degradable or leachable components. <b>Explanatory Note:</b> <i>Natural hardfill is derived from activities such as site clearance and excavation and may include (safe levels of) contamination not found in cleanfill materials.</i>
<b>Nuisance</b>	has the same meaning as 'nuisance' in section 29 of the Health Act 1956
<b>Occupier</b>	means any person who occupies any land or building (including commercial premises) and, if the land or building is unoccupied, includes the owner or the owner's agent.
<b>On truck</b>	in relation to the volume measurement of fill, means the volume of fill as measured in the means of conveyance when the fill arrives at the land fill.
<b>Organic waste</b>	means food waste and green waste that is specified by the Council under this bylaw as organic waste.
<b>Other hardfill</b>	means: (a) asphalt (cured) (b) Bricks (c) Ceramics (d) Chip seal (cured) (e) Concrete, un-reinforced (including dried concrete slurry) (f) Concrete, reinforced (provided that there are no exposed reinforcing rods) (g) Masonry blocks (h) Pavers (clay, concrete, ceramic) (i) Pipes (clay, concrete, ceramic) (j) Tiles (clay, concrete, ceramic) (k) Tree stumps  Provided that the materials (a)-(k) above do not include any combustible, putrescible, degradable or leachable components or any hazardous substances or materials derived from hazardous waste treatment or any materials that may present a risk to human or animal health, such as medical and veterinary waste or radioactive substances, or hydro-excavation waste or any liquid waste.
<b>Owner</b>	means the person whose name is shown as the owner on the Record of Title for the property.
<b>Prohibited waste</b>	means waste which due to its nature could cause harm or injury, or is otherwise deemed unacceptable for collection by the kerbside collection service, at Council waste facilities and community collection points, as specified by the Chief Executive from time to time under this Bylaw
<b>Property (premises)</b>	means any separately occupied land, dwelling, premises, building, or part of the same.
<b>Public collection point</b>	means a place where approved types of waste may be deposited for the purposes of raising funds or the charitable reuse/recovery of the waste items.



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<b>Public place</b>	means an area that is open to or used by the public, and which is owned, managed, maintained or controlled by the Council. Public places include, but are not limited to: roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, carparks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.
<b>Recovery</b>	has the same meaning as 'recovery' in section 5(1) of the Act.
<b>Recyclable materials or recyclables</b>	means the types of waste that are able to be recycled and as specified by the Chief Executive from time to time under this Bylaw.
<b>Recycling and reuse</b>	has the same meanings as 'recycling' and 'reuse' in section 5(1) of the Act
<b>Residual waste/ rubbish</b>	means any waste material not recovered or diverted from Landfill.
<b>Targeted rate</b>	means a targeted rate set by the Council to meet all or part of the cost of the solid waste and resource recovery activity. <i><b>Explanatory Note:</b> A targeted rate may be set where it is considered desirable and practicable either to enhance the transparency of Council spending (i.e. so that ratepayers can see how much they pay for a particular activity) or to ensure that the cost of a particular item is borne by the group(s) deemed to derive most benefit from it.</i>
<b>Site</b>	means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.
<b>Trade waste</b>	has the same meaning as 'trade waste' in the Council's Trade Waste Bylaw.
<b>Treatment</b>	has the same meaning as 'treatment' in section 5(1) of the Act
<b>Unaddressed mail</b>	means any unsolicited mail including, any mail or material that does not display a full address and name of a person at that address.
<b>Uncontaminated</b>	means material that does not contain concentrations of organic or inorganic substances in excess of current established human health or ecological soil contaminant standards or guideline values recognised as valid in New Zealand in accordance with Contaminated Land Management Guidelines No 2: Hierarchy and Application in New Zealand of Environmental Guideline Values.
<b>Waste</b>	has the same meaning as 'waste' in section 5(1) of the Act.
<b>Waste collection</b>	means the collection and transport of waste and includes the commercial and non-commercial collection and transport of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, the owner taking their own household garden waste to a waste facility).
<b>Waste operation</b>	means (a) any facility (land or buildings) to which waste is disposed of or where discarded materials are delivered for consolidation, sorting, storage, processing, treatment or disposal; including (b) transfer stations, hazardous waste treatment facilities, materials recovery facilities, composting facilities, recycling and re-use facilities, resource recovery parks and centres, and landfills (including managed or controlled landfills as defined above). <i><b>Explanatory Note:</b> For the clarity and avoidance of doubt, a manufacturing operation which produces and recycles waste during the manufacture of building</i>

*products is not a waste operation for the purposes of this bylaw and does not require a licence under this bylaw.*

<b>Waste operator</b>	includes a person or entity that owns or manages a waste operation/facility or is otherwise involved in a waste related business or undertaking.
<b>Waste Management Plan (WMP)</b>	means an operational plan for the management of waste generated by a property, requirements as specified by the Council.
<b>Waste Management and Minimisation Plan (WMMP)</b>	means the current plan adopted by the Council under section 43 of the Act.

- (2) This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

**Explanatory note:** *Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.*

## PART 1: RESIDENTIAL WASTE COLLECTION SERVICES

### 4. Objectives for Part 1

- (1) The objectives of this part of the bylaw are to:
- Maximise the recovery of recyclable materials and organic waste;
  - Promote effective, efficient and safe collection and management of waste; and
  - Support the appropriate management of litter and nuisance relating to waste in public places.

**Explanatory note:** *This part of the bylaw achieves these objectives by regulating the Council's kerbside collection of waste from individual properties, the deposit of waste at community collection points, the types of waste that may be disposed of and the prevention of nuisance in relation to waste in public places.*

### 5. Kerbside collection services

- (1) The occupants of eligible properties where the targeted rate is paid are entitled to use the kerbside collection service in accordance with this bylaw and the terms and conditions of the service.
- Explanatory Note:** *The current terms and conditions for the kerbside collection service and community collection points [\(insert link\)](#). Before making or amending any terms and conditions, the Council will comply with section 82(Principles of consultation) of the Local Government Act 2002.*
- (2) The Chief Executive may determine the terms and conditions for the kerbside collection service, including but not limited to:
- The geographic areas and provisions that apply to the different categories of kerbside collection services;
  - The types and sizes of approved containers and the combination of approved containers that are available to be used;
  - The correct separation of organic matter, recyclable materials and residual waste into approved containers;

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- (d) The correct placement of approved containers for collection;
  - (e) Collection times and days;
  - (f) Retrieval of approved containers;
  - (g) The provision of on-site space for approved containers for multi-unit buildings;
  - (h) What constitutes permitted waste;
  - (i) What constitutes prohibited waste; and
  - (j) Restrictions on the weight of approved containers.
- (3) The Chief Executive may subsequently amend or revoke any term or conditions made under this clause at any time.
- (4) Every person using an approved container must comply with the terms and conditions for the kerbside collection service.
- (5) Despite clause 5(1), eligible residential properties may opt out of the Council's kerbside collection service provided that the Council approves a Waste Management Plan (WMP) for those properties.
- Explanatory notes:** *Any rates relief will depend on the provisions of the Council's Funding Impact Statement and the Council's Rates Remission Policy.*

## 6. Removal of waste and deposit of waste in approved containers

- (1) No person may remove or interfere with any waste from an approved container except the person who deposited the materials, or the council or its agent.
- (2) No person may deposit any waste in an approved container provided to any other person, without that other person's consent.

## 7. Non-compliance with conditions for kerbside collection

- (1) Failure to comply with the terms and conditions for the kerbside collection service may be subject to the following actions being taken:
  - (a) The rejection (non-collection) of the contents of any approved container left out for kerbside collection, if the contents or placement of the container is non-compliant;
  - (b) The withdrawal or suspension of the kerbside collection service being provided to that property;
  - (c) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
  - (d) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 or the Waste Minimisation Act 2008; or
  - (e) Any other steps that the Council may take in law.

## 8. Community Collection Points

- (1) Subject to the payment of the targeted rate, the occupants of eligible properties are entitled to use the Council's community collection points for household waste only.

**Explanatory note:** *Community collection points (CCP) are currently provided in locations on Banks Peninsula. Occupants of eligible residential properties on the Peninsula that are not on a kerbside collection route, can dispose of domestic recycling and rubbish at the CCP.*

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- (2) The Chief Executive may determine any place, or receptacle in a public place as an community collection point for the collection of household waste, and determine the terms and conditions relating to the deposit of waste at the community collection point including but not limited to
  - (a) The use of specified receptacles;
  - (b) Accessible hours for the community collection point;
  - (c) What constitutes permitted waste; and
  - (d) What constitutes prohibited waste.
- (3) The Chief Executive may subsequently amend or revoke any term or condition made under this clause at any time.
- (4) Any person using a community collection point must comply with the terms and conditions for the use of that community collection point.
- (5) Any person using a community collection point must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.
- (6) No person may deposit waste at a community collection point other than in accordance with the terms and conditions for that community collection point.
- (7) No person may remove or interfere with any waste at a community collection point except the person who deposited the materials, or the council or its agent.

**Explanatory note:** *Details of the locations of the community collection points, their hours of operation and categories of waste accepted at these collection points can be found on the Council's website.*

## 9. Non-compliance with conditions for community collection points

- (1) Any person who does not comply with the terms and conditions or other controls for a community collection point may be subject to the following action being taken against them:
  - (a) A trespass notice being issued against that person to prevent them from using the collection point;
  - (b) Enforcement of any offence that may have been committed under the Litter Act 1979;
  - (c) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 and the Waste Minimisation Act 2008; or
  - (d) Any other steps that may be taken by the Council in law.

## 10. Waste management for multi-unit residential developments

- (1) The owner and/or manager of a multi-unit residential development must make adequate provision for the management of all household waste generated by the premises. This includes arrangements for the regular collection of waste to the satisfaction of the Council and the provision of adequate areas for:
  - (a) The storage of waste on the premises from any activity on the premises; and;
  - (b) The collection of recyclable materials and organic waste if collection occurs on the premises.
- (2) The Council may require a WMP to be prepared for any new proposed multi-unit development. The WMP must be in the form prescribed by the Council, and to be approved by an Authorised Officer.

**Explanatory note:** *The Council will notify the applicants for resource or building consent for a multi-unit residential development (10 or more units) of the requirement for a WMP. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.*

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- (3) The Council may require owners or managers of an existing multi-unit residential development to submit for approval and adhere to a WMP when the existing waste management arrangements:
  - (a) Do not provide adequately for the collection of recyclable materials or organic waste; or
  - (b) Have an adverse impact on the health, safety or amenity of occupants of the development or of neighbouring properties or on adjoining public space.

**Explanatory note:** *Where there are ongoing problems with a development's waste management arrangements, the Council may give notice to the owners and occupiers of the need for a WMP.*
- (4) Any person who owns, manages or occupies a unit of a development must comply with the provisions of any approved WMP for that multi-unit development.

## PART 2: WASTE OPERATIONS

### 11. Objectives for Part 2

- (1) The objectives to this part of the bylaw are to:
  - (a) Regulate and monitor waste operations and operators involved in the management, storage, processing and depositing of waste within the City;
  - (b) Ensuring that waste operations which handle environmentally safe 'inert' natural and manufactured materials and dispose of them to land, do so in a safe and controlled manner; and
  - (c) Facilitate the collection of data and information for waste management and minimisation purposes.

### 12. Licences required for waste operations

- (1) No person may handle, process, store or dispose of more than 30 tonnes of waste in a 12 month period unless:
  - (a) The Council has granted a waste operations licence to that person for that waste operation; and
  - (b) That person (the licensee) complies with all terms and conditions of the licence.
- (2) No person may allow any land or building owned or controlled by that person to be used for a waste operation unless:
  - (a) The Council has granted a waste operations licence to the person carrying out the waste operation; and
  - (b) That person (the licensee) complies with all terms and conditions of the licence.
- (3) A waste operations licence is personal to the holder and is not transferable.
- (4) A waste operations licence may be subject to such terms and conditions as the Council thinks fit as set out in clause 15.
- (5) The term of a waste operations licence is 12 months from the date of approval of the licence; or such shorter period as determined by the Council and specified in the licence.
- (6) At the conclusion of the term of the licence, subject to satisfactory compliance, the Council may allow the licence to be renewed on the payment of the required fee, on or prior to 1 July of each year.

**Explanatory Note:** *Where the licence is granted during the financial year, the fee will be set on a pro-rata basis.*

### 13. Application for a waste operations licence

- (1) A written application for a waste operations licence must be made in the required form, must contain all the information requested, and must be accompanied by the relevant fee (if any).
- (2) The Council may require the applicant to provide further information, at the applicant's cost, in order to process the waste operations licence application.
- (3) A waste operations licence application will be processed, and a decision issued to the applicant within 20 working days of receipt of a complete licence application (including required fees and information).
- (4) If a waste operations licence application is refused, the Council will provide the applicant with written reasons for the Council's decision.

**Explanatory note:** Fees and charges for the issue of licences under this bylaw are set out in Council's Schedule of Fees and Charges and may be amended from time to time in accordance with section 150 of the Local Government Act 2002. In addition to the requirement for a licence under this bylaw some waste operators, may be required to be registered as an 'offensive trade' i.e. Refuse collection and disposal" under the Health Act 1956, Health (Registration of Premises) Regulations 1966.

### 14. Considerations for a waste operations licence

- (1) When considering an application for a waste operations licence, the Council will take into account a range of factors including but not limited to:
  - (a) The nature of the activity for which a licence is sought;
  - (b) The quantity and type or category of waste to be handled;
  - (c) The location and previous use of the land proposed to be used for any waste facility, including landfills (such as managed or controlled landfills);
  - (d) The extent to which any licensed waste operation will adopt best practice for waste management and minimisation;
  - (e) The extent to which the licensed activities will promote public health and safety, and support the goals of the Council's WMMP;
  - (f) The methods employed for the handling, recycling and disposing of waste and for the minimisation of litter;
  - (g) The identity of the facility (or facilities) where recycling, recovery, sorting, storage, treatment, disposal of waste will occur;
  - (h) Adherence to health and safety standards and any other relevant industry standards;
  - (i) The frequency and location of any removal and transportation of waste;
  - (j) Any practical considerations associated with the proposed waste operation;
  - (k) Any other approvals or consents held by the applicant or which are required by the applicant;
  - (l) Including any relevant resource consents administered, or that will be required, by the Council and the Regional Council under the Resource Management Act 1991;
  - (m) The applicant's experience, reputation, and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions or of the bylaw; and
  - (n) The terms and conditions under which the waste operation is permitted to operate.

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- (2) When considering an application for a licence, the Council may inspect the premises or locations related to the application in relation to the purposes for which the licence is sought.

## 15. Terms and conditions of a waste operations licence

- (1) The terms and conditions of a waste operations licence may include but are not limited to:
  - (a) Standard conditions applying to all waste operators;
  - (b) Other conditions for a particular class or type of operation e.g.; for managed or controlled landfills;
  - (c) Controls on the quantity and type or category of waste to be handled (including collection);
  - (d) Controls on the storage, handling, recycling and disposing of waste and to ensure the minimisation of litter;
  - (e) Conditions to address issues raised in or by the application for the licence;
  - (f) Requirements to operate in accordance with industry best practice for waste management and minimisation; and
  - (g) Conditions to promote public health and safety, and to support the implementation of the Council's WMMP.
- (2) At its discretion the Council may require the licensee to pay a performance bond, being a bank-guaranteed bond or a security.

**Explanatory note:** *The Council provides guidance on the usual types of conditions applying to all waste operations [\(insert link\)](#) and for managed or controlled landfills [\(insert link\)](#). These guides may be updated from time to time, for example, to reflect any changes in the national regulatory framework for landfill classes 3 and 4.*

## 16. Suspension or revocation of waste operations licence

- (1) The Council may suspend or revoke a waste operations licence if a licensee fails to:
  - (a) Comply with this Bylaw, or any of the terms or conditions of the bylaw or the licence;
  - (b) Pay the required fees or bond; or
  - (c) Act in any manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for the licensee.

## 17. Controls on the operation of waste collection services from a public place

- (1) The Chief Executive may make controls for the safe and efficient operation of waste collection services from a public place.
- (2) The controls may include but are not limited to -
  - (a) The categories of waste (including prohibited waste) and the maximum weight of waste that may be deposited in collection containers;
  - (b) Any requirements for the separation of waste into different collection containers;
  - (c) The characteristics of collection containers that may be used;
  - (d) Any limits on the use of the public place for the collection of waste, and the safe and secure transportation of waste from the public place;
  - (e) Any requirements applicable to waste minimisation;

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- (f) Any requirements to minimise any risks to traffic or pedestrian safety;
  - (g) The clean-up of any litter or illegally dumped materials; and
  - (h) Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.
- (3) The Chief Executive may subsequently amend or revoke any controls made under this clause at any time. (4)  
Any person operating a waste collection service from a public place must comply with any controls made under this clause.

## 18. Controls on the operation of waste deposit points in a public place

- (1) The Chief Executive may make controls for the safe and efficient operation of waste deposit points (including recycling stations or container return scheme stations) that are located in a public place or within 10 metres of/adjacent to a public place.
- (2) The controls may include but are not limited to -
  - (a) The location and access requirements for waste deposit points (including collections vehicle access);
  - (b) The type of waste which may be deposited; and
  - (c) The type and use of the receptacles at the waste deposit point.
- (3) The Chief Executive may subsequently amend or revoke any controls made under this clause at any time.
- (4) Any person proposing to operate a waste deposit point to which this clause applies must notify the Council at least 20 working days before the point becomes operational.
- (5) Any person operating a waste deposit point to which this clause applies must -
  - (a) Comply with any controls made under this clause;
  - (b) Ensure the removal of all deposited materials including non-compliant materials;
  - (b) Ensure the clean-up of any litter or illegally dumped materials; and
  - (c) Ensure the maintenance of visual amenity including removal of graffiti or advertising notices from the collection point.

*Explanatory note: This clause applies to all public collection points for recycling/diverted materials including the donation bins operated by or on behalf of charities and places for the collection of containers for any container return scheme.*

## PART 3: OTHER WASTE MATTERS

### 19. Construction and Demolition Waste Management Plan

- (1) The Council may require a WMP to be prepared for its approval for projects involving demolition, site works and/ or construction.

*Explanatory note: The Council will endeavour to notify the owner/ developer of the requirement to prepare a construction and demolition WMP as soon as practicable, e.g. when the application for a*



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*resource consent is lodged. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.*

- (2) A WMP must include:
  - (a) The person(s) responsible for ensuring that the WMP is adhered to;
  - (b) The methods which will be used to reduce waste going to landfill;
  - (c) How waste and recoverable/divertible materials will be separated on site;
  - (d) The intended destination for each waste stream (recoverable and divertible materials and waste to landfill);
  - (e) Methods to record the quantities of each waste stream removed from the site; and
  - (f) Communication methods to ensure any sub-contractors or staff are aware of and adhere to the WMP.
  - (g) Any other matter relating to waste management and minimisation that may be specified by the Council.
- (3) Upon request, and at works completion the person(s) responsible for a WMP must provide the Council with a waste analysis report, which must include a breakdown of:
  - (a) The types and amounts of waste generated
  - (b) The amount of waste diverted from landfill; and
  - (c) The facilities used to recover, recycle, treat or dispose of all waste materials.
- (4) The organisation or persons responsible for the construction or works must comply with any approved WMP.

## 20. Event Waste Management Plan

- (1) All events sponsored, funded or partially funded by Council or taking place on a public place, must address the waste generated by the event or its participants.
- (2) The Council may require an Events WMP to be prepared for events catering for more than 1000 people; in considering whether a WMP is required the Council will have regard to:
  - (a) The nature of event and the quantity and types of waste likely to be generated; and
  - (b) any waste related problems caused by previous or similar events.

**Explanatory note:** *The Council will endeavour to notify the event organiser of any requirement for an Events WMP as soon as practicable, e.g. when the application for an event is lodged with the Council. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.*

- (3) An Events WMP must include:
  - (a) An estimate of the types and amounts of waste likely to be generated at the event;
  - (b) How waste generated by the event will be minimised;
  - (c) Where practicable, the steps which will be taken to prioritise the use of reusable systems, the collection and use of recyclables and other recoverable and compostable materials, and an estimate of the diversion of waste from landfill;

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- (d) The equipment to be provided for the storage, collection and transportation of waste and diverted materials;
  - (e) The individual or organisation responsible for the collection and disposal of waste;
  - (f) The timing and frequency of collection and disposal of waste to be used during or after the event; and
  - (g) The method for managing litter and any spillages during or associated with the event;
- (4) The event organiser or person(s) responsible for the event must comply with an approved Events WMP.
- (5) At completion of the event, the Council may require the event organiser or person responsible for the event to provide the Council with a waste analysis report, including a breakdown of:
- (a) The types and amounts of waste generated by the event;
  - (b) The amount of waste diverted from landfill, and;
  - (c) The facilities used to recover, recycle, treat or dispose of all waste materials.

## 21. Unaddressed mail and advertising material

- (1) No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material in any letterbox which is clearly marked "no circulars", "no junk mail", "addressed mail only" or with words of similar effect as well as the following areas:
- (a) Around or near any such letterbox or associated vehicle access-way;
  - (b) On any vehicle parked in a public place; or
  - (c) in a letterbox that is already full of mail and/or advertising materials.

- (2) **Except that Clause 21(1) does not apply to the following materials which are permitted to be deposited in any letterbox:**

(a) Material or public notices from any government department or agency, crown entity, local authority, or material from a network utility relating to the maintenance, repair, servicing or administration of that network utility;

(b) communications or fund-raising material from local community organisations, charities or charitable institutions;

(c) material from a political party, political candidate or elected member; or

(d) a community newspaper or newsletter unless the letterbox is clearly marked "no community newspapers" or with words of similar effect.

## 22. Nuisance and litter

- (1) No person may:
- (a) Allow any accumulation of waste on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
  - (b) Use an approved receptacle in a manner that creates a nuisance, is offensive or is likely to be injurious to health.
- (2) Except as provided for under this Bylaw, no person may:
- (a) Bury or allow to be buried any waste on any property they own, occupy or manage except:

- (i) Organic waste, including dead farm animals in rural areas;
  - (ii) Dead companion animals and nuisance pests;
  - (iii) For the purposes of home composting; or
  - (iv) Waste deposited in a farm refuse dump or an offal pit that is consented or complies with the permitted activity conditions of the Canterbury Land and Water Regional Plan;
- (b) Dispose of any waste on any premises except at a licensed waste operations facility, or any premises they own, occupy or manage, for the purposes of home composting.

### 23. Restriction on the disposal of waste in public receptacles for litter and recyclable materials

- (1) The Council may prohibit certain materials from being deposited in a recyclable materials receptacle or a litter receptacle in a public place.
- (2) No person may place or allow prohibited materials to be deposited in a recyclable materials receptacle or a litter receptacle provided by the Council in a public place.
- (3) No person may:
  - (a) Deposit any waste arising from that person's household or that person's business activities in any receptacle provided by the Council in any public place;
  - (b) Remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the receptacle, unless authorised by the Council to do so;
  - (c) Deposit or attempt to deposit any litter in any receptacle provided by the Council in any public place if the receptacle is full or the litter is likely to escape;
  - (d) Fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or
  - (e) Damage any receptacle provided by the Council in any public place.
- (4) No person may allow any flag, banner, bunting, balloon, sign, poster, leaflet or similar device which is displayed to become litter, and must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.

### 24. Monitoring and inspections

- (1) The Council may carry out monitoring and inspections for the purposes of determining compliance with this Bylaw, terms and conditions made under this Bylaw, controls made under this Bylaw and any licences issued under this Bylaw.
- (2) An owner, waste operator or any other person must co-operate with any monitoring and inspections required at the discretion of an authorised officer, including, but not limited to:
  - (a) Enabling access to enter the property; and
  - (b) Providing documents, plans and other information.

### 25. Fees

- (1) Where this bylaw provides for the Council to issue a licence or to give an approval or carry out an inspection, monitoring visit or review, the Council may require the payment of a fee.

**Explanatory note:** Fees are set out in the Council's Annual Plan or Long Term Plan. The Council also sets a targeted rate in relation to solid waste and resource recovery.

## 26. Offence and penalty

- (1) Every person who breaches this bylaw (including the terms and conditions made under this Bylaw) commits an offence and is liable on conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002, or to the penalties set out in the Litter Act 1979 or Waste Minimisation Act 2008, as the case may be.

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## 27. Christchurch City Council General Bylaw 2008

- (1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into, and form part of this bylaw.

## 28. Revocations and savings

- (1) The following bylaws are revoked:
  - (a) Christchurch City Council Waste Management Bylaw 2009:
  - (b) Christchurch City Council Cleanfill and Waste Handling Operations Bylaw 2015.
- (2) The revocation of the Waste Management Bylaw 2009 and the Cleanfill and Waste Handling Operations Bylaw 2015 does not prevent any legal proceedings, criminal or civil, being taken to enforce the bylaws and such proceedings continue to be dealt with and completed as if the bylaws had not been revoked.
- (3) Any permission, consent, agreement or any other act of authority which originated or which was continued under either the Waste Management Bylaw 2009 or the Cleanfill and Waste Handling Operations Bylaw 2015 and which is still in force at the commencement of this bylaw continues to have full force and effect for the purpose of this bylaw.
- (4) This bylaw is implied into and forms any part of any permission, consent, or any other act of authority continued by this clause.

*The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting on <date>, and was confirmed, following consideration of submissions received during the public consultation process, by a resolution of the Council on <date>.*

*This bylaw was amended by the Council on <date>, and the amendments came into force on <date>.*

**Advice notes:**

Page | 17 Draft Waste Bylaw – updated 18 Oct 2022, TRIM Ref: 22/986465

Draft Bylaw for Panel including suggested edits

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# Christchurch City Council Waste Management and Minimisation Bylaw

The Christchurch City Council makes this bylaw under section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956, and section 12 of the Litter Act 1979.

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### 1. Short title and commencement

- (1) This bylaw is the Christchurch City Council <insert title> Bylaw <insert year>.
- (2) This bylaw comes into force on <insert date>.

### 2. Purpose

- (1) The purpose of this bylaw is to promote the delivery of effective and efficient waste management and waste minimisation and to support the Council's Waste Management and Minimisation Plan by-
  - (a) Promoting effective, efficient and safe collection, transportation, management, storage, processing, treatment and disposal of waste and diverted materials;
  - (b) Requiring waste management operations to obtain council approval;
  - (c) Requiring the collection and provision of data to the Council for the purpose of planning for waste management and minimisation;
  - (d) Protecting, promoting and maintaining public health and safety, and the health and safety of waste and diverted material collectors and operators; and
  - (e) Supporting the appropriate management of litter and nuisance relating to waste in public places and private premises.

### 3. Interpretation

**Explanatory note:** *The definitions below relate to all clauses in this bylaw and are used in terms and conditions, controls and guidelines made under or in relation to this bylaw.*

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

**Act** means the Waste Minimisation Act 2008.

**Advertising material** means any message which:

- (a) has printed content controlled directly or indirectly by the advertiser; and
- (b) is expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of a person.

**Explanatory Note:** *Advertising material includes material such as circulars, leaflets, flyers, brochures, business cards, samples and clothing donation bags.*

**Approved container** means any container (including bags) approved by the Council for the collection of any type of waste or diverted material, under the kerbside collection service, with approval based on the following criteria:

- (a) the prevention of nuisance
- (b) the protection of the health and safety of waste collectors and the public, and



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	(c) the achievement of effective waste management and minimisation.
<b>Authorised officer</b>	means any officer of the Council or other person authorised by the Council to administer this Bylaw. Authorised officers may also be enforcement officers under section 177 of the Local Government Act 2002.
<b>Chief Executive</b>	means the Chief Executive Officer of the Christchurch City Council.
<b>Cleanfill</b>	means virgin excavated natural materials such as clay, soil or rock. A cleanfill disposal facility (Class 5 landfill) means a landfill site which only accepts uncontaminated natural materials such as clay soil and rock.
<b>Commercial and industrial waste</b>	means all solid waste that results from a commercial or industrial enterprise and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other activity or operation of a similar nature.
<b>Community Collection Point</b>	means a Council owned Community Collection Point (CCP) that provides a disposal point for recyclable materials and residual waste for residential properties not on a kerbside collection route.  <i><b>Explanatory note:</b> At the time of publication of this bylaw the provision of Community Collection Points is confined to the Banks Peninsula only.</i>
<b>Construction and demolition waste</b>	means waste generated as a result of demolition, site preparation and building activities including the renovation and repair of buildings; it includes, but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, rubble and asphalt.  <i><b>Explanatory note:</b> For clarity and the avoidance of doubt, waste created during the manufacture of building products is not 'construction and demolition waste' in terms of this bylaw.</i>
<b>Container Return Scheme (CRS)</b>	means an authorised collection scheme for beverage containers, including authorised collection points.
<b>Council</b>	means the Christchurch City Council, or any person authorised to act on its behalf.
<b>Cover material</b>	means uncontaminated topsoil used for covering a controlled or managed landfill.
<b>Deposit</b>	means to cast, place, throw, exchange or drop any waste or diverted material.
<b>Dispose or disposal</b>	has the same meaning as 'disposal' in section 6 of the Act.
<b>District</b>	means the territorial area of the Christchurch City Council.

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<b>Diverted material</b>	has the same meaning as ‘diverted material’ in section 5(1) of the Act.
<b>Eligible properties</b>	means properties entitled to receive the Council kerbside collection services or properties whose occupants are entitled to access Community Collection Points.
<b>Event</b>	means any organised temporary activity of significant scale that is likely to create litter and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, protest, festival, concert or celebration.
<b>Handle</b>	includes, any collection, sorting, consolidation, storage or processing of waste, but excludes the transporting of waste.
<b>Handling requirements</b>	means, in relation to each waste operations licence, the requirements for handling waste imposed by the Council.
<b>Hazardous substance</b>	has the same meaning as ‘hazardous substance’ in section 2 of the Hazardous Substances and New Organisms Act 1996.
<b>Hazardous waste</b>	<p>means waste that:</p> <ul style="list-style-type: none"><li>(a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organisms Act 1996; or</li><li>(b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 2012 – Transport of Dangerous Goods on Land; or</li><li>(c) is a radioactive material being any material that spontaneously emits ionising radiation, including any naturally occurring radioactive material or any nuclear material.</li></ul> <p><i>Explanatory Note: Hazardous waste does not include household waste, inorganic waste, construction and demolition waste, or commercial or industrial waste.</i></p>
<b>Household waste</b>	means waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.
<b>Hydro-excavation waste</b>	includes the suspended solids and/or mixture of solids and water derived from hydro-excavation works requiring disposal.
<b>Inorganic waste</b>	means waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an approved container, and that is specified by the Council as suitable for:

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	(a) collection from a public place by the Council or an approved waste collector; or
	(b) collection from any premises by the Council or an approved waste collector; or
	(c) delivery to a resource recovery facility.
<b>Kerbside collection service</b>	means any collection service provided by or on behalf of the Council for the collection of any waste from eligible properties within the District.
<b>Landfill (landfill class)</b>	means a facility where waste is disposed of to land.
<b>Litter receptacle or litter bin</b>	means a Council provided receptacle in a public place for the disposal of litter.
<b>Licence</b>	means a licence, consent, permit or approval to do something under this bylaw.
<b>Licensee</b>	means a person or entity to whom the Council has issued a current licence.
<b>Litter</b>	has the same meaning as 'litter' in section 2(1) of the Litter Act 1979.
<b>Managed or controlled landfill</b>	Means a managed or controlled fill disposal facility: classes 3 and 4; that accepts the following for disposal: inert waste material from construction and demolition activities and /or inert waste material from earthworks or site remediation.  <i>Explanatory Note: This definition is consistent with recent changes to the Waste Minimisation (Calculation &amp; Payment Waste Disposal Levy) Regulations 2009. Managed or controlled landfills were termed 'cleanfills' under the Council's previous bylaw, the Cleanfill and Licensed Waste Handling Bylaw 2015.</i>
<b>Medical Waste (Healthcare Waste)</b>	means any waste considered to be of an infectious or unsanitary nature that could endanger public health or worker health and safety. Including all waste categorised as either hazardous or controlled under NZS4304 (2002).
<b>Multi-unit residential development</b>	(a) means a multiple occupancy residential property comprising 10 or more separately occupied units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership; and  (b) includes a unit title development, a mixed-use premises with business activities, and any development with controlled or restricted access, such as a gated community.
<b>Natural hardfill</b>	means soils, rock, gravels, sand, clay and other inorganic inert natural materials, sourced from earthworks, site remediation and other similar activities, which do not include any combustible, putrescible, degradable or leachable components.

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**Explanatory Note:** *Natural hardfill is derived from activities such as site clearance and excavation and may include (safe levels of) contamination not found in cleanfill materials.*

<b>Nuisance</b>	has the same meaning as ‘nuisance’ in section 29 of the Health Act 1956.
<b>Occupier</b>	means any person who occupies any land or building (including commercial premises) and, if the land or building is unoccupied, includes the owner or the owner’s agent.
<b>On truck</b>	in relation to the volume measurement of fill, means the volume of fill as measured in the means of conveyance when the fill arrives at the land fill.
<b>Organic waste</b>	means food waste and green waste that is specified by the Council under this bylaw as organic waste.
<b>Other hardfill</b>	<p>means:</p> <ul style="list-style-type: none"><li>(a) asphalt (cured)</li><li>(b) Bricks</li><li>(c) Ceramics</li><li>(d) Chip seal (cured)</li><li>(e) Concrete, un-reinforced (including dried concrete slurry)</li><li>(f) Concrete, reinforced (provided that there are no exposed reinforcing rods)</li><li>(g) Masonry blocks</li><li>(h) Pavers (clay, concrete, ceramic)</li><li>(i) Pipes (clay, concrete, ceramic)</li><li>(j) Tiles (clay, concrete, ceramic)</li><li>(k) Tree stumps</li></ul> <p>Provided that the materials (a)-(k) above do not include any combustible, putrescible, degradable or leachable components or any hazardous substances or materials derived from hazardous waste treatment or any materials that may present a risk to human or animal health, such as medical and veterinary waste or radioactive substances, or hydro-excavation waste or any liquid waste.</p>
<b>Owner</b>	means the person whose name is shown as the owner on the Record of Title for the property.
<b>Prohibited waste</b>	means waste which due to its nature could cause harm or injury, or is otherwise deemed unacceptable for collection by the kerbside collection service, at Council waste facilities and community

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	collection points, as specified by the Chief Executive from time to time under this Bylaw.
<b>Property (premises)</b>	means any separately occupied land, dwelling, premises, building, or part of the same.
<b>Public collection point</b>	means a place where approved types of waste may be deposited for the purposes of raising funds or the charitable reuse/recovery of the waste items.
<b>Public place</b>	means an area that is open to or used by the public, and which is owned, managed, maintained or controlled by the Council. Public places include, but are not limited to: roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, carparks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.
<b>Recovery</b>	has the same meaning as 'recovery' in section 5(1) of the Act.
<b>Recyclable materials or recyclables</b>	means the types of waste that are able to be recycled and as specified by the Chief Executive from time to time under this Bylaw.
<b>Recycling and reuse</b>	has the same meanings as 'recycling' and 'reuse' in section 5(1) of the Act.
<b>Residual waste/ rubbish</b>	means any waste material not recovered or diverted from Landfill.
<b>Targeted rate</b>	means a targeted rate set by the Council to meet all or part of the cost of the solid waste and resource recovery activity.  <i><b>Explanatory Note:</b> A targeted rate may be set where it is considered desirable and practicable either to enhance the transparency of Council spending (i.e. so that ratepayers can see how much they pay for a particular activity) or to ensure that the cost of a particular item is borne by the group(s) deemed to derive most benefit from it.</i>
<b>Site</b>	means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.
<b>Trade waste</b>	has the same meaning as 'trade waste' in the Council's Trade Waste Bylaw.
<b>Treatment</b>	has the same meaning as 'treatment' in section 5(1) of the Act.
<b>Unaddressed mail</b>	means any unsolicited mail including, any mail or material that does not display a full address and name of a person at that address.
<b>Uncontaminated</b>	means material that does not contain concentrations of organic or inorganic substances in excess of current established human health or ecological soil contaminant standards or guideline values recognised as valid in New Zealand in accordance with Contaminated Land Management Guidelines No 2: Hierarchy and Application in New Zealand of Environmental Guideline Values.

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<b>Waste</b>	has the same meaning as ‘waste’ in section 5(1) of the Act. (hyperlink section 5(1) of the Act)
<b>Waste collection</b>	means the collection and transport of waste and includes the commercial and non-commercial collection and transport of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, the owner taking their own household garden waste to a waste facility).
<b>Waste operation</b>	means <ul style="list-style-type: none"><li>(a) any facility (land or buildings) to which waste is disposed of or where discarded materials are delivered for consolidation, sorting, storage, processing, treatment or disposal; including</li><li>(b) transfer stations, hazardous waste treatment facilities, materials recovery facilities, composting facilities, recycling and re-use facilities, resource recovery parks and centres, and landfills (including managed or controlled landfills as defined above).</li></ul> <p><b>Explanatory Note:</b> <i>For the clarity and avoidance of doubt, a manufacturing operation which produces and recycles waste during the manufacture of building products is not a waste operation for the purposes of this bylaw and does not require a licence under this bylaw.</i></p>
<b>Waste operator</b>	includes a person or entity that owns or manages a waste operation/facility or is otherwise involved in a waste related business or undertaking.
<b>Waste Management Plan (WMP)</b>	means an operational plan for the management of waste generated by a property, requirements as specified by the Council.
<b>Waste Management and Minimisation Plan (WMMP)</b>	means the current plan adopted by the Council under section 43 of the Act.

- (2) This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

**Explanatory note:** *Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.*

## PART 1: RESIDENTIAL WASTE COLLECTION SERVICES

### 4. Objectives for Part 1

- (1) The objectives of this part of the bylaw are to:

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- (a) Maximise the recovery of recyclable materials and organic waste;
- (b) Promote effective, efficient and safe collection and management of waste; and
- (c) Support the appropriate management of litter and nuisance relating to waste in public places.

**Explanatory note:** *This part of the bylaw achieves these objectives by regulating the Council's kerbside collection of waste from individual properties, the deposit of waste at community collection points, the types of waste that may be disposed of and the prevention of nuisance in relation to waste in public places.*

## 5. Kerbside collection services

- (1) The occupants of eligible properties where the targeted rate is paid are entitled to use the kerbside collection service in accordance with this bylaw and the terms and conditions of the service.

**Explanatory Note:** *The current terms and conditions for the kerbside collection service and community collection points ([insert link](#)). Before making or amending any terms and conditions, the Council will comply with section 82 (Principles of consultation) of the Local Government Act 2002. This includes consultation with community boards and other interested or affected parties.*

- (2) The Chief Executive may determine the terms and conditions for the kerbside collection service, including but not limited to:
  - (a) The geographic areas and provisions that apply to the different categories of kerbside collection services;
  - (b) The types and sizes of approved containers and the combination of approved containers that are available to be used;
  - (c) The correct separation of organic matter, recyclable materials and residual waste into approved containers;
  - (d) The correct placement of approved containers for collection;
  - (e) Collection times and days;
  - (f) Retrieval of approved containers;
  - (g) The provision of on-site space for approved containers for multi-unit buildings;
  - (h) What constitutes permitted waste;
  - (i) What constitutes prohibited waste; and
  - (j) Restrictions on the weight of approved containers.
- (3) The Chief Executive may subsequently amend or revoke any term or conditions made under this clause at any time.
- (4) Every person using an approved container must comply with the terms and conditions for the kerbside collection service.
- (5) Despite clause 5(1), eligible residential properties may opt out of the Council's kerbside collection service provided that the Council approves a Waste Management Plan (WMP) for those properties.

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*Explanatory notes: Any rates relief will depend on the provisions of the Council's Funding Impact Statement and the Council's Rates Remission Policy.*

**6. Removal of waste and deposit of waste in approved containers**

- (1) No person may remove or interfere with any waste from an approved container except the person who deposited the materials, or the council or its agent.
- (2) No person may deposit any waste in an approved container provided to any other person, without that other person's consent.

**7. Non-compliance with conditions for kerbside collection**

- (1) Failure to comply with the terms and conditions for the kerbside collection service may be subject to the following actions being taken:
  - (a) The rejection (non-collection) of the contents of any approved container left out for kerbside collection, if the contents or placement of the container is non-compliant;
  - (b) The withdrawal or suspension of the kerbside collection service being provided to that property;
  - (c) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
  - (d) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 or the Waste Minimisation Act 2008; or
  - (e) Any other steps that the Council may take in law.

**8. Community Collection Points**

- (1) Subject to the payment of the targeted rate, the occupants of eligible properties are entitled to use the Council's community collection points for household waste only.

*Explanatory note: Community collection points (CCP) are currently provided in locations on Banks Peninsula. Occupants of eligible residential properties on the Peninsula that are not on a kerbside collection route, can dispose of domestic recycling and rubbish at the CCP.*

- (2) The Chief Executive may determine any place, or receptacle in a public place as an community collection point for the collection of household waste, and determine the terms and conditions relating to the deposit of waste at the community collection point including but not limited to
  - (a) The use of specified receptacles;
  - (b) Accessible hours for the community collection point;
  - (c) What constitutes permitted waste; and
  - (d) What constitutes prohibited waste.
- (3) The Chief Executive may subsequently amend or revoke any term or condition made under this clause at any time.
- (4) Any person using a community collection point must comply with the terms and conditions for the use of that community collection point.



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- (5) Any person using a community collection point must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.
- (6) No person may deposit waste at a community collection point other than in accordance with the terms and conditions for that community collection point.
- (7) No person may remove or interfere with any waste at a community collection point except the person who deposited the materials, or the council or its agent.

***Explanatory note:** Details of the locations of the community collection points, their hours of operation and categories of waste accepted at these collection points can be found on the Council's website.*

### 9. Non-compliance with conditions for community collection points

- (1) Any person who does not comply with the terms and conditions or other controls for a community collection point may be subject to the following action being taken against them:
  - (a) A trespass notice being issued against that person to prevent them from using the collection point;
  - (b) Enforcement of any offence that may have been committed under the Litter Act 1979;
  - (c) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 and the Waste Minimisation Act 2008; or
  - (d) Any other steps that may be taken by the Council in law.

### 10. Waste management for multi-unit residential developments

- (1) The owner and/or manager of a multi-unit residential development must make adequate provision for the management of all household waste generated by the premises. This includes arrangements for the regular collection of waste to the satisfaction of the Council and the provision of adequate areas for:
  - (a) The storage of waste on the premises from any activity on the premises; and
  - (b) The collection of recyclable materials and organic waste if collection occurs on the premises.
- (2) The Council may require a WMP to be prepared for any new proposed multi-unit development. The WMP must be in the form prescribed by the Council, and to be approved by an Authorised Officer.

***Explanatory note:** The Council will notify the applicants for resource or building consent for a multi-unit residential development (10 or more units) of the requirement for a WMP. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.*

- (3) The Council may require owners or managers of an existing multi-unit residential development to submit for approval and adhere to a WMP when the existing waste management arrangements:
  - (a) Do not provide adequately for the collection of recyclable materials or organic waste; or
  - (b) Have an adverse impact on the health, safety or amenity of occupants of the development or of neighbouring properties or on adjoining public space.

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*Explanatory note: Where there are ongoing problems with a development's waste management arrangements, the Council may give notice to the owners and occupiers of the need for a WMP.*

- (4) Any person who owns, manages or occupies a unit of a development must comply with the provisions of any approved WMP for that multi-unit development.

## PART 2: WASTE OPERATIONS

### 11. Objectives for Part 2

- (1) The objectives to this part of the bylaw are to:
  - (a) (a) Regulate and monitor waste operations and operators involved in the management, storage, processing and depositing of waste within the City;
  - (b) (b) Ensuring that waste operations which handle environmentally safe 'inert' natural and manufactured materials and dispose of them to land, do so in a safe and controlled manner; and
  - (c) (c) Facilitate the collection of data and information for waste management and minimisation purposes.

### 12. Licences required for waste operations

- (1) No person may handle, process, store or dispose of more than 30 tonnes of waste in a 12 month period unless:
  - (a) The Council has granted a waste operations licence to that person for that waste operation; and
  - (b) That person (the licensee) complies with all terms and conditions of the licence.
- (2) No person may allow any land or building owned or controlled by that person to be used for a waste operation unless:
  - (a) The Council has granted a waste operations licence to the person carrying out the waste operation; and
  - (b) That person (the licensee) complies with all terms and conditions of the licence.
- (3) A waste operations licence is personal to the holder and is not transferable.
- (4) A waste operations licence may be subject to such terms and conditions as the Council thinks fit as set out in clause 15.
- (5) The term of a waste operations licence is 12 months from the date of approval of the licence; or such shorter period as determined by the Council and specified in the licence.
- (6) At the conclusion of the term of the licence, subject to satisfactory compliance, the Council may allow the licence to be renewed on the payment of the required fee, on or prior to 1 July of each year.

*Explanatory Note: Where the licence is granted during the financial year, the fee will be set on a pro-rata basis.*

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### 13. Application for a waste operations licence

- (1) A written application for a waste operations licence must be made in the required form, must contain all the information requested, and must be accompanied by the relevant fee (if any).
- (2) The Council may require the applicant to provide further information, at the applicant's cost, in order to process the waste operations licence application.
- (3) A waste operations licence application will be processed, and a decision issued to the applicant within 20 working days of receipt of a complete licence application (including required fees and information).
- (4) If a waste operations licence application is refused, the Council will provide the applicant with written reasons for the Council's decision.

**Explanatory note:** Fees and charges for the issue of licences under this bylaw are set out in Council's Schedule of Fees and Charges and may be amended from time to time in accordance with section 150 of the Local Government Act 2002. In addition to the requirement for a licence under this bylaw some waste operators, may be required to be registered as an 'offensive trade' i.e. Refuse collection and disposal" under the Health Act 1956, Health (Registration of Premises) Regulations 1966.

### 14. Considerations for a waste operations licence

- (1) When considering an application for a waste operations licence, the Council will take into account a range of factors including but not limited to:
  - (a) The nature of the activity for which a licence is sought;
  - (b) The quantity and type or category of waste to be handled;
  - (c) The location and previous use of the land proposed to be used for any waste facility, including landfills (such as managed or controlled landfills);
  - (d) The extent to which any licensed waste operation will adopt best practice for waste management and minimisation;
  - (e) The extent to which the licensed activities will promote public health and safety, and support the goals of the Council's WMMP;
  - (f) The methods employed for the handling, recycling and disposing of waste and for the minimisation of litter;
  - (g) The identity of the facility (or facilities) where recycling, recovery, sorting, storage, treatment, disposal of waste will occur;
  - (h) Adherence to health and safety standards and any other relevant industry standards;
  - (i) The frequency and location of any removal and transportation of waste;
  - (j) Any practical considerations associated with the proposed waste operation;
  - (k) Any other approvals or consents held by the applicant or which are required by the applicant;
  - (l) Including any relevant resource consents administered, or that will be required, by the Council and the Regional Council under the Resource Management Act 1991;

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- (m) The applicant's experience, reputation, and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions or of the bylaw; and
  - (n) The terms and conditions under which the waste operation is permitted to operate.
- (2) When considering an application for a licence, the Council may inspect the premises or locations related to the application in relation to the purposes for which the licence is sought.

### 15. Terms and conditions of a waste operations licence

- (1) The terms and conditions of a waste operations licence may include but are but not limited to:
- (a) Standard conditions applying to all waste operators;
  - (b) Other conditions for a particular class or type of operation e.g.; for managed or controlled landfills;
  - (c) Controls on the quantity and type or category of waste to be handled (including collection);
  - (d) Controls on the storage, handling, recycling and disposing of waste and to ensure the minimisation of litter;
  - (e) Conditions to address issues raised in or by the application for the licence;
  - (f) Requirements to operate in accordance with industry best practice for waste management and minimisation; and
  - (g) Conditions to promote public health and safety, and to support the implementation of the Council's WMMP.
- (2) At its discretion the Council may require the licensee to pay a performance bond, being a bank-guaranteed bond or a security.

**Explanatory note:** *The Council provides guidance on the usual types of conditions applying to all waste operations ([insert link](#)) and for managed or controlled landfills ([insert link](#)). These guides may be updated from time to time, for example, to reflect any changes in the national regulatory framework for landfill classes 3 and 4.*

### 16. Suspension or revocation of waste operations licence

- (a) The Council may suspend or revoke a waste operations licence if a licensee fails to:
  - (a) Comply with this Bylaw, or any of the terms or conditions of the bylaw or the licence;
  - (b) Pay the required fees or bond; or
  - (c) Act in any manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for the licensee.

### 17. Controls on the operation of waste collection services from a public place

- (1) The Chief Executive may make controls for the safe and efficient operation of waste collection services from a public place.

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- (2) The controls may include but are not limited to -
  - (a) The categories of waste (including prohibited waste) and the maximum weight of waste that may be deposited in collection containers;
  - (b) Any requirements for the separation of waste into different collection containers;
  - (c) The characteristics of collection containers that may be used;
  - (d) Any limits on the use of the public place for the collection of waste, and the safe and secure transportation of waste from the public place;
  - (e) Any requirements applicable to waste minimisation;
  - (f) Any requirements to minimise any risks to traffic or pedestrian safety;
  - (g) The clean-up of any litter or illegally dumped materials; and
  - (h) Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.
- (3) The Chief Executive may subsequently amend or revoke any controls made under this clause at any time.
- (4) Any person operating a waste collection service from a public place must comply with any controls made under this clause.

**18. Controls on the operation of waste deposit points in a public place**

- (1) The Chief Executive may make controls for the safe and efficient operation of waste deposit points (including recycling stations or container return scheme stations) that are located in a public place or within 10 metres of/adjacent to a public place.
- (2) The controls may include but are not limited to -
  - (a) The location and access requirements for waste deposit points (including collections vehicle access);
  - (b) The type of waste which may be deposited; and
  - (c) The type and use of the receptacles at the waste deposit point.
- (3) The Chief Executive may subsequently amend or revoke any controls made under this clause at any time.
- (4) Any person proposing to operate a waste deposit point to which this clause applies must notify the Council at least 20 working days before the point becomes operational.
- (5) Any person operating a waste deposit point to which this clause applies must -
  - (a) Comply with any controls made under this clause;
  - (b) Ensure the removal of all deposited materials including non-compliant materials;
  - (c) Ensure the clean-up of any litter or illegally dumped materials; and
  - (d) Ensure the maintenance of visual amenity including removal of graffiti or advertising notices from the collection point.

***Explanatory note:** This clause applies to all public collection points for recycling/diverted materials including the donation bins operated by or on behalf of charities (for example*

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*clothing and household goods) and places for the collection of containers for any container return scheme.*

### PART 3: OTHER WASTE MATTERS

#### 19. Construction and Demolition Waste Management Plan

- (1) The Council may require a WMP to be prepared for its approval for projects involving demolition, site works and/ or construction.

***Explanatory note:** The Council will endeavour to notify the owner/ developer of the requirement to prepare a construction and demolition WMP as soon as practicable, e.g. when the application for a resource consent is lodged. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.*

- (2) A WMP must include:
- (a) The person(s) responsible for ensuring that the WMP is adhered to;
  - (b) The methods which will be used to reduce waste going to landfill;
  - (c) How waste and recoverable/divertible materials will be separated on site;
  - (d) The intended destination for each waste stream (recoverable and divertible materials and waste to landfill);
  - (e) Methods to record the quantities of each waste stream removed from the site; and
  - (f) Communication methods to ensure any sub-contractors or staff are aware of and adhere to the WMP.
  - (g) Any other matter relating to waste management and minimisation that may be specified by the Council.
- (3) Upon request, and at works completion the person(s) responsible for a WMP must provide the Council with a waste analysis report, which must include a breakdown of:
- (a) The types and amounts of waste generated
  - (b) The amount of waste diverted from landfill; and
  - (c) The facilities used to recover, recycle, treat or dispose of all waste materials.
- (4) The organisation or persons responsible for the construction or works must comply with any approved WMP.

#### 20. Event Waste Management Plan

- (1) All events sponsored, funded or partially funded by Council or taking place on a public place, must address the waste generated by the event or its participants.
- (2) The Council may require an Events WMP to be prepared for events catering for more than 1000 people; in considering whether a WMP is required the Council will have regard to:
- (a) The nature of event and the quantity and types of waste likely to be generated; and
  - (b) any waste related problems caused by previous or similar events.

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**Explanatory note:** *The Council will endeavour to notify the event organiser of any requirement for an Events WMP as soon as practicable, e.g. when the application for an event is lodged with the Council. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.*

- (3) An Events WMP must include:
  - (a) An estimate of the types and amounts of waste likely to be generated at the event;
  - (b) How waste generated by the event will be minimised;
  - (c) Where practicable, the steps which will be taken to prioritise the use of reusable systems, the collection and use of recyclables and other recoverable and compostable materials, and an estimate of the diversion of waste from landfill;
  - (d) The equipment to be provided for the storage, collection and transportation of waste and diverted materials;
  - (e) The individual or organisation responsible for the collection and disposal of waste;
  - (f) The timing and frequency of collection and disposal of waste to be used during or after the event; and
  - (g) The method for managing litter and any spillages during or associated with the event;
- (4) The event organiser or person(s) responsible for the event must comply with an approved Events WMP.
- (5) At completion of the event, the Council may require the event organiser or person responsible for the event to provide the Council with a waste analysis report, including a breakdown of:
  - (a) The types and amounts of waste generated by the event;
  - (b) The amount of waste diverted from landfill, and;
  - (c) The facilities used to recover, recycle, treat or dispose of all waste materials.

## 21. Unaddressed mail and advertising material

- (1) No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material in any letterbox which is clearly marked "no circulars", "no junk mail", "addressed mail only" or with words of similar effect as well as the following areas:
  - (a) Around or near any such letterbox or associated vehicle access-way;
  - (b) On any vehicle parked in a public place; or
  - (c) in a letterbox that is already full of mail and/or advertising materials.
- (2) Except that Clause 21(1) does not apply to the following materials which are permitted to be deposited in any letterbox:
  - (a) Material or public notices from any government department or agency, crown entity, local authority, or material from a network utility relating to the maintenance, repair, servicing or administration of that network utility;
  - (b) communications or fund-raising material from local community organisations, charities or charitable institutions;
  - (c) material from a political party, political candidate or elected member; or

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- (d) a community magazine, newspaper or newsletter unless the letterbox is clearly marked “no community newspapers” or with words of similar effect.

## 22. Nuisance and litter

- (1) No person may:
  - (a) Allow any accumulation of waste on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
  - (b) Use an approved receptacle in a manner that creates a nuisance, is offensive or is likely to be injurious to health.
- (2) Except as provided for under this Bylaw, no person may:
  - (a) Bury or allow to be buried any waste on any property they own, occupy or manage except:
    - (i) Organic waste, including dead farm animals in rural areas;
    - (ii) Dead companion animals and nuisance pests;
    - (iii) For the purposes of home composting; or
    - (iv) Waste deposited in a farm refuse dump or an offal pit that is consented or complies with the permitted activity conditions of the Canterbury Land and Water Regional Plan;
  - (b) Dispose of any waste on any premises except at a licensed waste operations facility, or any premises they own, occupy or manage, for the purposes of home composting.

## 23. Restriction on the disposal of waste in public receptacles for litter and recyclable materials

- (1) The Council may prohibit certain materials from being deposited in a recyclable materials receptacle or a litter receptacle in a public place.
- (2) No person may place or allow prohibited materials to be deposited in a recyclable materials receptacle or a litter receptacle provided by the Council in a public place.
- (3) No person may:
  - (a) Deposit any waste arising from that person’s household or that person’s business activities in any receptacle provided by the Council in any public place;
  - (b) Remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the receptacle, unless authorised by the Council to do so;
  - (c) Deposit or attempt to deposit any litter in any receptacle provided by the Council in any public place if the receptacle is full or the litter is likely to escape;
  - (d) Fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or
  - (e) Damage any receptacle provided by the Council in any public place.



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- (4) No person may allow any flag, banner, bunting, balloon, sign, poster, leaflet or similar device which is displayed to become litter, and must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.

#### 24. Monitoring and inspections

- (1) The Council may carry out monitoring and inspections for the purposes of determining compliance with this Bylaw, terms and conditions made under this Bylaw, controls made under this Bylaw and any licences issued under this Bylaw.
- (2) An owner, waste operator or any other person must co-operate with any monitoring and inspections required at the discretion of an authorised officer, including, but not limited to:
  - (a) Enabling access to enter the property; and
  - (b) Providing documents, plans and other information.

#### 25. Fees

- (1) Where this bylaw provides for the Council to issue a licence or to give an approval or carry out an inspection, monitoring visit or review, the Council may require the payment of a fee.

*Explanatory note: Fees are set out in the Council's Annual Plan or Long Term Plan. The Council also sets a targeted rate in relation to solid waste and resource recovery.*

#### 26. Offence and penalty

- (1) Every person who breaches this bylaw (including the terms and conditions made under this Bylaw) commits an offence and is liable on conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002, or to the penalties set out in the Litter Act 1979 or Waste Minimisation Act 2008, as the case may be.

#### 27. Christchurch City Council General Bylaw 2008

- (1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into, and form part of this bylaw.

#### 28. Revocations and savings

- (1) The following bylaws are revoked:
  - (a) Christchurch City Council Waste Management Bylaw 2009:
  - (b) Christchurch City Council Cleanfill and Waste Handling Operations Bylaw 2015.
- (2) The revocation of the Waste Management Bylaw 2009 and the Cleanfill and Waste Handling Operations Bylaw 2015 does not prevent any legal proceedings, criminal or civil, being taken to enforce the bylaws and such proceedings continue to be dealt with and completed as if the bylaws had not been revoked.
- (3) Any permission, consent, agreement or any other act of authority which originated or which was continued under either the Waste Management Bylaw 2009 or the Cleanfill and Waste Handling Operations Bylaw 2015 and which is still in force at the commencement of this bylaw continues to have full force and effect for the purpose of this bylaw.

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- (4) This bylaw is implied into and forms any part of any permission, consent, or any other act of authority continued by this clause.

# Draft Christchurch City Council Waste Management and Minimisation Bylaw

The Christchurch City Council makes this bylaw under section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956, and section 12 of the Litter Act 1979.

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## 1. Short title and commencement

- (1) This bylaw is the Christchurch City Council <insert title> Bylaw <insert year>.
- (2) This bylaw comes into force on <insert date>.

## 2. Purpose

- (1) The purpose of this bylaw is to promote the delivery of effective and efficient waste management and waste minimisation and to support the Council's Waste Management and Minimisation Plan by-
  - (a) Promoting effective, efficient and safe collection, transportation, management, storage, processing, treatment and disposal of waste and diverted materials;
  - (b) Requiring waste management operations to obtain council approval;
  - (c) Requiring the collection and provision of data to the Council for the purpose of planning for waste management and minimisation;
  - (d) Protecting, promoting and maintaining public health and safety, and the health and safety of waste and diverted material collectors and operators; and
  - (e) Supporting the appropriate management of litter and nuisance relating to waste in public places and private premises.

## 3. Interpretation

**Explanatory note:** The definitions below relate to all clauses in this bylaw and are used in terms and conditions, controls and guidelines made under or in relation to this bylaw.

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

**Act** means the Waste Minimisation Act 2008.

**Advertising material** means any message which:

- (a) has printed content controlled directly or indirectly by the advertiser; and
- (b) is expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of a person.

**Explanatory Note:** Advertising material includes material such as circulars, leaflets, flyers, brochures, business cards, samples and clothing donation bags.

**Approved container** means any container (including bags) approved by the Council for the collection of any type of waste or diverted material, under the kerbside collection service, with approval based on the following criteria:

- (a) the prevention of nuisance
- (b) the protection of the health and safety of waste collectors and the public, and

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	(c) the achievement of effective waste management and minimisation.
<b>Authorised officer</b>	means any officer of the Council or other person authorised by the Council to administer this Bylaw. Authorised officers may also be enforcement officers under section 177 of the Local Government Act 2002.
<b>Chief Executive</b>	means the Chief Executive Officer of the Christchurch City Council.
<b>Cleanfill</b>	means virgin excavated natural materials such as clay, soil or rock. A cleanfill disposal facility (Class 5 landfill) means a landfill site which only accepts uncontaminated natural materials such as clay soil and rock.
<b>Commercial and industrial waste</b>	means all solid waste that results from a commercial or industrial enterprise and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other activity or operation of a similar nature.
<b>Community Collection Point</b>	means a Council owned Community Collection Point (CCP) that provides a disposal point for recyclable materials and residual waste for residential properties not on a kerbside collection route.  <i>Explanatory note: At the time of publication of this bylaw the provision of Community Collection Points is confined to the Banks Peninsula only.</i>
<b>Construction and demolition waste</b>	means waste generated as a result of demolition, site preparation and building activities <del>work</del> including the renovation and repair of buildings; it includes, but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, rubble and asphalt.  <i>Explanatory note: For clarity and the avoidance of doubt, waste created during the manufacture of building products is not 'construction and demolition waste' in terms of this bylaw.</i>
<b>Container Return Scheme (CRS)</b>	means an authorised collection scheme for beverage containers, including authorised collection points.
<b>Council</b>	means the Christchurch City Council, or any person authorised to act on its behalf.
<b>Cover material</b>	means uncontaminated topsoil used for covering a controlled or managed landfill.
<b>Deposit</b>	means to cast, place, throw, exchange or drop any waste or diverted material.
<b>Dispose or disposal</b>	has the same meaning as 'disposal' in section 6 of the Act.
<b>District</b>	means the territorial area of the Christchurch City Council.

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<b>Diverted material</b>	has the same meaning as ‘diverted material’ in section 5(1) of the Act.
<b>Eligible properties</b>	means properties entitled to receive the Council kerbside collection services or properties whose occupants are entitled to access Community Collection Points.
<b>Event</b>	means any organised temporary activity of significant scale that is likely to create litter and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, protest, festival, concert or celebration.
<b>Handle</b>	includes, any collection, sorting, consolidation, storage or processing of waste, but excludes the transporting of waste.
<b>Handling requirements</b>	means, in relation to each waste operations licence, the requirements for handling waste imposed by the Council.
<b>Hazardous substance</b>	has the same meaning as ‘hazardous substance’ in section 2 of the Hazardous Substances and New Organisms Act 1996.
<b>Hazardous waste</b>	<p>means waste that:</p> <ul style="list-style-type: none"><li>(a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organisms Act 1996; or</li><li>(b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 2012 – Transport of Dangerous Goods on Land; or</li><li>(c) is a radioactive material being any material that spontaneously emits ionising radiation, including any naturally occurring radioactive material or any nuclear material.</li></ul> <p><i>Explanatory Note: Hazardous waste does not include household waste, inorganic waste, construction and demolition waste, or commercial or industrial waste.</i></p>
<b>Household waste</b>	means waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.
<b>Hydro-excavation waste</b>	includes the suspended solids and/or mixture of solids and water derived from hydro-excavation works requiring disposal.
<b>Inorganic waste</b>	means waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an approved container, and that is specified by the Council as suitable for:

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	(a) collection from a public place by the Council or an approved waste collector; or
	(b) collection from any premises by the Council or an approved waste collector; or
	(c) delivery to a resource recovery facility.
<b>Kerbside collection service</b>	means any collection service provided by or on behalf of the Council for the collection of any waste from eligible properties within the District.
<b>Landfill (landfill class)</b>	means a facility where waste is disposed of to land.
<b>Litter receptacle or litter bin</b>	means a Council provided receptacle in a public place for the disposal of litter.
<b>Licence</b>	means a licence, consent, permit or approval to do something under this bylaw.
<b>Licensee</b>	means a person or entity to whom the Council has issued a current licence.
<b>Litter</b>	has the same meaning as 'litter' in section 2(1) of the Litter Act 1979.
<b>Managed or controlled landfill</b>	Means a managed or controlled fill disposal facility: classes 3 and 4; that accepts the following for disposal: inert waste material from construction and demolition activities and /or inert waste material from earthworks or site remediation.  <i><b>Explanatory Note:</b> This definition is consistent with recent changes to the Waste Minimisation (Calculation &amp; Payment Waste Disposal Levy) Regulations 2009. Managed or controlled landfills were termed 'cleanfills' under the Council's previous bylaw, the Cleanfill and Licensed Waste Handling Bylaw 2015.</i>
<b>Medical Waste (Healthcare Waste)</b>	means any waste considered to be of an infectious or unsanitary nature that could endanger public health or worker health and safety. Including all waste categorised as either hazardous or controlled under NZS4304 (2002).
<b>Multi-unit residential development</b>	(a) means a multiple occupancy residential property comprising 10 or more separately occupied units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership; and  (b) includes a unit title development, a mixed-use premises with business activities, and any development with controlled or restricted access, such as a gated community.
<b>Natural hardfill</b>	means soils, rock, gravels, sand, clay and other inorganic inert natural materials, sourced from earthworks, site remediation and other similar activities, which do not include any combustible, putrescible, degradable or leachable components.



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**Explanatory Note:** *Natural hardfill is derived from activities such as site clearance and excavation and may include (safe levels of) contamination not found in cleanfill materials.*

<b>Nuisance</b>	has the same meaning as ‘nuisance’ in section 29 of the Health Act 1956.
<b>Occupier</b>	means any person who occupies any land or building (including commercial premises) and, if the land or building is unoccupied, includes the owner or the owner’s agent.
<b>On truck</b>	in relation to the volume measurement of fill, means the volume of fill as measured in the means of conveyance when the fill arrives at the land fill.
<b>Organic waste</b>	means food waste and green waste that is specified by the Council under this bylaw as organic waste.
<b>Other hardfill</b>	<p>means:</p> <ul style="list-style-type: none"><li>(a) asphalt (cured)</li><li>(b) Bricks</li><li>(c) Ceramics</li><li>(d) Chip seal (cured)</li><li>(e) Concrete, un-reinforced (including dried concrete slurry)</li><li>(f) Concrete, reinforced (provided that there are no exposed reinforcing rods)</li><li>(g) Masonry blocks</li><li>(h) Pavers (clay, concrete, ceramic)</li><li>(i) Pipes (clay, concrete, ceramic)</li><li>(j) Tiles (clay, concrete, ceramic)</li><li>(k) Tree stumps</li></ul> <p>Provided that the materials (a)-(k) above do not include any combustible, putrescible, degradable or leachable components or any hazardous substances or materials derived from hazardous waste treatment or any materials that may present a risk to human or animal health, such as medical and veterinary waste or radioactive substances, or hydro-excavation waste or any liquid waste.</p>
<b>Owner</b>	means the person whose name is shown as the owner on the Record of Title for the property.
<b>Prohibited waste</b>	means waste which due to its nature could cause harm or injury, or is otherwise deemed unacceptable for collection by the kerbside collection service, at Council waste facilities and community

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	collection points, as specified by the Chief Executive from time to time under this Bylaw.
<b>Property (premises)</b>	means any separately occupied land, dwelling, premises, building, or part of the same.
<b>Public collection point</b>	means a place where approved types of waste may be deposited for the purposes of raising funds or the charitable reuse/recovery of the waste items.
<b>Public place</b>	means an area that is open to or used by the public, and which is owned, managed, maintained or controlled by the Council. Public places include, but are not limited to: roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, carparks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.
<b>Recovery</b>	has the same meaning as 'recovery' in section 5(1) of the Act.
<b>Recyclable materials or recyclables</b>	means the types of waste that are able to be recycled and as specified by the Chief Executive from time to time under this Bylaw.
<b>Recycling and reuse</b>	has the same meanings as 'recycling' and 'reuse' in section 5(1) of the Act.
<b>Residual waste/ rubbish</b>	means any waste material not recovered or diverted from Landfill.
<b>Targeted rate</b>	means a targeted rate set by the Council to meet all or part of the cost of the solid waste and resource recovery activity.  <i><b>Explanatory Note:</b> A targeted rate may be set where it is considered desirable and practicable either to enhance the transparency of Council spending (i.e. so that ratepayers can see how much they pay for a particular activity) or to ensure that the cost of a particular item is borne by the group(s) deemed to derive most benefit from it.</i>
<b>Site</b>	means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.
<b>Trade waste</b>	has the same meaning as 'trade waste' in the Council's Trade Waste Bylaw.
<b>Treatment</b>	has the same meaning as 'treatment' in section 5(1) of the Act.
<b>Unaddressed mail</b>	means any unsolicited mail including, any mail or material that does not display a full address and name of a person at that address.
<b>Uncontaminated</b>	means material that does not contain concentrations of organic or inorganic substances in excess of current established human health or ecological soil contaminant standards or guideline values recognised as valid in New Zealand in accordance with Contaminated Land Management Guidelines No 2: Hierarchy and Application in New Zealand of Environmental Guideline Values.

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<b>Waste</b>	has the same meaning as ‘waste’ in section 5(1) of the Act. <a href="#">(hyperlink section 5(1) of the Act)</a>
<b>Waste collection</b>	means the collection and transport of waste and includes the commercial and non-commercial collection and transport of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, the owner taking their own household garden waste to a waste facility).
<b>Waste operation</b>	means <ul style="list-style-type: none"><li>(a) any facility (land or buildings) to which waste is disposed of or where discarded materials are delivered for consolidation, sorting, storage, processing, treatment or disposal; including</li><li>(b) transfer stations, hazardous waste treatment facilities, materials recovery facilities, composting facilities, recycling and re-use facilities, resource recovery parks and centres, and landfills (including managed or controlled landfills as defined above).</li></ul> <p><b>Explanatory Note:</b> <i>For the clarity and avoidance of doubt, a manufacturing operation which produces and recycles waste during the manufacture of building products is not a waste operation for the purposes of this bylaw and does not require a licence under this bylaw.</i></p>
<b>Waste operator</b>	includes a person or entity that owns or manages a waste operation/facility or is otherwise involved in a waste related business or undertaking.
<b>Waste Management Plan (WMP)</b>	means an operational plan for the management of waste generated by a property, requirements as specified by the Council.
<b>Waste Management and Minimisation Plan (WMMP)</b>	means the current plan adopted by the Council under section 43 of the Act.

- (2) This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

**Explanatory note:** *Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.*

## PART 1: RESIDENTIAL WASTE COLLECTION SERVICES

### 4. Objectives for Part 1

- (1) The objectives of this part of the bylaw are to:

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- (a) Maximise the recovery of recyclable materials and organic waste;
- (b) Promote effective, efficient and safe collection and management of waste; and
- (c) Support the appropriate management of litter and nuisance relating to waste in public places.

**Explanatory note:** *This part of the bylaw achieves these objectives by regulating the Council's kerbside collection of waste from individual properties, the deposit of waste at community collection points, the types of waste that may be disposed of and the prevention of nuisance in relation to waste in public places.*

## 5. Kerbside collection services

- (1) The occupants of eligible properties where the targeted rate is paid are entitled to use the kerbside collection service in accordance with this bylaw and the terms and conditions of the service.

**Explanatory Note:** *The current terms and conditions for the kerbside collection service and community collection points ([insert link](#)). Before making or amending any terms and conditions, the Council will comply with section 82 (Principles of consultation) of the Local Government Act 2002. [This includes consultation with community boards and other interested or affected parties.](#)*

- (2) The Chief Executive may determine the terms and conditions for the kerbside collection service, including but not limited to:
  - (a) The geographic areas and provisions that apply to the different categories of kerbside collection services;
  - (b) The types and sizes of approved containers and the combination of approved containers that are available to be used;
  - (c) The correct separation of organic matter, recyclable materials and residual waste into approved containers;
  - (d) The correct placement of approved containers for collection;
  - (e) Collection times and days;
  - (f) Retrieval of approved containers;
  - (g) The provision of on-site space for approved containers for multi-unit buildings;
  - (h) What constitutes permitted waste;
  - (i) What constitutes prohibited waste; and
  - (j) Restrictions on the weight of approved containers.
- (3) The Chief Executive may subsequently amend or revoke any term or conditions made under this clause at any time.
- (4) Every person using an approved container must comply with the terms and conditions for the kerbside collection service.
- (5) Despite clause 5(1), eligible residential properties may opt out of the Council's kerbside collection service provided that the Council approves a Waste Management Plan (WMP) for those properties.

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*Explanatory notes: Any rates relief will depend on the provisions of the Council's Funding Impact Statement and the Council's Rates Remission Policy.*

## **6. Removal of waste and deposit of waste in approved containers**

- (1) No person may remove or interfere with any waste from an approved container except the person who deposited the materials, or the council or its agent.
- (2) No person may deposit any waste in an approved container provided to any other person, without that other person's consent.

## **7. Non-compliance with conditions for kerbside collection**

- (1) Failure to comply with the terms and conditions for the kerbside collection service may be subject to the following actions being taken:
  - (a) The rejection (non-collection) of the contents of any approved container left out for kerbside collection, if the contents or placement of the container is non-compliant;
  - (b) The withdrawal or suspension of the kerbside collection service being provided to that property;
  - (c) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
  - (d) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 or the Waste Minimisation Act 2008; or
  - (e) Any other steps that the Council may take in law.

## **8. Community Collection Points**

- (1) Subject to the payment of the targeted rate, the occupants of eligible properties are entitled to use the Council's community collection points for household waste only.

*Explanatory note: Community collection points (CCP) are currently provided in locations on Banks Peninsula. Occupants of eligible residential properties on the Peninsula that are not on a kerbside collection route, can dispose of domestic recycling and rubbish at the CCP.*
- (2) The Chief Executive may determine any place, or receptacle in a public place as an community collection point for the collection of household waste, and determine the terms and conditions relating to the deposit of waste at the community collection point including but not limited to
  - (a) The use of specified receptacles;
  - (b) Accessible hours for the community collection point;
  - (c) What constitutes permitted waste; and
  - (d) What constitutes prohibited waste.
- (3) The Chief Executive may subsequently amend or revoke any term or condition made under this clause at any time.
- (4) Any person using a community collection point must comply with the terms and conditions for the use of that community collection point.

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- (5) Any person using a community collection point must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.
- (6) No person may deposit waste at a community collection point other than in accordance with the terms and conditions for that community collection point.
- (7) No person may remove or interfere with any waste at a community collection point except the person who deposited the materials, or the council or its agent.

***Explanatory note:** Details of the locations of the community collection points, their hours of operation and categories of waste accepted at these collection points can be found on the Council's website.*

## **9. Non-compliance with conditions for community collection points**

- (1) Any person who does not comply with the terms and conditions or other controls for a community collection point may be subject to the following action being taken against them:
  - (a) A trespass notice being issued against that person to prevent them from using the collection point;
  - (b) Enforcement of any offence that may have been committed under the Litter Act 1979;
  - (c) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 and the Waste Minimisation Act 2008; or
  - (d) Any other steps that may be taken by the Council in law.

## **10. Waste management for multi-unit residential developments**

- (1) The owner and/or manager of a multi-unit residential development must make adequate provision for the management of all household waste generated by the premises. This includes arrangements for the regular collection of waste to the satisfaction of the Council and the provision of adequate areas for:
  - (a) The storage of waste on the premises from any activity on the premises; and
  - (b) The collection of recyclable materials and organic waste if collection occurs on the premises.
- (2) The Council may require a WMP to be prepared for any new proposed multi-unit development. The WMP must be in the form prescribed by the Council, and to be approved by an Authorised Officer.

***Explanatory note:** The Council will notify the applicants for resource or building consent for a multi-unit residential development (10 or more units) of the requirement for a WMP. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.*

- (3) The Council may require owners or managers of an existing multi-unit residential development to submit for approval and adhere to a WMP when the existing waste management arrangements:
  - (a) Do not provide adequately for the collection of recyclable materials or organic waste; or
  - (b) Have an adverse impact on the health, safety or amenity of occupants of the development or of neighbouring properties or on adjoining public space.

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**Explanatory note:** *Where there are ongoing problems with a development's waste management arrangements, the Council may give notice to the owners and occupiers of the need for a WMP.*

- (4) Any person who owns, manages or occupies a unit of a development must comply with the provisions of any approved WMP for that multi-unit development.

## PART 2: WASTE OPERATIONS

### 11. Objectives for Part 2

- (1) The objectives to this part of the bylaw are to:
  - (a) (a) Regulate and monitor waste operations and operators involved in the management, storage, processing and depositing of waste within the City;
  - (b) (b) Ensuring that waste operations which handle environmentally safe 'inert' natural and manufactured materials and dispose of them to land, do so in a safe and controlled manner; and
  - (c) (c) Facilitate the collection of data and information for waste management and minimisation purposes.

### 12. Licences required for waste operations

- (1) No person may handle, process, store or dispose of more than 30 tonnes of waste in a 12 month period unless:
  - (a) The Council has granted a waste operations licence to that person for that waste operation; and
  - (b) That person (the licensee) complies with all terms and conditions of the licence.
- (2) No person may allow any land or building owned or controlled by that person to be used for a waste operation unless:
  - (a) The Council has granted a waste operations licence to the person carrying out the waste operation; and
  - (b) That person (the licensee) complies with all terms and conditions of the licence.
- (3) A waste operations licence is personal to the holder and is not transferable.
- (4) A waste operations licence may be subject to such terms and conditions as the Council thinks fit as set out in clause 15.
- (5) The term of a waste operations licence is 12 months from the date of approval of the licence; or such shorter period as determined by the Council and specified in the licence.
- (6) At the conclusion of the term of the licence, subject to satisfactory compliance, the Council may allow the licence to be renewed on the payment of the required fee, on or prior to 1 July of each year.

**Explanatory Note:** *Where the licence is granted during the financial year, the fee will be set on a pro-rata basis.*

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### 13. Application for a waste operations licence

- (1) A written application for a waste operations licence must be made in the required form, must contain all the information requested, and must be accompanied by the relevant fee (if any).
- (2) The Council may require the applicant to provide further information, at the applicant's cost, in order to process the waste operations licence application.
- (3) A waste operations licence application will be processed, and a decision issued to the applicant within 20 working days of receipt of a complete licence application (including required fees and information).
- (4) If a waste operations licence application is refused, the Council will provide the applicant with written reasons for the Council's decision.

**Explanatory note:** Fees and charges for the issue of licences under this bylaw are set out in Council's Schedule of Fees and Charges and may be amended from time to time in accordance with section 150 of the Local Government Act 2002. In addition to the requirement for a licence under this bylaw some waste operators, may be required to be registered as an 'offensive trade' i.e. Refuse collection and disposal" under the Health Act 1956, Health (Registration of Premises) Regulations 1966.

### 14. Considerations for a waste operations licence

- (1) When considering an application for a waste operations licence, the Council will take into account a range of factors including but not limited to:
  - (a) The nature of the activity for which a licence is sought;
  - (b) The quantity and type or category of waste to be handled;
  - (c) The location and previous use of the land proposed to be used for any waste facility, including landfills (such as managed or controlled landfills);
  - (d) The extent to which any licensed waste operation will adopt best practice for waste management and minimisation;
  - (e) The extent to which the licensed activities will promote public health and safety, and support the goals of the Council's WMMP;
  - (f) The methods employed for the handling, recycling and disposing of waste and for the minimisation of litter;
  - (g) The identity of the facility (or facilities) where recycling, recovery, sorting, storage, treatment, disposal of waste will occur;
  - (h) Adherence to health and safety standards and any other relevant industry standards;
  - (i) The frequency and location of any removal and transportation of waste;
  - (j) Any practical considerations associated with the proposed waste operation;
  - (k) Any other approvals or consents held by the applicant or which are required by the applicant;
  - (l) Including any relevant resource consents administered, or that will be required, by the Council and the Regional Council under the Resource Management Act 1991;



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- (m) The applicant's experience, reputation, and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions or of the bylaw; and
  - (n) The terms and conditions under which the waste operation is permitted to operate.
- (2) When considering an application for a licence, the Council may inspect the premises or locations related to the application in relation to the purposes for which the licence is sought.

### 15. Terms and conditions of a waste operations licence

- (1) The terms and conditions of a waste operations licence may include but are but not limited to:
- (a) Standard conditions applying to all waste operators;
  - (b) Other conditions for a particular class or type of operation e.g.; for managed or controlled landfills;
  - (c) Controls on the quantity and type or category of waste to be handled (including collection);
  - (d) Controls on the storage, handling, recycling and disposing of waste and to ensure the minimisation of litter;
  - (e) Conditions to address issues raised in or by the application for the licence;
  - (f) Requirements to operate in accordance with industry best practice for waste management and minimisation; and
  - (g) Conditions to promote public health and safety, and to support the implementation of the Council's WMMP.
- (2) At its discretion the Council may require the licensee to pay a performance bond, being a bank-guaranteed bond or a security.

**Explanatory note:** *The Council provides guidance on the usual types of conditions applying to all waste operations (insert link) and for managed or controlled landfills (insert link). These guides may be updated from time to time, for example, to reflect any changes in the national regulatory framework for landfill classes 3 and 4.*

### 16. Suspension or revocation of waste operations licence

- (a) The Council may suspend or revoke a waste operations licence if a licensee fails to:
  - (a) Comply with this Bylaw, or any of the terms or conditions of the bylaw or the licence;
  - (b) Pay the required fees or bond; or
  - (c) Act in any manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for the licensee.

### 17. Controls on the operation of waste collection services from a public place

- (1) The Chief Executive may make controls for the safe and efficient operation of waste collection services from a public place.

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- (2) The controls may include but are not limited to -
  - (a) The categories of waste (including prohibited waste) and the maximum weight of waste that may be deposited in collection containers;
  - (b) Any requirements for the separation of waste into different collection containers;
  - (c) The characteristics of collection containers that may be used;
  - (d) Any limits on the use of the public place for the collection of waste, and the safe and secure transportation of waste from the public place;
  - (e) Any requirements applicable to waste minimisation;
  - (f) Any requirements to minimise any risks to traffic or pedestrian safety;
  - (g) The clean-up of any litter or illegally dumped materials; and
  - (h) Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.
- (3) The Chief Executive may subsequently amend or revoke any controls made under this clause at any time.
- (4) Any person operating a waste collection service from a public place must comply with any controls made under this clause.

#### 18. Controls on the operation of waste deposit points in a public place

- (1) The Chief Executive may make controls for the safe and efficient operation of waste deposit points (including recycling stations or container return scheme stations) that are located in a public place or within 10 metres of/adjacent to a public place.
- (2) The controls may include but are not limited to -
  - (a) The location and access requirements for waste deposit points (including collections vehicle access);
  - (b) The type of waste which may be deposited; and
  - (c) The type and use of the receptacles at the waste deposit point.
- (3) The Chief Executive may subsequently amend or revoke any controls made under this clause at any time.
- (4) Any person proposing to operate a waste deposit point to which this clause applies must notify the Council at least 20 working days before the point becomes operational.
- (5) Any person operating a waste deposit point to which this clause applies must -
  - (a) Comply with any controls made under this clause;
  - (b) Ensure the removal of all deposited materials including non-compliant materials;
  - (c) Ensure the clean-up of any litter or illegally dumped materials; and
  - (d) Ensure the maintenance of visual amenity including removal of graffiti or advertising notices from the collection point.

*Explanatory note:* This clause applies to all public collection points for recycling/diverted materials including the donation bins operated by or on behalf of charities for example

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clothing and household goods and places for the collection of containers for any container return scheme.

### PART 3: OTHER WASTE MATTERS

#### 19. Construction and Demolition Waste Management Plan

- (1) The Council may require a WMP to be prepared for its approval for projects involving demolition, site works and/ or construction.

*Explanatory note: The Council will endeavour to notify the owner/ developer of the requirement to prepare a construction and demolition WMP as soon as practicable, e.g. when the application for a resource consent is lodged. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.*

- (2) A WMP must include:
- (a) The person(s) responsible for ensuring that the WMP is adhered to;
  - (b) The methods which will be used to reduce waste going to landfill;
  - (c) How waste and recoverable/divertible materials will be separated on site;
  - (d) The intended destination for each waste stream (recoverable and divertible materials and waste to landfill);
  - (e) Methods to record the quantities of each waste stream removed from the site; and
  - (f) Communication methods to ensure any sub-contractors or staff are aware of and adhere to the WMP.
  - (g) Any other matter relating to waste management and minimisation that may be specified by the Council.
- (3) Upon request, and at works completion the person(s) responsible for a WMP must provide the Council with a waste analysis report, which must include a breakdown of:
- (a) The types and amounts of waste generated
  - (b) The amount of waste diverted from landfill; and
  - (c) The facilities used to recover, recycle, treat or dispose of all waste materials.
- (4) The organisation or persons responsible for the construction or works must comply with any approved WMP.

#### 20. Event Waste Management Plan

- (1) All events sponsored, funded or partially funded by Council or taking place on a public place, must address the waste generated by the event or its participants.
- (2) The Council may require an Events WMP to be prepared for events catering for more than 1000 people; in considering whether a WMP is required the Council will have regard to:
- (a) The nature of event and the quantity and types of waste likely to be generated; and
  - (b) any waste related problems caused by previous or similar events.

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**Explanatory note:** *The Council will endeavour to notify the event organiser of any requirement for an Events WMP as soon as practicable, e.g. when the application for an event is lodged with the Council. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.*

- (3) An Events WMP must include:
  - (a) An estimate of the types and amounts of waste likely to be generated at the event;
  - (b) How waste generated by the event will be minimised;
  - (c) Where practicable, the steps which will be taken to prioritise the use of reusable systems, the collection and use of recyclables and other recoverable and compostable materials, and an estimate of the diversion of waste from landfill;
  - (d) The equipment to be provided for the storage, collection and transportation of waste and diverted materials;
  - (e) The individual or organisation responsible for the collection and disposal of waste;
  - (f) The timing and frequency of collection and disposal of waste to be used during or after the event; and
  - (g) The method for managing litter and any spillages during or associated with the event;
- (4) The event organiser or person(s) responsible for the event must comply with an approved Events WMP.
- (5) At completion of the event, the Council may require the event organiser or person responsible for the event to provide the Council with a waste analysis report, including a breakdown of:
  - (a) The types and amounts of waste generated by the event;
  - (b) The amount of waste diverted from landfill, and;
  - (c) The facilities used to recover, recycle, treat or dispose of all waste materials.

## 21. Unaddressed mail and advertising material

- (1) No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material in any letterbox which is clearly marked "no circulars", "no junk mail", "addressed mail only" or with words of similar effect as well as the following areas:
  - (a) Around or near any such letterbox or associated vehicle access-way;
  - (b) On any vehicle parked in a public place; or
  - (c) in a letterbox that is already full of mail and/or advertising materials.
- (2) Except that Clause 21(1) does not apply to the following materials which are permitted to be deposited in any letterbox:
  - (a) Material or public notices from any government department or agency, crown entity, local authority, or material from a network utility relating to the maintenance, repair, servicing or administration of that network utility;
  - (b) communications or fund-raising material from local community organisations, charities or charitable institutions;
  - (c) material from a political party, political candidate or elected member; or

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- (d) a community magazine, newspaper or newsletter unless the letterbox is clearly marked "no community newspapers" or with words of similar effect.

## 22. Nuisance and litter

- (1) No person may:
- (a) Allow any accumulation of waste on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
  - (b) Use an approved receptacle in a manner that creates a nuisance, is offensive or is likely to be injurious to health.
- (2) Except as provided for under this Bylaw, no person may:
- (a) Bury or allow to be buried any waste on any property they own, occupy or manage except:
    - (i) Organic waste, including dead farm animals in rural areas;
    - (ii) Dead companion animals and nuisance pests;
    - (iii) For the purposes of home composting; or
    - (iv) Waste deposited in a farm refuse dump or an offal pit that is consented or complies with the permitted activity conditions of the Canterbury Land and Water Regional Plan;
  - (b) Dispose of any waste on any premises except at a licensed waste operations facility, or any premises they own, occupy or manage, for the purposes of home composting.

## 23. Restriction on the disposal of waste in public receptacles for litter and recyclable materials

- (1) The Council may prohibit certain materials from being deposited in a recyclable materials receptacle or a litter receptacle in a public place.
- (2) No person may place or allow prohibited materials to be deposited in a recyclable materials receptacle or a litter receptacle provided by the Council in a public place.
- (3) No person may:
- (a) Deposit any waste arising from that person's household or that person's business activities in any receptacle provided by the Council in any public place;
  - (b) Remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the receptacle, unless authorised by the Council to do so;
  - (c) Deposit or attempt to deposit any litter in any receptacle provided by the Council in any public place if the receptacle is full or the litter is likely to escape;
  - (d) Fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or
  - (e) Damage any receptacle provided by the Council in any public place.

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- (4) No person may allow any flag, banner, bunting, balloon, sign, poster, leaflet or similar device which is displayed to become litter, and must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.

#### **24. Monitoring and inspections**

- (1) The Council may carry out monitoring and inspections for the purposes of determining compliance with this Bylaw, terms and conditions made under this Bylaw, controls made under this Bylaw and any licences issued under this Bylaw.
- (2) An owner, waste operator or any other person must co-operate with any monitoring and inspections required at the discretion of an authorised officer, including, but not limited to:
  - (a) Enabling access to enter the property; and
  - (b) Providing documents, plans and other information.

#### **25. Fees**

- (1) Where this bylaw provides for the Council to issue a licence or to give an approval or carry out an inspection, monitoring visit or review, the Council may require the payment of a fee.

*Explanatory note: Fees are set out in the Council's Annual Plan or Long Term Plan. The Council also sets a targeted rate in relation to solid waste and resource recovery.*

#### **26. Offence and penalty**

- (1) Every person who breaches this bylaw (including the terms and conditions made under this Bylaw) commits an offence and is liable on conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002, or to the penalties set out in the Litter Act 1979 or Waste Minimisation Act 2008, as the case may be.

#### **27. Christchurch City Council General Bylaw 2008**

- (1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into, and form part of this bylaw.

#### **28. Revocations and savings**

- (1) The following bylaws are revoked:
  - (a) Christchurch City Council Waste Management Bylaw 2009:
  - (b) Christchurch City Council Cleanfill and Waste Handling Operations Bylaw 2015.
- (2) The revocation of the Waste Management Bylaw 2009 and the Cleanfill and Waste Handling Operations Bylaw 2015 does not prevent any legal proceedings, criminal or civil, being taken to enforce the bylaws and such proceedings continue to be dealt with and completed as if the bylaws had not been revoked.
- (3) Any permission, consent, agreement or any other act of authority which originated or which was continued under either the Waste Management Bylaw 2009 or the Cleanfill and Waste Handling Operations Bylaw 2015 and which is still in force at the commencement of this bylaw continues to have full force and effect for the purpose of this bylaw.

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- (4) This bylaw is implied into and forms any part of any permission, consent, or any other act of authority continued by this clause.

*The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting on <date>, and was confirmed, following consideration of submissions received during the public consultation process, by a resolution of the Council on <date>.*

*This bylaw was amended by the Council on <date>, and the amendments came into force on <date>.*

*Advice notes:*