

Bylaw

SOLID WASTE MANAGEMENT AND MINIMISATION

TITLE:	Ashburton District Council Solid Waste Management and Minimisation Bylaw 2018
TEAM:	Waste Recovery
RESPONSIBILITY:	Waste Recovery Manager
DATE ADOPTED:	13 December 2018
COMMENCEMENT:	13 December 2018 (except for clause 8.2 which will come into force on 1 July 2019).
NEXT REVIEW DUE:	13 December 2023 (as required by LGA s.158 and 159)

1. Title

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

2. Purpose

The purpose of this bylaw is to support the:

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

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

3. Related documents

- Ashburton District Council Open Spaces Bylaw 2016
- Ashburton District Council Public Places Bylaw 2018
- Ashburton District Council Waste Management and Minimisation Plan 2016
- Climate Change Response Act 2002
- Hazardous Substances and New Organisms Act 1966

- Health Act 1956
- Health and Safety in Employment Act 1992
- Litter Act 1979
- Local Government Act 2002
- Ozone Layer Protection Act 1996
- Radiation Safety Act 2016
- Resource Management Act 1999
- Waste Minimisation Act 2008

4. Contents

1. Title	1
2. Purpose.....	1
3. Related documents	1
4. Contents	3
5. Compliance with Bylaw	4
6. Definitions	4
7. Controls	9
8. Collection, Transportation, Processing and Disposal of Waste	9
9. General Offences and Penalties.....	14
10. Other Enforcement Powers	15
11. Exceptions and Saving Provisions.....	15
12. Revocation.....	15
Schedule 1 Landfill Classes.....	16

5. Compliance with Bylaw

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

6. Definitions

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

Act means Waste Minimisation Act 2008.

Approved means Authorised in writing by Council.

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

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

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

Class 1-4 landfills as defined in the Technical Guidelines for Disposal to Land and provided in Schedule 1 of this Bylaw.

Cleanfill material means waste that:

(1) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and

(2) is not diverted material; and

(3) includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:

(3.1) combustible, putrescible, degradable or leachable components;

(3.2) hazardous waste;

(3.3) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;

(3.4) materials that may present a risk to human or animal health or the environment; and

(3.5) liquid waste; and

(4) has less than two per cent by volume by load of tree or vegetable matter.

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

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

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

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

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

Cover material means material specified by Council under clause 8.3.6.4 as suitable for use as cover material at a class 1-4 landfill site.

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

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

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

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

Donation collection point means place or facilities where approved types of waste may be deposited for the purposes of raising funds from the waste items.

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

Event means any organised temporary activity of significant scale that is likely to create litter including but not limited to an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration. An event is considered significant if it requires a road closure and /or attracts more than 1000 attendees across the event.

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

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

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

Hazardous waste means waste that:

(1) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 and defined by the Hazardous Substances and New Organism Act 1996; or

(2) meets the definition for infectious substances included in the classification of infectious substances in class 6.2 in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: Part 1: 2012 Transport of Dangerous Goods on Land; or

(3) meets the definition of radioactive material included in the Radiation Safety Act 2016 and Radiation Safety Regulations 2016.

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

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

Inorganic material means waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as domestic waste in an approved container, and that is specified by Council as suitable for:

- (1) collection from a public place by Council;
- (2) collection from any premises by Council; or
- (3) delivery to a resource recovery facility.

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

Litter receptacle means a receptacle provided for the collection of litter.

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

Nuisance means a nuisance as defined at section 29 of the Health Act 1956 and generally means where accumulated material is likely to be injurious to health or is offensive.

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

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

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

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

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

Prohibited waste means waste containing-

- (1) any material capable of causing harm or injury to any person or animal unless the material is sufficiently contained to prevent injury;
- (2) any material capable of causing damage to the approved container or likely to shatter, break apart or change its physical characteristics in any way so as to cause harm or injury, in the course of collection unless the material is sufficiently contained to prevent damage to the approved container or to prevent harm or injury to any person or animal;
- (3) 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;
- (4) any radioactive wastes, but excluding domestic smoke detectors;
- (5) any used oil and lead-acid batteries;
- (6) any hazardous waste;
- (7) medical waste;
- (8) any material prohibited by Council under clause 8.3.6.

Public place means (1) A place that is-

(1.1) under the control of Council and/or

(1.2) that is open to or being used by the public, whether or not there is a charge for admission and

(2) includes:

(2.1) a road, street, highway or any sort of similar thoroughfare whether or not it is under the control of Council and including the berm and footpath,

(2.2) any part of the public place, and

(2.3) park, reserve, recreation area or similar open space under the control of Council.

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

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

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

Refuse means waste which:

- (1) subject to (2), is not organic matter, recyclable material, prohibited waste, construction and demolition waste or inorganic material;

(2) may include organic matter and/or recyclable material that does not exceed the maximum allowable limits specified by Council under clause 8.3.6 of this bylaw.

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

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

Specified intended life as defined section 113 (3) in the Building Act 2004 and in relation to a building, generally means the period of time, as stated in an application for a building consent or in the consent itself, for which the building is proposed to be used for its intended use.

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

Waste as defined in section 5 of the Act and generally means any component or element of diverted material, if the component or element is disposed of or discarded.

Waste collector means a person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, a person taking household garden waste to a landfill).

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

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

Waste management and minimisation plan as adopted under section 43 of the Act and generally includes objectives and policies setting out how a territorial authority will achieve effective and efficient waste management and minimisation in its district.

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

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

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

7. Controls

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

8. Collection, Transportation, Processing and Disposal of Waste

8.1. General Responsibilities

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

- 8.1.4. No person may:
- 8.1.4.1. deposit waste into an approved container provided to any other person, other than themselves, without that other person's consent;
 - 8.1.4.2. remove waste from, or interfere with any waste deposited in, an approved container, except Council, a licensed waste collector or the person who deposited the waste;
 - 8.1.4.3. remove an approved container provided by Council from the premises to which it has been allocated, except with the prior written approval of Council.
- 8.1.5. The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected in accordance with this bylaw.

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

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

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

- 8.2.2. Waste Operators must use an application form which is approved by and made available by Council and provide sufficient information required by Council to process the registration.
- 8.2.3. A registration is personal to the holder and cannot be assigned to another.
- 8.2.4. When considering an application for registration, Council may take into account any factors as to the appropriateness to grant a registration, including but not limited to:
- 8.2.4.1. The applicant's experience, reputation, and history in the waste and diverted material industry, including any known past operational issues which may affect the applicant's ability to perform waste treatment and disposal services, and any breaches of conditions to operate; and
 - 8.2.4.2. The terms and conditions under which any disposal of waste is permitted and the existence of, or need for, any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposal.
- 8.2.5. A registered waste operator must comply with all terms and conditions of the registration. These conditions may include, but are not limited to, the following matters:
- 8.2.5.1. Term – a registration may be granted for a term of up to 6 years;
 - 8.2.5.2. Compliance with standards – the registered holder must comply with any standards or policies Council has set for waste handling such as:
 - 8.2.5.2.1. Provision of waste collection services within reasonable times specified by

Council; and

8.2.5.2.2. The collection of any litter within a specified distance of an approved container awaiting collection and any litter spillage from the registration holder's vehicle during the collection, transportation or disposal process.

8.2.5.3. Council may suspend a registration if the registration holder fails to comply with this bylaw, any of the terms or obligations of the registration, any relevant controls made under this bylaw, or acts in a manner which Council considers, on reasonable grounds and in light of the purpose of this bylaw, is not suitable for the holder of a waste operator registration.

8.3. **General Controls on the Collection, Transportation and Disposal of Waste**

Collections from a Public Place

8.3.1. Waste may not be placed on a public place for collection unless it is:

- 8.3.1.1. domestic waste;
- 8.3.1.2. green waste;
- 8.3.1.3. inorganic material deposited for collection by or on behalf of Council, or
- 8.3.1.4. any other type of waste determined by Council as able to be placed on a public place for collection.

8.3.2. Prohibited waste, diverted material, construction and demolition waste or commercial waste may not be placed in a public place for collection unless authorised by Council under this bylaw.

8.3.3. Any waste operator who collects or transports waste from a public place must:

- 8.3.3.1. make available to the occupier or manager of a premises one or more approved containers to enable separate collection of each of the waste types required to be separately collected from the premises;
- 8.3.3.2. not collect for disposal any domestic waste which has not been separated into refuse, recyclable material and organic matter. However this does not apply where the amount of recyclable material and/or organic matter mixed with the refuse, or the amount of the recyclable material mixed with the organic matter or vice versa, does not exceed the maximum allowable limits specified by Council under clause 8.3.6.2.
- 8.3.3.3. not dispose to a class 1 – 4 landfills any waste type that is capable of being reused or recycled.

8.3.4. Council may specify controls for the following matters in relation to the collection or transportation of waste from a public place:

- 8.3.4.1. the area to which the control applies;
- 8.3.4.2. the type, size, colour, and construction of approved containers that may be used for the storage and collection of waste;
- 8.3.4.3. the types of waste that may be collected in various types of approved container;
- 8.3.4.4. the categories of wastes that may be deposited at or collected from a public place;
- 8.3.4.5. the conditions applicable to any collection service from a public place - including the placement and retrieval of approved containers for collection, collection days and times, and restrictions on the number and weight of approved containers;
- 8.3.4.6. requirements to ensure the correct separation of categories of wastes into approved containers;
- 8.3.4.7. the locations, access times and conditions of use of Council waste collection

- points;
- 8.3.4.8. any other operational matter required for the safe and efficient operation of a collection service from a public place.
- 8.3.5. Any person providing or using a waste collection service in or from a public place must comply with all controls made by Council relating to that collection.

General controls

- 8.3.6. The council may specify controls for the following matters in relation to the collection, transportation or disposal of waste from any property:
 - 8.3.6.1. Types of domestic waste that may be treated for all purposes (including deposit, collection, transportation, and disposal) as recyclable, organic, or refuse;
 - 8.3.6.2. maximum allowable limits of a specified waste type that may be collected or transported from a public place in an approved container for refuse and that subsequently may be disposed of;
 - 8.3.6.3. maximum allowable limits of a waste type that may be placed in a container approved for another waste type;
 - 8.3.6.4. types of waste that may be handled at any class 1 – 4 landfill and material that may be used as cover material at any such site;
 - 8.3.6.5. materials that may be used as natural or other hardfill material at a clean fill site;
 - 8.3.6.6. types of waste that are prohibited.

Council collection points

- 8.3.7. No person may deposit waste at a Council collection point other than in accordance with any applicable control.
- 8.3.8. Council may specify:
 - 8.3.8.1. any place, or receptacle in a public place or on a barge in a marine area, as a Council collection point for the collection of domestic waste; and
 - 8.3.8.2. controls relating to the deposit of waste at Council collection point including the use of specified containers.

8.4. Events

- 8.4.1. Any organiser of an event must consult with Council's Waste Recovery Team to determine if an event waste management and minimisation plan is required.
- 8.4.2. Council may require an event waste management and minimisation plan for significant events to set out:
 - 8.4.2.1. an estimate of the types and amounts of waste to be generated by the event;
 - 8.4.2.2. how waste generated by the event is to be minimised;
 - 8.4.2.3. the steps to maximise the collection and use of recyclables and reusable material;
 - 8.4.2.4. the equipment to be provided for the storage, collection and transportation of waste and diverted material;
 - 8.4.2.5. the person responsible for the collection and disposal of waste and the methods to be used; and
 - 8.4.2.6. any other matters relating to event waste management and minimisation that may be specified by Council.
- 8.4.3. If an event waste management and minimisation plan is required, the event organiser must comply with the approved event waste management and minimisation plan.

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

- 8.5.1. Any person applying for a building consent for non-residential building work with an estimated value of \$500,000 or higher must consult with Council's Waste Recovery Team to determine if a site waste management and minimisation plan is required.
- 8.5.2. Council may require a site waste management and minimisation plan to set out:
- 8.5.2.1. The name of the client, principal contractor, and person who prepared the site waste management and minimisation plan;
 - 8.5.2.2. The location of the site;
 - 8.5.2.3. The estimated total cost of the building work;
 - 8.5.2.4. A description of each type of waste expected to be produced;
 - 8.5.2.5. An estimate of the quantity of each type of waste; and
 - 8.5.2.6. The proposed method of waste management for each type of waste (e.g. recovery, recycling, disposal).
- 8.5.3. While the building work is being carried out, the principal contractor will:
- 8.5.3.1. Review the plan as necessary;
 - 8.5.3.2. Record quantities and types of waste produced; and
 - 8.5.3.3. Record the types and quantities of waste that have been:
 - 8.5.3.4. Reused (on or off site)
 - 8.5.3.4.1. Recycled (on or off site)
 - 8.5.3.4.2. Sent to other forms of recovery (on or off site)
 - 8.5.3.4.3. Sent to landfill
 - 8.5.3.4.4. Otherwise disposed of.
- 8.5.4. If a site waste management and minimisation plan is required, the principal contractor must ensure that a copy of the plan is kept on site, and that every contractor knows where it can be found. It must be available to any contractor carrying out any work described in the plan.

8.6. **Inorganic Material**

- 8.6.1. Council may specify controls for the following matters in relation to the collection of inorganic material from a public place:
- 8.6.1.1. the weight, size and nature of inorganic materials that may be deposited for collection by Council;
 - 8.6.1.2. the categories of inorganic waste that may be deposited for collection by Council;
 - 8.6.1.3. the times, locations and conditions applicable to the collection by Council of inorganic material from a public place;
 - 8.6.1.4. the methods by which the inorganic material may be collected;
 - 8.6.1.5. any other operational matters required for the safe and efficient collection by Council of inorganic material from a public place.
- 8.6.2. Any person who deposits inorganic material for collection on, or collects or transport inorganic material from, a public place must comply with the controls made by the council.

8.7. **Nuisance and Litter**

- 8.7.1. No person may:
- 8.7.1.1. allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health;
 - 8.7.1.2. use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.
- 8.7.2. Except as provided for under this bylaw, no person may dispose of any waste on any premises except at:
- 8.7.2.1.1. a class 1-4 landfill;
 - 8.7.2.1.2. a waste management facility, or
 - 8.7.2.1.3. any premises they own, occupy or manage as provided for under the Land and Water Regional Plan.
- 8.7.3. No person may -
- 8.7.3.1. deposit any waste arising from that person's household or that person's business activities in any litter receptacle provided by Council in any public place;
 - 8.7.3.2. remove any waste from any litter receptacle provided by Council in any public place, where this results in any waste being deposited outside the receptacle, unless authorised by the council to do so;
 - 8.7.3.3. deposit or attempt to deposit any litter in any receptacle provided by Council in any public place if:
 - 8.7.3.3.1. the receptacle is full; or
 - 8.7.3.3.2. the litter is likely to escape.
 - 8.7.3.4. fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by Council in any public place; or
 - 8.7.3.5. damage any litter receptacle provided by Council in any public place.
- 8.7.4. The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the council to prevent it becoming litter and to clean it up in the event that it does become litter.
- 8.7.5. Council may recover clean- up and disposal costs for wilful or negligent behaviour and remedying damage arising from a breach of this bylaw.

9. General Offences and Penalties

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

10. Other Enforcement Powers

10.1. Inorganic material

- 10.1.1. Where a person does not comply with a control made by Council under clauses 8.7.1 and 8.7.2, Council may:
 - 10.1.1.1. Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;
 - 10.1.1.2. Remove the inorganic material, where the inorganic material or placement is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by Council;
 - 10.1.1.3. Enforce any offence that may have been committed under the Litter Act 1979; and/or
 - 10.1.1.4. Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

11. Exceptions and Saving Provisions

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

12. Revocation

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

Schedule 1 Landfill Classes

Class	Common Name	Waste Material	Material Source	Contaminant Risk
1	Municipal Solid Waste Landfill	<p>Non-hazardous waste. Typically mixed waste from multiple sources and containing high content of organic material; may include waste sited for classes 2,3, and 4.</p> <p>May be developed from specific industrial wastes (for example, monofills or residual waste sites).</p>	Households, industry, institutions, construction sites, contaminated sites.	<p>Leachate, contaminated stormwater and landfill gas (LFG).</p> <p>Odour</p> <p>Dust</p>
2	C&D Landfill	<p>Unsorted/uncontrolled construction and demolition material.</p> <p>May be developed for specific industrial wastes (for example, monofills or residual waste sites).</p>	Construction sites, demolition material, soil from areas with significantly different chemical properties.	<p>Leachate and contaminated stormwater; low risk of LFG, but may get odour due to hydrogen sulphide.</p> <p>Dust</p>
3	Managed Fill	Inert material (e.g. selected inert construction or demolition material) or soils with trace element concentrations greater than applicable regional background concentrations.	Selected materials from construction sites, demolition sites.	<p>Some risk of leachate (e.g. as a result of some extraneous wood products, organics or mineral oils amongst inert material). Sediment contamination of stormwater.</p> <p>Dust</p>
4	Clean Fill	Virgin excavated natural material (VENM).	Slips/road clearance, construction site clearance, earthworks surplus.	<p>Little or no risk of leachate and gas. Sediment contamination of stormwater.</p> <p>Dust</p>