

# Bylaw

## SOLID WASTE MANAGEMENT AND MINIMISATION

<b>TITLE:</b>	Ashburton District Council Solid Waste Management and Minimisation Bylaw 2018
<b>TEAM:</b>	Projects and Operations
<b>RESPONSIBILITY:</b>	Waste Recovery Manager
<b>DATE ADOPTED:</b>	20 November 2024 .
<b>COMMENCEMENT:</b>	29 November 2024
<b>NEXT REVIEW DUE:</b>	29 November 2029 (as required by LGA s.158 and 159 and aligning with review of Waste Management and Minimisation Plan in 2028)

### 1. Title

The title of this bylaw is the “Ashburton District Council Solid Waste Management and Minimisation Bylaw 2018”.

### 2. Purpose

The purpose of this bylaw is to support the:

- promotion and delivery of effective and efficient waste management and minimisation in Ashburton as required under the Waste Minimisation Act 2008,
- implementation of Council’s waste management and minimisation plans,
- purpose of the Waste Minimisation Act 2008 and the goals in the New Zealand Waste Strategy,
- regulation of the collection, transportation, and processing of waste,
- protection of the health and safety of waste collectors, waste operators and the public, and
- management of litter and prevention of nuisance in public places.

This bylaw is made pursuant to the Waste Minimisation Act 2008, Local Government Act 2002, Health Act 1956, and the Litter Act 1979.

### 3. Related documents

- Local Government Act 2002
- Waste Minimisation Act 2008
- Litter Act 1979
- Health Act 1956

- Climate Change Response Act 2002
- Hazardous Substances and New Organisms Act 1966
- Health and Safety at Work Act 2015
- Ozone Layer Protection Act 1996
- Radiation Safety Act 2016
- Resource Management Act 1991
- Te rautaki para - Aotearoa New Zealand Waste Strategy 2023
- Ashburton District Council Waste Management and Minimisation Plan 2022
- Ashburton District Council Explanatory Bylaw 2016
- Ashburton District Council Open Spaces Bylaw 2016
- Ashburton District Council Public Places Bylaw 2018
- Ashburton District Council Trading in Public Places Bylaw 2022

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## 5. Compliance with Bylaw

- 5.1. No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this bylaw.
- 5.2. To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.

## 6. Definitions

- 6.1. In this bylaw, unless the context otherwise requires:

**Act** means Waste Minimisation Act 2008.

**Approved** means Authorised in writing by Council.

**Approved container** means any container (including bags) that has been approved by Council for the collection of any type of waste, with approval based on the following criteria: the prevention of nuisance, the protection of the health and safety of waste collectors and the public, and the achievement of effective waste management and minimisation.

**Ashburton Central Business District** or **Ashburton CBD** means, for the purposes of this bylaw, the area defined in the Ashburton CBD Waste Collection Rating Area map.

**Building work** has the same meaning as in section 7 of the Building Act 2004 and generally means any work for, or in connection with, the construction, alteration, demolition, or removal of a building. It can include sitework and design work relating to the building work.

**Bylaw** means this Ashburton District Council Solid Waste Management and Minimisation Bylaw 2018.

**Class 1-5 landfills** has the same meaning as in the Technical Guidelines for Disposal to Land and provided in Schedule 1 of this Bylaw.

**Clean fill material** means waste that:

- a) does not undergo any physical, chemical or biological transformation that, when deposited or with the passage of time, is likely to have adverse effects on the environment or human health; and
- b) is not diverted material; and
- c) includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
  - i. combustible, putrescible, degradable or leachable components;
  - ii. hazardous waste;
  - iii. products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
  - iv. materials that may present a risk to human or animal health or the environment; and
  - v. liquid waste; and
- d) has less than two per cent by volume by load of tree or vegetable matter.

**Clean fill site** means land used for the disposal of clean fill material.

**Commercial waste** means waste that results from a commercial enterprise and includes waste generated by the carrying out of any business, manufacture, trade, market, or other activity of a similar nature.

**Construction and demolition waste** means waste generated from any building construction or demolition works; and includes but is not limited to any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.

**Conditions of Service** means a document or standard made under the process described in clause 7 of this Bylaw and for the purposes set out in clauses 7, 8.3 and 8.6 of this Bylaw.

**Construction site waste management and minimisation plan** means a plan for the management and minimisation of waste generated at a construction site. Such a plan will include the information specified in clause 8.5 of the bylaw and applies from the beginning to the end of the construction period.

**Council** means the Ashburton District Council or any person delegated or authorised to act on its behalf.

**Council collection points** means places or facilities where approved containers may be left for collection or waste may be deposited if collection from a public place is unfeasible or impractical.

**Cover material** means material specified by Council under clause 8.3.6.4 as suitable for use as cover material at a class 1-5 landfill site.

**Deposit** means to cast, place, throw or drop any waste or diverted material.

**Disposal** has the same meaning as in section 6 of the Act and generally means the final disposal of waste into land set aside for that purpose.

**Diverted material** has the same meaning as in section 5 of the Act and generally means material that is no longer required for its original purpose but for commercial or waste minimisation activities would be discarded.

**Domestic waste** means waste consisting of refuse, recyclable material or organic matter (food waste and/or green waste) originating from any residential activity or from the cafeteria, lunchroom or canteen of any enterprise.

**Estimated value** has the same meaning as in section 7 of the Building Act 2004 and generally means the estimated aggregate of all goods and services to be supplied for the building work.

**Event** means any organised temporary activity that is likely to create litter including but not limited to an organised gathering, sporting or recreation activity, open-air market, parade, protest, festival, film shoot, concert or celebration.

**Event waste management and minimisation plan** means a plan for the management and minimisation of waste generated by an event. Such a plan will include the information specified in clause 8.4.5 of the bylaw and applies from the beginning of set-up of the event until the completion of takedown of the event.

**Food waste** means waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food

waste.

**Green waste** means compostable plant or vegetation material excluding flax and cabbage trees.

**Handling waste** means removing, collecting, transporting, storing, treating, processing or disposing of waste.

**Hazardous waste** 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 and defined by the Hazardous Substances and New Organism Act 1996; or
- b) meets the definition for infectious substances included in the classification of infectious substances in class 6.2 in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: Part 1: 2012 Transport of Dangerous Goods on Land; or
- c) meets the definition of radioactive material included in the Radiation Safety Act 2016 and Radiation Safety Regulations 2016.

It does not include domestic waste, commercial-domestic waste, inorganic material, construction and demolition waste or commercial waste that does not contain, meet or include those classifications of hazardous, infectious or radioactive material as defined above.

**Inorganic material** 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 domestic waste in an approved container, and that is specified by Council as suitable for:

- a) collection from a public place by Council;
- b) collection from any premises by Council; or
- c) delivery to a resource recovery facility.

**Litter** means any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth or waste matter or any other thing of a like nature.

**Litter bin** means a bin provided for the collection of litter.

**Manager** means a person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.

**Nuisance** has the same meaning as in section 29 of the Health Act 1956 and generally means where accumulated material is likely to be injurious to health or is offensive.

**Occupier** means in relation to any property or premises, the resident of that property or premises, including any tenant, lessee and licensee of the premises.

**Organic matter** means food waste and/or green waste that is specified by Council under clause 8.3.6.1 as organic matter.

**Owner** means in relation to any property or premises, the registered proprietor, including the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent.

**Person** means an individual, a corporation sole, a body corporate, and an unincorporated body.

**Premises** means any separately occupied land, building, or part of the same.

**Prohibited waste** means waste containing-

- a) any material capable of causing harm or injury to any person or animal unless the material is sufficiently contained to prevent injury;
- b) any material capable of causing damage to the approved container or likely to shatter, break apart or change its physical characteristics in any way so as to cause harm or injury, in the course of collection unless the material is sufficiently contained to prevent damage to the approved container or to prevent harm or injury to any person or animal;
- c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or disposal;
- d) any radioactive wastes, but excluding domestic smoke detectors;
- e) any used oil and lead-acid batteries;
- f) any hazardous waste;
- g) medical waste;
- h) any material prohibited by Council under clause 8.3.6.

**Public place** means any place or space that is owned or controlled by Council, and which is open to the public, and any road whether or not it is controlled by Council.

**Recovery** has the same meaning as in section 5 of the Act and generally means extraction of materials or energy from waste or diverted material for further use or processing and includes making waste or diverted material into compost.

**Recyclable material** means waste specified by Council under clause 8.3.6 as suitable for recycling.

**Recycling** has the same meaning as in section 5 of the Act and generally means the reprocessing of waste or diverted material to produce new materials.

**Refuse** means waste which is

- a) not organic matter, recyclable material, prohibited waste, construction and demolition waste or inorganic material; and
- b) may include organic matter and/or recyclable material that does not exceed the maximum allowable limits specified by Council under clause 8.3.6 of this bylaw.

**Registration** means to register with Council as an approved Waste Operator in Ashburton District.

**Residential activity** has the same meaning as in the Ashburton District Plan and generally means the use of land and buildings by people for the purpose of permanent living accommodation.

**Rural** means any areas zoned and/or defined in the Ashburton District Plan as Rural A, Rural B and Rural C.

**Treatment** has the same meaning as in section 5 of the Act and generally means subjecting waste to any physical, biological, or chemical process to change its volume or character so that it may be disposed of with no or reduced adverse effect on the environment. It does not include dilution of waste.

**Waste** has the same meaning as in section 5 of the Act and generally means any component or

element of diverted material, if the component or element is disposed of or discarded.

**Waste collector** means a person who collects or transports waste and includes commercial and non-commercial collectors and transporters 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, a person taking domestic garden waste to a landfill).

**Waste management facility** A facility which primarily provides treatment and disposal services or waste remediation and materials recovery services, in relation to waste.

**Waste management facility operator** means a person who owns or manages a waste management facility.

**Waste management and minimisation plan** means the current plan adopted by Council under section 43 of the Act and generally includes objectives and policies setting out how Council will achieve effective and efficient waste management and minimisation in its district.

**Waste operator** means a person who is a waste collector or operates a waste management facility.

**Waste remediation and materials recovery services** means the remediation and clean up of contaminated buildings and mine sites, mine reclamation activities, removal of hazardous material and abatement of asbestos, lead paint and other toxic material. This also includes recovery, sorting, and/or storage services in relation to waste.

**Waste treatment and disposal services** means the treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, compost dumps and other treatment facilities (except sewage treatment facilities), and waste transfer stations.

6.2 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.*

## 7. Conditions of Service

- 7.1. Any Condition of Service specified by Council to support the implementation of this bylaw:
- 7.1.1. must, after Council has demonstrated compliance with the consultation and decision-making requirements of Part 6 of the Local Government Act 2002, be made by a resolution that is publicly notified; and
  - 7.1.2. may:
    - 7.1.2.1. prohibit, restrict, or control any matter or thing generally, for any specific category or case, or in a particular case;
    - 7.1.2.2. apply to all waste or to any specified category of waste;
    - 7.1.2.3. apply to Ashburton District or to a specified part of Ashburton District; and/or
    - 7.1.2.4. apply at all times or at any specified time or period of time.

## 8. Collection, Transportation, Processing and Disposal of Waste

### 8.1. General Responsibilities

- 8.1.1. The occupier and the manager of a premises must ensure that the domestic waste from the premises is separated into waste types as determined by Council and deposited for collection in the correct approved container. No person may deposit in a container material that is not approved for that type of container.
- 8.1.2. The occupier and the manager of any premises must ensure that:
- 8.1.2.1. reasonable steps are taken to prevent the waste escaping from any waste container;
  - 8.1.2.2. waste from the premises has no more than a minimal adverse effect on neighbouring occupiers;
  - 8.1.2.3. any waste container is regularly emptied when it is full; and
  - 8.1.2.4. the contents of any waste container, excluding containers for green waste, are protected from rain or ingress or egress of flies and animals.
- 8.1.3. The occupier and the manager of any premises who is in control of an approved container must ensure that:
- 8.1.3.1. the approved container is kept in a safe location, hygienic, in good repair, and without any modifications or alterations to its appearance;
  - 8.1.3.2. if required, waste is deposited in the approved container in a manner that allows the whole of the contents to fall out easily and cleanly when the approved container is emptied;
  - 8.1.3.3. unless the approved container is placed at a Council collection point, the approved container is placed for collection in an upright position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible;
  - 8.1.3.4. reasonable steps are taken to prevent the approved container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises; and
  - 8.1.3.5. the approved container is placed for the collection of waste and retrieved in accordance with any applicable Condition of Service specified by Council.
- 8.1.4. No person may:
- 8.1.4.1. deposit waste into an approved container provided to any other person, other than themselves, without that other person's consent;
  - 8.1.4.2. remove waste from, or interfere with any waste deposited in, an approved container, except Council, a registered waste collector or the person who deposited the waste;
  - 8.1.4.3. remove an approved container provided by Council from the premises to which it has been allocated, except with the prior written approval of Council.
- 8.1.5. The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected in accordance with this bylaw.



## 8.2. Registration of Waste Collection and Waste Management Facility Operators

### 8.2.1. Any:

- 8.2.1.1. waste collector who collects and/or transports more than 20 tonnes of waste from a variety of sources in any one twelve month period in Ashburton District; and
- 8.2.1.2. waste management facility operator with a facility in the district of Ashburton that provides waste remediation and materials recovery services or waste treatment and disposal services for more than 20 tonnes of waste in any one twelve-month period

must be registered with Council and may not collect waste or operate the waste management facility (as the case may be) without being registered.

8.2.2. Waste Operators must use an application form which is approved by and made available by Council. Waste Operators must provide sufficient information required by Council to process the registration.

8.2.3. A registration is personal to the holder and cannot be assigned to another.

8.2.4. When considering an application for registration, Council may take into account any factors as to the appropriateness to grant a registration, including but not limited to:

- 8.2.4.1. The applicant's experience, reputation, and history in the waste and diverted material industry, including any known past operational issues which may affect the applicant's ability to perform waste treatment and disposal services, and any breaches of conditions to operate; and
- 8.2.4.2. The terms and conditions under which any disposal of waste is permitted and the existence of, or need for, any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposal.

8.2.5. A registered waste operator must comply with all terms and conditions of the registration. These conditions may include, but are not limited to, the following matters:

- 8.2.5.1. Term – a registration may be granted for a term of up to 6 years;
- 8.2.5.2. Compliance with standards – the registered holder must comply with any standards or policies Council has set for waste handling such as:
  - 8.2.5.2.1. Provision of waste collection services within reasonable times specified by Council; and
  - 8.2.5.2.2. The collection of any litter within a specified distance of an approved container awaiting collection and any litter spillage from the registration holder's vehicle during the collection, transportation or disposal process.
- 8.2.5.3. Council may suspend a registration if the registration holder fails to comply with this bylaw, any of the terms or obligations of the registration, any relevant Condition of Service made under this bylaw, or acts in a manner which Council considers, on reasonable grounds and in light of the purpose of this bylaw, is not suitable for the holder of a waste operator registration.

### 8.3. **General Conditions of Service on the Collection, Transportation and Disposal of Waste**

#### **Kerbside Collection Service**

**Explanatory Note:** *The current Conditions of Service for the kerbside collection service and Council drop-off facilities can be found in Schedule 2 of this Bylaw and on Council's website. Before making or amending any Condition of Service, Council will make a publicly notified resolution and comply with the consultation and decision-making requirements of Part 6 of the Local Government Act 2002. Compliance shall be in largely in proportion to the significance of the matter as required under section 79 of the Act.*

- 8.3.1. Waste may not be placed on a public place for kerbside collection unless it is:
  - 8.3.1.1. domestic waste;
  - 8.3.1.2. green waste;
  - 8.3.1.3. inorganic material deposited for collection by or on behalf of Council, or
  - 8.3.1.4. any other type of waste determined by Council as able to be placed on a public place for collection.
- 8.3.2. Prohibited waste, diverted material, construction and demolition waste or commercial waste may not be placed in a public place for kerbside collection unless authorised by Council under this bylaw.
- 8.3.3. Any waste operator who collects or transports waste from a public place must:
  - 8.3.3.1. make available to the occupier or manager of a premises one or more approved containers to enable separate collection of each of the waste types required to be separately collected from the premises;
  - 8.3.3.2. not collect for disposal any domestic waste which has not been separated into refuse, recyclable material and organic matter
  - 8.3.3.3. not dispose to a class 1-5 landfills any waste type that is capable of being reused or recycled.
- 8.3.4. Council may specify Conditions of Service for the following matters in relation to the kerbside collection service:
  - 8.3.4.1. the area to which the Conditions of Service applies;
  - 8.3.4.2. the type, size, colour, and construction of approved containers that may be used for the storage and collection of waste;
  - 8.3.4.3. the types of waste that may be collected in various types of approved container;
  - 8.3.4.4. the categories of wastes that may be deposited for kerbside collection;
  - 8.3.4.5. the conditions applicable to any kerbside collection service from a public place - including the placement and retrieval of approved containers for collection, collection days and times, and restrictions on the number and weight of approved containers;
  - 8.3.4.6. requirements to ensure the correct separation of categories of wastes into approved containers;
  - 8.3.4.7. the locations, access times and conditions of use of Council waste collection points;
  - 8.3.4.8. any other operational matter required for the safe and efficient operation of a collection service from a public place.
- 8.3.5. Any person providing or using a waste collection service in or from a public place must comply with all Conditions of Service made by Council relating to that collection.

#### **General Conditions of Service**

**Explanatory Note:** *Clauses 8.3.7, 8.3.7.2 and 8.3.7.3 refer to Council's powers to specify "maximum allowable limits" of waste that may be collected, transported or placed in a container approved for*

another waste type. For more information see Appendix 2, Conditions 9.1 to 9.8.

- 8.3.6. No person may deposit waste at a Council drop-off facility other than in accordance with any applicable Condition of Service.
- 8.3.7. The Council may specify Conditions of Service for the following matters in relation to the collection, transportation or disposal of waste from any property:
  - 8.3.7.1. Types of domestic waste that may be treated for all purposes (including deposit, collection, transportation, and disposal) as recyclable, organic, or refuse;
  - 8.3.7.2. maximum allowable limits of a specified waste type that may be collected or transported from a public place in an approved container for refuse and that subsequently may be disposed of;
  - 8.3.7.3. maximum allowable limits of a waste type that may be placed in a container approved for another waste type;
  - 8.3.7.4. types of waste that may be handled at any class 1 – 5 landfill and material that may be used as cover material at any such site;
  - 8.3.7.5. materials that may be used as natural or other hardfill material at a clean fill site (Class 5 landfill);
  - 8.3.7.6. types of waste that are prohibited.

#### **Council drop-off facilities**

**Explanatory Note:** Council drop-off facilities are currently provided in the form of Resource Recovery Parks at Ashburton and Rakaia, a green waste drop-off facility at Methven, and recycling drop-off facilities at Carew Peel Forest, Fairton, Hakatere huts, Hinds, Lauriston, Mayfield, Methven, Mt Somers, Pendarves, Rangitata huts, South Rakaia huts, Staveley & Willowby.

- 8.3.8. No person may deposit waste at a Council drop-off facility other than in accordance with any applicable Condition of Service.
- 8.3.9. Council may specify:
  - 8.3.9.1. any place, or bin in a public place, as a Council collection point for the collection of domestic waste; and
  - 8.3.9.2. Conditions of Service relating to the deposit of waste at Council drop-off facilities including the use of specified containers.

#### **8.4. Events**

**Explanatory Note:** This bylaw provides for Council to require an event waste management and minimisation plan where an event of significant scale or risk is likely to create litter. Further information on events, event permits, and how to find out more about the requirements for holding events, can be found at Council's website.

Council's expectation is that the provisions of this part of the Bylaw will be managed by officers in a manner that is:

- a) proportionate to the risk; and
- b) user-friendly; and
- c) cost-effective for event holders and Council.

- 8.4.1. Council will require an event waste management and minimisation plan for events of significant scale or risk on Council-owned or managed land.
- 8.4.2. In determining whether an event is of significant scale or risk, Council will consider the criteria under clause 8.4.3 and the exclusions under clause 8.4.4. Council's decision will be final.

#### **Criteria for deciding significant scale or risk**

- 8.4.3. The criteria for determining significant scale or risk are:
  - 8.4.3.1. Whether the number of event attendees is expected to exceed 150 people;

- 8.4.3.2. Whether the event needs shared use of a public space;
- 8.4.3.3. Whether the event will involve supply of food and/or drink and/or merchandise;
- 8.4.3.4. Whether the event occurs at a time and/or over a duration of time when people would normally expect to eat;
- 8.4.3.5. The quantity and types of waste likely to be generated;
- 8.4.3.6. Any waste-related problems caused by previous or similar events.

#### **Exclusions**

- 8.4.4. Council will not require an event waste management and minimisation plan for:
  - 8.4.4.1. An event that does not meet any of the criteria in 8.4.3.1 to 8.4.3.4; or
  - 8.4.4.2. An event held on land under the management of a Reserve Board (except with the agreement of the Reserve Board); or
  - 8.4.4.3. An event held on land that is subject to a lease or licence from Council and carried out by a community organisation in accordance with their lease or license (for example a club day, practice or game); or
  - 8.4.4.4. Hawkers, mobile shops or stalls which are regulated under the Ashburton District Council Trading in Public Places Bylaw 2022; or
  - 8.4.4.5. non-exclusive use of a public place for informal recreation (for example, a picnic in a park by an extended family).
- 8.4.5. The event waste management and minimisation plan will set out:
  - 8.4.5.1. an estimate of the types and amounts of waste to be generated by the event;
  - 8.4.5.2. whether the organiser intends to engage the services of a waste management specialist;
  - 8.4.5.3. how waste generated by the event is to be minimised;
  - 8.4.5.4. the steps to maximise the collection and use of recyclables and reusable material;
  - 8.4.5.5. the equipment to be provided for the storage, collection and transportation of waste and diverted material;
  - 8.4.5.6. the person responsible for the collection and disposal of waste and the methods to be used; and
  - 8.4.5.7. any other matters relating to event waste management and minimisation that may be specified by Council.
- 8.4.6. The event organiser must comply with the approved event waste management and minimisation plan.

#### **8.5. Construction Site Waste Management and Minimisation Plans**

- 8.5.1. Council will review the need to reinstate a Bylaw provision for construction site waste management and minimisation plans. The review will commence 20 November 2026.

#### **8.6. Inorganic Material**

- 8.6.1. Council may specify Conditions of Service for the following matters in relation to the collection of inorganic material from a public place:
  - 8.6.1.1. the weight, size and nature of inorganic materials that may be deposited for collection by Council;
  - 8.6.1.2. the categories of inorganic waste that may be deposited for collection by Council;
  - 8.6.1.3. the times, locations and conditions applicable to the collection by Council of inorganic material from a public place;
  - 8.6.1.4. the methods by which the inorganic material may be collected;

- 8.6.1.5. any other operational matters required for the safe and efficient collection by Council of inorganic material from a public place.
- 8.6.2. Any person who deposits inorganic material for collection on, or collects or transport inorganic material from, a public place must comply with the Conditions of Service made by the Council.

## 8.7. Nuisance, Litter and Litter Bins

- 8.7.1. No person may:
  - 8.7.1.1. allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health;
  - 8.7.1.2. use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.
- 8.7.2. Except as provided for under this bylaw, no person may dispose of any waste on any premises except at:
  - 8.7.2.1.1. a class 1-5 landfill;
  - 8.7.2.1.2. a waste management facility, or
  - 8.7.2.1.3. any premises they own, occupy or manage as provided for under the Environment Canterbury Land and Water Regional Plan.
- 8.7.3. The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, 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.
- 8.7.4. Council may recover clean-up and disposal costs for wilful or negligent behaviour and remedying damage arising from a breach of this bylaw.

### **Litter bins**

- 8.7.5. No person may -
  - 8.7.5.1. deposit any waste arising from that person's residential activities or that person's business activities in any litter bin provided by Council in any public place;
  - 8.7.5.2. deposit any waste in any litter bin provided by Council in any public place otherwise than in accordance with any Conditions of Service.
  - 8.7.5.3. remove any waste from any litter bin provided by Council in any public place, where this results in any waste being deposited outside the bin, unless authorised by the Council to do so;
  - 8.7.5.4. Use any litter bin provided by Council in any public place in a manner that creates a nuisance, is offensive or is likely to be injurious to health;
  - 8.7.5.5. fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter bin provided by Council in any public place; or
  - 8.7.5.6. damage any litter bin provided by Council in any public place.

## 9. General Offences and Penalties

**Explanatory Note:** Maximum penalties for breaches of the Waste Minimisation Act 2008, and the Local Government Act 2002 are prescribed in those statutes. The Waste Minimisation Act 2008 sets a maximum fine of \$20,000 for breach of a bylaw made under the Act and a maximum fine of \$5,000 for offences described in section 65(3) of the Act. The Local Government Act 2002 sets a maximum

*penalty of three years' imprisonment or a fine up to \$20,000, or both, for willful or malicious damage to Council works or property. The Local Government Act also sets a maximum fine of \$20,000 for breach of bylaw and a maximum fine of \$5,000 for negligent damage to Council works or property and obstruction of an enforcement officer or agent.*

- 9.1. A person who fails to comply with this Bylaw commits a breach of this bylaw and is liable to a penalty under the Waste Minimisation Act 2008, the Local Government Act 2002 and/or the Health Act 1956.
- 9.2. A person who commits a breach of this bylaw that is also an offence under the Litter Act 1979 is liable to a penalty under that Act.

## **10. Other Enforcement Powers**

### ***Inorganic material***

- 10.1. Where a person does not comply with a Condition of Service made by Council under clauses 8.6, Council may:
  - 10.1.1. Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;
  - 10.1.2. Remove the inorganic material, where the inorganic material or placement is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by Council;

### ***Kerbside collection service***

- 10.2. Where a person does not comply with a Condition of Service made by Council under clause 8.3, Council may:
  - 10.2.1. Remove the kerbside collection service, either wholly or in part and either temporarily or permanently.
  - 10.2.2. Enforce any offence that may have been committed under the Litter Act 1979; and/or
  - 10.2.3. Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

### ***Drop-off Facilities***

- 10.3. Where a person does not comply with the Conditions of Service or other controls for a drop-off facility, Council may:
  - 10.3.1. Issue a written warning on the first and second occasion of non-compliance or unsafe behaviour;
  - 10.3.2. On the third occasion, issue a trespass notice against that person to prevent them from using the drop-off facility;
  - 10.3.3. Enforce any offence that may have been committed under the Litter Act 1979;
  - 10.3.4. Enforce a breach of this Bylaw under the Waste Minimisation Act 2008 and the Local Government Act 2002.

## **11. Exceptions and Saving Provisions**

- 11.1. A person is not in breach of this bylaw if that person proves that the act or omission was in compliance with the directions of an authorised Council officer.
- 11.2. A product stewardship scheme accredited under the Waste Minimisation Act 2008 may be exempted from the requirements of this bylaw.

## **12. Revocation**

- 12.1. At the time of commencement of this bylaw, this bylaw repeals the Ashburton District Council Bylaw Chapter 16 - Solid Waste dated 2012.

## Schedule 1 Landfill Classes

Class	Common Name	Waste Material	Material Source	Contaminant Risk
1	Landfill	<p>Non-hazardous waste. Typically mixed waste from multiple sources and containing a high content of organic material; may include waste cited for classes 2,3,4 and 5.</p> <p>May be developed for specific industrial wastes (for example, monofills or residual waste sites).</p>	Households, industry, institutions, construction sites, contaminated sites.	<p>Leachate, contaminated stormwater Landfill gas (LFG).</p> <p>Odour Dust</p>
2	Construction & Demolition Landfill	<p>Unsorted/uncontrolled construction and demolition material.</p> <p>May be developed for specific industrial wastes (for example, monofills or residual waste sites).</p>	Construction sites, demolition material, soil from areas with significantly different chemical properties.	<p>Leachate and contaminated stormwater; low risk of landfill gas, but may get odour due to hydrogen sulphide.</p> <p>Dust</p>
3	Managed Fill	Inert material (e.g. selected inert construction or demolition material) or soils with specified maximum contaminant concentrations greater than applicable local background concentrations.	Selected materials from construction and demolition sites, earthworks and site remediation.	<p>Contaminant mobility, risk to ground water and surface water.</p> <p>Dust</p>
4	Controlled Fill	Inert material (e.g. selected inert construction or demolition material) or soils with trace element concentrations greater than applicable regional background concentrations.	Selected materials from construction sites, demolition sites and earthworks.	<p>Minor risk of contaminant mobility and sediment contamination of surface water.</p> <p>Dust</p>
5	Clean Fill	Virgin excavated natural material (VENM).	Slips/road clearance, construction site clearance, earthworks surplus.	<p>Little or no risk of leachate and gas. Sediment contamination of surface water.</p> <p>Dust</p>



## Schedule 2 – Conditions of Service approved by Council.

### Waste Collection

#### 1. Kerbside Collection Services – prior to 1 September 2026

- 1.1. All eligible properties that pay the solid waste targeted rate are entitled to use the Council kerbside collection service.
- 1.2. The standard service includes:
  - 1.2.1. Weekly collection of residual waste from an 80-litre red-lidded wheelie bin (“the red rubbish bin”)
  - 1.2.2. Fortnightly collection of approved recyclable materials from a 240-litre yellow-lidded wheelie bin (“the yellow recycling bin”)
  - 1.2.3. Fortnightly collection of glass bottles and jars from a 45-litre green crate (“the green glass crate”)
- 1.3. All eligible properties can pay additional fees, invoiced monthly, for additional services including:
  - 1.3.1. Weekly collection of residual waste from one or more additional 120-litre red rubbish bins or one or more additional 240-litre red rubbish bins
  - 1.3.2. Fortnightly collection of approved recyclable materials from one or more additional 240-litre yellow recycling bins
- 1.4. Red rubbish bins are collected every week.
- 1.5. Yellow recycling bins and green glass crates are collected on alternate weeks.
- 1.6. Council will publish a collection calendar and maps of collection areas on its website. Calendars can also be obtained from the Council.
- 1.7. If the collection day in any collection area falls on Christmas Day or Good Friday, the bins/crate will be collected the very next day. All remaining collection days that week will also be picked up the day after their usual collection day.
- 1.8. Eligible properties in the Ashburton Central Business District (CBD) pay a higher solid waste targeted rate and receive the standard service twice per week.

#### 2. Kerbside Collection Services – commencing 1 September 2026

- 2.1. From 1 September 2026, all households that pay the solid waste targeted rate are entitled to use the Council kerbside collection service.
  - 2.1.1. The standard service from 1 September 2026 includes the standard service as defined in condition 1.2 plus weekly collection of food organic/green organic (FOGO) waste from a 240-litre green-lidded wheelie bin (“the green FOGO bin”)
- 2.2. All eligible households can opt for a 120-litre green FOGO bin instead of a standard 240-litre green FOGO bin. This option will be made available by Council from a date to be determined by Council. Council may charge a delivery fee for FOGO bins where the property owner changes between a 240 litre and a 120 litre bin more than once in a twelve-month period.
- 2.3. All eligible properties can pay additional fees, invoiced monthly, for additional services as specified in condition 1.3 plus including weekly collection of green FOGO waste from one or more additional 120 or 240-litre green FOGO bins.
- 2.4. Green FOGO bins are collected every week. Conditions 1.6 and 1.7 also apply to collection of green FOGO bins

#### 3. Use of Yellow Recycling Bin

- 3.1. The yellow recycling bin is for the following clean, rinsed out and loose (not bagged) items:
  - 3.1.1. Cardboard

- 3.1.2. Paper
- 3.1.3. Newspaper
- 3.1.4. Magazines
- 3.1.5. Aluminium cans
- 3.1.6. Metal tins
- 3.1.7. Hard plastic containers smaller than 4 litres in size marked either 1, 2 or 5.

3.2. The following items **MUST NOT** go in the yellow recycling bin:

- 3.2.1. Plastic container lids or bottle lids
- 3.2.2. Plastic bags, cling wrap or plastic packaging/wrapping (soft plastics that you can scrunch easily in your hands).
- 3.2.3. Plastic items with no plastic grade marked on them or grades 3, 4, 6 and 7 including lids.
- 3.2.4. Fast food wrapping/ packaging/ cups
- 3.2.5. Aerosol cans/ gas cannisters
- 3.2.6. Polystyrene
- 3.2.7. Batteries, electronics and electrical appliances
- 3.2.8. Food and green waste
- 3.2.9. Tetra pak cartons such as juice, yoghurt and soymilk cartons
- 3.2.10. Clothing, shoes or toys
- 3.2.11. Ceramics
- 3.2.12. Plant pots (including ceramic/pottery and plastic regardless of recycling number)
- 3.2.13. Foul waste (used tissues, personal hygiene products, nappies etc)
- 3.2.14. Face masks, rapid antigen tests (RATs), gloves
- 3.2.15. Shredded and laminated paper
- 3.2.16. Hazardous materials as listed under condition 8.1.

**“Three-strike” rule**

- 3.3. When a yellow recycling bin is found to contain any item referred to under condition 3.2 the Council will issue a “first strike” written warning to the property .
- 3.4. When a yellow recycling bin is found to contain any item referred to under condition 3.2 within three months of the issue of the “first strike” written warning, the Council will issue a “second strike” written warning to the property .
- 3.5. When a yellow recycling bin is found to contain any item referred to under condition 3.2 within three months of the issue of the “second strike” written warning, the Council will remove the yellow recycling bin from the property.

**“One-strike” rule**

- 3.6. When a yellow bin is found to contain so many items referred to under condition 3.2 that it is apparent that the property owner or occupier has made no effort to separate recyclables from other materials, the Council will remove the yellow recycling bin from the property.

**Return of yellow bin after 90 days from removal**

- 3.7. When requested by the property owner or occupier, Council will return the yellow recycling bin 90 days after the bin was removed.

**4. Use of Green Glass Crate**

- 4.1. The green glass crate is for the following clean items:
  - 4.1.1. Clear glass bottles and jars
  - 4.1.2. Green glass bottles and jars
  - 4.1.3. Amber glass bottles and jars

- 4.1.4. Blue glass bottles and jars
- 4.2. The following items **MUST NOT** go in the green glass crate:
  - 4.2.1. Broken glass
  - 4.2.2. Window glass
  - 4.2.3. Pyrex or ovenware
  - 4.2.4. Drinking glasses
  - 4.2.5. Optical lenses/ eyeglasses
  - 4.2.6. Medical or laboratory glass
  - 4.2.7. Televisions screens
  - 4.2.8. Light bulbs
  - 4.2.9. Lids
  - 4.2.10. Hazardous materials as listed under 8.1.to 8.1.6

#### **5. Use of the Red Rubbish bin – prior to 1 September 2026**

- 5.1. The red rubbish bin is for the following items:
  - 5.1.1. Domestic waste
  - 5.1.2. Food scraps
  - 5.1.3. Soft plastics (as described in condition 3.2.2 above.)
  - 5.1.4. Polystyrene
  - 5.1.5. Garden waste
  - 5.1.6. Anything that **CANNOT** go in the yellow recycling bin
  - 5.1.7. Anything that **CANNOT** go in the green glass crate.

#### **6. Use of the Red Rubbish bin – commencing 1 September 2026**

- 6.1. The red rubbish bin is for the following items:
  - 6.1.1. Domestic waste
  - 6.1.2. Soft plastics (as described in 3.2.2 above.)
  - 6.1.3. Polystyrene
  - 6.1.4. Anything that **CANNOT** go in the yellow recycling bin
  - 6.1.5. Anything that **CANNOT** go in the green FOGO bin
  - 6.1.6. Anything that **CANNOT** go in the green glass crate.

#### **7. Use of the Green FOGO bin – commencing 1 September 2026**

- 7.1. The green FOGO bin is for the following items:
  - 7.1.1. Vegetable and fruit peelings
  - 7.1.2. Leftovers
  - 7.1.3. Cooked and uncooked meat
  - 7.1.4. Dairy products such as cream cheese or yoghurt
  - 7.1.5. Meat and fish bones
  - 7.1.6. Coffee grounds
  - 7.1.7. Tea leaves
  - 7.1.8. Cut flowers
  - 7.1.9. Pruned branches and leaves
  - 7.1.10. Grass clippings
  - 7.1.11. Dead plants.
- 7.2. The following items **MUST NOT** go in the green FOGO bin
  - 7.2.1. Compostable or biodegradable packaging and cutlery
  - 7.2.2. Compostable bin liners
  - 7.2.3. Fibrous or woody plants include flax, bamboo, cabbage tree leaves, large branches and tree stumps.
  - 7.2.4. Paper and cardboard (unless used as a bin liner)

- 7.2.5. Plastics, including plastic wrapping
- 7.2.6. Coffee pods
- 7.2.7. Tea bags
- 7.2.8. Pet faeces
- 7.2.9. Seashells
- 7.2.10. Noxious weeds
- 7.2.11. Animal carcasses
- 7.2.12. Material likely to contain chemical spray residue

## 8. Hazardous Items

- 8.1. The following hazardous items are not accepted in a yellow recycling bin, a green glass crate, a green FOGO bin or a red rubbish bin:
  - 8.1.1. Explosive and flammable materials
  - 8.1.2. Paints and solvents
  - 8.1.3. Household chemicals
  - 8.1.4. Automotive products
  - 8.1.5. Liquid and dry chemicals
  - 8.1.6. Building materials

## 9. Collection of bins and crates

- 9.1. Ashburton CBD properties must ensure that bins and crates are out for collection by 7.00 am on collection day.
- 9.2. Households and businesses outside Ashburton CBD, must ensure that bins and crates are out for collection by 7.30 am on collection day
- 9.3. Bins and crates should be placed at least 50cm apart from one another to be collected, and at least 50 cm away from trees, poles, cars and other obstructions.
- 9.4. Place the bin or crate as close to the kerb as possible, with the bin's logo facing out to the road.
- 9.5. Bin lids must be closed flat to be collected. Overfilled bins and items placed next to bins for collection will not be picked up. Householders and businesses are advised to use the wind strap on the bin to keep the lid closed.
- 9.6. Households and businesses must ensure that bins are no heavier than 30 kg. Bins heavier than this cannot be collected.
- 9.7. Collection will be completed by 7.30 pm each collection day.
- 9.8. Householders and businesses must ensure that bins are stored securely on their property between collection days.
- 9.9. Each bin has unique identification, which links it to a specific property. When a household or business relocates to a new address, the bins and crate must stay at the original address. If your bin has no label, or you have a bin that belongs to another address, contact the Council.

## Drop-off Facilities

**Explanatory Note:** Council drop-off facilities are currently provided in the form of Resource Recovery Parks at Ashburton and Rakaia, a green waste drop-off facility at Methven, and recycling drop-off facilities at Carew Peel Forest, Fairton, Hakatere huts, Hinds, Lauriston, Mayfield, Methven, Mt Somers, Pendarves, Rangitata huts, South Rakaia huts, Staveley & Willowby.

## 10. Resource Recovery Parks

- 10.1. No person may deposit waste at a Resource Recovery Park other than in accordance with any applicable Condition of Service.
- 10.2. Any person using a Resource Recovery Park must comply with any other conditions that the council may determine as displayed on signs at the park or as directed by staff.
- 10.3. Locations of Resource Recovery Parks and the services at each location will be determined and notified by Council from time to time.

### Waste drop-off

- 10.4. The following kinds of waste can be dropped off at Resource Recovery Parks subject to payment of the appropriate fees and charges:
  - 10.4.1. All general domestic waste
  - 10.4.2. Green waste including garden and kitchen waste
  - 10.4.3. Clean construction and demolition materials, including concrete, bricks, wood, and chipboard
  - 10.4.4. Tyres
  - 10.4.5. Car bodies (These can only be dropped off at Ashburton Resource Recovery Park)
  - 10.4.6. Ashburton District Council official prepaid rubbish bags can be dropped off free of charge.

### Recyclable or reusable drop-off

- 10.5. The following kinds of recyclable or reusable materials can be dropped off at a Resource Recovery Park free of charge:
  - 10.5.1. Household recycling. This is restricted to the items allowed in the yellow recycling bin under the Conditions of Service for kerbside collection ( conditions 3.1.1 to 3.1.7)
  - 10.5.2. Whiteware – fridges and freezers, washing machines and dryers
  - 10.5.3. Scrap metal – roofing iron, metal guttering, ferrous, copper, tin, lead and mixed metals, metal offcuts and scrap.
  - 10.5.4. Electronic and electrical equipment – televisions, monitors, screens and projectors; computers, laptops and tablets; domestic printers, copiers and scanners; stereos and home theatre equipment

### Reusable items accepted subject to special conditions

- 10.6. Re-usable items of the types listed in conditions 10.7.1 to 10.7.13 can be dropped off for free provided that:
  - 10.6.1. They are in a fair and reusable condition;
  - 10.6.2. There is a demand for sale of the item through the Reuse shop; and
  - 10.6.3. Staff at the Resource Recovery Park have vetted and accepted the items.
- 10.7. Re-usable items that may be accepted include:
  - 10.7.1. Clothing and footwear
  - 10.7.2. Kitchenware
  - 10.7.3. Books, games and jigsaws
  - 10.7.4. DVDs, CDs, cassette tapes and vinyl records
  - 10.7.5. Musical instruments
  - 10.7.6. Bikes and scooters
  - 10.7.7. Toys and kids stuff
  - 10.7.8. Furniture
  - 10.7.9. Curtains
  - 10.7.10. Workshop tools and gardening equipment
  - 10.7.11. Lawn mowers, hedge trimmers and blowers
  - 10.7.12. Hoses, irrigation pipes and fittings
  - 10.7.13. Other items at the discretion of Staff at the Resource Recovery Park

### **Hazardous waste drop-off**

- 10.8. Hazardous liquid and/or solid waste of the types and quantities described in conditions 10.9.1 to 10.9.6 can be dropped off for free provided that:
- 10.8.1. The type of hazardous waste is described in conditions 10.9.1 to 10.9.6.
  - 10.8.2. The quantity is a domestic household quantity;
  - 10.8.3. The quantity does not exceed the maximum volumes allowed;
  - 10.8.4. The materials are in a condition where they can be safely stored and transported;
  - 10.8.5. Staff at the Resource Recovery Park have vetted and accepted the waste.
- 10.9. Acceptable types of hazardous waste are limited to:
- 10.9.1. Batteries – household toy and torch batteries; button and disc batteries; AA, AAA, C and D batteries; Alkaline cell batteries; Lithium batteries; 9-volt batteries; Cr123 camera batteries; Cry cell and zinc batteries; Li-ion batteries (from laptops, cameras and cellphones); NiCd batteries; NiMH batteries; Gel cell batteries; and vehicle batteries.
  - 10.9.2. Lights, bulbs and fluorescent tubes, empty aerosols, empty fuel and oil containers – includes empty aerosol cans, empty LPG cylinders, empty camping fuel cylinders and cans; empty petrol cans; and empty engine oil bottles
  - 10.9.3. Chemicals – quantities less than 5 litres of household cleaners, garden herbicides, garden pesticides and solvents
  - 10.9.4. Fuels and spirits – quantities less than 2 litres of petrol, diesel, kerosene, turpentine and white spirits
  - 10.9.5. Oils – quantities less than 20 litres of engine, gearbox and differential oils; hydraulic oil; brake fluid and cooking oils
  - 10.9.6. Paints – quantities less than 20 litres of oil-based paint and stains, water-based paints; and test pots.

### **Unacceptable wastes**

- 10.12. The following kinds of wastes are not accepted at Resource Recovery Parks:
- 10.12.1. Large tree timbers and stumps
  - 10.12.2. Offal, dead stock and large animals
  - 10.12.3. Bulk liquids
  - 10.12.4. Radioactive wastes
  - 10.12.5. Explosives
  - 10.12.6. PCB (polychlorinated biphenyl) wastes
  - 10.12.7. Asbestos or products containing asbestos
  - 10.12.8. Fuels and spirits in quantities of 2 litres or more
  - 10.12.9. Oils in quantities of 20 litres or more
  - 10.12.10. Paints in quantities of 20 litres or more

## **11. Rural Recycling Drop-off Facilities**

- 11.1. No person may deposit waste at a Rural Recycling Drop-off Facility other than in accordance with any applicable Condition of Service.
- 11.2. Any person using a Rural Recycling Drop-off Facility must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.
- 11.3. The following kinds of recyclable or reusable materials can be dropped off at a Rural Recycling Drop-off Facility free of charge:
  - 11.3.1. Household recycling. This is restricted to the items allowed in the Yellow Recycling Bin under the Conditions of Service for kerbside collection ( conditions 3.1.1 to 3.1.7)
  - 11.3.2. No recyclable, reusable, residual or organic waste can be dropped off at a Rural Recycling Drop-off Facility other than the recyclables noted in condition 11.3.1.

**12. Methven recycling drop-off facility**

- 12.1. No person may deposit waste at the Methven Recycling Drop-off Facility other than in accordance with any applicable Condition of Service.
- 12.2. Any person using the Methven Recycling Drop-off Facility must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.
- 12.3. The following kinds of recyclable or reusable materials can be dropped off at the Methven Recycling Drop-off Facility free of charge:
  - 12.3.1. Household recycling. This is restricted to the items allowed in the Yellow Recycling Bin under the Conditions of Service for kerbside collection ( conditions 3.1.1 to 3.1.7)
  - 12.3.2. Reusable good quality whiteware
- 12.4. No recyclable, reusable, residual or organic waste can be dropped off at a Rural Recycling Drop-off Facility other than the recyclables and reusables noted in conditions 12.3.1 and 12.3.2.

**13. Methven Green Waste Drop-off Facility**

- 13.1. No person may deposit green waste at the Methven Green Waste Drop-off Facility other than in accordance with any applicable Condition of Service.
- 13.2. Any person using the Methven Green Waste Drop-off Facility must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.
- 13.3. The following kinds of green waste can be dropped off at the Methven Green Waste Drop-off Facility:
  - 13.3.1. Kitchen waste
  - 13.3.2. Garden waste