

Grey District Council Waste Management and Minimisation Bylaw 2026



VERSION HISTORY

Date created	28 September 2026
Review date	28 September 2031
Department	Operations
Sponsor	Group Manager Operations
Approved by	Grey District Council on 28 September 2026

Contents

1.	Legislative authority	1
2.	Title and Commencement	1
3.	Application of Bylaw.....	1
4.	Purpose	1
5.	Interpretation.....	1
PART 1:	Kerbside Collection Services	6
6.	Kerbside Collection Service.....	6
7.	Non-Compliance with Conditions for Kerbside Collection Service	6
8.	Removal of Waste and Deposit of Waste in Approved Containers	7
9.	Approved Containers Not to be Removed from Allocated Property	7
10.	Multi-Unit Dwellings and Commercial Properties	7
PART 2:	Council Waste Facilities	8
11.	Disposal of Waste at a Council Waste Facility	8
12.	Activities at a Council Waste Facility	8
13.	Certain Materials Prohibited	9
14.	Inorganic Waste	9
15.	Hazardous Waste Guidelines and Landfill Waste Acceptance Criteria.....	9
16.	Non-Hazardous Waste can be Directed to be Treated under the Waste Acceptance Criteria	9
17.	Non-Compliance with Requirements of Council Waste Facility	10
18.	Operation of Waste Deposit Points in a Public Place.....	10
PART 3:	Other Waste Matters	11
19.	Construction and Demolition Waste Minimisation Plan.....	11
20.	Event Waste Management and Minimisation Plan	11
21.	Nuisance and Litter	12
22.	Litter Bins	12
23.	Unaddressed Mail and Advertising Material.....	12
24.	Donation Collection Points	13
25.	Operation of Waste Collection Services from a Public Place	13
26.	Controls on Depositing Diverted Material at Not-for-Profit Store or Second-Hand Stores.....	14
27.	Industry Alignment with West Coast Regional Waste Management and Minimisation Plan (WMMP)	14
PART 4:	Registration of Waste Collection Operators and Disposal Facilities.....	15
28.	Registration of Waste Collection and Waste Management Facility Operations	15
29.	Reporting	15
PART 5:	Administration, Offences and Penalties	16
30.	Breach of Bylaw	16
31.	Bylaws Not to Limit or Affect Other Enactments	16
32.	Exceptions and Saving Provisions	16
33.	Fees	16
34.	Replacement and Revocation	17
	Schedule 1 – Landfill Classes	18

Grey District Council Waste Management and Minimisation Bylaw 2026

1. Legislative authority

- 1.1 This Bylaw is made under sections 145 and 146 of the Local Government Act 2002, section 56 of the Waste Minimisation Act 2008, section 64 of the Health Act 1956 and section 12 of the Litter Act 1979.

2. Title and Commencement

- 2.1 This Bylaw is the **Grey District Council Waste Management and Minimisation Bylaw 2026**.
- 2.2 This Bylaw comes into force on 28 September 2026.

3. Application of Bylaw

- 3.1 This Bylaw applies within the boundaries of the Grey District.
- 3.2 No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this Bylaw.
- 3.3 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.

4. Purpose

- 4.1 The purpose of the Bylaw is to support:
- 1) The implementation of the West Coast Regional Waste Management and Minimisation Plan (WMMP);
 - 2) The promotion and delivery of effective and efficient waste management and minimisation in the Grey District as required under the Waste Minimisation Act 2008;
 - 3) Controls regarding responsibilities of customers who use approved solid waste services;
 - 4) The registration of waste collection operators and private waste management facilities to provide a district wide view of progress towards the West Coast Regional WMMP;
 - 5) The protection of the health and safety of waste collectors, waste operators and the public; and
 - 6) The prevention and management of litter and nuisance in relation to waste in public places.

5. Interpretation

- 5.1 In this Bylaw, unless context requires otherwise:

Approved Container

means any container approved by the Council for the collection of any type of waste or diverted material, including those used for the kerbside collection service, with approval based on the following criteria:

- a) The prevention of nuisance;
- b) The protection of the health and safety of waste collectors and the public; and

- c) The achievement of effective waste management and minimisation.

Authorised Officer

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

Clean Fill

means waste that:

- a) Does not undergo any physical, chemical or biological transformation after it is deposited and over time is not likely to have adverse effects on the environment or human health; and
- b) Is not diverted material; and
- c) Includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - i. combustible, putrescible, degradable or leachable components;
 - ii. hazardous waste;
 - iii. products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - iv. materials that may present a risk to human health or environment; and
 - v. liquid waste; and
- d) Does not contain any organic or vegetation matter (except where this is part of the soil composition allowed in c) above).

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 work (including demolition, renovation and repair); and includes, but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, asphalt and rubble.

Contaminated Recycling

means the presence of any non-recyclable materials or dirty recyclable materials in recycling containers or recycling drop-off site containers.

Council

means the Grey District Council or any person authorised to act on its behalf.

Deposit

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

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.

Domestic Waste

means waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, construction and demolition waste or waste that is generated by recreational activities.

Donation Collection Point	means a place where approved types of waste may be deposited for the purposes of raising funds or the charitable reuse/recovery of the waste items.
Fly Tipping	means waste or recycling material that is deposited or disposed of at a public place or onto private property without the owner's consent.
Food Waste	means waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards and any other similar food waste.
Green Waste	means compostable plant material excluding fibrous 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 (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organisms Act 1996; or b) Meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 2012 – Transport of dangerous Goods on Land; or c) Is a radioactive material being any material that spontaneously emits ionising radiation, including any naturally occurring radioactive material or any nuclear material. d) Is whiteware. e) Is e-waste.

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

Inorganic Waste	means waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an Approved Container and that is specified by the Council as suitable for: a) Collection from a public place by the Council or an approved waste collector; b) Collection from any premises by the Council or an approved waste collector; or c) Delivery to a resource recovery facility.
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 Container or likely to shatter in the course of collection unless the material is sufficiently contained to prevent damage to the Approved Container 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, including explosive material, hot ashes, flammable material and infectious material; d) Any liquid or viscous fluid; e) Any radioactive wastes but excluding domestic smoke detectors¹;

¹ Domestic smoke detectors may be disposed of as household waste

- f) Any used oil and lead-acid batteries, refrigerators and/or freezers that have not been de-gassed;
- g) Any hazardous waste;
- h) Medical waste - a subset of wastes generated at health care facilities, such as hospitals, physicians' offices, dental practices, blood banks, and veterinary hospitals/clinics, as well as medical research facilities and laboratories, and includes any unused medication and home dialysis waste (except where agreed to by Council);
- i) Compressed gas cylinders;
- j) Any asbestos containing material; and
- k) Any material as notified from time to time by Council.

Public Place

means:

- a) A place that is under the control of Council or a Council-controlled organisation that, at any material time, is open to or is being used by the public, whether free or on payment of a charge; and
- b) To avoid doubt this includes any park, reserve, recreational ground, pool, community facility, sports field or facility, public open space, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat ramp, pontoon, road, street, lane, thoroughfare, footpath, access way, cycleway, bridleway, car park, grass verge, berm and any part of the public place.

Recyclable Materials or Recycling

means the types of waste that are able to be recycled and as specified by the Council from time to time under this Bylaw.

Waste

means:

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

Waste Deposit Point

means a designated place for people to take various types of waste for proper disposal, treatment, recycling or transfer to a final disposal facility (like a landfill).

Waste Facility

means any place that is used by Council for the collection of waste or recycling, whether that place is operated by Council staff or a company contracted to operate for the Council, and includes but is not limited to Landfills, Transfer Stations, recycling centres, reuse shops, hazardous waste centre and remote transfer stations.

Waste Minimisation Plan (WMP)

means an operational plan for the minimisation of waste generated by a property, event, construction or demolition project or any undertaking and covers the requirements as specified by the Council.

Waste Management and Minimisation Plan (WMMP)

means the current plan adopted by the Council under section 43 of the Act.

This Bylaw contains **explanatory notes**, which are not part of the Bylaw. Council may add, amend or delete explanatory notes at any time without amending the Bylaw.

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

PART 1: Kerbside Collection Services

6. Kerbside Collection Service

- 6.1 Any person using a kerbside collection service must comply with the terms and conditions for that service as determined by Council in the Waste Management Services Policy, including, but not limited to, the following:
- 1) The kerbside collection area and provisions that apply to the different categories of kerbside collection services;
 - 2) The type, size, colour and construction of Approved Containers that may be used for the storage and collection of waste;
 - 3) The categories of wastes and approved recyclable materials that may be deposited for kerbside collection;
 - 4) The correct separation of recyclable materials, glass and residual waste into Approved Containers;
 - 5) The placement of Approved Containers for collection;
 - 6) Collection times;
 - 7) Retrieval of Approved Containers;
 - 8) Restrictions on the weight of Approved Containers;
 - 9) What constitutes permitted and prohibited waste;
 - 10) Additional rules as may be required for the efficient operation of the respective collection systems.
- 6.2 All waste and recycling placed on the kerbside or roadside remains the property and responsibility of the householder until the waste and recycling has been collected.
- 6.3 Any waste and recycling collected from the kerbside or roadside becomes the property and responsibility of Council or its approved contractor who collects the waste and recycling.

Explanatory note: All eligible properties that pay the kerbside refuse and recycling targeted rate are entitled to use the Council kerbside collection service unless it has been withdrawn or suspended under clause 7 of this Bylaw. This Bylaw does not require that any person must use the kerbside collection service just because it is available.

7. Non-Compliance with Conditions for Kerbside Collection Service

- 7.1 Any person who does not comply with the terms and conditions for the kerbside collection service that applies to them may be subject to the following action being taken against them:
- 1) The rejection (non-collection) of the contents of any Approved Container left out for kerbside collection, if the contents or placement of the Approved Container is non-compliant;
 - 2) The withdrawal or suspension of the kerbside collection service being provided to that person;
 - 3) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
 - 4) Enforcement for breach of this Bylaw, as provided for in the Local Government Act 2002, the Waste Minimisation Act 2008 and/or the Health Act 1956; or
 - 5) Any other steps that may be taken by the Council in law.
- 7.2 Where action has been taken against a person under clause 7.1(2), Council may authorise the reinstatement of the collection service once it is satisfied on reasonable grounds that the Bylaw will be complied with.

Explanatory note: Refer to Council's Waste Management Services Policy for further details on actions for non-compliance.

8. Removal of Waste and Deposit of Waste in Approved Containers

- 8.1 No person may remove or interfere with any waste or recycling from an Approved Container except the person who deposited the materials or the Council or its Agent.
- 8.2 No person may deposit any waste or recycling in an Approved Container provided to any other person, without that other person's consent.

9. Approved Containers Not to be Removed from Allocated Property

- 9.1 Approved containers are allocated to the property and no person may remove an Approved Container provided to the property to which it has been allocated, except with the prior written approval of Council.

10. Multi-Unit Dwellings and Commercial Properties

- 10.1 Council may require a Waste Management Plan for new developments in the Grey District that makes adequate provision for the management of all waste, recycling and organic material generated within the premises. This includes arrangements for the regular collection of waste to the satisfaction of Council and the provision of adequate areas for:
 - 1) Approved Containers that are accessible to occupiers for the storage of disposed of or discarded material, waste and recycling on the premises from any activity on those premises; and
 - 2) The collection of Approved Containers if collection occurs on the premises.
- 10.2 Building consent applications for multi-unit dwellings of **four** or more dwellings and commercial properties must include a Waste Management Plan that makes adequate provision for management of all waste, recycling and organic material generated within the premises. This includes arrangements for the regular collection of waste to the satisfaction of Council and the provision of adequate areas for:
 - 1) Approved Containers that are accessible to occupiers for the storage of disposed or discarded material, waste and recycling on the premises from any activity on those premises; and
 - 2) The collection of Approved Containers if collection occurs on the premises.

PART 2: Council Waste Facilities

11. Disposal of Waste at a Council Waste Facility

Explanatory note: Council waste facilities are currently located at McLeans Pit Landfill and Recycling Centre, Moana Resource Centre, Blackball Resource Centre, Nelson Creek Resource Centre, Preston Road Recycling Centre and Mitchells Refuse Site.

- 11.1 No person may deposit waste at any Council Waste Facility which originates from outside the Grey District, except with the prior written permission of the Council. Entry to disposal sites shall be refused to persons who have brought waste originating from any other district.
- 11.2 Council will, through its approved officer or Waste Facility operator, have the right to inspect all waste presented for disposal.
- 11.3 Any person intending to dispose waste at a Council Waste Facility can be required to complete a written declaration confirming the origin of waste intended for disposal.
- 11.4 The Council can set and change the fees to dispose of waste at any of the Council Waste Facilities.
- 11.5 The Council may allow any person or company to have a credit account for using at a Council Waste Facility. This account can be placed on hold or cancelled entirely at Council's discretion.
- 11.6 No person can deposit waste at a Landfill that is deemed to be a closed Landfill without written permission from Council.

12. Activities at a Council Waste Facility

- 12.1 Any person using a Council Waste Facility must comply with the terms and conditions as determined by Council, including, but not limited to, the following:
 - 1) Complying with the directions of Council and the Council-contracted operator of the facility and with any signs erected at the facility;
 - 2) Complying with all waste acceptance criteria;
 - 3) Paying the appropriate fees;
 - 4) Not damaging any plant, equipment or premises at the facility;
 - 5) Separating waste into recyclable materials, glass, residual waste and green waste materials as instructed by on-site staff; and
 - 6) Leaving the site as instructed prior to closing time.
- 12.2 No person may fossick, forage or remove material from any Council Waste Facility without the prior written permission of Council or its approved Waste Facility operator. This excludes approved purchases from the Eco Shed.
- 12.3 Any waste deposited at a Council Waste Facility will become the property of the Council once any fee for the deposit is paid or the waste is accepted by the Council.
- 12.4 No person may remove or interfere with any waste at a Council Waste Facility except the person who deposited the materials or the Council or its agent.
- 12.5 All waste being transported to a Council Waste Facility must be properly secured and covered to ensure no waste is lost and minimise smells escaping during the transport to a Council Waste Facility. Key legislation includes the Waste Minimisation Act 2008, the Litter Act 1979 and the Health Act 1956. The transport and storage of hazardous waste is strictly controlled under the Health and Safety at Work Act 2015 (HSWA) and the Hazardous Substances and New Organisms Act 1996 (HSNO).

13. Certain Materials Prohibited

- 13.1 The Council may specify materials that are prohibited from being deposited at a Council Waste Facility or in any Approved Container.
- 13.2 No person may place any prohibited material in any Approved Container for collection.
- 13.3 No person may place any prohibited material in a public litter bin/receptacle.
- 13.4 No person may deposit any prohibited material at any Council Waste Facility.

14. Inorganic Waste

- 14.1 The Council may specify controls for the following matters in relation to the collection of inorganic material from a public place:
 - 1) The weight, size and nature of inorganic materials that may be deposited for collection;
 - 2) The categories of Inorganic Waste that may be deposited for collection;
 - 3) The times, locations and conditions applicable to the collection by the Council of inorganic material from a public place;
 - 4) The collection methods that cause health and safety risks; and
 - 5) Any other operational matter required for the safe and efficient collection of inorganic material from a public place.
- 14.2 Any person who deposits inorganic material for collection on, or collects and transports inorganic material from, a public place must comply with the controls made by the Council.

15. Hazardous Waste Guidelines and Landfill Waste Acceptance Criteria

- 15.1 The Council is required to follow the Hazardous Waste guidelines as published by the Ministry for the Environment.
- 15.2 All waste material that is or could be deemed Hazardous Waste is required to be tested and the results of this test made available for the Council for inspection prior to disposal to landfill.
- 15.3 The Council can use the test results for analysis to ensure the material meets the required standard.
- 15.4 The Council can seek any professional advice to assist in the evaluation process.
- 15.5 The Council can, if appropriate, set a fee to recover any costs incurred during the evaluation process.

16. Non-Hazardous Waste can be Directed to be Treated under the Waste Acceptance Criteria

- 16.1 The Council can, if appropriate and after considering all the circumstances, direct that any waste or recyclable material is inspected to ensure it complies with the waste acceptance criteria.
- 16.2 The Council may determine the terms and conditions relating to the deposit of waste at a Council Waste Facility. These terms and conditions may include, but are not limited to:
 - 1) What items are to be treated under the waste acceptance criteria;
 - 2) What the requirements are for a particular item prior to being accepted;
 - 3) What constitutes permitted waste; and
 - 4) How the waste is to be presented at the centre.
- 16.3 The Council may subsequently amend or revoke any term or condition made under Clause 16.2 at any time.

- 16.4 The Council can, if considered appropriate, set a fee to recover any costs incurred during the evaluation process.

Explanatory note: This clause is to ensure that all recyclable material is being diverted from the Landfill. The Council has the ability to direct that all possible recyclable options are exhausted prior to waste being deemed acceptable in the Landfill. Financial cost to recycle the product will not be considered as a reason not to recycle. This clause also allows for by-products of a recycling stream, that is not suitable to be recycling, can be accepted at the Landfill.

17. Non-Compliance with Requirements of Council Waste Facility

- 17.1 Any person who does not comply with the Bylaw or other controls at any Council Waste Facility may be subject to the following action being taken against them:
- 1) The waste is not accepted; and
 - 2) Refused access to one or all of the Council Waste Facilities; and/or
 - 3) A trespass notice being issued against that person to prevent them from using one or all of the Council Waste Facilities; and/or
 - 4) Enforcement of any offence that may have been committed under the Litter Act 1979; and/or
 - 5) Enforcement for breach of the Bylaw, as provided for in the Local Government Act 2002 and the Waste Minimisation Act 2008; and/or
 - 6) Any other steps that may be taken by the Council in law.

18. Operation of Waste Deposit Points in a Public Place

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

Explanatory note: This clause applies to all public collection points for recycling and places for the collection of containers for any container return scheme.

PART 3: Other Waste Matters

19. Construction and Demolition Waste Minimisation Plan

- 19.1 All construction and demolition work carried out by the Council or New Zealand Government ministries must address the waste from the project via a Waste Minimisation Plan (WMP) and submitted to Council prior to the project starting.
- 19.2 All tenders for construction and demolition work for the Council must have a sustainability clause, and weighting, that includes the requirement for the diversion of recyclable products and sets the targeted percentage to be achieved.
- 19.3 The Council may require a WMP to be prepared and submitted for its approval for projects involving demolition, site works and/or construction and renovation.
- 19.4 A WMP must include:
- 1) The name of the client, principal contractor or person who prepared the WMP;
 - 2) The person(s) responsible for ensuring that the WMP is adhered to;
 - 3) The methods which will be used to reduce waste going to landfill;
 - 4) How waste and recoverable/divertible materials will be separated on site;
 - 5) The intended destination for each waste stream (recoverable and divertible materials and waste to landfill);
 - 6) Methods to record the quantities of each waste stream removed from the site;
 - 7) Communication methods to ensure any sub-contractors or staff are aware of and adhere to the WMP; and
 - 8) Any other matter relating to waste management and minimisation that may be specified by the Council.
- 19.5 Within two calendar months of works completion the person(s) responsible for a WMP must provide the Council with a waste analysis report, which must include a breakdown of:
- 1) The types and amounts of waste generated.
 - 2) The amount of waste diverted from landfill during the project; and
 - 3) The facilities used to recover, recycle, treat or dispose of all waste materials.
- 19.6 The organisation or persons responsible for the construction or works must comply with any approved WMP.
- 19.7 The Council may determine the terms and conditions relating to any requirements for the WMP and may include, but are not limited to:
- 1) The type of construction projects that are subject to this clause, e.g. commercial or residential.
 - 2) Any trigger value that is required to be met before the project is subject to this clause; and
 - 3) Whether an individual or generic plan is appropriate for multiple similar projects in a given time frame.

20. Event Waste Management and Minimisation Plan

- 20.1 Council may require event organisers to provide a Waste Management and Minimisation Plan (WMMP) to Council for approval prior to an event. The matters that the Council shall consider when determining whether a WMMP is required include:
- 1) The type, location and duration of the event;
 - 2) The estimated number of people to attend the event; and
 - 3) Any other matters that the Council considers relevant.

- 20.2 At the end of the event, the Council may require a waste analysis report, including a breakdown of:
- 1) The types and amounts of waste generated;
 - 2) The amount of waste diverted from landfill; and
 - 3) The facilities used to recover, recycle, treat, or dispose of all waste materials.

21. Nuisance and Litter

21.1 No person may:

- 1) Allow any accumulation of waste on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
- 2) Use an Approved Container in a manner that creates a nuisance, is offensive (in terms of smell or otherwise) or is likely to be injurious to health.

21.2 Except as provided for under this Bylaw, no person may:

- 1) Bury or allow to be buried any waste on any property they own, occupy, or manage except:
 - a) Organic waste, including dead farm animals in rural areas;
 - b) Dead companion animals and nuisance pests;
 - c) For the purposes of home composting; or
 - d) Waste deposited in a farm refuse dump or an offal pit that is consented or complies with the permitted activity conditions of rule 73, West Coast Regional Council Regional Land and Water Plan.
- 2) Dispose of any waste on any premises (also known as fly tipping) except at a licensed waste operations facility or any premises they own, occupy or manage for the purposes of home composting.

21.3 Council may recover clean-up and disposal costs for wilful or negligent behaviour and remedying damage arising from a breach of this Bylaw.

22. Litter Bins

22.1 No person may:

- 1) Deposit any waste arising from that person's residential activities or that person's business activities in any litter bin provided by Council in any public place;
- 2) Remove any waste from any litter bin provided by Council in any public place, where this results in any waste being deposited outside the bin, unless authorised by the Council to do so;
- 3) Deposit or attempt to deposit any litter in any litter bin provided by Council in any public place if the bin is full or the litter is likely to escape;
- 4) Use any litter bin provided by Council in any public place in a manner that creates a nuisance, is offensive or is likely to be injurious to health;
- 5) Fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter bin provided by Council in any public place; or
- 6) Damage any litter bin provided by Council in any public place.

22.2 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 Council to prevent it becoming litter and to clean it up in the event that it does become litter.

23. Unaddressed Mail and Advertising Material

23.1 No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material:

- 1) 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;
- 2) On any vehicle parked in a public place;
- 3) In a letterbox that is already full of mail and/or advertising materials.

23.2 Clause 23.1 does not apply to:

- 1) Material or public notices from any government department or agency, crown entity, local authority, or material from a network utility relating to the maintenance, repair, servicing or administration of that network utility;
- 2) Communications or fund raising material from local community organisations, charities or charitable institutions;
- 3) Material from a political party, political candidate or elected member; or
- 4) A community newspaper or newsletter, unless the letterbox is clearly marked "no community newspapers" or with words of similar effect.

23.3 Any unaddressed mail or advertising mail deposited in a manner in breach of clauses 23.1 and 23.2 shall be deemed to be litter under the Litter Act 1979.

24. Donation Collection Points

24.1 Anyone intending to establish a donation collection point in or on a public place must notify the Council in advance and must operate the donation collection point in compliance with any requirements the Council specifies, including but not limited to:

- 1) Location;
- 2) Vehicle access;
- 3) Type of waste which may be deposited; and
- 4) Use of approved or collection containers.

24.2 All donation collection points must ensure:

- 1) The removal of deposited material from the collection point;
- 2) The clean-up of any litter or illegal dumping; and
- 3) The clean-up or removal of any graffiti.

25. Operation of Waste Collection Services from a Public Place

25.1 The Council may determine the terms and conditions to make controls for the safe and efficient operation of waste collection services from a public place.

25.2 The terms and conditions may include, but are not limited to:

- 1) The categories of waste (including Prohibited Waste) and the maximum weight of waste that may be deposited in collection containers;
- 2) Any requirements for the separation of waste into different collection containers;
- 3) The characteristics of collection containers that may be used;
- 4) Any limits on the use of the public place for the collection of waste and the safe and secure transportation of waste from the public place;
- 5) Any requirements applicable to waste minimisation;
- 6) Any requirements to minimise any risks to traffic or pedestrian safety;
- 7) The clean-up of any litter or illegally dumped materials; and
- 8) Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.

25.3 The Council may subsequently amend or revoke any terms and conditions made under this clause at any time.

- 25.4 Any person operating a waste collection service from a public place must comply with any controls made under this clause.

26. Controls on Depositing Diverted Material at Not-for-Profit Store or Second-Hand Stores

- 26.1 The Council may make controls for the safe and efficient operation of not-for-profit organisations for the receiving of diverted materials which are located on private premises or within 20 metres of/adjacent to a private premises.
- 26.2 The Council may determine terms and conditions for this purpose that may include but are not limited to:
- 1) Restricting the times that the products can be deposited to the times the not-for-profit is open;
 - 2) Treating any diverted material that is left outside a premises that this clause applies to, as litter under the Litter Act 1979;
 - 3) Restricting the items to be placed within the boundary of the premises; and
 - 4) Directing that any item that is in a public place is removed.
- 26.3 The Council may subsequently amend or revoke any of the terms and conditions made under this clause at any time.
- 26.4 Any person proposing to operate a not-for-profit premises to which this clause applies must notify the Council at least 20 working days before the point becomes operational.
- 26.5 Any person operating a not-for-profit premises to which this clause applies must:
- 1) Comply with any controls made under clause 26 of the Bylaw;
 - 2) Ensure the removal of all deposited materials including non-compliant materials;
 - 3) Ensure the clean-up of any litter or illegally dumped materials; and
 - 4) Ensure the maintenance of visual amenity including removal of graffiti or advertising notices from the collection point.

Explanatory note: This clause applies to not-for-profit stores and repurposing centres. It is designed to be used to ensure street frontages are kept clean and diverted material cannot be dropped off at the premises without the premises being open to receive it. Any prosecution for the leaving of the material outside opening hours would be against the depositor and not the not-for-profit.

27. Industry Alignment with West Coast Regional Waste Management and Minimisation Plan (WMMP)

- 27.1 All businesses in the Grey District are required to comply, as far as reasonably practicable, with the principles in the West Coast Regional Waste Management and Minimisation Plan (WMMP), including waste reduction, waste diversion and minimising environmental impacts.

Explanatory note: The West Coast Regional Waste Management and Minimisation Plan (WMMP) requires Council to partner with, advocate for and enable businesses and industry to work with West Coast councils to meet targets within the WMMP such as reducing the volume of waste going to the landfill, increasing the amount of waste being diverted to recycling and reducing biogenic methane emissions.

PART 4: Registration of Waste Collection Operators and Disposal Facilities

28. Registration of Waste Collection and Waste Management Facility Operations

- 28.1 Waste collection operators and private waste management facilities are required to register with Council.
- 28.2 **Waste collection operator** is defined as commercial collectors and transporters of waste and recyclable materials from residential, commercial or public sites but does not include individuals who collect and transport waste for personal reasons (for example, the owner taking their own household garden waste to a waste management facility).
- 28.3 **Private waste management facility** is defined as a commercial facility which primarily provides waste treatment and disposal services or waste remediation and materials recovery services, in relation to waste. It includes but is not limited to waste transfer stations, resource recovery stations, recycling centres, composting facilities, landfills or clean fill sites or hazardous waste facilities.
- 28.4 Registration must be made on the official Council form and an annual fee will apply.

Explanatory note: Where the registration is applied for during the financial year, the fee will be set on a pro-rata basis.

Fees and charges for registration under the bylaw are set out in Council's Schedule of Fees and Charges and may be amended from time to time in accordance with section 150 of the Local Government Act 2002.

29. Reporting

- 29.1 Registered waste collection operators and private waste management facilities must report the following information to Council on an annual basis:
- 1) The quantities of various waste types that have been handled by the waste collector or waste management facility operator during the specified period of time, including the source and destination of each waste type and the method of processing (recycling, recovery, treatment, disposal etc); and
 - 2) Where the waste collection operator is disposing to non-Council facilities, their reporting is to also include weighbridge receipts and gate records of waste tonnages per waste type.

Explanatory note: This information will allow Council to check progress as a District against the West Coast Regional Waste Management and Minimisation Plan, rather than just progress as a Council.

PART 5: Administration, Offences and Penalties

Explanatory note: Maximum penalties for breaches of the Waste Minimisation Act 2008, the Local Government Act 2002, the Health Act 1956 and the Litter Act 1979 are prescribed in those statutes and will vary depending on the offence.

30. Breach of Bylaw

- 30.1 A person who fails to comply with this Bylaw commits a breach of this Bylaw and is liable to a penalty under the Waste Minimisation Act 2008, the Local Government Act 2002 and/or the Health Act 1956.
- 30.2 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.
- 30.3 Penalties for non-compliance with the conditions for kerbside collection are noted in clause 7 and penalties for non-compliance with use of Council's Waste Facilities are noted in clause 17.

Explanatory note: Council has adopted an infringement offence process under the Litter Act 1979. This means that Council can, as an alternative to filing charges in Court, issue an infringement notice for the above offence. An infringement fee may be up to \$400.00.

31. Bylaws Not to Limit or Affect Other Enactments

- 31.1 These Bylaws do not limit or affect the requirements in or under any other enactment.

Explanatory note: This Bylaw is made under sections 145 and 146 of the Local Government Act 2002, section 56 of the Waste Minimisation Act 2008, section 64 of the Health Act 1956 and section 12 of the Litter Act 1979. At the time of making this Bylaw, Government had consulted on proposals to amend the Waste Minimisation Act 2008 and the Litter Act 1979, intending to consolidate them to increase efficiency and cost recovery. No changes were proposed to the current bylaw provisions, under which this bylaw was created. When the new legislation is enacted, Council will review the impacts, if any, on this Bylaw and amend it accordingly if required.

32. Exceptions and Saving Provisions

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

33. Fees

- 33.1 The Council may, in accordance with the provisions of section 150 of the Local Government Act 2002, set prescribed fees under this Bylaw.
- 33.2 The fees may be reviewed and amended from time to time.
- 33.3 The Council may refund, remit or waive any fee prescribed by this Bylaw or charge payable for an authority, approval, licence, permit or consent from, or inspection by, the Council, for any reason it thinks fit.

34. Replacement and Revocation

- 34.1 This Bylaw replaces the previous Grey District Solid Waste Bylaw 2012, which was revoked under clause 160A of the Local Government Act 2002.

Schedule 1 – Landfill Classes

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

Waste Management Institute New Zealand (WasteMINZ), October 2022. *Technical Guidelines for Disposal to Land – Revision 3*. Waste Management Institute New Zealand (WasteMINZ), Pg. 14