



# WASTE MANAGEMENT AND MINIMISATION BYLAW 2025

# Part 1 - Introduction and Interpretation

## 1. Introduction

- 1.1 In pursuance of the powers and authorities vested in it by the Waste Minimisation Act 2008, Local Government Act 2002, the Health Act 1956, the Litter Act 1979 and of all and every other power and authority in that behalf enabling it, Rotorua District Council hereby resolves to make the following Bylaw.
- 1.2 This Bylaw shall be referred to as Rotorua District Council Waste Management and Minimisation Bylaw 2025.
- 1.3 This Bylaw shall come into force and take effect on XYZ 2025.
- 1.4 The Rotorua District Council Solid Waste Bylaw 2016 is hereby revoked.

## 2. Objective

- 2.1 The objective of this bylaw is to reduce waste and waste-related harm in the Rotorua District through:
  - (a) the promotion and delivery of effective and efficient waste management and minimisation in Rotorua;
  - (b) implementation of the Council's waste management and minimisation plan;
  - (c) alignment with the goals and intent of the Waste Minimisation Act 2008 and New Zealand Waste Strategy;
  - (d) regulation of the collection and disposal of waste from public places
  - (e) protection of the health and safety of waste collectors, waste operators and the public;
  - (f) the management of litter and nuisance in public places.

## 3 Interpretation

- 3.1 In this bylaw, unless inconsistent with the context:

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

**Approved receptacle** means any receptacle approved by the Council for the collection of any type of domestic or commercial waste from a public place, with approval criteria based on the prevention of nuisance and the protection of the health and safety of waste collectors and the public.

**Clean fill material** means virgin excavated natural materials such as clay, soil and rock that are free of:

- (a) combustible, putrescible, degradable or leachable components;
- (b) hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown;
- (c) products or materials derived from hazardous waste treatment, stabilisation or disposal practices;
- (d) materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health if excavated;
- (e) contaminated soil and other contaminated materials; and
- (f) liquid waste;

and when discharged to the environment, will not have a detectable effect relative to the background.

**Clean fill site** means the 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 on of any business, manufacture, process, trade, market, or other undertaking.

**Construction and demolition waste** means waste generated from any building construction or demolition works; and includes any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.

**Council** means the Rotorua District Council (operating as Rotorua Lakes Council) or any person delegated or authorised to act on its behalf.

**Council collection points** mean places or receptacles in locations determined by Council Officers, such as high density areas or rural areas, where approved receptacles 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 the Council under clause 17 as suitable for use as cover material at a landfill site, managed fill site, clean fill site or mono-fill site, as the case may be.

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

**Disposal** has the meaning given by the Waste Minimisation Act 2008.

**Diverted material** has the meaning given by the Waste Minimisation Act 2008.

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

**Event** means any organised temporary activity of significant scale that is likely to create litter in a public place including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration.

**Food waste** means domestic 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 waste that is organic in origin and that results from domestic gardening activities or arboricultural business activities and includes lawn clippings and plant material.

**Hazardous waste** means waste that:

- (a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Health and Safety Reform Revocations) Regulations 2017 under the Hazardous Substances and New Organism Act 1996; or
- (b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 1999 - Transport of Dangerous Goods on Land; or
- (c) meets the definition for radioactive material included in the Radiation Safety

- Act 2016; but
- (d) does not include domestic waste, inorganic material, construction and demolition waste or commercial waste.

**Home composting** means the activity of creating decaying organic matter from domestic green waste and/or food waste into compost.

**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 receptacle, and that is specified by the Council as suitable for delivery to a resource recovery facility.

**Landfill site** means land used for the disposal of waste by burying it, or placing it upon land or other waste.

**Licence** means a licence, consent, permit or approval to do something under this bylaw and includes any conditions to which the licence is subject.

**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 receptacle** means a receptacle provided for the collection of refuse, recyclable material or organic matter.

**Managed fill site** means land used for the disposal of soil with low levels of contamination.

**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.

**Mono-fill site** means land used for the disposal or storage of waste of a category specified by the Council and that originates from a specified source or location.

**Multi-unit development** means a development consisting of 10 or more residential or residential and commercial units on any premises. It includes a unit title development and any development with controlled or restricted access.

**Natural hardfill material** means materials specified by the Council as suitable for use as natural hardfill material at a clean fill site.

**Nuisance** has the meaning given by the Health Act 1956.

**Occupier** in relation to any property or premises, means the inhabitant occupier of that property or premises.

**Organic matter** means food waste and/or green waste that is specified by the Council under clause 17 as organic matter.

**Other hardfill material** means materials other than natural hardfill material specified by the Council under clause 17 as suitable for use as hardfill material at a clean fill site. Typically, this could include clean, inert construction and demolition material, such as: uncontaminated concrete, bricks, and ceramics (e.g. tiles).

**Owner** in relation to any property or premises, means 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** includes 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 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 receptacle or likely to shatter in the course of collection unless the material is sufficiently contained to prevent damage to the approved receptacle or to prevent injury;
- (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 used oil, liquid or any viscous fluid;
- (e) any radioactive wastes, but excluding domestic smoke detectors;
- (f) any hot ash or lead-acid batteries;
- (g) any hazardous waste;
- (h) medical waste and
- (i) any material prohibited by the Council under clause 17.

**Public place** means

- (a) a place that is:
  - (i) under the control of the Council and/or
  - (ii) that is open to or being used by the public, whether or not there is a charge for admission and
- (b) includes:
  - (i) a road, whether or not the road is under the control of the Council, and
  - (ii) any part of the public place.

**Recyclable material** means waste specified by the Council under clause 17 as suitable for recycling. It does not include other forms of diverted material.

**Recycling** means the reprocessing of waste to produce new materials.

**Refuse** means waste which:

- (a) subject to (b), excludes organic matter, recyclable material, prohibited waste, construction and demolition waste or inorganic material;
- (b) may include small amounts of organic matter and/or recyclable materials, provided that all practical and reasonable steps have been taken to remove, recover, or divert any materials that can be recycled, reused, or otherwise processed into a usable resource

**Resource recovery facility** means any facility that receives, collects, sorts, stores or processes waste to ensure waste minimisation and includes a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot.

**Rotorua** has the meaning given by the Local Government Act 2002 and the Local Government (Bay of Plenty Region) Reorganisation Order 1989, *Gazette* 1989, p 2275.

**Waste** has the meaning given by the Waste Minimisation Act 2008. It does not include diverted material.

**Waste collector** means any person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste.

**Waste operator** means a person who owns or manages a landfill site, clean fill site, managed fill site, mono-fill site or a resource recovery facility.

**Waste management and minimisation plan** means the waste management and minimisation plan adopted by the Council under section 43 of the Act.

3.2 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.

## **Part 2 - General**

### **4 Compliance with bylaw**

- 4.1 No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this bylaw.
- 4.2 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.

### **5 Controls specified under the bylaw**

- 5.1 Any control specified by the Council under clause 14, 17 and 19:
  - (a) must, after consultation pursuant to the Local Government Act 2002, be made by a Council resolution; and
  - (b) may:
    - (i) prohibit, restrict or control any matter or thing generally, for any specific category of waste, or in a particular case;
    - (ii) apply to all waste or to any specified category of waste;
    - (iii) apply to Rotorua or to a specified part of Rotorua;
    - (iv) apply at all times or at any specified period of time.

## **Part 3 - Deposit, collection, transportation and disposal of waste**

### **Subpart 1 - Separation and deposit of domestic waste for kerbside collection and use of approved receptacles**

#### **6 Use of approved receptacles for domestic waste collection from a public place**

- 6.1 The Council may approve the type, size and construction of receptacles for the collection of domestic waste from a public place.

- 6.2 The occupier, owner and/or the manager of any premises must ensure that the domestic waste from the premises is separated into refuse and other streams of material for recovery, recycling or reuse and deposited for collection in the correct approved receptacle.
- 6.3 No person may deposit in the approved receptacles, material that is not approved for that receptacle.

## **7 Deposit or removal of domestic waste**

- 7.1 Only domestic waste can be placed in an approved receptacle on a public place for kerbside collection.
- 7.2 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 the Council under this bylaw.
- 7.3 No person may put waste into an approved receptacle provided to any other person, without that other person's consent.
- 7.4 No person may remove waste from, or interfere with any waste deposited in, an approved receptacle, except the Council, a licensed waste collector or the person who deposited the waste.
- 7.5 Except with the prior written approval of the Council, no person may remove a receptacle provided by the Council from the premises to which it has been allocated.
- 7.6 The occupier, owner and/or the manager of any premises is responsible for any and all waste generated on the premises until it has been collected or disposed of at a consented facility.

## **8 Responsibilities of occupiers, owners and/or managers**

- 8.1 The occupier and/or the manager of a premises must ensure that domestic waste from the premises is separated into waste types as determined by the Council and is deposited for collection in the correct approved receptacle.
- 8.2 The occupier, owner and/or the manager of any premises must ensure that:
- (a) reasonable steps are taken to prevent the waste from escaping from any waste receptacle;
  - (b) there are minimal adverse effects of waste on surrounding occupiers;
  - (c) any waste receptacle is regularly emptied when it is full;
  - (d) the contents of any waste receptacle are protected from adverse weather, wind and rain, or ingress or egress of flies and animals.
- 8.3 In addition, the occupier, owner and/or the manager of any premises who is in control of an approved receptacle must ensure that:
- (a) the receptacle is kept in a safe location, hygienic, in good repair, and without any modifications or alterations to its function;
  - (b) waste is deposited in the receptacle in a manner that allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied;
  - (c) unless the receptacle is placed at a council collection point, the receptacle is placed for collection in an upright position off the roadway, in front of the premises from which the waste originated and as close to the kerbside as practical;
  - (d) reasonable steps are taken to prevent the receptacle disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises;
  - (e) the receptacle is placed for the collection of waste and retrieved in accordance with any applicable control specified by the Council.
- 8.4 If an occupier, owner and/or the manager of any premises has taken all reasonable and

practicable steps to comply with clauses 8.1 to 8.3, the occupier, owner and/or the manager of any premises will not be in breach of the bylaw should any of the conditions contained in clauses 8.1 to 8.3 fail to be met.

**9 Determination of council collection points**

- 9.1 The Council may specify:
- (a) any place, or receptacle in a public place as a council collection point for the collection of domestic waste
  - (b) controls relating to the deposit of waste at the council collection point including the use of specified receptacles, subject to clause 6.
- 9.2 No person may deposit waste at a council collection point other than in accordance with any applicable control.

**Subpart 2 - Separation and deposit of commercial waste for collection and use of approved receptacles**

**10 Use of approved receptacles for commercial waste collection from a public place**

- 10.1 The Council may approve the type, size and construction of receptacles for the collection of commercial waste from a public place.
- 10.2 The occupier, owner and/or the manager of any premises must ensure that the commercial waste from the premises is separated into refuse and other streams of material for recovery, recycling or reuse and deposited for collection in the correct approved receptacle.
- 10.3 No person may deposit in the approved receptacles, material that is not approved for that receptacle.

**11 Deposit or removal of commercial waste**

- 11.1 Only commercial waste can be placed in an approved receptacle on a public place for commercial waste collection.
- 11.2 Prohibited waste, diverted material, construction and demolition waste or other commercial waste may not be placed in a public place for collection unless authorised by the Council under this bylaw.
- 11.3 No person may put waste into an approved receptacle provided to any other business, without the consent of that business.
- 11.4 No person may remove waste from, or interfere with any waste deposited in, an approved receptacle, except the Council, a licensed waste collector or the business who deposited the waste.
- 11.5 The occupier, owner and/or the manager of any premises is responsible for any and all waste generated on the premises until it has been collected or disposed of at a consented facility.

**12 Responsibilities of occupiers, owners and/or managers**

- 12.1 The occupier, owner and/or the manager of any premises must ensure that:
- (a) reasonable steps are taken to prevent the waste from escaping from any waste receptacle;
  - (b) there are minimal adverse effects of waste on surrounding occupiers;
  - (c) any waste receptacle is regularly emptied when it is full;
  - (d) the contents of any waste receptacle are protected from adverse weather, wind and rain, or ingress or egress of flies and animals.



- 12.2 In addition, the occupier, owner and/or the manager of any premises who is in control of an approved receptacle must ensure that:
- (a) the receptacle is kept in a safe location, hygienic, in good repair, and without any modifications or alterations to its function;
  - (b) waste is deposited in the receptacle in a manner that allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied;
  - (c) the receptacle is placed for collection in an upright position off the roadway, in front of the premises from which the waste originated and as close to the collection point as practical;
  - (d) reasonable steps are taken to prevent the receptacle disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises;
  - (e) the receptacle is placed for the collection of waste and retrieved in accordance with any applicable control specified by the Council.
- 12.3 If an occupier, owner and/or the manager of any premises has taken all reasonable and practicable steps to comply with clauses 12.1 and 12.2, the occupier, owner and/or the manager of any premises will not be in breach of the bylaw should any of the conditions contained in clauses 12.1 and 12.2 fail to be met.

### **Subpart 3 – Collection and transportation of waste**

#### **13 Collection of waste from a public place**

- 13.1 Any waste collector who collects or transports waste from a public place must:
- (a) make available to the occupier, or owner, or manager of any premises one or more approved receptacles to enable any refuse or recyclable material from the premises to be collected separately;
  - (b) only collect or dispose of at a landfill site any waste where the recyclable and other recoverable material and organic matter has reasonably been removed leaving only refuse waste.
  - (c) not dispose to at a landfill site any recyclable material, organic waste or other recoverable material that is capable of being reused or recycled.

#### **14 Controls for the use of a public place for collection of waste**

- 14.1 The Council may specify controls for the following matters in relation to the collection or transportation of waste from a public place:
- (a) the area to which the control applies;
  - (b) the type, size and construction of approved receptacles that may be used for the storage and collection of refuse-and recyclable materials;
  - (c) the categories of recyclable material and refuse that may be deposited at or collected from a public place;
  - (d) the conditions applicable to any collection service from a public place, including the placement and retrieval of approved receptacles for collection, collection times and restrictions on the number and weight of approved receptacles;
  - (e) requirements to ensure the correct separation of refuse and recyclable materials into approved receptacles;
  - (f) the locations, access times and conditions of use of Council waste collection points;
  - (g) any other operational matter required for the safe and efficient operation of a collection service from a public place.

- 14.2 Any person providing or using a waste collection service in or from a public place must comply with all controls made by the Council relating to that collection.

## **Subpart 4 - Licensing waste collection and waste management facility operators**

### **15 Licensing of waste collection**

- 15.1 The Council may introduce a waste operator licensing system. The scope and details of this licensing system will be publicly notified and confirmed following a consultation process that is carried out in accordance with the special consultative procedure of the Local Government Act 2002.

## **Subpart 5 - Disposal of waste and recovery of resources**

### **16 Disposal or discarding of material on land, burial or composting**

- 16.1 In limited circumstances, a person may dispose of or discard waste on premises that person occupies or owns
- (a) on the land, if the clean fill material is less than 30 cubic metres or such greater amount as the Council may approve, over any continuous 12 month period;
  - (b) by burial or composting if the waste is for home composting, and
  - (c) by burial if the waste is a dead companion animal or nuisance pest or is a dead farm animal in rural areas.

## **Subpart 6 - Additional controls relating to the collection, transportation and disposal of waste**

### **17 Controls for the collection, transportation and disposal of waste**

- 17.1 The Council may specify controls for the following matters in relation to the collection, transportation or disposal of waste:
- (a) types of domestic waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable material, organic matter, or refuse;
  - (b) maximum allowable limits of recyclable material or organic matter that may be collected or transported from a public place in an approved receptacle for refuse and that subsequently may be disposed of at a landfill site, managed fill site, mono-fill site or clean fill site;
  - (c) categories and types of waste that may be received, collected, stored, sorted, processed or disposed of at any landfill site, managed fill site, clean fill site, mono-fill site and material that may be used as cover material at any such site;
  - (d) materials that are suitable for use as natural or other hardfill material at a clean fill site;
  - (e) types of waste originating from a specified single source or location that may be disposed of at a mono-fill site;
  - (f) types of waste that are prohibited.

## **Subpart 7 - Multi-unit developments**

### **18 Collection from multi-unit developments**

- 18.1 The owner and manager of a multi-unit development must make provision for the management of all waste generated within the property.
- 18.2 The owner and manager of a multi-unit development must obtain approval from the Council for a waste management and minimisation plan for the development unless they comply within clause 18.5.
- 18.3 A waste management and minimisation plan must include but is not limited to:
- (a) identification of an adequate area on the premises for the storage of receptacles that is readily accessible to the occupiers of units and to a licensed waste operator to enable separate collection and transportation of refuse and recyclable material;
  - (b) the methods to be used to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism;
  - (c) identification of the means and route of access and egress to the waste storage area;
  - (d) an estimate of the volumes of refuse and recyclable material that will be generated;
  - (e) the steps which will be taken to further the objective of waste minimisation;
  - (f) the contact details for the manager of any multi-unit development.
- 18.4 Any person who owns, occupies or manages a multi-unit development must comply with an approved waste management and minimisation plan.
- 18.5 The Council may provide a written exemption on application to any person who manages a multi-unit development from full compliance with the requirements of this clause if:
- (a) in the opinion of the Council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or
  - (b) the manager or owner demonstrates to the satisfaction of the Council that refuse and recyclable material are separately and regularly collected.

## **19 Controls for multi-unit developments**

- 19.1 The Council may specify controls for the following matters in relation to the collection or transportation of waste from multi-unit developments:
- (i) the categories of recyclable material and refuse that may be deposited at or collected from a multi-unit development;
  - (ii) the times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of receptacles for collection, collection times and restrictions on the number and weight of approved receptacles;
  - (iii) requirements to ensure the correct separation of refuse and recyclable materials into receptacles;
  - (iv) any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.
- 19.2 Any person who manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation and management of waste in the multi-unit development made by the Council.

## **Subpart 8 - Events**

### **20 Waste management and minimisation plans for events**

- 20.1 Any organiser of an event must prepare a waste management and minimisation plan for the event.
- 20.2 The Council may require a waste management and minimisation plan to set out:
- (a) an estimate of the types and amounts of waste to be generated by the event;
  - (b) how waste generated by the event is to be minimised;
  - (c) steps which will be undertaken to maximise the use and collection of recyclables and reusable material;
  - (d) equipment to be provided for the storage, collection and transportation of waste and diverted material;
  - (e) the person responsible for the collection and disposal of waste and the methods to be used, and
  - (f) a waste analysis following the conclusion of the event.
- 20.3 The organiser of an event must comply with the approved waste management and minimisation plan.

## **Subpart 9 - Nuisance and litter**

### **21 Nuisances, litter and dumping of waste**

- 21.1 No person may:
- (a) 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;
  - (b) use an approved receptacle in a manner that creates a nuisance, is offensive or is likely to be injurious to health;
- 21.2 Except as provided for under this bylaw, no person may:
- (a) dispose of any waste on anywhere else other than:
    - (i) a landfill site, clean fill site, managed fill site, mono-fill site; or
    - (ii) any premises they own, occupy or manage, for the purposes of home composting or burying in accordance with clause 16.1;
    - (iii) in a council approved litter receptacle for the depositing of domestic waste or commercial waste, as appropriate and
    - (iv) public bin provided by Council.
- 21.3 No person may:
- (a) deposit waste arising from that person's household or that person's business activities in any litter receptacle provided by the Council in any public place, including in particular:
    - cooking oil;
    - fish, offal or animal parts;
    - human waste or medical waste; or
    - any other prohibited waste
  - (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:
    - (i) the receptacle is full; or
    - (ii) 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, vandalise, or burn any litter receptacle provided by the Council in any public place.
  - (f) throw litter from a moving vehicle or otherwise release litter into the environment;
  - (g) deposit any waste arising from that person's household or that person's business activities on land in any way which is not in accordance with clause 16 of this bylaw.
- 21.4 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 up any litter caused by the display.

## **22 Unaddressed mail**

- 22.1 No person may deposit, cause, permit or authorise the deposit of any unaddressed mail, advertising material, community newspapers, clothing donations bags, circulars, leaflets, brochures, samples or flyers in any letterbox which is clearly marked "addressed mail only".
- 22.2 Subclause 22.1 does not apply to:
- (a) public notices from government bodies, local authorities or New Zealand Post;
  - (b) election material during the period beginning two months before polling day and ending with the close of the day before polling day.
- 22.3 No person may deposit, cause, permit or authorise the deposit of any advertising material, clothing donations bags, circulars, leaflets, brochures, samples or flyers:
- (a) in any letterbox which is clearly marked "no circulars", "no junk mail", or words with similar effect;
  - (b) on a vehicle parked in a public place;
  - (c) in a letterbox in unsecured circumstances, if it is likely to escape and become litter.
- 22.4 Subclause 22.3 does not apply to:
- (a) any daily or regular newspaper, community newspaper or magazine;
  - (b) public notices from government bodies, local authorities or New Zealand Post;
  - (c) communications from local community organisations, charities or charitable institutions;
  - (d) election material during the period beginning two months before polling day and ending with the close of the day before polling day.

## **23 Donation collection points**

- 23.1 Anyone intending to establish a donation collection point must notify the Council in advance and must operate the donation collection point in a manner which ensures no nuisances, litter or dumping of waste.
- 23.2 All donation collection points must:
- (a) remove deposited waste from the collection point;
  - (b) clean up any litter or illegal dumping; and
  - (c) clean up or remove any graffiti

## Subpart 10 - Shopping Trolleys

### **24 Minimising the potential for a shopping trolleys to become waste**

- 24.1 A person who is responsible for the operation of a business must –
- (a) clearly display signage on the premises of the business that –
    - (i) prohibits the removal of any shopping trolley from the premises;
    - (ii) provides the contact details of the business;
    - (iii) encourages the public to report the removal or location of any shopping trolley removed from the premises using the contact details of the business
  - (b) retrieve any shopping trolley provided by that business for public use that has been removed from the business's premises –
    - (i) within 24 hours of being notified by council or a person of the location of the shopping trolley;
  - (c) reimburse council for the costs incurred for the retrieval, storing, return and any other necessary work carried out for the collection of a business's shopping trolley by council outside the premise of the business, within one month of the trolley's retrieval, if –
    - (i) council has notified the person of the location of that shopping trolley; and
    - (ii) that shopping trolley has not been retrieved within 24 hours of being notified.
- 24.2 Clause 24.1 does not apply to –
- (a) a person who has permission to remove a shopping trolley from the business premises for operational reasons (for example replace or repair) from a person who is responsible for the operation of a business that provides shopping trolleys; or
  - (b) to a business that provides less than 10 shopping trolleys.
- 24.3 A person who uses a shopping trolley for whatever reason (for example a customer) must not remove that shopping trolley from the premises of the business for which it is provided.

Explanatory note: All fees prescribed under this clause are recoverable under section 187 of Local Government Act 2002 and set in documentation outside of this Bylaw.

## Part 4 - Enforcement Powers

### **25 Non-compliance with conditions for collection of waste from a public place**

- 25.1 Where a person does not comply with subparts 1 to 3 the waste collector may:
- (a) Reject (i.e. not collect) the contents of any approved receptacle left out by that person for collection from a public place, if the contents or placement of the receptacle is noncompliant;
  - (b) Remove the contents of any approved receptacle left out for collection from a public place, where the contents or placement of the receptacle is noncompliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount due for the collection of the largest available size of approved receptacle of refuse from that premises;
  - (c) Withdraw or suspend the collection services provided by the waste collector to that person.
- 25.2 Where a person does not comply with subparts 1 to 3 the Council may:
- (a) Enforce any offence that may have been committed under the Litter Act 1979;
  - (b) Enforce this breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

### **26 Non-compliance with controls for council collection points**

- 26.1 Where a person does not comply with a control made by the Council under clause 9 the Council may:
- (a) Issue a trespass notice, as provided for in the Trespass Act 1980, against that person to prevent them from using the collection point;
  - (b) Suspend that person's use of any service provided by the Council at any or every waste collection service;
  - (c) Enforce any offence that may have been committed under the Litter Act 1979;
  - (d) 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.

## **Part 5 - Offences and Penalties**

### **27 Bylaw breaches**

- 27.1 A person who fails to comply with Part 2 or Part 3 of 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.
- 27.2 A person who commits a breach of this bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.

## **Part 6 - Exceptions**

### **28 Exceptions**

- 28.1 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 officer of the Council.
- 28.2 A product stewardship scheme accredited under the Act may be exempted from the requirements of this bylaw.
- 28.3 Parties to an industry accord approved by the Council may be exempted in whole or in part from the requirements of clause 22 (unaddressed mail).