

# WASTE MANAGEMENT AND MINIMISATION BYLAW 2023

## CLAUSE BY CLAUSE ANALYSIS

BYLAW CLAUSE	COMMENT / REASON FOR CLAUSE
1. Short Title and Commencement	Date bylaw takes effect to be inserted upon adoption of final bylaw. Required.
2. Purpose	Reflects the bylaw-making powers of the Local Government Act 2002 and Waste Minimisation Act 2008. Re-written from 2009 Waste Management Bylaw (clause 2 – Object of the bylaw); and 2015 Cleanfill and Waste Handling Operations Bylaw (clause 3 – purpose).
3. Interpretation	Terms reviewed and updated where required for clarity or relevance. New terms defined in the replacement bylaw include: ACT, ADVERTISING MATERIAL, AUTHORISED OFFICER, COMMERCIAL AND INDUSTRIAL WASTE, COMMUNITY COLLECTION POINT, CONSTRUCTION AND DEMOLITION WASTE, CONTAINER RETURN SCHEME, DISTRICT, DIVERTED MATERIAL, ELIGIBLE PROPERTIES, EVENT, HAZARDOUS SUBSTANCE, HAZARDOUS WASTE, HOUSEHOLD WASTE, INORGANIC WASTE, LITTER RECEPTACLE OR LITTER BIN, LITTER, MANAGED OR CONTROLLED LANDFILL, MEDICAL HEALTH (healthcare waste), MULTI-UNIT RESIDENTIAL DEVELOPMENT, NUISANCE, ORGANIC WASTE, OWNER, PROHIBITED WASTE, PROPERTY, PUBLIC COLLECTION POINT, RECOVERY, RECYCLING AND REUSE, TARGETED RATE, SITE, TRADE WASTE, TREATMENT, UNADDRESSED MAIL, WASTE COLLECTION, WASTE OPERATOR, WASTE MANAGEMENT PLAN, WASTE MANAGEMENT AND MINIMISATION PLAN . The new definitions are considered necessary to assist with enforcement and make the bylaw easier to understand. In addition the new definition of Managed or Controlled Landfill is for consistency with recent changes to the Waste Minimisation (Calculation & Payment Waste Disposal Levy) Regulations 2009.
<b>PART 1 – RESIDENTIAL WASTE COLLECTION SERVICES</b>	
4. Objectives	To define the objectives of Part 1 of the bylaw, as they relate to residential waste collection services. Part 1 (Residential Waste Collection Services) objectives are modified from 2009 Waste Management Bylaw to regulate efficient collection and management of waste from kerbside, community collection points, and waste in public places, and for the purpose of maximising the recovery of recyclable materials collected.
5. Kerbside collection services	Modified version of clause 4 – Kerbside collection services 2009 Waste Management Bylaw. Re-written giving the Council Chief Executive the authority to determine Terms and Conditions under the bylaw in order to simplify and streamline amendments to the Terms and Conditions. (Currently any minor change requires a Council resolution.)
6. Removal of waste and deposit of waste in approved containers	Retained from 2009 Waste Management Bylaw (clauses 8 – Removal of waste from approved containers; & 9 – Deposit of waste in containers).

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7. Non-compliance with conditions for kerbside collection	Retained from 2009 Waste Management Bylaw (clause 5 – Non-compliance with conditions for kerbside collection service) with minor wording changes.
8. Community Collection Points	Re-written from 2009 Waste Management Bylaw (clause 6 – Council waste collection points). This delegates the Council Chief Executive to determine any place, or receptacle in public places as ‘community collection points’ (CCPs) for the use of eligible properties, and the Terms and Conditions relating to the deposit of waste at community collection points.
9. Non-compliance with conditions for community collection points	Retained with minor wording change from 2009 Waste Management Bylaw (clause 7 – Non-compliance with conditions for council waste collection points).
10. Waste management for multi-unit residential developments	This is a new clause which gives the Council discretion to regulate waste generated from residential developments (10 or more units). Council may require a Waste Management Plan (WMP) for new proposed multi-unit developments and (where there are problems with waste management) for some existing multi-unit residential developments.
<b>PART 2 – WASTE OPERATIONS</b>	
11. Objectives	Sets out the objectives for Part 2 (Waste Operations). The objectives are retained from 2015 Cleanfill and Waste Handling Operations Bylaw with minor wording changes.
12. Licences required for waste operations	This clause replaces (amended wording) clause 5-cleanfill sites and waste operations require licensing in Cleanfill and Waste Handling Operations Bylaw 2015
13. Application for a waste operations licence	This clause amends existing 2015 Cleanfill and Waste Handling Operations Bylaw (clause 6 – licence applications) including increased information requirements in relation to licence applications by waste operators.
14. Considerations for a waste operations licence	<p>This clause expands the existing 2015 Cleanfill and Waste Handling Operations Bylaw (clause 8 – handling requirements for waste operations). The expanded criteria include:</p> <ul style="list-style-type: none"> <li>• methods of handling, recycling and disposal of waste in adherence to the health and safety standards;</li> <li>• the facility where the recycling, recovery, sorting, storage, treatment, and disposal of waste will occur;</li> <li>• relevant approvals or consents held by an applicant;</li> <li>• the applicant’s experience, reputation, and track record in waste and diverted material industry; and</li> <li>• terms and conditions associated to the licence.</li> </ul>
15. Terms and conditions of a waste operations licence	This clause amends the existing 2015 Cleanfill and Waste Handling Operations Bylaw (clause 7 – licence terms and conditions). This amended clause introduces new terms and conditions including controls on the quantity and type or category of waste to be collected; and on the storage, handling, recycling and disposing of waste to minimise litter.

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16. Suspension or revocation of waste operations licence	New clause introduced to allow the Council to suspend or revoke waste operations licence for breaches of the bylaw or terms and conditions.
17. Controls on the operation of waste collection services from a public place	<p>New clause introduced which allows the Chief Executive to make controls of the waste collection services from public places for purposes of safety and efficiency of the operation. These controls may include, among others:</p> <ul style="list-style-type: none"> <li>• categories of waste and maximum weight of waste;</li> <li>• requirements to separate waste into different collection containers; and minimise risks to traffic and safety; and waste minimisation</li> <li>• collection containers to be used;</li> <li>• limits on the use of public place for collection of waste; and</li> <li>• clean up of litter or illegally dumped materials.</li> </ul>
18. Controls on the operation of waste deposit points in a public place	<p>New clause introduced which allows the Chief Executive to make or revoke/amend controls of the waste deposit points located in a public place or within 10 metres of/adjacent to a public place. The controls may relate to the:</p> <ul style="list-style-type: none"> <li>• location and access requirements for deposit points;</li> <li>• types of waste; and</li> <li>• type and use of receptacles.</li> </ul>
<b>PART 3 – OTHER WASTE MATTERS</b>	
19. Construction and demolition Waste Management Plan	<p>This is a new clause which allows Council (at its discretion) to require the owner/developer to prepare a Waste Management Plan for demolition and construction projects when lodging a resource consent, and to prepare a post work waste analysis report on:</p> <ul style="list-style-type: none"> <li>• types and amounts of waste generated,</li> <li>• amount of waste diverted from landfill, and the</li> <li>• facilities which have been used to recover, recycle, treat/dispose of waste materials.</li> </ul>
20. Event Waste Management Plan	A new clause which allows Council (at its discretion) to require a Waste Management Plan for events of over 1000 attendees, as may be needed. This clause also requires organisers of all events happening on public places either partially or fully funded by the Council to address waste generated by that event. The Council may also require the event organisers to provide a waste analysis report (following the event).
21. Unaddressed mail and advertising material	New clause introducing restrictions on unaddressed mail or advertising materials.
22. Nuisance and litter	New clause introduced prohibiting the accumulation, burying, or disposal of waste on any premises which may become offensive, a nuisance or injurious to health.

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23. Restriction on the disposal of waste in public receptacles for litter and recyclable materials	Re-written from 2015 Waste Management Bylaw (Clause 10 – Restriction on disposal of wastes & clause 11 – Recyclable materials bins and litter bins in public places). This clause allows Council to prohibit certain materials from being deposited to or removed from recyclable receptacle or litter receptacle in a public place.
24. Monitoring and inspection	New clause enabling Council to carry out monitoring and inspections to determine compliance with the bylaw, terms and conditions and controls made under the bylaw, including licences issued under the bylaw.
25. Fees	Re-written from 2015 Cleanfill and Waste Handling Operations Bylaw (clause 7 – Terms and conditions: 7.1 (b) and (c)). This allows Council to collect fees for issuance of licence and carrying out inspection, monitoring, or review of licences under this bylaw.
26. Offence and penalty	Retained from 2015 Cleanfill and Waste Handling Operations Bylaw (clause 12 – Offence and penalty).
27. Christchurch City Council General Bylaw 2008	Retained from 2015 Cleanfill and Waste Handling Operations Bylaw and Waste Management Bylaw (clause 11 – Christchurch City General Bylaw).
28. Revocation and savings	Retained from 2015 Cleanfill and Waste Handling Operations Bylaw (clause 13 – Revocations and savings).