



Palmerston North City Council

**Amendment to Waste Management and Minimisation Bylaw
2016 and Administration Manual**

Consultation Document

Introduction

This consultation document proposes making a number of minor amendments to the current Waste Management and Minimisation Bylaw 2016 (the Bylaw) and the associated Administration Manual. The current Bylaw was adopted in September 2016, replacing the waste management provisions of the Nuisance Bylaw 2011. The purpose of this consultation document is to describe the proposal and explain why the Council is proposing to amend the Bylaw and Administration Manual.

The Proposal

This proposal is to insert new clause 19.3 to the Bylaw, relating to collection of contaminated recycling containers. The new clause will read:

“19.3 Notwithstanding anything in clause 19.1 or 19.2, the Council reserves the right to immediately refuse collection of any approved collection container where it contains, or where the Council has reasonable grounds to believe that it contains, any offensive material.”

Consequently, a new defined term would be inserted in clause 5, as follows:

“**Offensive material** means:

- (a) Any human or animal waste or human or animal remains;
- (b) Any material that creates a foul odour;
- (c) Any perishable waste such as vegetable or meat scraps; or
- (d) Any prohibited waste.”

Supporting these proposed changes, a further change is proposed to the Administration Manual, which sets out the standard conditions for the Council’s kerbside collection service. The proposal is to add new condition 18, to read:

“18. The Council reserves the right to determine the level of compliance with these terms and conditions that justifies non-collection of an approved collection container. In determining the level of compliance with these terms and conditions, the Council will have regard to the following factors:

- a. The volume of non-approved materials in the approved collection container (for instance, a negligible amount of non-approved materials may not warrant non-collection).
- b. The type of non-approved materials in the approved collection container (for instance, non-approved materials which can be readily identified and easily removed may not warrant non-collection).

- c. The condition of non-approved materials in the approved collection container (for instance, non-approved materials which are generally clean or inoffensive may not warrant non-collection)."

The Council is also proposing to amend three of the flowcharts in Part 4 of the Administration Manual, which relates to the workflow process that shows how the Council will determine compliance with the terms and conditions for the Council Kerbside Collection Service. Minor typos are corrected in the "Rubbish Bag" flowchart ("weight" corrected to "weigh") and the "Wheelie Bin" flowchart (missing "no" box inserted at the bottom of the flowchart").

The "Three Strikes" flowchart has been substantially simplified to provide a more streamlined process in response to repeated contamination of recycling containers. Under the proposed process, a contaminated recycling container will not be emptied regardless of the number of strikes, where currently the container is still emptied at the first strike. The obligations of Council officers to educate those property occupiers who have been issued a strike notice have also been revised. It is proposed that officers do not have to visit the property occupier to discuss the suspension and correct use of the recycling containers. Instead, officers will be required to make attempts to contact (for instance, by phone, letter or email, or in person, as appropriate) the property occupier to discuss the correct use of the service.

The table in Part 3 showing locations for approved diverted materials has been amended. Bunnythorpe Transfer Station, which has closed, is proposed to be removed from the table. A new line is added for batteries, which are now accepted for recycling at the Ferguson Street Recycling Centre. A consequent change is proposed under Prohibited Diverted Materials, reflecting that batteries are now accepted for recycling at the Ferguson Street Recycling Centre.

A number of minor typos are corrected throughout the document, and the maps showing the Council Kerbside Collection areas and days for collection have been updated.

Reason for the Proposal

The reason for inserting new clause 19.3 (giving Council the ability to refuse immediately the collection of a recycling container that has been contaminated with offensive material) is to protect the health and safety of Council staff who collect, empty, and sort recycling. Since the adoption of the Bylaw it has become apparent that in spite of the "three strikes" approach used for dealing with contaminated recycling, some containers are being contaminated with offensive material which poses a hazard to Council staff. If staff are required to follow the current process, they would be obliged to empty the contaminated container and could only refuse to empty the container for a second offence. Staff have observed that the level of contamination of some recycling containers warrants non-collection in the first instance. Therefore, clause 19.3 is proposed to give Council staff the ability to refuse to collect and empty a recycling container contaminated with offensive material, as defined in the Bylaw.

The addition of condition 18 to the Standard Conditions for the Council Kerbside Collection Service in the Administration Manual supports this approach. The broad scope of clause 19.3 is tempered by clear and transparent guidance over how staff will determine whether the contamination should result in the container not being collected and emptied. There may be some instances where the volume, type or condition of the contamination is such that collection is possible. Condition 18 is thus included to provide assurances that staff will exercise appropriate judgement in determining whether the contamination is sufficiently serious to justify not collecting and emptying that container.

The reason for revising the “Three Strikes” flowchart is principally to simplify the process. Since the adoption of the Bylaw, Council staff have found it difficult to manage the different types of strike notice (first, second, and third strike notices). By simply calling them a strike notice, and recording the number of notices issued against a property, staff will be able to more effectively monitor and respond to instances of recycling contamination. Allowing for a recycling container to not be collected even after a single strike is consistent with the other proposed changes that allow for immediate non-collection for contamination of a container with offensive material. It also acknowledges that a strike notice is only issued where there is a clear failure to comply with the terms and conditions of the kerbside collection service. The reason for not requiring Council staff to visit the property occupier where a strike notice has been issued is principally because of concern for staff resources and health and safety.

Consultation Process

Anyone can make a submission about the proposal described in this document. We encourage anyone with an interest in the issues raised in this proposal to make a submission.

This consultation document and the submission form can be found at:

- Palmerston North City Council website
<https://www.pncc.govt.nz/yourcouncil/consultations/>
- Customer Service Centre, Palmerston North City Council, The Square, Palmerston North;
- City Library, The Square, Palmerston North, and the libraries at Ashhurst, Awapuni, Roslyn, Linton and Te Pātikitiki/Highbury; and
- Ashhurst Services Delivery Centre, 122 Cambridge Avenue, Ashhurst.

You are welcome to appear before the Council and speak to your submission. Please indicate on your submission form whether you wish to do this. The Council intends to hear submissions on this proposal at the Planning and Strategy Committee meeting, scheduled for February 2018. The date and time for hearings will be confirmed in the letter acknowledging your submission, and will also be advertised in the Tribune newspaper.

To get your submission to us, either:

Mail to: Amendments to Waste Management and Minimisation Bylaw 2016 Submissions, Governance and Support Team Leader, Palmerston North City Council, Private Bag 11034, Palmerston North 4442

Deliver to: Palmerston North City Council Customer Service Centre, 32 The Square, Palmerston North

Email to: submission@pncc.govt.nz (write “Amendments to Waste Management and Minimisation Bylaw 2016 Submissions” in the subject)

Phone: 06 356 8199

Fax: 06 355 4115

**The submission period runs from 18 November
until 4pm on Wednesday 20 December 2017**

Please note that all written submissions, including the contact details on the submission, will be made available to the public and media and on the Council’s website, unless you specifically request that your contact details are kept private. For further information on this consultation please phone the Council on 06 356 8199 or email us at info@pncc.govt.nz.



PALMERSTON NORTH

WASTE MANAGEMENT AND MINIMISATION BYLAW

2016

(incorporating amendments as at 6 November 2017)

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PALMERSTON NORTH WASTE MANAGEMENT AND MINIMISATION BYLAW 2016

PART ONE - INTRODUCTION

1. TITLE

- 1.1 The title of this Bylaw is the “Palmerston North City Council Waste Management and Minimisation Bylaw 2016”.

2. PURPOSE

- 2.1 This Bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002, section 56 of the Waste Minimisation Act 2008, sections 64 and 65 of the Health Act 1956, and section 12 of the Litter Act 1979. The purpose of this Bylaw is to:
- (a) Protect, promote and maintain public health and safety, by regulating the collection and disposal of Waste and Diverted Material;
 - (b) Promote effective, efficient and safe collection, transportation, management, storage and disposal of Waste and Diverted Material;
 - (c) Regulate and monitor Waste and Diverted Material Operators within the City through a licensing process, to support Council’s Waste Minimisation Plan.

3. COMMENCEMENT

- 3.1 This Bylaw comes into force on 17 October 2016, except for Part Three which comes into force on 1 July 2017.

4. REPEAL

- 4.1 This Bylaw repeals the Palmerston North City Council Nuisance Bylaw 2011 Part 6: Clauses 15-20, Part 7: Clauses 21-26 and Part 8: Clauses 27-28 with effect from midnight on 16 October 2016.

5. DEFINITIONS

5.1 In this Bylaw, unless the context requires otherwise, the following definitions apply:

Administration Manual means the Waste Management and Minimisation Bylaw Administration Manual passed by resolution of the Council at the same time as making this Bylaw and as amended from time to time under this Bylaw.

Approved means authorised in writing by the Council.

Approved collection bag means a bag approved for use in the Council kerbside collection service for approved waste. The characteristics of an approved collection bag are contained in Part 2 of the Administration Manual.

Approved collection container means a collection container approved for use in the Council kerbside collection service for approved diverted materials. The characteristics of an approved collection container are contained in Part 2 of the Administration Manual.

Approved diverted material means a material or class of material that has been approved for recycling at a waste and diverted materials facility or in the Council kerbside collection service. The types of approved diverted materials are listed in Part 3 of the Administration Manual, including whether they are accepted for collection through the Council kerbside collection service or at a waste and diverted materials facility.

Approved waste means waste which has been approved for collection through the Council kerbside collection service. The types of approved waste are listed in Part 3 of the Administration Manual.

Authorised officer means a person appointed or authorised in writing by the Council to act on its behalf in relation to this Bylaw.

Bylaw means the Palmerston North Waste Management and Minimisation Bylaw 2016.

City		means the area within the boundary of Palmerston North City Council.
Collection day		means, the day allocated to the eligible property as shown on the Council kerbside collection service area maps in Part 3 of the Administration Manual.
Commercial waste		means any scrap, waste material or refuse resulting from the conduct of any business, manufacture, process, trade, market or other industrial operation or undertaking.
Commercial waste collector		means a person who collects, transports, and deposits for treatment or disposal any waste and/or diverted material.
Commercial waste collector licence holder		means a commercial waste collector who holds a current commercial waste collector licence issued under this Bylaw.
Controlled waste		means waste which has been approved for collection through the Council kerbside collection service provided it meets the controlled waste conditions listed in Part 3 of the Administration Manual. The types of controlled waste are listed in Part 3 of the Administration Manual.
Council		means the Palmerston North City Council.
Council kerbside collection service		means any collection service provided by, or under contract to, the Council for the collection of any approved or controlled waste or diverted material from eligible properties within the City.
Council kerbside collection service area		means the area highlighted on the Council kerbside collection service area maps in Part 3 of the Administration Manual.
Diverted material		means anything that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded. This includes material able to be recycled.

Eligible property	means a property within the City that is on the collection route of any of the Council kerbside collection services as shown on the Council kerbside collection service area maps in Part 3 of the Administration Manual.
Green waste	means garden waste such as lawn clippings, weeds and tree prunings but does not include food or kitchen waste.
Hazardous waste	means waste containing substances defined in Section 2 of the Hazardous Substances and New Organisms Act 1996, which exceed the minimum degree of hazard specified by the Hazardous Substances (Classes 1 to 5 controls) Regulations 2001.
Household waste	means waste resulting from domestic housekeeping operations. It includes waste similar to domestic waste that the Council has agreed to take from retail premises, businesses and offices where the Council provides a kerbside collection service.
Licence	means a licence issued by the Council in accordance with this Bylaw.
Litter	means any refuse, rubbish, animal remains, building materials, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature, but does not include waste or diverted materials placed for collections through the Council kerbside collection service or for collection by a commercial waste collector.
Nuisance	has the meaning given in section 29 of the Health Act 1956 and includes anything obnoxious, offensive or injurious to the community or any member of it.
Occupier	means any person or company who occupies any land or building (including commercial premises) and, if the land or building is unoccupied, includes the owner or the owner's agent.

Offensive material

means

(a) any human or animal waste or human or animal remains;

(b) any material that creates a foul odour

(c) any perishable waste such as vegetable or meat scraps; or

(d) any prohibited waste

Owner

is the person or company whose name is on the certificate of title for the premises.

Permit

means a permit issued by the Council in accordance with this Bylaw.

Person

includes a corporation sole, and also a body of persons, whether corporate or unincorporated.

Prohibited waste

means waste which has been prohibited for collection through the Council kerbside collection service. The types of prohibited waste are listed in Part 3 of the Administration Manual.

Property or Premises

means land or buildings which are separately occupied.

Public place

means an area that is open to or used by the public and that is under the control of the Palmerston North City Council, or one of its Council Controlled Organisations and includes a road (whether under the control of Council or otherwise).

Public litter bin

means a bin placed in a public place that is under the control of the Council into which litter (other than those items prohibited by clause 8 of the Bylaw) may be placed.

Public recycling bin

means a bin placed in a public place that is under the control of the Council into which glass, plastics, tins, cans, clean paper and cardboard may be placed.

Unsolicited mail

means any printed material which is not addressed to a named person and includes any circular, leaflet, brochure, or flyer.

For the avoidance of doubt 'named person' does not include 'the householder', 'the owner', 'the occupier', or similar phrases that do not use the intended recipient's given or family name.

Waste

means

- (a) Anything disposed of or discarded;
- (b) Includes a type of waste that is defined by its composition or source (for example organic waste, electronic waste or construction and demolition waste);
- (c) To avoid doubt, includes any component or element of diverted material if the component or element is disposed of or discarded; and
- (d) Litter.

Waste and diverted material facility

means any land and associated improvements used for the handling, storage, processing and/or disposal of waste, diverted material or both by, or on behalf of the Council, and includes, but is not limited to, resource recovery parks, landfills and transfer stations.

Waste Management and Minimisation Plan

means the operative Waste Management and Minimisation Plan adopted by the Council under the Waste Minimisation Act 2008.

PART TWO – COUNCIL WASTE AND DIVERTED MATERIAL SERVICES

6. COUNCIL KERBSIDE COLLECTION

- 6.1 The Council may identify kerbside collection areas within which the Council will provide to eligible properties a kerbside collection for household waste and diverted materials. The Council's kerbside collection areas are shown in the Administration Manual.
- 6.2 The kerbside collection of household waste and diverted materials from eligible properties are subject to the terms and conditions for the Council's kerbside collection service as contained in the Administration Manual. These terms and conditions must be complied with, including terms and conditions relating to the use of the Council berm for this service.
- 6.3 No commercial waste will be collected by the Council unless the Council has given prior written agreement and subject to such conditions as Council sees fit, including, but not limited to, collection times, collection fees, waste type, and the form, manner or position in which the commercial waste shall be placed for collection.

7. COUNCIL WASTE AND DIVERTED MATERIAL FACILITIES

- 7.1 The Council may provide facilities where users may deposit waste or diverted materials.
- 7.2 The use of such waste or diverted material facilities is subject to the terms and conditions for that facility contained in the Administration Manual.

8. PUBLIC RECYCLING BINS AND PUBLIC LITTER BINS

- 8.1 The Council may provide public litter bins or public recycling bins for collecting litter or the diverted materials identified by signs placed on the public recycling bins.
- 8.2 No person may deposit in any public litter bin any offensive matter (excluding domestic animal waste), household waste, hazardous waste or any material which may be placed in a public recycling bin, if a public recycling bin is located in the same area.
- 8.3 No person may deposit in any public recycling bin any litter or any other material other than glass, plastics, tins, cans, clean paper or cardboard.

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The correct type of bin must be used for the type of material being deposited, as designated on that bin.

8.4 The following conditions apply to public litter bins and public recycling bins:

- (a) No person may deposit into the bins any waste or diverted material that is generated from residential, commercial or industrial premises, or which would ordinarily be put out for collection by either the Council kerbside collection service or a similar non-Council collection service.
- (b) No person may deposit or attempt to deposit any material into the bin if the bin is full or if depositing any material is likely to cause the bin to overflow.
- (c) No person may remove anything from the bin unless authorised to do so by the Council or unless it represents an immediate threat to the health and safety of any person.
- (d) No person may interfere with, damage or destroy any bin.

PART THREE - LICENSING OF WASTE AND DIVERTED MATERIAL TRANSPORTERS AND COLLECTORS

9. LICENSING OF WASTE AND DIVERTED MATERIAL COLLECTORS

- 9.1 Any person involved in the removal, collection or transportation of more than ten (10) tonnes of approved waste or diverted material in any one twelve (12) month period within the City must have a commercial waste collector licence issued by the Council.
- 9.2 The application form for a commercial waste collector licence, and the information required on that form, will be in the Administration Manual.
- 9.3 A commercial waste collector licence may be granted subject to conditions, including, but not limited to, the conditions listed in the Administration Manual.
- 9.4 When exercising its discretion to grant a Licence and determining the conditions to be imposed in respect of it, the Council may take into account the following non-exhaustive list of factors:
- (a) The quantity and type of waste or diverted material to be removed, collected, transported, treated or disposed;
 - (b) The methods employed for the removal, collection, transportation, storage, treatment or disposal of waste or diverted material including the identity of the waste and diverted material facility at which it is proposed that treatment or disposal will occur;
 - (c) The frequency and location of the waste or diverted material collection, removal, and transportation services;
 - (d) The specifications of the vehicles, equipment and containers to be used for the collection, removal, transportation, treatment or disposal of waste or diverted material;
 - (e) The applicant's experience, reputation and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions;
 - (f) The terms and conditions under which such disposal of waste or diverted material 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.
- 9.5 A licenced collector must comply with all terms and conditions of the licence.

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- 9.6 The Council may suspend or revoke a licence if the licence holder fails to comply with this Bylaw, any of the terms and obligations of the licence or acts in a manner which the Council reasonably considers is not suitable for a commercial waste collector.

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PART FOUR - WASTE CAUSING HAZARD OR NUISANCE

10. ACCUMULATED WASTE OR LITTER

- 10.1 No occupier of any land or building (or in the case of unoccupied land or buildings, the owner) may permit or allow any waste to accumulate or remain in or upon any building or land which is, in the opinion of an authorised officer, likely to be a nuisance, injurious to health, a fire risk, cause an offensive smell or is otherwise offensive, or be a source of litter or harbour vermin.
- 10.2 Where an occupier or owner is in breach of clause 10.1, an authorised officer may issue to the occupier or owner of the premises on which the waste or litter has accumulated a Notice of Removal. The notice must specify the manner and time by which the waste must be disposed of.
- 10.3 If the owners or occupiers of the property fail to comply with the notice, or where in the opinion of the authorised officer removal and disposal of the waste is urgent, then an authorised officer may remove the accumulated waste and recover the costs of the removal and disposal of the waste from the owners or occupiers.

11. BURIAL OF WASTE

- 11.1 No person shall bury any non-biodegradable waste of any kind without the appropriate consents from Manawatu-Wanganui Regional Council and Palmerston North City Council.
- 11.2 For the avoidance of doubt, a consent from Manawatu-Wanganui Regional Council may also be required before burying biodegradable waste.

12. INTERFERENCE WITH AND REMOVAL OF WASTE OR RECYCLABLES

- 12.1 The interference with or removal of waste or recyclables from any public place is prohibited by anyone other than either the Occupier or Owner of the property from which the waste or recyclables were generated, or a person authorised by that Owner or Occupier, or an Authorised Officer.

PART FIVE – UNSOLICITED MAIL

13. UNSOLICITED MAIL RESTRICTED

13.1 No person may deposit, cause, permit or authorise the deposit of any unsolicited mail:

- (a) in any letterbox which is clearly marked "no circulars", "no junk mail", "addressed mail only" or with words of similar effect, or around or near any such letterbox or associated vehicle accessway;
- (b) on any vehicle parked in a public place;
- (c) in a letterbox that is already full of mail and/or advertising materials.

14. EXCEPTIONS TO UNSOLICITED MAIL RESTRICTIONS

14.1 Clause 13 shall not apply to any:

- (a) material from any government department or agency, crown entity, local authority, material from a network utility relating to the maintenance, repair, servicing or administration of that network utility, political party or political candidate, charity, or community newsletter;
- (b) newspaper or community newspaper, unless the letterbox is clearly marked "no community newspapers" or with words of similar effect.

PART SIX – EVENTS

15. EVENTS WASTE MANAGEMENT AND MINIMISATION

- 15.1 All events held on Council land or with Council funding must comply with the terms and conditions for Events Waste Management and Minimisation contained in the Administration Manual.
- 15.2 The Council may require an event organiser to prepare an Events Waste Management and Minimisation Plan for the event and submit it to the Council for approval, and adhere to that approved Events Waste Management and Minimisation Plan.
- 15.3 If the Council requires an event organiser to prepare an Events Waste Management and Minimisation Plan, then the Council will:
 - (a) Give the event organiser as much notice as possible but at least 20 working days' notice prior to the event being held of the need to prepare an Events Waste Management and Minimisation Plan; and
 - (b) Provide assistance and advice to the event organiser to develop the Events Waste Management and Minimisation Plan.
- 15.4 The Council reserves the right to monitor and assess any event for compliance with the requirements of this section, and the effectiveness of any waste minimisation plan at minimising the amount of waste generated at the event. The outcomes of that assessment may be considered when determining whether the event organiser is given permission to use Council land for that event, or whether Council funding is granted for that event, in the future.

PART SEVEN - ADMINISTRATION

16. ADMINISTRATION MANUAL AND DELEGATIONS

- 16.1 The Council has passed a resolution at the same time as making this Bylaw adopting the Administration Manual. The Administration Manual may from time to time be amended by resolution of the Council and all matters over which the Administration Manual defines, regulates, control or prohibits related to this Bylaw, are matters that this Bylaw leaves to be addressed by resolution of the Council under section 151(2) of the Local Government Act 2002.
- 16.2 Before amending the Administration Manual the Council will consult in accordance with the decision-making requirements of S82 of the Local Government Act 2002.
- 16.3 The following people are authorised delegates under this Bylaw:
- (a) The Council by resolution;
 - (b) The Chief Executive of the Council;
 - (c) The person holding the office identified in Council's Delegations Manual as responsible for the administration of this Bylaw;
 - (d) Any other person authorised to exercise a power under this Bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.
- 16.4 Authorised delegated persons may exercise any power, function or duty under this Bylaw, or carry out any act in order to achieve its effective administration, on behalf of the Council other than those expressly required to be by Council resolution including the following without limitation:
- (a) Specify forms and procedures for the effective administration of the bylaw;
 - (b) Make any decision or determination required in this Bylaw in order to administer it;
 - (c) Make decisions regarding whether or not a permit or licence should be granted, and the terms and conditions of that permit or licence including standard conditions and variations
 - (d) Make decisions regarding suspension, withdrawal or removal of a permit or licence.
- 16.5 All forms, specifications, conditions or methods for this Bylaw must be in writing and kept in the Administration Manual for this Bylaw called the Waste Management and Minimisation Bylaw Administration Manual, and shall be available to the public.
- 16.6 Every exercise of a power of delegation under this clause must be publicly reported to Council at least annually, if not exercised by Council by resolution, provided that failure to report does not invalidate the exercise of the delegate's power.

17. PERMITS AND LICENCES

- 17.1 Where an activity under this Bylaw requires a permit or licence from the Council, the person seeking a permit or licence must:
- a) Complete the required application form;
 - b) Pay the applicable fee;
 - c) Comply with any requirements set as conditions of that permit or licence.
- 17.2 A permit or licence may include, in addition to conditions incorporated by this Bylaw, conditions that the Council considers are necessary to manage the effects of the activity, achieve the objectives of this Bylaw and minimise the risk of nuisance.
- 17.3 For the avoidance of doubt and only in exceptional circumstances, the Council may grant a permit for an activity that would otherwise contravene this Bylaw.
- 17.4 A permit or licence is personal to the applicant and is not transferable.
- 17.5 An authorised officer may revoke or suspend any permit or licence issued under this Bylaw at any time, or suspend for such periods of time, on such terms and conditions as the authorised office may consider appropriate in the circumstances to protect public health and safety or to minimise nuisance.

18. FEES

- 18.1 The Council may charge a fee for receiving and processing an application for a licence or permit, and for issuing that licence or permit.
- 18.2 The Council may set fees payable for the use of services provided through this Bylaw (including the use of Council waste and diverted material services).
- 18.3 The Council must prescribe a fee for any permit or licence issued under this Bylaw in accordance with section 150 of the Local Government Act 2002.

PART EIGHT - ENFORCEMENT

19. NON-COMPLIANCE WITH TERMS AND CONDITIONS FOR COLLECTION OF WASTE AND DIVERTED MATERIAL

19.1 Where an owner or occupier of an eligible property does not comply with clause 6 of the Bylaw then the Council may, in its discretion, choose not to collect the bag or choose not to empty material from the collection container. The Administration Manual contains the current policies of the Council that will inform the exercise of the Council's discretion.

19.2 The Council may choose to suspend a kerbside collection service to any premises as a result of a serious, repeated, or ongoing breach of clause 6 of the Bylaw. The service to the premises may be suspended until the owner or occupier of that premises satisfies the Council on reasonable grounds that the Bylaw will be complied with. The Administration Manual contains the current policies of the Council that will inform the exercise of the Council's discretion. The targeted rate charged by the Council for any kerbside collection service will continue to be payable for that premises while the service is suspended.

19.2 19.3 Notwithstanding anything in clause 19.1 or 19.2, the Council reserves the right to immediately refuse collection of any approved collection container where it contains, or where the Council has reasonable grounds to believe that it contains, any offensive material.

20. NON-COMPLIANCE WITH TERMS AND CONDITIONS FOR COUNCIL WASTE AND DIVERTED MATERIAL FACILITIES

20.1 Where a person does not comply with clause 7 of the Bylaw the Council may:

- (a) Refuse to accept any or all of the items intended to be deposited at that facility;
- (b) Issue a trespass notice against that person to prevent them from using the facility;
- (c) Suspend that person's use of any service provided by the Council at any or every waste collection service or facility

21. NON-COMPLIANCE WITH CONDITIONS OF A LICENCE

21.1 Where a licence holder does not comply with the terms and conditions of the licence, the Council may take one or more of the following steps:

- (a) Issue a written warning to the licence holder, which may be considered as evidence of a prior breach of a licence condition during any subsequent review of the licence;
- (b) Review the licence, which may result in:
 - (i) amendment of the licence; or
 - (ii) suspension of the licence; or
 - (iii) withdrawal of the licence.

- (c) Have recourse to any performance bond or security where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
- (d) Review the amount and nature of the performance bond or security, which may result in:
 - (i) an increase of the amount of the performance bond or security;
 - (ii) a change to the nature of the security that has been provided.

22. BYLAW BREACHES

- 22.1 Notwithstanding clauses 19-21 of the Bylaw, a person who fails to comply with the Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable to a fine as specified in section 242 of the Local Government Act 2002.
- 22.2 A person who commits a breach of this Bylaw that is an offence under the Litter Act 1979, the Waste Minimisation Act 2008, or the Health Act 1956 is liable to a penalty under that Act.
- 22.3 The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under section 259 of the Local Government Act 2002, the Litter Act 1979, the Waste Minimisation Act 2008, and the Health Act 1956.



PALMERSTON NORTH CITY

WASTE MANAGEMENT AND MINIMISATION BYLAW

2016

Administration Manual

(incorporating amendments as at 6 November 2017)

Document control

Version No.	Reason for amendment	Date
1.0	Adopted by Council	26 September 2016

Authorisation

	Name	Signature	Date
Prepared by			
Reviewed by			
Authorised by			

PART 1 – INTRODUCTION

The purpose of this Administration Manual is to provide information complementary to the Waste Management and Minimisation Bylaw by bringing together those aspects which may otherwise be included in the Bylaw, but which are of a technical or administrative nature, or operational matters that are likely to be amended before the Bylaw is reviewed. This approach has been adopted to simplify the administration of the bylaw, allow for administrative and technical processes to be kept up to date, and assist in interpretation of the bylaw.

The Administration Manual is made under the bylaw, and governs the implementation and operation of the bylaw. The Administration Manual is a public document, and is available on the Council's website alongside the bylaws. A hard copy can be provided on request.

This Administration Manual will be updated from time to time, as necessary, to ensure that it is kept up to date and reflects current practice. Amendments to this document will be made by a resolution of Council and either the General Manager for City Networks or the Water and Waste Services Manager will sign off any changes made to this document as a result of such resolution.

PART 2 – STANDARD CONDITIONS FOR COUNCIL KERBSIDE COLLECTION AND WASTE AND DIVERTED MATERIALS FACILITIES

The following conditions apply to the Council kerbside collection service.

Conditions for Waste Collection (“rubbish bag collection”)

1. Only an approved collection bag may be used for waste. An approved collection bag is one that has the Council logo displayed on it, and is available to purchase from Council offices, or retail outlets within Palmerston North. The maximum acceptable weight for a single collection bag is 10 kilograms.
2. The approved collection bag must be placed for collection on the berm or verge outside the property no later than 7.30am on collection day, must be visible from the road, and must not impede pedestrian or vehicular traffic. Where there is no berm or verge the approved collection bag must be placed immediately outside the property boundary facing the road, provided that doing so will not pose a hazard to vehicular or pedestrian traffic. The property occupier remains responsible for any waste that may escape (for example, due to interference from animals) from the collection bag before it is collected.
3. There are three categories of waste: approved, controlled and prohibited waste, defined in part three of the Administration Manual. No prohibited items may be placed in an approved collection bag.
4. The Council may refuse to collect an approved collection bag if the above conditions are not met. In the event of non-collection of an approved collection bag, the occupier of the property must remove the collection bag from the berm or verge.

Conditions for Diverted Material Collection (“wheelie bin and glass crate”)

General

1. Only an approved collection container may be used for diverted materials. An approved collection container is one that has the Council logo, or both the Council logo and a Council-registered identifier on it.
2. Only approved diverted materials may be placed in the collection container. A table of approved diverted materials which may be placed

in the approved collection container is included in Part 3 of the Administration Manual.

3. An approved collection container must not be filled or loaded such that the lid (if applicable) cannot be closed, or that the contents extend over the top edge of the container, or so that the contents cannot flow freely from the container.
4. Once it has been placed on the berm or verge for collection, no person may deposit into, or remove anything from, an approved collection container other than the occupier of the property or an authorised officer.
5. The property occupier remains responsible for any materials that may escape from the approved collection container before it is collected.
6. The maximum acceptable weights for approved collection containers are as follows:
 - a. Glass (45 litre black plastic crate): 18 kilograms
 - b. Other diverted materials (black wheelie bin with orange lid): 100 kilograms for 240 litre wheelie bin; 40 kilograms for 80 litre wheelie bin.

Ownership

7. Approved collection containers for approved diverted materials are allocated to eligible properties and shall remain at the eligible properties at all times for use in the Council kerbside collection service. Additional approved collection containers may be supplied on request to the Council, subject to the payment of an additional annual fee, as set out in the Council's Schedule of Fees and Charges.
8. Approved collection containers are supplied by the Council direct to the property occupier. Where the occupier of the property is not the owner of the property, the owner must not withhold from the occupier the approved collection containers supplied by the Council.
9. The approved collection containers remain the property of the Council and must not be intentionally damaged, altered, or disposed of or used for any purpose other than the Council kerbside collection service. The owner of the property will be liable for the cost of any replacement or repairs necessary to reinstate the approved collection containers to their operable state.
10. The Council reserves the right to use measures, whether electronic or otherwise, to identify and locate approved collection containers.
11. The Council reserves the right to recover or repossess any approved collection container where that container is not used at the eligible property to which it has been allocated.

Placement

12. The approved collection container must be placed for collection on the berm or verge outside the property no later than 7.30am on collection day, must be visible from the road, and must not impede any pedestrian or vehicular traffic. Where there is no berm or verge the approved collection ~~bag~~ container must be placed immediately outside the

- property boundary facing the road, provided that doing so will not pose a hazard to vehicular or pedestrian traffic.
13. Collection containers should not be placed closer than 0.5m to another collection container or other permanent structure, or fixed or secured to any other container or structure.
 14. No items should be placed on top of an approved collection container.

Timing

15. The approved collection container must be removed from the berm or verge before 7.30pm on collection day, and must be stored on the property to which it is assigned.

Nuisance

16. Where an approved collection container is causing an offensive odour, or is attracting vermin, the occupier is responsible for cleaning the container to remove the nuisance.

Refusal to collect

17. The Council may refuse to collect an approved collection container if the above conditions are not met. In the event of non-collection of an approved collection container the occupier of the property must remove the collection container from the berm or verge and store the container on the property to which it is assigned.
18. The Council reserves the right to determine the level of compliance with these terms and conditions that justifies non-collection of an approved collection container. In determining the level of compliance with these terms and conditions, the Council will have regard to the following factors:
 - a. The volume of non-approved materials in the approved collection container (for instance, a negligible amount of non-approved materials may not warrant non-collection.)
 - b. The type of non-approved materials in the approved collection container (for instance, non-approved materials which can be readily identified and easily removed may not warrant non-collection).
 - a-c. The condition of non-approved materials in the approved collection container (for instance non-approved materials which are generally clean or inoffensive may not warrant non-collection).

Conditions for use of Waste and Diverted Material Facilities (“transfer stations and recycling centres”)

1. All users of waste and diverted material facilities must comply with all instructions or directions provided by the site operator or site staff.
2. All users of waste and diverted materials facilities must comply with all health and safety signage.
3. All users of waste and diverted materials facilities must pay the appropriate fee (where applicable) before unloading and depositing items.
4. All items must be deposited into the appropriate container or area or as advised by staff and/or signs posted at each facility.

PART 3 – CLASSIFICATION OF WASTE AND DIVERTED MATERIAL

This Part is specific to Council's kerbside collection services and waste and diverted materials facilities.

Approved, controlled and prohibited waste

Approved waste

Any waste which is not controlled waste or prohibited waste is considered approved waste.

Controlled waste

The following items are considered controlled waste, provided they are contained so as to prevent injury, damage or loss, secured to avoid puncturing the collection bag, or contained to prevent nuisance including a smell nuisance (for instance, wrapped in paper):

- Broken glass, broken china, broken plastic, razor blade, knife, or any other material capable of causing injury;
- Any sharp object or material capable of puncturing the collection bag or material capable of being rendered so during collection;
- Any perishable waste, such as vegetable and meat scraps.

Prohibited waste

The following items are classified as prohibited waste:

- Any explosive, flammable, infectious, radioactive, corrosive or toxic material, oxidant, or any other matter of any kind whatsoever that may endanger any person, animal or vehicle which may come into contact with the material at any time prior to, during or after disposal;
- Liquids;
- Hot ashes or other hot material;
- Compressed-gas cylinders;
- Asbestos-containing materials. (If you think that the material you are handling may contain asbestos please contact the Ministry of Business, Innovation and Employment. More information can be found on their website at <http://www.dol.govt.nz>.);
- Hazardous waste.

Approved diverted materials (“Recycling”)

The following table shows the approved diverted materials accepted at each of the waste and diverted materials facilities and in the Council kerbside collection service. A tick indicates that the material is accepted in the Council kerbside collection service or at the waste and diverted materials facilities (subject to any noted conditions). A cross indicates that the material is not accepted in the Council kerbside collection service or at the waste and diverted materials facilities. Materials in bold may incur a charge for disposing those items.

Materials	Council Kerbside Collection	Awapuni Resource Recovery Park	Ferguson Street Recycling Centre	Ashhurst Transfer Station	Bunnythorpe Transfer Station
Glass bottles and jars that once contained food or beverage	√ ¹	√	√	√	√
Plastic containers identified with recycling symbol numbered 1-7	√ ²	√	√	√	√
Steel tins and aluminium cans	√ ²	√	√	√	√
Empty aerosol cans	√ ³	√	√	√	√
Clean paper and cardboard	√ ⁴	√	√	√	√
E-waste	X	X	√	X	X
Green waste	X	√ ⁵	X	√ ⁵	√ ⁵
Compact Fluorescent Light Bulbs	X	X	√	X	X
Batteries	X	X	√	X	

Notes:

1. Glass crate only. Washed with the lids off (the lids can go in the wheelie bin).
2. Wheelie bin only. Washed with lids off.
3. Wheelie bin only.
4. Wheelie bin only. Includes office paper, magazines, newspaper, egg cartons, cereal boxes, and envelopes.
5. Approved green waste excludes the following types of organic material: Sawdust, soil, stones and gravel, flax and bamboo, animal waste, ash, leather items, clothing, shoes or fabric, nappies, any organic material contaminated with chemicals known to compromise the quality of compost.

Prohibited diverted materials

Materials not listed as approved diverted materials are prohibited diverted materials. The following list indicates materials that are not able to be recycled at waste and diverted materials facilities and Council's kerbside collection service:

- Plastic wrap (e.g. Glad Wrap);
- Shopping and bread bags and other single-use plastic bags;
- Soft plastic bags and wrappers;
- Aluminium foil;
- Drinking glasses;
- Organic waste (excluding green waste);
- Needles (some pharmacies may provide a safe bin for needles and other sharp medical instruments);
- Pesticides, oil or hazardous chemicals;
- Ceramics, crockery, porcelain and ovenware including Pyrex products;
- Mirrors, window glass or broken glass;
- Light bulbs (the Ferguson Street Recycling Centre accepts compact fluorescent bulbs);
- Bubble wrap;
- Hot and cold ashes;
- Polystyrene (includes polystyrene meat and food trays);
- Tissues, serviettes, paper towels, toilet paper, wipes or similar items;
- Materials contaminated with food or human waste e.g. tissues and paper towels;
- Paint;
- Batteries (the Ferguson Street Recycling Centre accepts batteries);
- Perspex;
- Construction and demolition waste;
- Electric cables, string, and rope;
- Gas bottles;
- Any liquid.

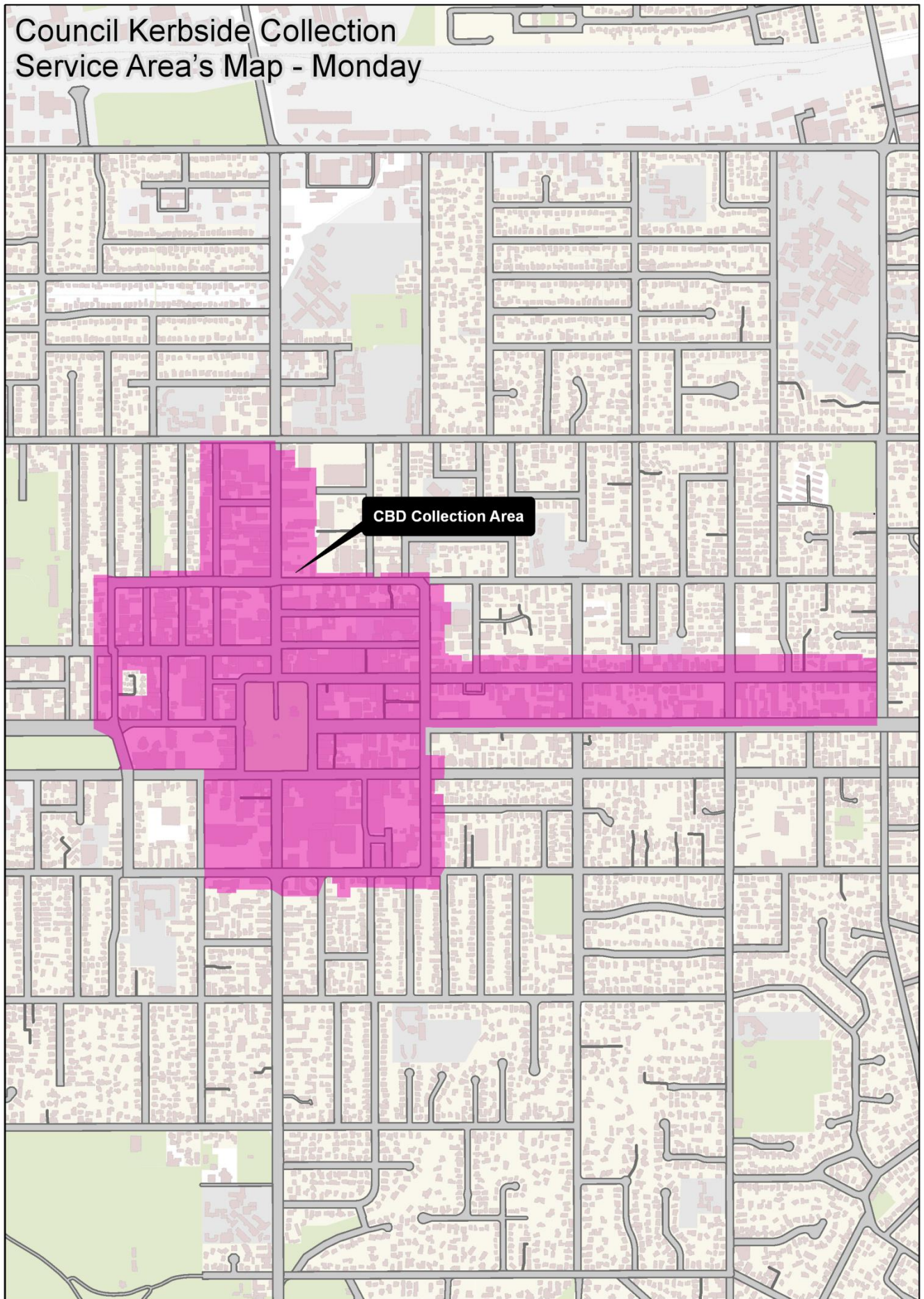
The following maps show the coverage of the Council's kerbside collection service.

Each map identifies the areas to which the stated collection day applies. Those properties within the highlighted area are eligible for the Council kerbside collection service on the day stated on that map.

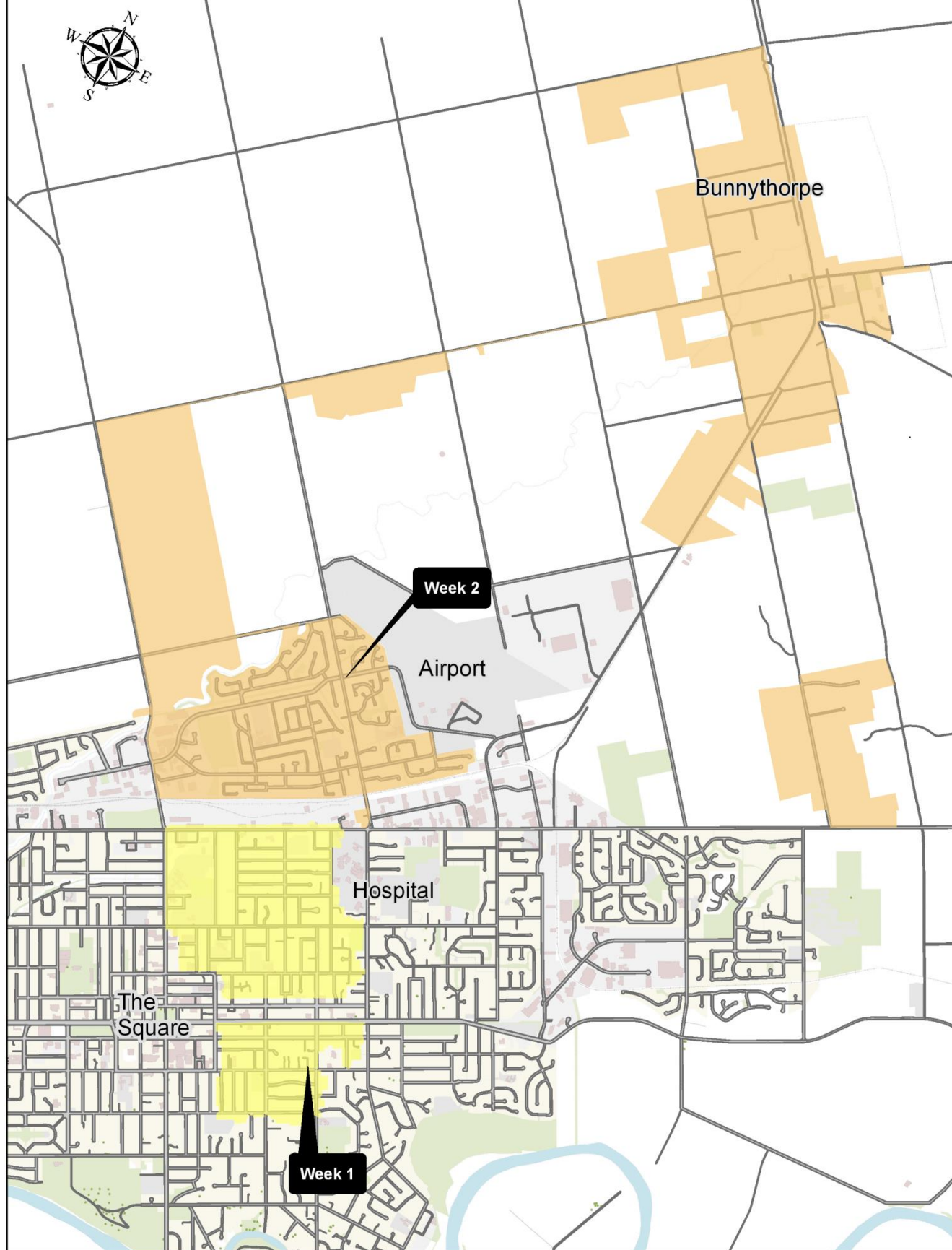
Council operates an alternating collection service for recycling. Each year Council publishes a "Week 1" and "Week 2" calendar that identifies for each week of that year whether the kerbside service is collecting either the "wheelie bin" or the "glass crate". Where the maps in this section indicate an area as "Week 1" or "Week 2", this identifies which week applies to that area.

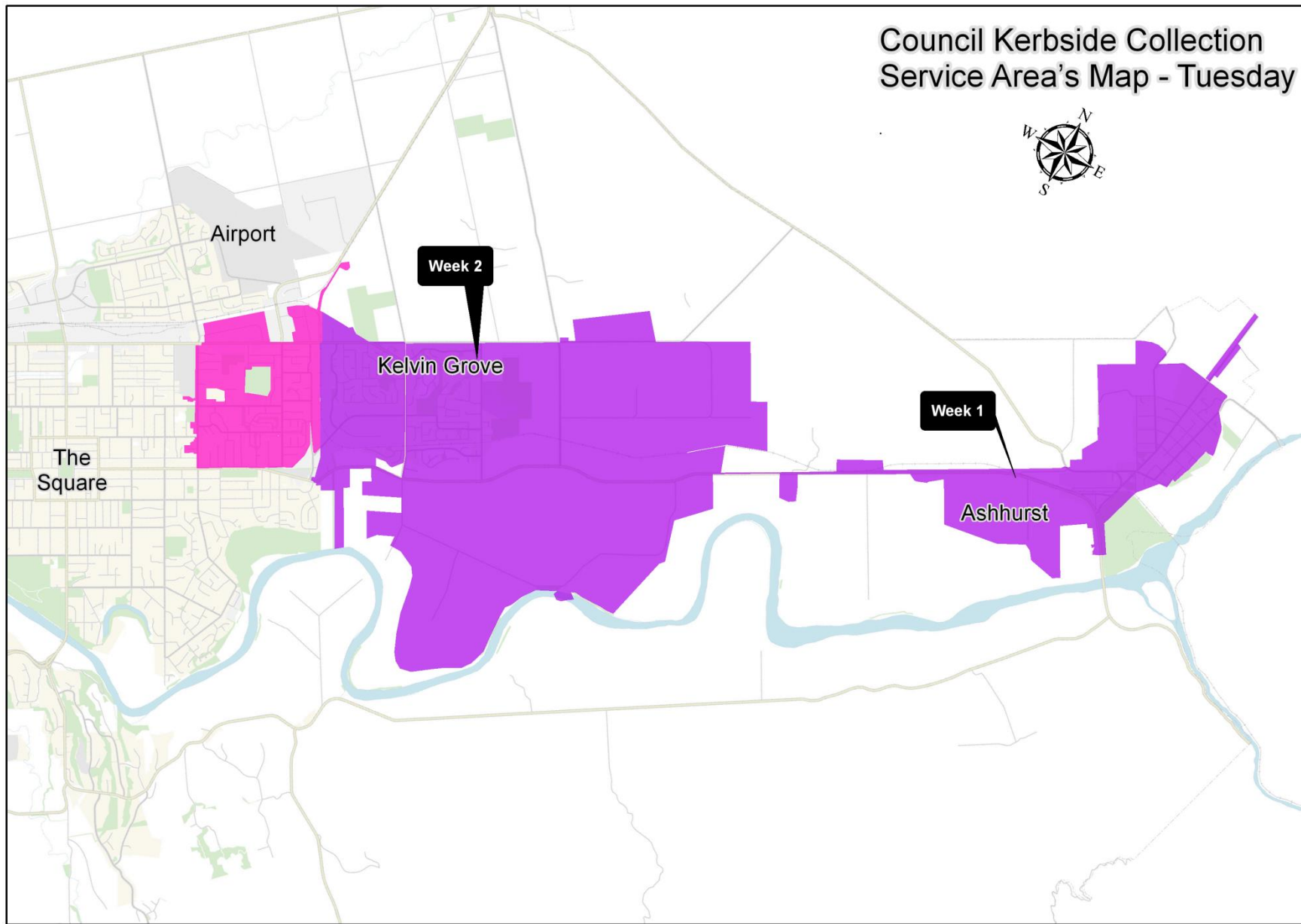
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Council Kerbside Collection Service Area's Map - Monday

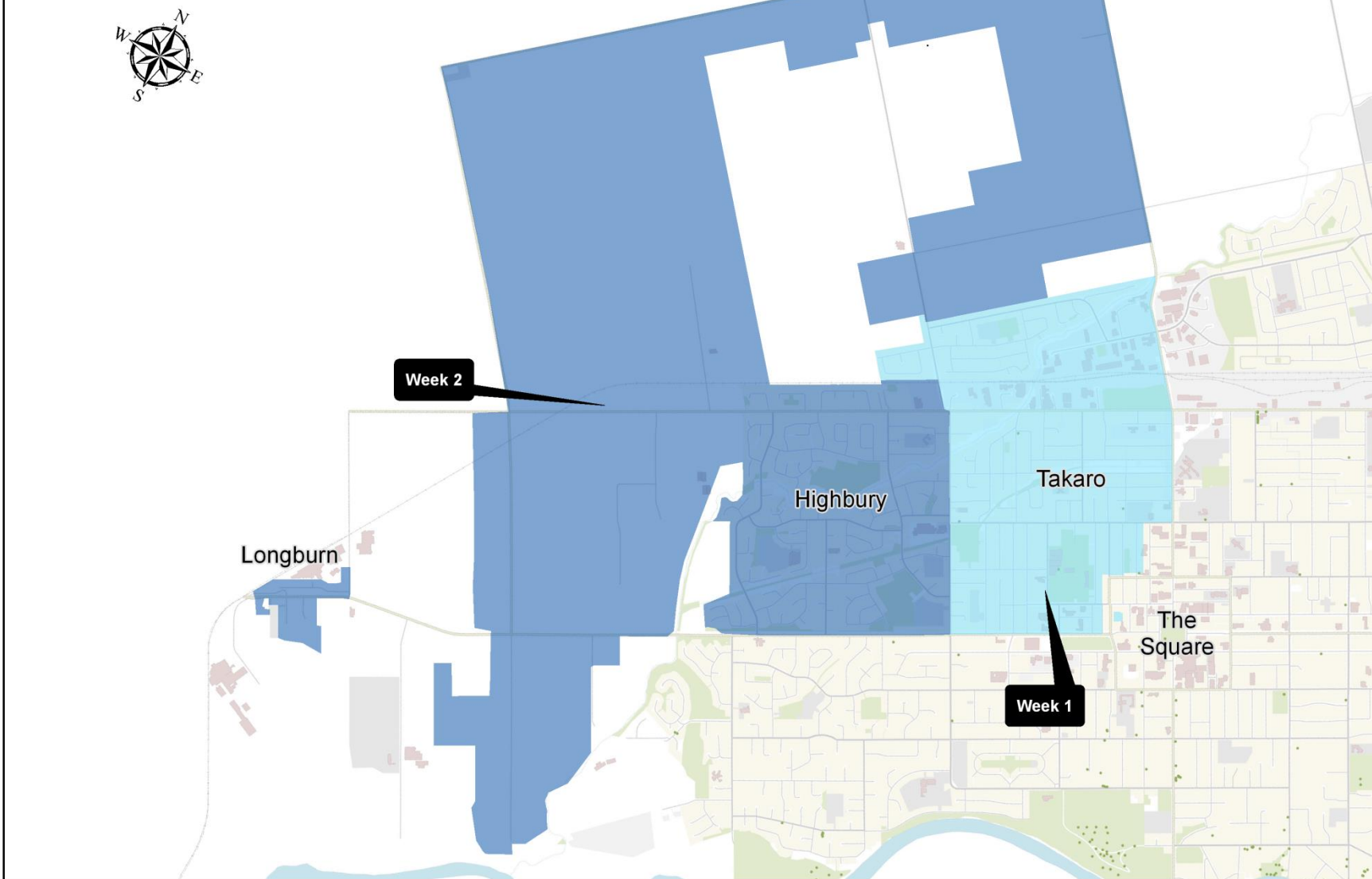


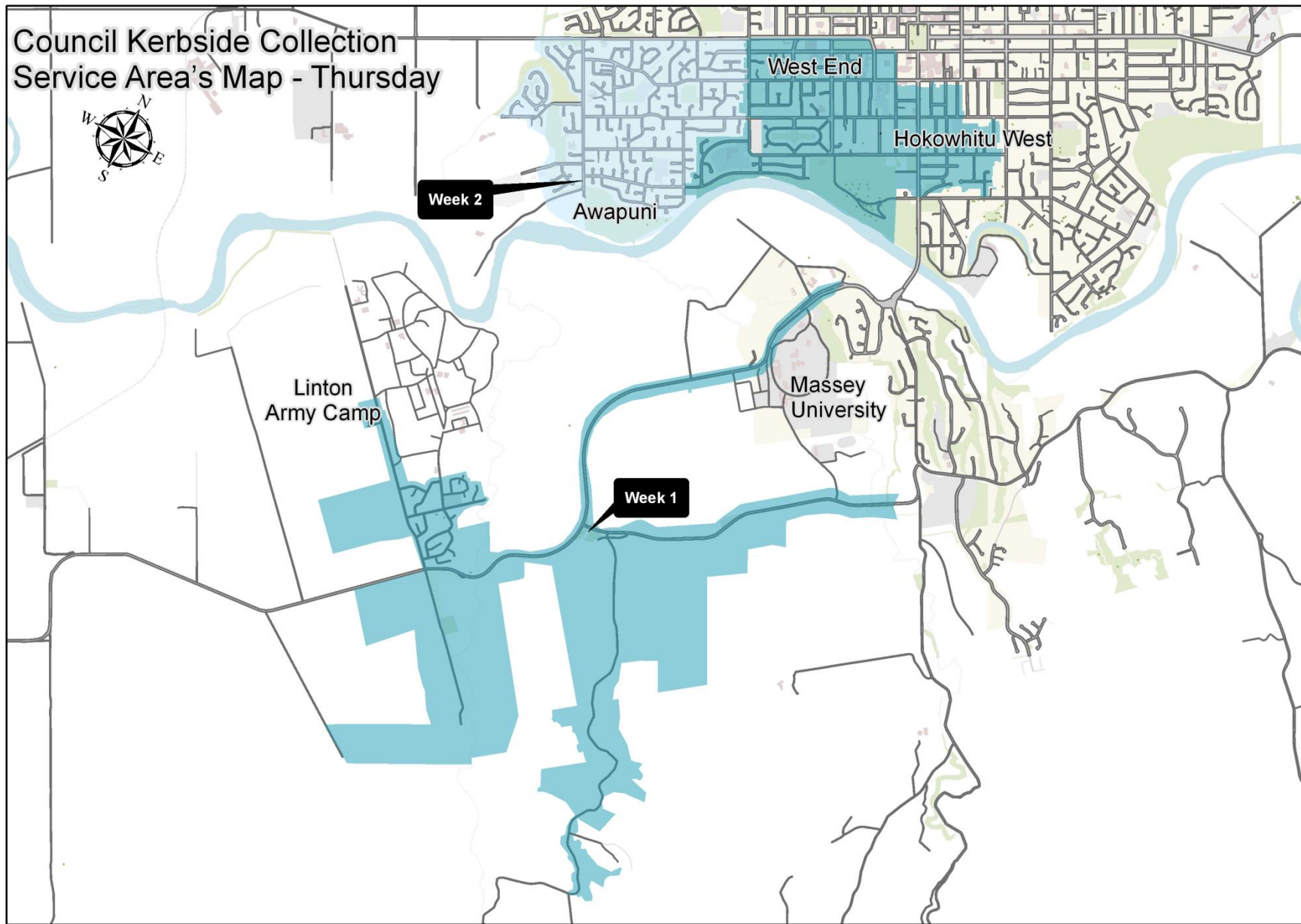
Council Kerbside Collection Service Area's Map - Monday

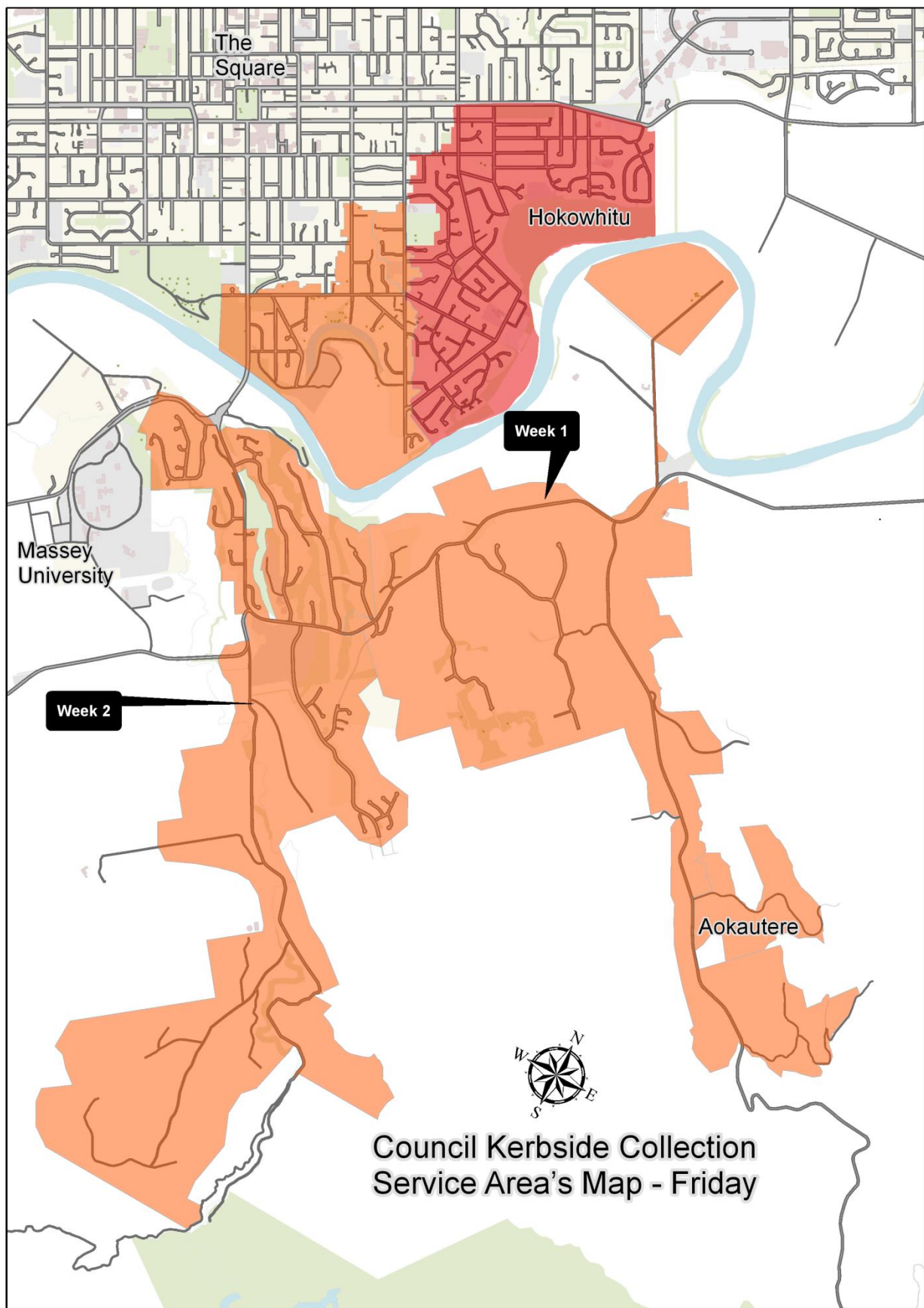




Council Kerbside Collection Service Area's Map - Wednesday





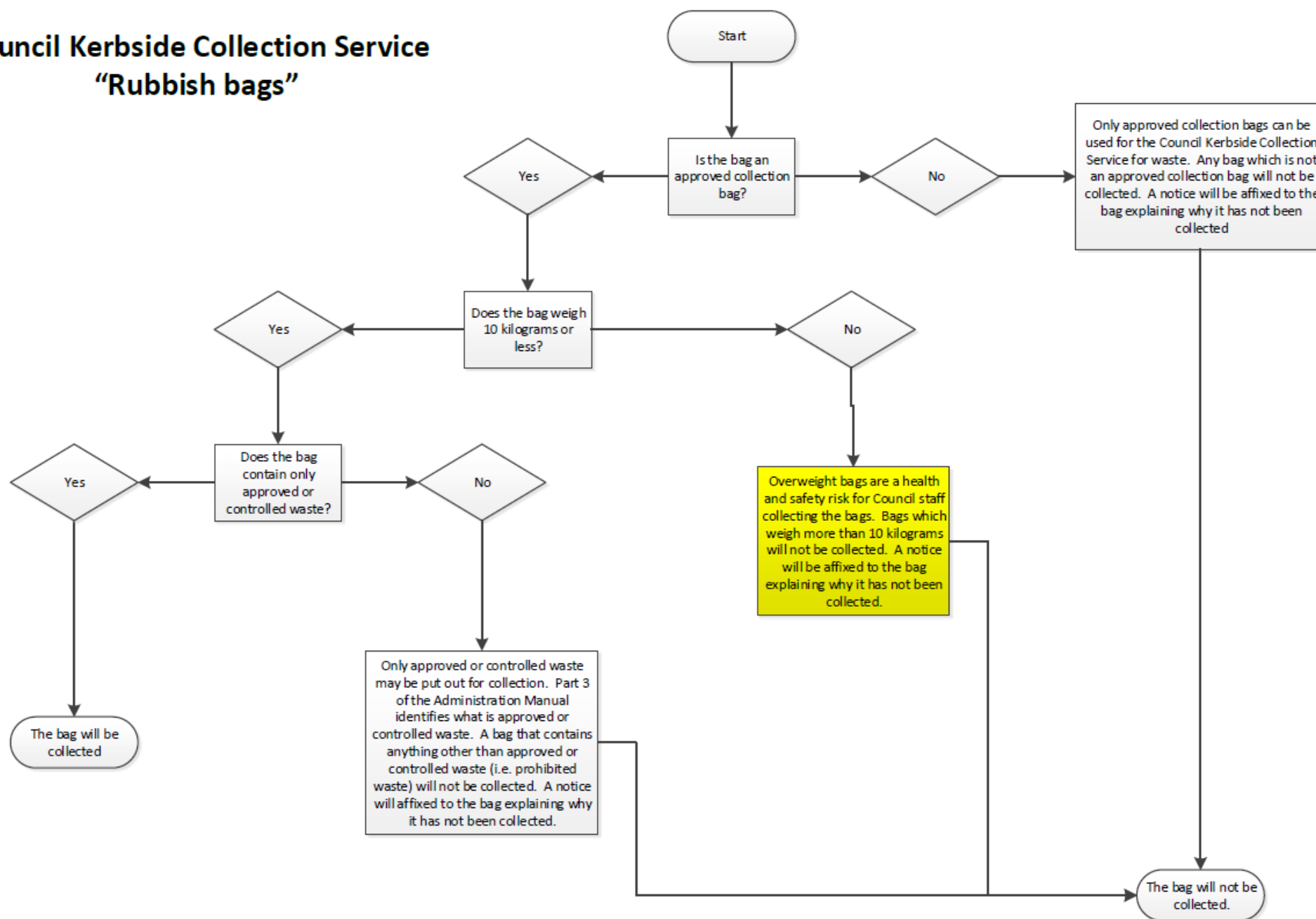


PART 4 – POLICY FLOWCHART FOR COUNCIL KERBSIDE COLLECTION SERVICE ENFORCEMENT

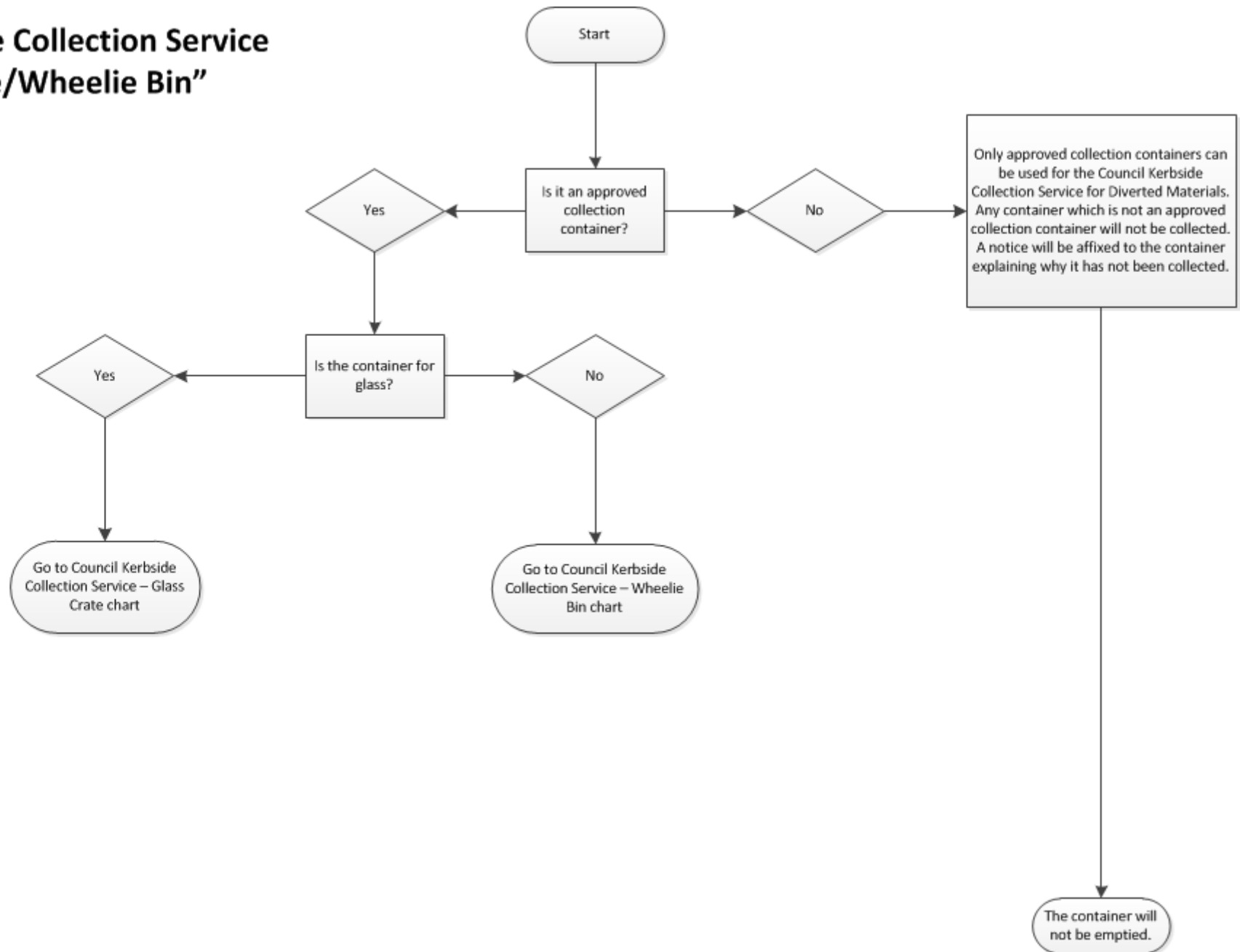
The following flowcharts describe how Council staff will determine compliance with the terms and conditions for the Council kerbside collection service, and what action should be taken in the event of non-compliance.

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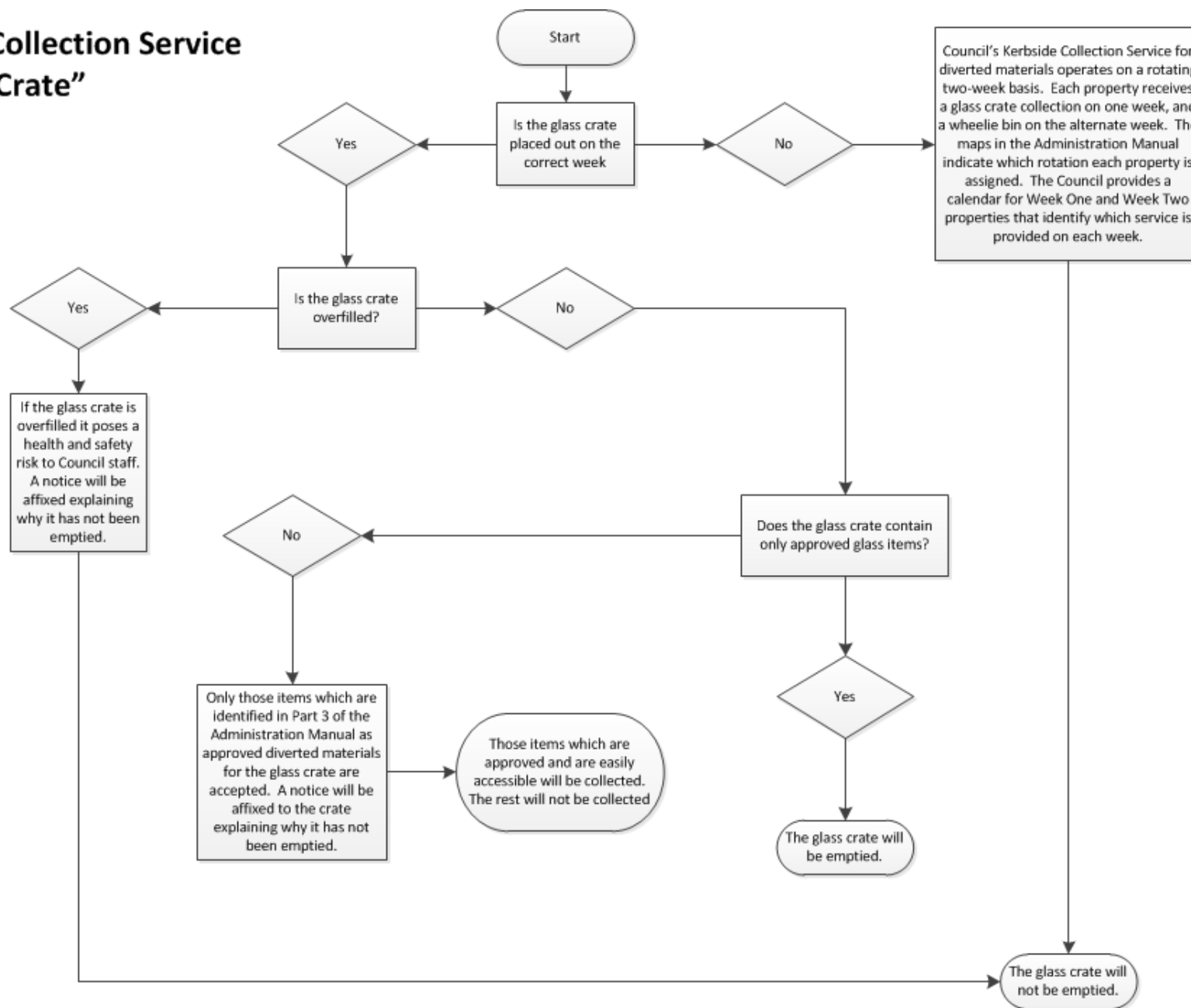
Council Kerbside Collection Service "Rubbish bags"



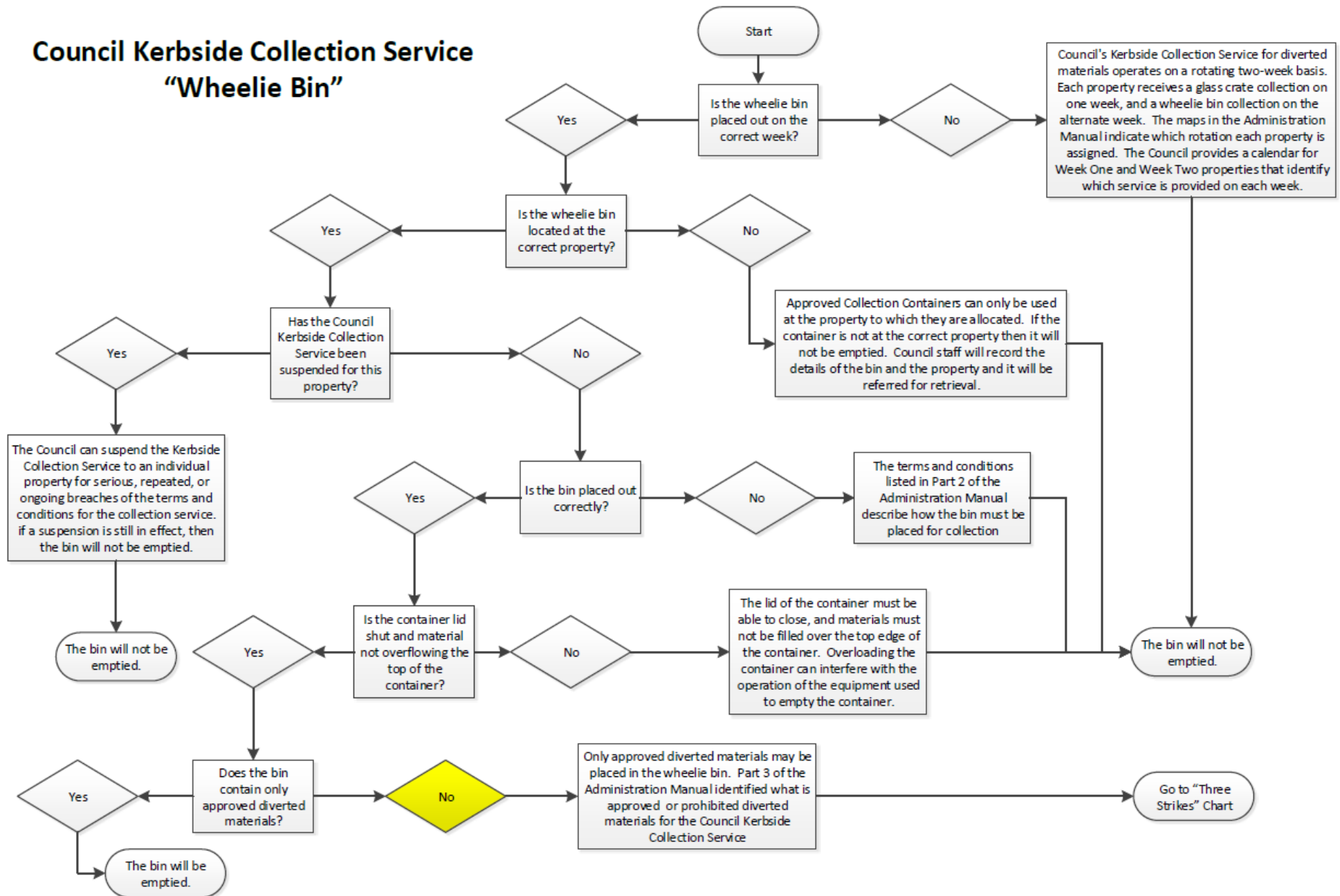
Council Kerbside Collection Service “Glass Crate/Wheelie Bin”



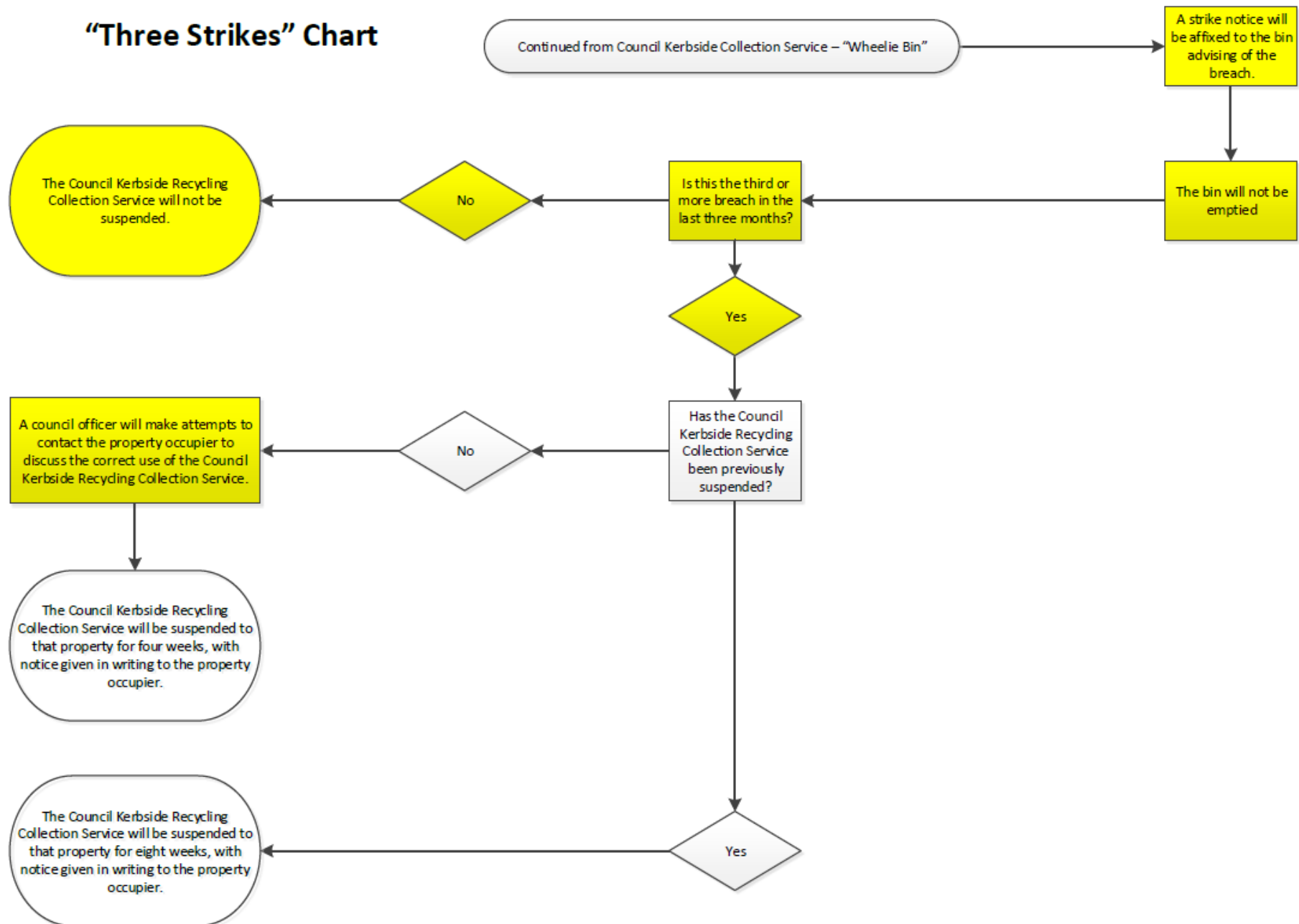
Council Kerbside Collection Service “Glass Crate”



Council Kerbside Collection Service “Wheelie Bin”



"Three Strikes" Chart



PART 5 – COMMERCIAL WASTE COLLECTOR LICENCE – TERMS AND CONDITIONS

A commercial waste collector licence is subject to the following conditions:

Scope of licence

1. The licence commences on the date it has been signed by the Licensee and the Council. The duration of the licence will be stipulated in the Licence.
2. Only waste or diverted materials of the type identified on the licence may be collected by the licence holder.

Reporting and auditing

3. The licence holder must provide to the Council a monthly report on its waste and diverted material collection activities for the month prior no later than the 20th day of the month following the period reported on.
4. The information in the report must include the following details:
 - a. The amount (by weight in tonnes) of waste and diverted materials collected by the licence holder; and
 - b. A breakdown of the waste and diverted materials by type of material; and
 - c. Where the waste and diverted materials were deposited.
5. The Council reserves the right to audit the reports provided by the licence holder. For audit purposes, the Licence Holder will be required to grant Council or its designated contractor access to information reasonably necessary to validate the reports provided in accordance with the terms and conditions of the licence.

Confidentiality

6. Commercially sensitive material received from the commercial waste collector licence holder that the License-holder wishes to keep confidential must be stamped “commercially sensitive” by the licence holder and will be received by the Council on that basis under the Local Government and Official Information and Meetings Act 1987 and held subject to that Act.

Bond

7. The licensee may be required to lodge a bond with the Council, as security against costs that may be incurred by the Council in the event of non-compliance with the licence.

Liability and indemnity

8. The Council is not responsible or liable in any way whatsoever in respect of the actions of the licensee or the compliance or otherwise of the licensee with the terms of this licence.

Compliance

9. The licensee must comply with applicable laws, bylaws, regulations and Council's standards and policies, including the Council's Waste Management and Minimisation Plan.
10. The Council may require that the licensee has a Traffic Management Plan in place.
11. If a licensee does not comply with the licence, the Council may:
 - a. Issue a written warning to the licensee, which may be considered as evidence of a prior breach of a licence condition during any subsequent review of the licence;
 - b. Review the licence, which may result in
 - i. amendment of the licence; or
 - ii. suspension of the licence; or
 - iii. termination of the licence;
 - c. Have recourse to any bond where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licensee;
 - d. Review the amount and nature of the bond, which may result in:
 - i. an increase of the amount of the bond;
 - ii. a change to the nature of the bond that has been provided;
 - e. Enforce any offence that may have been committed under the Litter Act 1979;
 - f. Enforce any breach of the Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

Termination of licence

12. The licensee may terminate the licence by giving two months' notice in writing, or at a shorter notice by agreement with the Council.
13. The Council may terminate the licence:
 - a. With one months' notice in writing, where the terms and conditions of the licence have not been met by the licensee;
 - b. Immediately, without written notice, where the terms and conditions of the licence have not been met by the licensee and the breach of the terms and conditions poses a risk to the health and safety of any person or damage to Council property, or where the licensee breaches the Bylaw.

Application Form



Palmerston North City Council Waste Management and Minimisation Bylaw Commercial Waste Collector Licence

(Any enquires please phone Palmerston North City Council 06 356 8199)

1. APPLICANT DETAILS

Company Name: _____

Associated brand names: _____

Phone: _____ Mobile: _____

Email: _____ Fax: _____

Mailing Address: _____

Physical Address: _____

Name of key contact: _____

Telephone Number 24/7: _____

Principle of company (Name): _____

Phone: _____

2. APPLICATION PERIOD

From _____ to _____ (maximum licence period 5 years)

Licensee and Council checklist. Please ensure you complete all paperwork before returning.

	Licence Applicant	Council
Form completed?		
Public Liability Insurance certificate attached		
Fee paid		
Terms and conditions received		
Issue licence		

3. DETAIL OF ACTIVITY

Type of material being received and handled under the licence

Please tick

Domestic waste

Recyclables

Green Waste

Construction and demolition waste

Commercial waste

Inorganic waste

Hazardous waste

Other (Please specify) _____

4. TYPE OF APPROVED CONTAINERS COLLECTED

TYPE	VOLUME (CAPACITY)

5. FACILITY/FACILITIES TO WHICH MATERIAL WILL BE TRANSPORTED BY THE COLLECTOR

Name the type of facility/facilities (e.g. Transfer Station, landfill, cleanfill, compost site, recycling plant, materials processing sites, Resource Recovery Facility)

FACILITY NAME AND TYPE	LOCATION	WASTE TYPE

6. METHODS/TREATMENT

Provide methods and treatment details of material that you handle:

Please cover as appropriate

- How often and from where do you collect material?
- How is it transported?
- Will the material be commingled in your collection vehicles?
- How will the operator determine tonnages collected?
- How is the material recycled, recovered, reused?
- Is there any treatment of the material? If so what kind of treatment?

Please describe in the box below (or attach a separate sheet):

7. FLEET

Please attach details indicating the number and type of vehicles, their registration numbers, and what load containment measures are being used.

VEHICLE	REGISTRATION

(Please attach any extra vehicles' information on a separate page)

8. EXPERIENCE

Provide details of your experience in the waste industry.

Please describe in the box below (or attach a separate sheet):

9. PAST OPERATIONAL ISSUES

Provide details of any operational issues that might have affected your ability to perform in the past.

10. PUBLIC LIABILITY

Provide a copy of certificate of public liability insurance covering the licence period. (A certificate from a broker is sufficient.)

11. DECLARATION

I/we agree to be bound by and fulfil all terms and conditions of the licence by signature, including (without limitation) meeting all information and reporting requirements.

I/we declare that all information provided in this application and any (numbered) attachments and any information subsequently provided under the terms and conditions of the licence are correct and accurate.

Signature of applicant: _____

Name and Title of applicant: _____

Date: _____

Please note: The person completing this application must be authorised, in writing, to act as a signatory on behalf of the applicant.

Please ensure you complete all paperwork before returning

PART 6 – TERMS AND CONDITIONS FOR EVENTS WASTE MANAGEMENT AND MINIMISATION

The following terms and conditions apply to any event held on Council land or with Council funding:

1. The event organiser must take all reasonable steps to minimise the amount of waste generated at the event. This includes encouraging event participants (e.g. food vendors) to minimise the amount of packaging used or given out, ~~and discouraging non-recyclable materials such as foil or foil-lined packaging, polystyrene or Styrofoam containers or cups, wax-lined paper cups or tetra packs.~~ Non-recyclable materials such as foil or foil-lined packaging, polystyrene or Styrofoam containers or cups, wax-lined paper cups or tetra packs should not be used at events and the event organiser should communicate this to the event participants.
2. The event organiser must take all reasonable steps to encourage recycling opportunities for materials used at the event. This includes:
 - a. Using ~~recyclable or 100% compostable packaging, single-use beverage cups, and utensils wherever possible.~~ Compostable materials are paper or cardboard (not plastic-lined), corn-starch/potato-bases/sugar-cane based packaging, bamboo, PLA ("plant plastic"). Where the use of compostable materials is not practicable, food packaging should be made from recyclable or reusable materials.
 - b. Promoting to event attendees opportunities to recycle packaging.
3. The event organiser is responsible for ensuring both waste and recycling bins (with the types of material that can be accepted in each type of bin) are available and distributed widely around the event location.
4. The event organiser is responsible for ensuring that all waste and recyclable material collected at the event is disposed of correctly.