

Clutha District Council

Solid Waste Bylaw 2019

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1 Commencement and repeal

- a) This bylaw comes into force on 1 July 2019.
- b) On the day this bylaw comes into force all previous bylaws of the Clutha District Council that relate to Solid Waste are repealed.

Preliminary Provisions

2 Application

This bylaw applies to the Clutha District.

3 Authority

This bylaw is made under Part 8 of the Local Government Act 2002 and Parts 4 and 5 of the Waste Minimisation Act 2008.

4 Delegation of power

Council delegates to any authorised officer or agent of Council the power to take any and all actions that Council may take under this bylaw, except where a statute or this bylaw requires a resolution or special order of Council.

5 Interpretation

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

acceptable waste	waste with characteristics that comply with the requirements of Council as scheduled in this bylaw.
approval	approved in writing by Council, either by resolution of Council or by an authorised officer of Council.
approved receptacle	a receptacle for containing the waste left out for collection that has been approved by Council.
authorised agent	any person who is not an employee of the Council but is authorised by Council to act on its behalf.
authorised officer	any person appointed or authorised by Council to act on its behalf and with its authority including a member of the police.
authorised operator	any person employed or contracted (including any subcontractor) by Council to operate a facility.
characteristic	any of the physical or chemical characteristics of waste referred to in the Solid Waste Bylaw.
clean fill	material that has no potential to produce harmful effects on the environment. This is generally a natural material such as clay, soil and rock and such other materials as concrete, brick or demolition products that are free from combustible or organic materials and are therefore not subject to biological or chemical breakdown.
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difficult waste	waste that can cause a nuisance or has properties which cause it to require extra care in disposal, and includes waste described in Schedule 1. Difficult waste may be disposed of at a landfill provided it is either; scheduled as difficult waste, or has been issued a permit by Council.
drop off facility	a facility where Council provides a receptacle for the free disposal of recyclable materials.
E-Waste	discarded electronic appliances such as mobile phones, computers, and televisions.
facility	a transfer station, drop off facility or landfill operated by Council.
general solid waste	domestic, institutional, agricultural, industrial, or commercial waste excluding hazardous waste, difficult waste, green waste, clean fill, and recyclable materials.
green waste	material that is organic or vegetable, and generally in a natural state (i.e. has not been other than physically modified) as prescribed in the Solid Waste Services Information document. May include soil attached to plant roots.
hazardous waste	any waste or combinations of waste that poses, or has the potential to pose, a hazard to human health or living organisms.

Household	a house and its occupants regarded as a separately used or inhabited part of a rating unit.
kerbside collection	collection by Council of approved wheelie bins put out on the kerbside.
kerbside collection area	an area nominated by resolution of Council for kerbside collection.
person	a natural person, corporation sole or a body of persons whether corporate or otherwise.
prohibited waste	waste of a type or quantity which must not be put out for wheelie bin collection or disposed of at a facility.
public holiday	refers only to Christmas Day, New Year's Day, Good Friday, and ANZAC Day morning unless otherwise stipulated in contract specifications.
public notice	a notice published in— a) 1 or more daily newspapers circulating in the region or district of the local authority; or b) 1 or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district; and c) includes any other public notice that the local authority thinks desirable in the circumstances.
recyclable material	a material which can be processed in such a manner that the product can be reused.
residual waste	general solid waste and green waste that cannot be diverted from landfill by reuse or recycling; Does not include hazardous waste, difficult waste, or clean fill.
special waste	hazardous or difficult waste
landfill	a facility for the controlled disposal of solid waste and nominated by the Council for that purpose.
transfer station	a facility at which a receptacle is provided for the collection and storage of waste (and in some instances recyclables) prior to being transferred to landfill or diversion facilities.

Waste Disposal

6 Public litter bins

- a) Public litter bins may be provided solely for the disposal of waste generated within public areas.
- b) Only litter and recyclables may be put in these bins.
- c) General solid waste (household, commercial, industrial, or rural waste), green waste or clean fill are prohibited in public litter bins.

7 Kerbside collection

7.1 Approved containers

- a) All waste and recycling for kerbside collection must be fully contained within an approved container.
- b) Council will specify the maximum weight permitted within the approved container.

7.2 Waste that is prohibited from kerbside collection

- a) The following waste is prohibited from kerbside collection and must not be left at the kerb-
 - Hazardous waste and difficult waste
 - Waste articles that are too large to fit into the approved containers
 - Ashes or dusty material unless it is cold and wrapped
 - Waste that may damage the collection vehicle.
- b) From time to time Council may specify other waste that is prohibited from kerbside collection.

7.3 Recyclable materials

Only approved recyclable materials may be put out for kerbside collection. The Chief Executive of Council will advise by public notice, from time to time, the list of recyclable materials that may be collected.

7.4 Interference with waste for collection

Only authorised collection agents may remove an approved container or its contents when waste has been placed for collection at the kerbside.

7.5 Refusal to collect

- a) Council may refuse to collect and dispose of any waste, including recyclables, that does not comply with this bylaw.

7.6 Retrieval of reusable approved container

- a) Whether full or empty, approved containers that are reusable, must be removed from the kerbside before 8.30am on the day following the day for collection.
- b) Reusable approved containers must be removed by the occupier and the owner of the property from which the reusable approved container came.

7.7 Removal of uncollected waste

Any waste which is not collected because of non-compliance with this bylaw, shall be removed from the roadside by the occupier on the day it was placed for collection.

8 Transfer stations and drop off facilities

8.1 Limits on quantities of waste

- a) Council transfer stations and drop off facilities are for the disposal of domestic waste quantities as opposed to commercial or industrial quantities.
- b) Council specifies the maximum quantity of waste that may be deposited at a transfer station by any one household.

8.2 Waste that is prohibited at transfer stations and drop off facilities

The following waste is prohibited at transfer stations and drop off facilities and must not be left at a transfer station-

- Hazardous waste and difficult waste
- Vehicle bodies
- Large farm implements
- Fridges or freezers
- Waste articles that are too large to fit into the provided receptacles
- Waste that may damage the collection vehicle.

8.3 Unauthorised removal

Removal of recyclables from a landfill, transfer station or drop off facility by anyone other than the occupier of the property of origin or those authorised by Council to do so, is prohibited.

9 Responsibilities

It is the responsibility of each person using a landfill, transfer station or drop off facility to-

- pay the specified user charge to the site operator, if present
- observe the advice or direction of an operator, if present
- observe the sign posted directions
- not light fires or undertake any action that may lead to a fire on the site



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- separate green waste and put it in the place designated for green waste, where that is provided.
- where recyclables are collected, separate and deposit them in the appropriate bins, where bins are also provided
- not disturb or remove any article or material of any kind except with the express approval of the authorised operator at a facility
- not leave waste outside the facility
- abstain from any act which is inconsistent with this bylaw.

10 Authorised operators

Where there is an operator present at a landfill or transfer station, that operator has the authority to collect user charges and instruct site users on best practice use of the facility and to abstain from any act which is inconsistent with this bylaw.

Waste Materials

11 Changes to the types of waste that may be deposited

- a) An authorised officer of Council may specify prohibited types of waste from time to time in any of the waste categories given in the schedule to this bylaw.
- b) The information will be publicly notified and published on Council's website.

12 Recycling materials

- a) An authorised officer of Council will determine which materials are acceptable for reuse or recycling.
- b) The information will be publicly notified and published on the Council's website.
- c) Details of acceptable materials must be displayed on suitable signs at each facility.

13 Clean fill

The Council may accept specified clean fill at the landfill. Where clean fill is accepted, a sign at the entrance to the site will specify-

- the type and quantity of clean fill accepted
- the schedule of fees.

14 Green waste

- a) Green waste may only be deposited at a green waste facility.
- b) Only green waste that is approved for disposal may be deposited.
- c) An authorised officer of Council will determine which green waste materials are acceptable.
- d) The information will be publicly notified and published on the Council's website.

15 Car bodies

- a) Car bodies will be accepted for disposal if they comply with disposal requirements.
- b) Anyone who wishes to deposit a car body must sign a declaration that the waste complies with the requirements.
- c) An authorised officer of Council will determine whether car bodies meet requirements for disposal.

17 Fridges or freezers

- a) Fridges and freezers will only be accepted for disposal when they have been degassed.
- b) Anyone who wishes to deposit a fridge or freezer must sign a declaration that the waste complies with the requirements.
- c) An authorised officer of Council will determine whether fridges and freezers meet the requirements for disposal.

18 Hazardous, difficult, and special waste

Refer to Schedule 1 for waste categories and classifications referred to in this section.

18.1 Special waste

- a) No Category C or D waste will be accepted at any Council facility.
- b) Hazardous waste (Category A) and difficult waste (Category B) are collectively known as special waste. Council will only accept special waste at the landfill when-
 - o a Council permit accompanies it, or
 - o the special waste has been specified by an authorised officer of Council.
- c) Any person who has, or suspects they have, special waste may apply for a permit authorising its disposal in Council landfill.
- d) Permits for special waste disposal will be issued at Council's sole discretion and may have conditions attached.
- e) Where Council has permitted the disposal of special waste, the waste must be delivered to and deposited at a landfill in accordance with this bylaw and any provision attached to the permit.
- f) Council may seek specialist advice with respect to the granting of, and conditions of, any permit. Any costs incurred in obtaining this specialist advice may be invoiced to the applicant.
- g) Council may issue a standing permit for regular disposal of special waste, subject to any conditions or special pre-disposal treatment that is deemed necessary.
- h) Council may only issue a standing permit if it can be confident that the classification, contents, and physical properties of the waste will remain unchanged from the application.
- i) Council may revoke any such permit or consent held by such person where any person fails to comply with, or does any act or acts in contravention of, any condition, term, restriction, obligation, prohibition, specification or requirement of any permit or consent granted or issued pursuant to this bylaw.
- j) Before revoking any permit or consent, Council must give written notice to the holder of the permit or consent of its intention to revoke that permit or consent.



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- k) Within 5 working days after receipt of any notice given under this section of the Bylaw, the holder of any permit or consent may advise Council that they wish to be heard by Council concerning the intended revocation of the permit or consent.
- l) Until Council has considered and made its decision in respect of any contested revocation of a permit or consent, the permit or consent subject to the hearing, must be suspended.
- m) The applicant is fully responsible for complying with all conditions of the permit and all costs of compliance.

Penalties and payments

19 Breaches, offences, and penalties

- a) Council may apply to the District Court for an injunction to restrain a person from committing a breach of this bylaw.
- b) It is an offence to fail to comply with this bylaw.
- c) It is an offence to do anything that is in contravention of any provision of this bylaw.
- d) It is an offence to do anything that is in contravention of any condition, term, restriction, obligation, prohibition, specification or requirement of any permit or notice granted or issued pursuant to this bylaw.
- e) Every person commits an offence who breaches this bylaw and is liable-
 - i. on summary conviction to a fine not exceeding \$20,000 as set out under section 242 of the Local Government Act 2002; or
 - ii. where another enactment specifies the penalty for a breach of the Bylaw, that other penalty.

20 Fees and charges

- a) Council may by resolution prescribe fees or charges payable in respect of the use of any facility or service provided for by this bylaw or the processing and consideration of any application of permits made under this bylaw.
- b) Any such fees or charges payable must be publicly notified and published in Council's Schedule of Fees and Charges.
- c) All costs over and above any application fee for the processing and consideration of any application for a permit under this bylaw (including costs and disbursements incurred in obtaining independent specialist advice) must be paid by the applicant.
- d) Council may require a deposit, which may be refunded when the costs incurred by Council are less than the amount of the application fee and deposit paid.
- e) Council will not process an application until the application fee and any deposit are paid in full.

Schedule 1 – Waste categories and classification

Terminology refers to untreated waste.

Waste categories

Special Waste

Category A hazardous waste may, at Council's sole discretion, only be accepted at a landfill.

Category B difficult waste may, at Council's sole discretion, only be accepted at a landfill.

Category C and D hazardous waste is prohibited at a Council facility.

Category A - Hazardous waste

Waste that has these characteristics

- H6.1** Poisonous substances - Substances or waste, liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
- H11** Toxic (delayed or chronic) - Substances or waste which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
- H12** Ecotoxic - Substances or waste which if released, present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.

These types of waste

- Y2** Waste from the production and preparation of pharmaceutical products
- Y3** Waste pharmaceuticals, drugs, and medicines
- Y5** Waste from the manufacture, formulation and use of wood preserving chemicals
- Y7** Waste from heat treatment and tempering operations containing cyanides
- Y8** Waste mineral oils unfit for their originally intended use
- Y9** Waste oils/water, hydrocarbons/water mixtures, emulsions
- Y12** Waste from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
- Y13** Waste from production, formulation and use of resins, latex, plasticisers, glues/adhesives
- Y16** Waste from production, formulation and use of photographic chemicals and processing materials
- Y17** Waste resulting from surface treatment of metals and plastics
- Y18** Residues arising from industrial waste disposal operations
- Y46** Hazardous waste collected from households
- Y47** Residues arising from the incineration of household waste
- Y49** E-waste materials

Waste that contains the following

- Y20** Beryllium, beryllium compounds.
- Y21** Hexavalent chromium compounds.
- Y22** Copper compounds.
- Y23** Zinc compounds.
- Y24** Arsenic, arsenic compounds.
- Y25** Selenium, selenium compounds.
- Y26** Cadmium, cadmium compounds.
- Y27** Antimony, antimony compounds.
- Y28** Tellurium, tellurium compounds.
- Y29** Mercury, mercury compounds.
- Y30** Thallium, thallium compounds.
- Y31** Lead, lead compounds.
- Y32** Inorganic fluorine compounds excluding calcium fluoride.
- Y36** Asbestos (dust and fibres).
- Y37** Organic phosphorous compounds.

Category B - Difficult waste

Waste that is difficult to manage including:

- fish, animal or other putrescible waste
- sludge
- dust
- foam
- hot ashes
- liquids
- documents requiring disposal under special conditions
- timber processing waste
- tree stumps or branches over 150mm diameter
- any other waste which the Council may prescribe as difficult waste.

Fish, animal or other putrescible waste, dust or foam in a quantity that is generated in a typical household in a period of two weeks or less is categorised as normal waste.

Category C - Hazardous waste

Waste with the following characteristics, of the following types or containing the following substances must constitute Category C hazardous waste:

Waste that has these characteristics

- H1** Explosives - An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) that is, in itself, capable of chemical reaction of producing gas at such a temperature and pressure, and at such a speed, as to cause damage to the surroundings.
- H3** Flammable liquids - The word 'flammable' has the same meaning as 'inflammable'. Flammable liquids are liquids or mixtures of liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers etc but not including substances or waste otherwise classified because of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 61°C.
- H4.1** Flammable solids - Solids or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
- H4.2** Substances or waste liable to spontaneous combustion - Substances or waste that are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and then being liable to catch fire.
- H4.3** Substances or waste which, in contact with water, emit flammable gases - Substances or waste which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
- H5.1** Oxidising substances - Substance or waste that is not necessarily combustible, but may, generally by yielding oxygen, cause or contribute to the combustion of other materials.
- H5.2** Organic peroxides - Organic substances or waste which contain the bivalent O=O structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
- H6.2** Infectious substances - Substances or waste containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.
- H7** Radioactive material - Spontaneously emits radiation greater than background level. Includes alpha, beta, gamma, x-rays, neutrons, high energy electrons, protons, and other atomic particles.
- H8** Corrosives - Substances or waste which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport. They may also cause other hazards.
- H10** Liberation of toxic gases in contact with air or water - Substances or waste which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
- H13** Capable of yielding another material - Capable, by any means, after disposal of yielding another material, e.g. leachate which possesses any of the characteristics listed above.

These types of waste

- Y1** Clinical waste from medical care in hospitals, medical centres and clinics.
- Y4** Waste from the production, formulation and use of biocides and phytopharmaceuticals.
- Y5** Waste from the manufacture, formulation and use of (pentachlorophenol) wood preserving chemicals.
- Y6** Waste from the production, formulation and use of organic solvents.
- Y10** Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) polybrominated biphenyls (PBBs).
- Y11** Waste tarry residues arising from refining, distillation, and any pyrolytic treatment.
- Y14** Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known.
- Y15** Waste of an explosive nature.

Waste containing the following

- Y19** Metal carbonyls.
- Y33** Inorganic cyanides.
- Y34** Acidic solutions or acids in solid form.
- Y35** Basic solutions or bases in solid form.
- Y38** Organic cyanides.
- Y39** Phenols, phenol compounds including chlorophenols.
- Y40** Ethers.
- Y41** Halogenated organic solvents.
- Y42** Organic solvents excluding halogenated solvents.
- Y43** Any congener of polychlorinated dibenzo-furan.
- Y44** Any congener of polychlorinated dibenzo-p-dioxin.
- Y45** Organohalogen compounds other than substances referred to in this appendix (e.g. Y39, Y41, Y42, Y43, Y44).
- Y48** Radioactive substances.

Category D – Hazardous waste

This waste includes all classes of hazardous waste not listed in Categories A and C. This waste is only acceptable in hazardous waste containment facilities, and there is no such facility in the Clutha District.