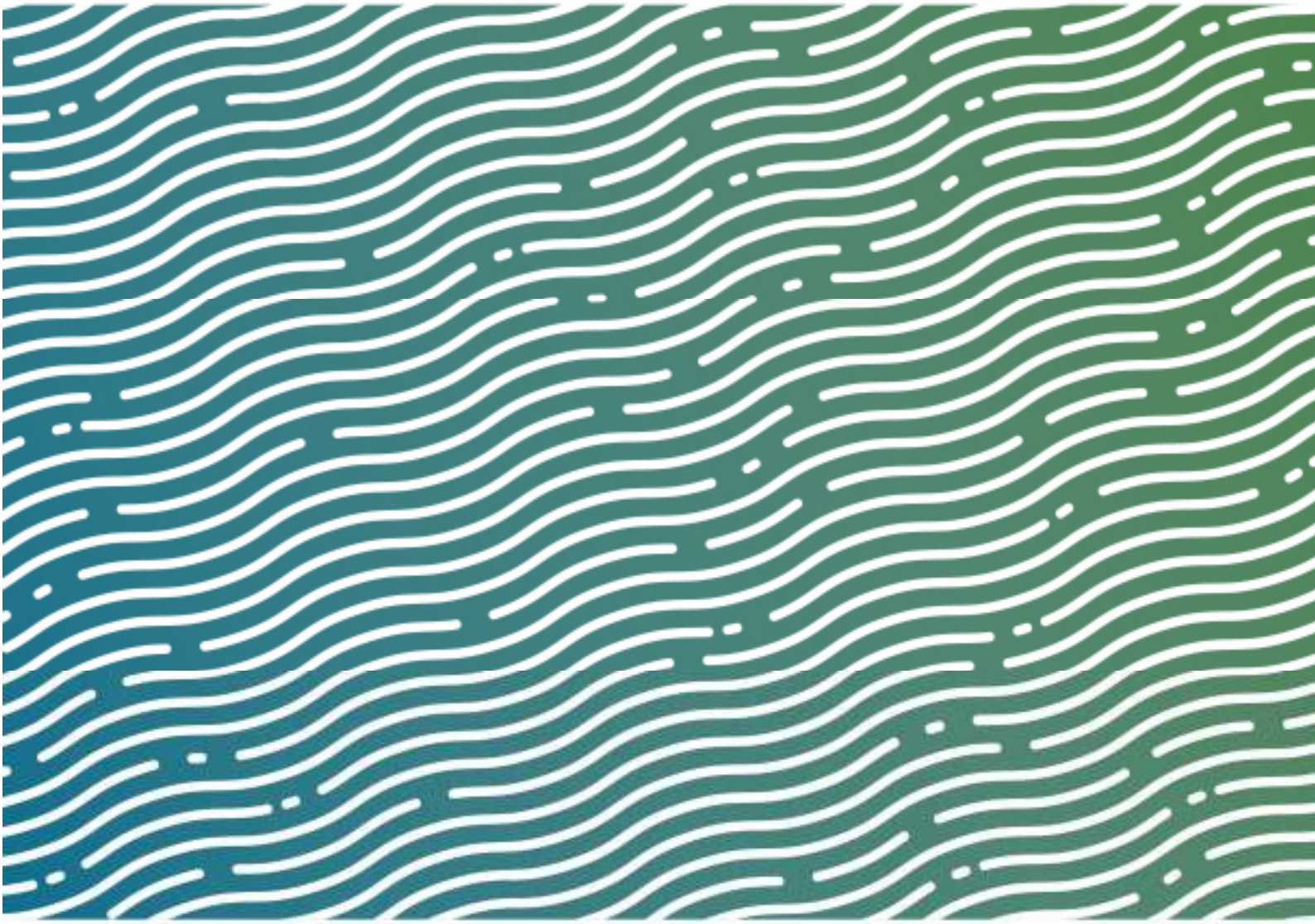
MARLBOROUGH DISTRICT COUNCIL

Waste Management and Minimisation Bylaw 2025



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Statement of Proposal
Draft Waste Management and Minimisation Bylaw 2025

Marlborough District Council is proposing changes to its waste bylaw. You can provide feedback until 5.00 pm Thursday 17 April 2025.

Introduction

The Marlborough District Council (**Council**) is proposing to replace its 2017 Waste Bylaw.

Under the Local Government Act 2002 (**LGA**) and the Waste Minimisation Act 2008 (**WMA**), the Council has the authority to regulate waste management related activities in the Marlborough region.

Under section 145 of the LGA and section 56 of the MTA, the Council has the power to make bylaws for the purpose of regulating waste management.

The Council adopted the 2017 Waste Bylaw which covered most areas in Marlborough within the district. That bylaw came into force on 25 May 2017.

We want to know what you think about our proposed bylaw.

Our Proposal

We are proposing that we replace the 2017 Waste Bylaw with the draft Bylaw attached to this Statement of Proposal.

We want to replace the 2017 Waste Bylaw with a new draft Bylaw to address key issues and changes in the region since 2017, key legislation changes, and improve the clarity of the Bylaw.

Have Your Say

The views of people who live, work and play in Marlborough are important.

Council would like your feedback on the proposed changes and proposed new bylaws.

Anyone can make a submission. Your submission can support or oppose the proposals.

You can make a submission online at www.marlborough.govt.nz or you can collect a form from Council offices.

Completed forms can be emailed to bylawsubmissions@marlborough.govt.nz, submitted by hand, or posted to the Picton or Blenheim Council offices:

15 Seymour Street
Blenheim 7201

67 High Street,
Picton 7220

Your submission should clearly state:

- the part of the proposed Bylaw which the submission point relates;
- whether you support or oppose the provision;
- the reasons for supporting or opposing the provision;
- whether or not you wish to be heard in support of your submission.

The deadline for submission is 5.00pm Thursday 17 April 2025.

What Happens Next?

If you have indicated on your submission form that you would like to make a verbal submission, we will contact you to arrange a time for you to speak. The hearing on submissions will be in April 2025.

Timeline for the Review

Action	Date
Submissions on the proposed Bylaws and Statement of Proposal are open	Monday 10 March 2025
Submissions close	Thursday 17 April 2025
Hearings before Council Hearing Committee	Wednesday 14 May 2025
Council resolution revoking, continuing, amending or replacing bylaws	On a date determined by Council.
Reviewed bylaws come into force	On a date determined by Council.

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Where can I get more information?

Copies of the current Bylaw, the proposed bylaw and this Statement of Proposal can be viewed:

- on Council's website at www.marlborough.govt.nz
- at Council Offices at 15 Seymour Street, Blenheim or 67 High Street, Picton
- at Council's libraries in Blenheim (15 High Street) or Picton (67 High Street)
- by calling Council on 03 5207400
- by emailing bylawsubmissions@marlborough.govt.nz and asking for a copy to be sent to you.

Attachments:
Details of the Proposals (including a summary, reasons for the proposal and an analysis of reasonably practicable options considered by the Council)

Proposed Bylaw

Why do we need to change?

As a region we are one of the worst in the country for producing waste. The national average for waste produced by an individual in New Zealand is 740kg per year. Marlborough produces an average of 1,330kg per individual in a year.

The amount of waste being produced in Marlborough directly affects ratepayers:

- The average waste to landfill for the last five years is 66,460 tonnes.
- Marlborough's annual Emissions Trading Scheme (ETS) Liability is projected to increase from $818,000 to $2,600,000 by 2026 as a result of a new calculation used from the beginning of 2025.
- The waste levy is scheduled to increase by $5 per tonne annually for the next three years.
- Approximately 46.5% of the cost (per tonne) to dump waste at Bluegums Landfill is to cover the waste levy and ETS liability.
- Council have spent $6m to construct Stage Nine at Bluegums. At today's volume of waste, Bluegums has a projected lifespan of six years.
- It is estimated that it will cost another $24m to construct the next four stages at Bluegums, between now and 2048.
- Due to the current volumes of waste being deposited at Bluegums, the landfill has an expected life span of 24 years. That has been reduced by six years since 2019.
- 40-50% of waste coming into the landfill is from construction and demolition (commercial waste).
- Marlborough has seen a 46% decline in recyclable products over the last 10 years.
- We are averaging over 20 tonnes (a month) of contaminated recyclable material. That is a cost to rate payers of $56,000 per year.

Proposal in Summary

Since the adoption of the 2017 Bylaw, legislative change, new opportunities to recycle, a new kerbside collection system, and new remote transfer stations. More specifically, the issues that need to be addressed are:

- Recent changes to regulations under the Waste Minimisation Act 2008.
- The updated Marlborough Waste Management and Minimisation Plan 2021.
- An increase in types of recyclable products and the way they are managed within Marlborough.
- Proposed changes to the national waste management framework e.g. introduction of a Container Return Scheme.
- An identified need for better integration in all aspects of waste management.
- Changes to the kerbside collection services (bags to bins).
- Adding Remote Transfer Station services.

This replacement provides Council with an opportunity to improve how we manage the collection, handling, and disposal of waste to minimise waste by diverting waste from the landfill. By replacing the 2017 Bylaw with a new, updated draft Bylaw, Council can manage the collection, handling, and disposal of waste to minimise waste by diverting waste from the landfill, and:

- Ensure it is fit for purpose with the change in the district since 2017;
- Regulates and monitors operators;
- Protect, promote, and maintain public health and safety; and
- Provide comprehensive data and information for planning, waste management, and minimisation purposes.

Summary of proposed changes

The draft Bylaw will be:

- Consistent with the Waste Minimisation Act 2008 (**the Act**); and
- Assist in achieving the Council's Waste Management and Minimisation Plan 2021 (**the**

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Plan), including the goal to move towards zero waste.

- Assist in the goal or divert waste from the landfill and reuse or recycle where possible.

Main Changes in the Bylaw

1. Council created associated Terms and Conditions for Council's waste management services - the kerbside collection, transfer stations and remote transfer stations. These Terms and Conditions sit alongside the draft Bylaw.
2. Provide more flexible rules for Council kerbside collection service, e.g., to allow for a wider range of bin options and increase the collection areas, as required.
3. Allow new requirements for waste management plans in some circumstances so that waste is managed more effectively for:
    - Multi-unit residential developments.
    - Demolition and construction activities.
    - Large scale events.
4. Allow new rules to address the problems caused by unaddressed mail and advertising material and to deal with nuisance from litter, including litter around donation boxes for clothing and household goods.
5. Allow the Council to set standards for the collection points for recycling and diverted materials, given the likely introduction of container return schemes.
6. Revise provisions for waste handling and disposal facilities to support the diversion of materials from landfill and to ensure that all waste materials are disposed of appropriately.
7. Includes licensing requirements for waste operators, including for the collection of data, to enable more effective monitoring of the effectiveness of the Council's Waste Management and Minimisation Plan.

Minor changes in the draft Bylaw

In addition to the changes outlined above, the following changes are proposed:

- Review of outdated references e.g., to standards, or legislation.
- Changes to wording that does not alter the intent of the Bylaw, to improve clarity, and in some cases, enforceability.
- Cover the inclusion of the remote transfer stations and changes to the transfer stations and landfills.
- Update of definitions to improve clarity and consistency. The new definitions are considered necessary to assist with enforcement and make the Bylaw easier to understand. An example is the new definition of Managed or Controlled Landfill which is made for consistency with recent changes to the Waste Minimisation (Calculation & Payment Waste Disposal Levy) Regulations 2009.

Special Considerations under the Local Government Act 2002

When reviewing a bylaw, Council must determine:

- The bylaw is the most appropriate way of addressing the perceived problem.
- Is it the most appropriate form of bylaw.
- Whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).

Reasons for the Proposal

Under the WMA and LGA, the Council has the authority to regulate waste management.

Section 56 of the WMA provides that a territorial authority may make bylaws for 1 or more of the following purposes:

(a) prohibiting or regulating the deposit of waste:

(b) regulating the collection and transportation of waste:

(c) regulating the manner of disposal of dead animals, including their short-term storage pending disposal:

(d) prescribing charges to be paid for use of waste management and minimisation facilities provided, owned, or operated by the territorial authority:

(e) prohibiting, restricting, or controlling access to waste management and minimisation facilities provided, owned, or operated by the territorial authority:

(f) prohibiting the removal of waste intended for recycling from receptacles provided by the territorial authority by anyone other than:

(i) the occupier of the property from which the waste in the receptacle has come; or

(ii) a person authorised by the territorial authority to remove the waste.

Section 145 of the LGA provides a general bylaw making power for territorial authorities to make bylaws for its district for one or more of the following purpose:

(a) protecting the public from nuisance:

(b) protecting, promoting, and maintaining public health and safety:

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(c) minimising the potential for offensive behaviour in public places.

Section 146 of the LGA provides specific bylaw making powers for territorial authorities to make bylaws for the purposes of waste management.

The Council has previously had bylaws in place in accordance with both the WMA and LGA, with the most recent being made in 2017 (and coming into force in May 2017).

The Council is now proposing to replace the 2017 bylaw with a new draft Bylaw.

In accordance with section 155 of the LGA, Council considered whether a bylaw is the most appropriate way to address the perceived problem, whether the proposed bylaw is the most appropriate form of bylaw and whether its gives rise to any implications under NZBORA. A summary of those considerations is set out below.

Is the draft Bylaw the most appropriate way of addressing the perceived problem(s)?

The Council is responsible for waste management and minimisation. A problem may exist if the Council does not have up to date clear regulations or statements around the activities that affect waste management and minimisation.

The Council considered whether a bylaw was the most appropriate way of addressing the perceived problem at its meeting on 27 February 2025. The Council considered the following options:

a. Option 1: do nothing – status quo.

b. Option 2: make a bylaw.

Option 1

If the Council does nothing and keeps the 2017 Waste Bylaw, the bylaw may no longer be fit for purpose and the Council will have limited powers to regulate waste and services within the Marlborough region.

Staff have considered non-regulatory options for addressing the problem. Staff do not consider that non-regulatory measures will be sufficient to adequately address the problems. The difficulty in any voluntary compliance regime is that individuals may not have an adequate incentive to comply, and therefore this could create nuisance and public health and safety concerns. Bylaws are the most effective method for Council to achieve its goals and targets in terms of:

a. Council's Waste Management and Minimisation Plan 2021;

b. Waste Minimisation Act 2008; and

c. New Zealand Waste Strategy 2024.

Option 2

Bylaws in relation to waste management and other matters are specifically anticipated by the WMA and LGA. The Council has previously had a bylaw in place that allowed it to regulate these activities. The experience generally was that this enabled minimisation and regulation of waste being discharged within the Marlborough district and at Council owned waste facilities.

Through a bylaw, the Council can regulate the matters set out above in section 56 of the WMA and section 145 of the LGA and ensure that waste being disposed is regulated to help minimise and redirect waste.

Adopting a bylaw allows the Council to ensure that minimum regulations and protections for waste minimisation, nuisances caused by waste and public health and safety are in place.

For these reasons, the Council determined that a bylaw was the most appropriate way to address the perceived problem (to manage the collection, handing and disposal of waste and minimise waste by diverting it from the landfill) and subsequently resolved to consult on the draft Bylaw.

The Council adopted the staff's recommendation at its meeting on 27 February 2025 to adopt the draft Bylaw for consultation.

Is the draft Bylaw in the appropriate form?

The proposed bylaw has been drafted following a review of the Council's bylaw making powers.

Council considers the proposed draft Bylaw is the most appropriate form of bylaw. The bylaw is consistent with the Council's functions in respect of waste management under the WMA and LGA, and the reasons for which a bylaw can be under section 56 of the WMA, and sections 145 and 146 of the LGA.

Based on experience operating under the 2017 Bylaw, the Council (with input from the Solid Waste Manager) has proposed to replace the 2017 Bylaw. This replacement is to deal with the relevant key issues (as noted above), to improve the clarity of the bylaw and ensure it is still fit for purpose.

The Council will give further consideration to whether the draft Bylaw is the most appropriate form of bylaw following receipt and consideration of submissions, prior to making any bylaw.

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Is the draft Bylaw consistent with the New Zealand Bill of Rights Act 1990?

Council considers that any limitations on the rights and freedoms granted by NZBORA as a result of the proposed bylaw are no more than are reasonably necessary to achieve the purposes of the proposed draft Bylaw.

The Council will give further consideration to this matter following receipt and consideration of submissions, prior to making any bylaw.

We need your help.

Council is looking for your help to set the trigger values. In the Bylaw they relate to Waste Management Plans for Events and Construction and Demolition projects.

Council has researched what other councils have their trigger values set at and ours have been set from that research.

In relation to clause 24 Construction and Demolition Waste, Council received 1082 consent applications last year a breakdown of the application to value are below.

Value	# of consents
>$2M	13
$1M - $2M	27
$750K - $1M	31
$500K - $750K	53
$250K - $500K	73
$100K - $250K	105

Where do you see this trigger value should be?

In relation to clause 25 Event WMP have been set at 500 people. Considering that some employers have a staff of over 100 people we are trying to find the value that will achieve the desired results, but the clause is not designed to capture work events etc, it is designed to capture major events.

Again, we are looking for your feedback to set this trigger value.

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Marlborough District Council Waste Management and Minimisation Bylaw 2025

Preamble

The Marlborough District Council (**Council**) hereby makes by resolution the following Marlborough District Council Waste Management and Minimisation Bylaw 2025 (**the Bylaw**) pursuant to section 56 of the Waste Minimisation Act 2008, and sections 145 and 146 of the Local Government Act 2002 (**LGA**).

1. Short Title and Commencement

(1) The Bylaw is the Marlborough District Council Waste Management and Minimisation Bylaw 2025.

(2) The Bylaw comes into force on (date to be inserted)

2. Purpose

(1) The purpose of the Bylaw is to promote the delivery of effective and efficient waste management and waste minimisation and to support the Council's Waste Management and Minimisation Plan by:

(a) Promoting effective, efficient, and safe collection, transportation, management, storage, processing, treatment and disposal of waste and diverted materials;

(b) Prohibited Waste requiring waste management operations to obtain council approval;

(c) Requiring the collection and provision of data to the Council for the purpose of planning for waste management and minimisation;

(d) Protecting, promoting, and maintaining public health and safety, and the health and safety of waste and divert material collectors and operators; and

(e) Supporting the appropriate management of litter and nuisance relating to waste in public places and private premises.

(f) Ensuring we are diverting all recyclable products from the landfill.

3. Interpretation

Explanatory note: The definitions below relate to all clauses in this Bylaw and are used in Terms and Conditions, controls and guidelines made under or in relation to this Bylaw.

(1) In this Bylaw, unless the context otherwise requires:

Act means the Waste Minimisation Act 2008

Advertising Material means any message which:

(a) has printed content controlled directly or indirectly by the advertiser; and

(b) is expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of a person.

Explanatory Note: Advertising material includes material such as circulars, leaflets, flyers, brochures, business cards, samples and clothing donation bags.

Agent means any person or company that is operating under Council direction whether they are paid or volunteering. This also includes any employee or volunteer of the any such company.

Approved Container	means any container approved by the Council for the collection of any type of waste or diverted material, under 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.
Chief Executive	means the Chief Executive Officer of the Marlborough District Council.
Clean fill	means virgin excavated natural materials such as clay, soil or rock. A clean fill disposal facility (Class 5 landfill) means a landfill site which only accepts uncontaminated natural materials such as clay soil and rock.
Mixed industrial, commercial and institutional	means general waste form activities wholly or mainly for the purpose of trade, business or industry, or for the purpose of sport, recreation, education, healthcare or agriculture and not including residential premises. Includes retain and light manufacturing or industrial activities.
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.
Container Return Scheme (CRS)	means an authorised collection scheme for beverage containers, including authorised collection points.
Contractor	means the person or company that undertakes a contract to provide materials and/or labour to perform a service or do a job, ie: The person or company that has the agreement with the client. It does not include any subcontractor.
Council	means the Marlborough District Council, or any person authorised to act on its behalf.
Cover Material	means uncontaminated topsoil used for covering a controlled or managed landfill.
Deposit	means to cast, place, throw, exchange or drop any waste or diverted material.
Dispose or Disposal	has the same meaning as ‘disposal’ in section 6 of the Act.
District	means the territorial area of the Council.
Diverted Material	has the same meaning as ‘diverted material’ in section 5(1) of the Act.
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.
Eligible Properties	mean properties entitled to receive the Council kerbside collection services or properties.

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Event means any organised temporary activity of significant scale that is likely to create waste and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, protest, festival, concert, or celebration.

General Rate means a rate set by the Council to meet all or part of the cost of the solid waste and resource recovery activity.

Explanatory Note: A General Rate may be set where it is considered desirable and practicable either to enhance the transparency of the Council spending (i.e. so that ratepayers can see how much they pay for a particular activity) or to ensure that the cost of a particular item is borne by the group(s) deemed to derive most benefit from it.

Handle(d) includes, any collection, sorting, consolidation, storage, or processing of waste, but excludes the transporting of waste.

Handling Requirements mean in relation to each waste operations licence, the requirements for handling waste imposed by the Council.

Hazardous substance has the same meaning as 'hazardous substance' in section 2 of the Hazardous Substances and New Organisms Act 1996.

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.

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

Heavy Industrial means General waste primarily derived from heavy industrial or manufacturing activities, in dedicated loads generated by the primary activity of an industry. This includes, but is not limited to, tanneries, canning factories, dairy factories, timber or pulp mills, incineration activities, fisheries, and horticulture processing.

Hydro-excavation Waste includes the suspended solids and/or mixture of solids and water derived from hydro-excavation works requiring disposal.

In-organic 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.

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Kerbside Collection Service	means any collection service provided by or on behalf of the Council for the collection of any waste from eligible properties within the District.
Landfill (landfill class)	means a facility where waste is disposed of to land.
Litter Receptacle or Litter Bin	means a Council provided receptacle in a public place for the disposal of litter.
Licence	means a licence, consent, permit or approval to do something under this Bylaw.
Licensee	means a person or entity to whom the Council has issued a current licence.
Litter	has the same meaning as 'litter' in section 2(1) of the Litter Act 1979. Has the same meaning as waste.
Managed or Controlled Landfill	means a managed or controlled fill disposal facility: classes 3 and 4; that accepts the following for disposal: inert waste material from construction and demolition activities and /or inert waste material from earthworks or site remediation.

Explanatory Note: This definition is consistent with recent changes to the Waste Minimisation (Calculation & Payment Waste Disposal Levy) Regulations 2009. Managed or controlled landfills were termed 'cleanfills' under the Council's previous Waste Bylaw 2017, the Cleanfill and Licensed Waste Handling Bylaw 2015.

Medical Waste (Healthcare Waste)	means any waste considered to be of an infectious or unsanitary nature that could endanger public health or worker health and safety. Including all waste categorised as either hazardous or controlled under NZS4304 (2002).
Multi-unit Residential development	Means or includes: (a) a multiple occupancy residential property comprising 10 or more separately occupied units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership; and (b) includes a unit title development, a mixed-use premises with business activities, and any development with controlled or restricted access, such as a gated community.
Natural Hardfill	means soils, rock, gravels, sand, clay, and other inorganic inert natural materials, sourced from earthworks, site remediation and other similar activities, which do not include any combustible, putrescible, degradable or leachable components. Explanatory Note: Natural Hardfill is derived from activities such as site clearance and excavation and may include (safe levels of) contamination not found in cleanfill materials.
Nuisance	has the same meaning as 'nuisance' in section 29 of the Health Act 1956
Not-For Profit Store	means any store that is run by a not-for-profit charity for the direct purpose of raising money to run that charity, a common description is an OP Shop.
Occupier	means any person 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.
On Truck	in relation to the volume measurement of fill, means the volume of fill as measured in the means of conveyance when the fill arrives at the land fill.
Organic Waste	means food waste and green waste that is specified by the Council under the Bylaw as organic waste.

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Other Hardfill means:

(a) asphalt (cured)

(b) Bricks

(c) Ceramics

(d) Chip seal (cured)

(e) Concrete, un-reinforced (including dried concrete slurry)

(f) Concrete, reinforced (provided that there are no exposed reinforcing rods)

(g) Masonry blocks

(h) Pavers (clay, concrete, ceramic)

(i) Pipes (clay, concrete, ceramic)

(j) Tiles (clay, concrete, ceramic)

(k) Tree stumps

Provided that the materials (a)-(k) above do not include any combustible, putrescible, degradable or leachable components or any Hazardous Substances or materials derived from hazardous waste treatment or any materials that may present a risk to human or animal health, such as medical and veterinary waste or radioactive substances, or hydro-excavation waste or any liquid waste.

Owner means the person whose name is shown as the owner on the Record of Title for the property.

Prohibited Waste means waste which due to its nature could cause harm or injury or is otherwise deemed unacceptable for collection by the Kerbside Collection Service, at Council waste facilities and remote transfer station, as specified by Council from time to time under this Bylaw

Property (premises) means any separately occupied land, dwelling, premises, building, or part of the same.

Public 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.

Public Place means an area that is open to or used by the public, and which is owned, managed, maintained or controlled by the Council. Public places include, but are not limited to: roads, streets, footpaths, alleys, pedestrian malls, cycle tracks, lanes, accessways, thoroughfares, squares, carparks, reserves, parks, beaches, foreshore, riverbanks, berms, verges, and recreational grounds.

Recovery has the same meaning as 'recovery' in section 5(1) of the Act.

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

Recycling and reuse have the same meanings as 'recycling' and 'reuse' in section 5(1) of the Act

Remote Transfer Station (RTS) means a Council owned and operated sites that provides a 24/7 disposal point for recyclable materials and residual waste for residential properties not on in the kerbside collection area. Specifical limited to Domestic Waste only.

Explanatory note: At the time of publication of the Bylaw the provision of Remote Transfer Stations includes Awatere Valley, Ohingaroa Quarry, Port Underwood, Portage, Rai Valley, Raupara, The Grove, Titirangi, Waihopai Valley, Waitaria Bay, Ward.

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Residual Waste/Rubbish	means any waste material not recovered or diverted from Landfill.
Site	means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.
Sub-Contractor	one (as an individual or business) that contracts to perform part or all of the obligations or another's contract.
Targeted rate	means a targeted rate set by the Council to meet all or part of the cost of the solid waste and resource recovery activity.

Explanatory Note: A targeted rate may be set where it is considered desirable and practicable either to enhance the transparency of Council spending (i.e. so that ratepayers can see how much they pay for a particular activity) or to ensure that the cost of a particular item is borne by the group(s) deemed to derive most benefit from it.

Trade Waste	has the same meaning as in the Council's Trade Waste Bylaw.
Transfer Stations	mean the Council owned and operated sites that provide an extended level of service to the RTS. These are operated on a user pays model and are only open restricted hours. The Hazardous Waste Centre is a TS under this definition.
Treatment	has the same meaning as 'treatment' in section 5(1) of the Act.
Trigger Value	A given value that once reached triggers the clause as stated in the Bylaw.
Unaddressed mail	means any unsolicited mail including, any mail or material that does not display a full address and name of a person at that address.
Uncontaminated	means material that does not contain concentrations of organic or inorganic substances in excess of current established human health or ecological soil contaminant standards or guideline values recognised as valid in New Zealand in accordance with Contaminated Land Management Guidelines No 2: Hierarchy and Application in New Zealand of Environmental Guideline Values.
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 Acceptance Evaluation Process	means the process that Council has to follow to assess the suitability of the waste material that is covered as hazardous or non-hazardous but requires to meet the stated requirements by legislation or this Bylaw.
Waste Collection	means the collection and transport of waste and includes the commercial and non-commercial collection and transport 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, the Owner taking their own household garden waste to a waste facility).
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 if for the Council, and includes but not limited to Landfills, Transfer Stations, recycling centres, reuse shops, hazardous waste centre and remote transfer stations.

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Waste Operation means:

(a) any facility (land or buildings) to which waste is disposed of or where discarded materials are delivered for consolidation, sorting, storage, processing, treatment or Disposal, including:

(i) transfer stations, hazardous waste treatment facilities, materials recovery facilities, composting facilities, recycling and re-use facilities, resource recovery parks and centres, and Landfills (including managed or controlled Landfills as defined above).

Waste Operator includes a person or entity that owns or manages a waste operation/facility or is otherwise involved in a waste related business or undertaking.

Waste Management Plan (WMP) means an operational plan for the management of waste generated by a property, Event, 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.

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

(b) This Bylaw contains reference to Terms and Conditions, which are not part of the Bylaw. The Council may add, amend, or delete the Terms and Conditions 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.

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PART 1: Residential Waste Collection Services

4. Objectives for Part 1

(1) The objectives of this part of the Bylaw are to:

(a) Maximise the recovery of recyclable materials and organic waste;

(b) Promote effective, efficient, and safe collection and management of waste; and

(c) Support the appropriate management of Litter and Nuisance relating to waste in public places.

Explanatory note: This part of the Bylaw achieves these objectives by regulating the Council's kerbside collection of waste from individual properties, the Deposit of waste at remote transfer station, the types of waste that may be disposed of and the prevention of Nuisance in relation to waste in public places.

5. Kerbside Collection Services

(1) The occupants of Eligible Properties where the targeted rate is paid are entitled to use the Kerbside Collection Service in accordance with this Bylaw and the Terms and Conditions of the KCS.

Explanatory Note: There are now Terms and Conditions for the Kerbside Collection Service. Before making or amending any Terms and Conditions, the Council will comply with the Local Government Act 2002.

(2) Council may determine the Terms and Conditions for the Kerbside Collection Service.

(3) Terms and Conditions may include, but are not limited to:

(a) The geographic areas and provisions that apply to the different categories of Kerbside Collection Service;

(b) The types and sizes of Approved Containers and the combination of Approved Containers that are available to be used;

(c) The correct separation of organic matter, recyclable materials, and residual waste into Approved Containers;

(d) The correct placement of Approved Containers for collection;

(e) Collection times and days;

(f) Retrieval of Approved Containers;

(g) The provision of on-site space for Approved Containers for multi-unit buildings;

(h) What constitutes permitted waste;

(i) What constitutes Prohibited Waste; and

(j) Restrictions on the weight of Approved Containers.

(k) Set the targeted rate value for the service and review this annually.

(4) The Council may amend or revoke any term or condition made under Clause 5 of this Bylaw as and when they think fit.

(5) Every person using an Approved Container must comply with the Terms and Conditions for the KCS.

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

(1) No person may remove or interfere with any waste from an Approved Container except the person who deposited the materials, or the Council or its Agent.

(2) No person may Deposit any waste in an Approved Container provided to any other person, without that other person's consent.

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7. Non-compliance

(1) Failure to comply with the Bylaw for the KCS may be subject to the following actions:

(a) The rejection (non-collection) of the contents of any Approved Container left out for kerbside collection if the contents or placement of the container is non-compliant; or

(b) The withdrawal or suspension of the Kerbside Collection Service being provided to that property; or

(c) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non- compliance; or

(d) Enforcement for breach of this Bylaw, as provided for in the LGA or the Act; or

(e) Any other steps that the Council may take in law.

8. Waste Management for Multi-Unit Residential Developments

(1) The Owner and/or manager of a Multi-Unit Residential development must make adequate provision for the management of all household waste generated by the premises. This includes arrangements for the regular collection of waste to the satisfaction of Council and the provision of adequate areas for:

(a) The storage of waste on the premises from any activity on the premises; and

(b) The collection of recyclable materials and Organic Waste if collection occurs on the premises.

(2) The Council may require a Waste Management Plan (**WMP**) to be prepared for any new proposed multi-unit development. The WMP must be in the form prescribed by the Council, and to be approved by an Authorised Officer.

Explanatory note: The Council will notify the applicants for resource or building consent for a Multi-Unit Residential development (10 or more units) of the requirement for a WMP. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.

(3) The Council may require owners or managers of an existing Multi-Unit Residential development to submit for approval and adhere to a WMP when the existing waste management arrangements:

(a) Do not provide adequately for the collection of recyclable materials or organic waste; or

(b) Have an adverse impact on the health, safety or amenity of occupants of the development or of neighbouring properties or on adjoining public space.

Explanatory note: Where there are ongoing problems with a development's waste management arrangements, the Council may give notice to the owners and Occupiers of the need for a WMP.

(4) Any person who owns, manages, or occupies a unit of a development must comply with the provisions of any approved WMP for that multi-unit development.

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PART 2: Council Waste Facilities.

9. Objectives for Part 2

(1) The objectives of this part of the Bylaw are to:

(a) Maximise the recovery of recyclable materials and Organic Waste whilst minimising air space usage at Landfills;

(b) Promote effective, efficient, and safe collection and management of waste; and

(c) Remove hazardous waste from the Landfill.

(d) Ensure the facilities are operated safely and are use appropriately.

(e) Support the appropriate management of Litter and Nuisance relating to waste in public places.

Explanatory note: This part of the Bylaw achieves these objectives by regulating the Council's acceptance of waste at its sites.

10. Disposal of Waste and Recycling at a Council Waste Facility.

(1) No person may Deposit waste at any Council Waste Facility which originates from outside the District, except with the prior written permission of the Council.

(2) Council may inspect all waste presented for Disposal.

(3) All persons present at a Council waste facility must comply with the directions of Council and the Council-contracted operator of the facility and with any signs erected at the facility**.**

(4) Any person who enters any Council waste facility must comply with any resolutions set by Council under this Bylaw.

(5) The Council can set and change the fees to Dispose of waste at any of the Council waste facilities

(6) 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 the Council discretion.

(7) The Council may determine any material to be classed as waste or a recyclable material, and determine in the Terms and Conditions relating to the depositing of waste or recyclable material including but not limited to:

(a) What constitutes Prohibited Waste;

(b) Direct it to be diverted from the Landfill;

(c) Direct that all possible alternatives be explored before allowing it to be accepted at Landfill;

(d) Direct in what condition the waste or recyclable material is presented at a Council waste facility; and

(e) Set specific credit criteria for any credit account application.

(8) The Council may subsequently amend or revoke any term or condition made under Clause 10 at any time.

11. Activities at a Council Waste Facility

(1) No person may fossick, forage, or remove material from any Council Waste Facility without the prior written permission of Council unless it is obtained from a recycling centre, reuse shop or the Hazardous Waste Centre.

(2) 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.

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(3) All waste being transported to a Council Waste facility must be probably secured and covered to ensure no waste is lost and minimise smells escaping during the transport to a Council Waste Facility.

12. Transfer Stations

(1) Subject to the user pays model, everybody is entitled to use the Council's Transfer Stations (**TS**) to Dispose of approved waste.

Explanatory note: Transfer stations are currently provided in Blenheim, Havelock, Picton, Rai Valley, Seddon and Wairau Valley. https://www.marlborough.govt.nz/services/recycling-and-waste/transfer-stations

(2) The Council may determine any place, or receptacle in a public place, as a TS for the collection of domestic and commercial waste.

(3) The Council may determine the Terms and Conditions relating to the Deposit of waste at the TS may include, but are not limited to:

(a) The use of specified receptacles;

(b) Accessible hours for the transfer station;

(c) What constitutes permitted waste; and

(d) What constitutes Prohibited Waste.

(4) The Council may subsequently amend or revoke any term or condition made under Clause 12 at any time.

(5) Any person using a TS must comply with the Bylaw and Terms and Conditions for the use of that transfer station.

(6) Any person using a TS must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.

(7) No person may Deposit waste at a TS other than in accordance with this Bylaw and the Terms and Conditions or other conditions for that particular TS.

(8) No person may remove or interfere with any waste at a TS except the person who deposited the materials, or the Council or its Agent.

13. Remote Transfer Stations

(1) Subject to the payment of the General Rate, the occupants of Eligible Properties and visitors to the District are entitled to use the Council's Remote Transfer Station (**RTS**) for Domestic Waste only.

Explanatory note: RTS is currently provided in Awatere Valley, Ohingaroa Quarry, Port Underwood, Portage, Rai Valley, Raupara, The Grove, Titirangi, Waihopai Valley, Waitaria Bay, Ward. Occupants of eligible residential properties in the district that are not on a KCS route, can Dispose of domestic recycling and rubbish at the RTS.

(2) The Council may determine any place, or receptacle in a public place, as a RTS for the purpose of collecting household waste.

(3) The Council may determine the Terms and Conditions relating to the Deposit of waste at the RTS may include, but are not limited to:

(a) The use of specified receptacles;

(b) What constitutes permitted waste; and

(c) What constitutes Prohibited Waste.

(4) The Council may subsequently amend or revoke any Term or Condition made under Clause 13 at any time.

(5) Any person using a RTS must comply with the Bylaw and Terms and Conditions for the use of that RTS.

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(6) Any person using a RTS must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.

(7) No person may Deposit waste at a RTS other than in accordance with the Bylaw or Terms and Conditions or any subsequent conditions for that RTS.

(8) No person may remove or interfere with any waste at a RTS except the person who deposited the materials, or the Council or its Agent.

Explanatory note: Details of the locations of the RTS and categories of waste accepted at these collection points can be found on the Council's website.

14. Recycling Centre/s

(1) Everybody is entitled to use the Council's Recycling Centre (RC) to Dispose of recyclable products.

(2) The Council may determine any place, or receptacle in a public place, as a RC for the collection of domestic and commercial recycling.

(3) The Council may determine the Terms and Conditions relating to the Deposit of recycling at the RC. These terms and conditions may include, but are not limited to:

(a) The use of specified receptacles;

(b) Accessible hours for the Recycling Centre;

(c) What constitutes permitted recycling

(d) What does not constitute as a recyclable product; and

(e) How the recycling is to be presented at the centre.

(4) The Council may subsequently amend or revoke any term or condition made under Clause 14 at any time.

(5) Any person using a RC must comply with the Bylaw and Terms and Conditions for the use of that transfer station.

(6) Any person using a RC must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.

(7) No person may Deposit recycling or waste at a RC other than in accordance with the Bylaw, Terms and Conditions or other conditions for that particular RC.

(8) No person may remove or interfere with any waste at a RC except the person who deposited the materials, or the Council or its Agent.

15. Landfill

(1) Subject to the user pays model and Clause 10 of this bylaw, everybody is entitled to use the Council's Landfills to Dispose of waste and non-recyclable products.

(2) The Council may determine any place, or receptacle in a public place, as a Landfill for the collection of domestic and commercial waste.

(3) The Council may determine the Terms and Conditions relating to the Deposit of waste at the Landfill may include, but are not limited to:

(a) The use of specified receptacles;

(b) Accessible hours for the Landfill;

(c) What constitutes permitted waste; and

(d) How the waste is to be presented at the centre.

(4) The Council may subsequently amend or revoke any term or condition made under Clause 15 at any time.

(5) Any person using a Landfill must comply with this Bylaw and the Terms and Conditions for the use of that transfer station.

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(6) Any person using a Landfill must comply with any other conditions that the Council may determine as displayed on signs at the facility or as directed by staff.

(7) No person may Deposit waste at a Landfill other than in accordance with this Bylaw, the Terms and Conditions or other conditions for that particular Landfill.

(8) No person may remove or interfere with any waste at a Landfill except the person who deposited the materials, or the Council or its Agent.

(9) No person can Deposit waste at a Landfill that is deemed to be a close Landfill without written permission from Council.

16. Certain Materials Prohibited

(1) The Council may, specify materials that are prohibited from being placed in an approved Council Waste Facility.

(2) No person may place for collection in any Approved Container any prohibited material.

(3) No person may place in a public receptacle any prohibited material.

(4) No person may Deposit at any waste facility any prohibited material.

17. Unauthorised Entrance

(1) No person may enter any Council Waste Facility except on business associated with the facility.

(2) No person may enter a Council Waste Facility outside the operating hours of that facility without the prior permission of the Council.

18. Areas Specified for Inorganic Collection

(1) The Council may, specify areas where inorganic material may be deposited in/on a public place for collection by the Council on specified days and times, and only at these specified days and times.

(2) No person may Deposit inorganic material in/on a public place for collection by the Council, as allowed for in Clause 18(1) of the Bylaw, if the inorganic material is likely to cause:

(a) Injury to any person;

(b) Dispersal of inorganic material or any element or component thereof; or

(c) Damage to or destruction of any items placed for collection.

19. Controls for Inorganic Material Collection

(1) The Council may specify, in relation to the collection of inorganic material from a public place:

(a) The weight, size and nature of inorganic materials that may be deposited for collection by the Council;

(b) The categories of In-Organic Waste that may be deposited for collection by the Council;

(c) The times, locations and conditions applicable to the collection by the council of inorganic material from a public place;

(d) The collection methods that cause health and safety risks; or

(e) Any other operational matter required for the safe and efficient collection by the council of inorganic material from a public place.

(2) Any person who deposits inorganic material for collection in, or collects and transports inorganic material from, a public place must comply with the controls made by the council.

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20. Hazardous Waste Guidelines and Landfill Waste Acceptance Criteria

(1) The Council is required to follow the Hazardous waste guidelines as published by the Ministry for the Environment.

(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.

(3) The Council can use the test results for analysis to ensure the material meets the required standard.

(4) The Council can seek any professional advice to assist in the evaluation process.

(5) The Council can, if he considers it appropriate, set a fee to recover any costs incurred during the evaluation process and issuing of a permit.

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

(1) The Council, if appropriate and after considering all the circumstances, can direct that any waste or recyclable material is required to be treated under the waste acceptance criteria.

(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:

(a) What items are to be treated under the Waste Acceptance Criteria;

(b) What the requirements are for a particular item prior to being accepted;

(c) What constitutes permitted waste; and

(d) How the waste is to be presented at the centre.

(3) The Council may subsequently amend or revoke any term or condition made under Clause 21 at any time.

(4) The Council can, if considered appropriate, set a fee to recover any costs incurred during the evaluation process and issuing of a permit.

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.

22. Non-Compliance with Requirements of Council Waste Facilities

(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:

(a) Refused access to one or all of the Council Waste Facilities and/or;

(b) A trespass notice being issued against that person to prevent them from using one or all of the Council Waste Facilities and/or;

(c) Enforcement of any offence that may have been committed under the Litter Act 1979 and/or:

(d) Enforcement for breach of the Bylaw, as provided for in the Local Government Act and the Act; and/or

(e) Any other steps that may be taken by the Council in law.

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PART 3: Other Waste Matters

23. Objectives for Part 3

(1) The objectives of this part of the Bylaw are to:

(a) Maximise the recovery of recyclable materials and organic waste.

(b) Minimising air space usage at the land fill;

(c) Promote effective, efficient, and safe collection and management of waste;

(d) Remove hazardous waste from the Landfill; and

(e) Ensure the facilities are operated safely and are use appropriately.

Explanatory note: This part of the Bylaw achieves these objectives by regulating the Council's requirements for specific projects, or services. Council will work with the parties to achieve the desired outcomes. This does not give anyone an undertaking that this will constitute financial assistance.

24. Construction and Demolition Waste Management Plan

(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 Management Plan (**WMP**) and submitted to Council prior to the project starting.

(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.

Explanatory note: The above two clauses bind the Council to include sustainability in the tender process and set clear targets that must be met. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.

(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.

(4) A WMP must include:

(a) The name of the contractor that is responsible for the management of the plan;

(b) The person(s) responsible for ensuring that the WMP is adhered to;

(c) The methods which will be used to reduce waste going to Landfill;

(d) How waste and recoverable/divertible materials will be separated on site;

(e) The intended destination for each waste stream (recoverable and divertible materials and waste to Landfill);

(f) Methods to record the quantities of each waste stream removed from the site;

(g) Communication methods to ensure any sub-contractors or staff are aware of and adhere to the WMP; and

(h) Any other matter relating to waste management and minimisation that may be specified by the Council.

(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:

(a) The types and amounts of waste generated.

(b) The amount of waste diverted during the project from Landfill; and

(c) The facilities used to recover, recycle, treat, or Dispose of all waste materials.

(6) The organisation or persons responsible for the construction or works must comply with any approved WMP.

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(7) The Council may determine the Terms and Conditions relating to any requirements for the waste management plan and may include, but are not limited to:

(a) The type of construction projects is subject to this clause e.g. Commercial or Residentual.

(b) Any trigger value that is required to be meet before the project is subject to this clause.

(c) Whether an individual or generic plan is appropriate for multiple similar projects in a given time frame.

25. Event Waste Management Plan

(1) All Events sponsored, funded, or partially funded by Council or taking place on Council land, must address the waste generated by the Event or its participants.

(2) The Council may require an Events WMP to be prepared for any Event held in the Marlborough District, where Clause 25(1) does not apply.

(3) In considering whether a WMP is required the Council will have regard to:

(a) The nature of Event and the quantity and types of waste likely to be generated; and

(b) Any waste related problems caused by previous or similar Events.

Explanatory note: The Council will endeavour to notify the Event organiser of any requirement for an Events WMP as soon as practicable, e.g. when the application for an Event is lodged with the Council. Guidelines and templates to assist with the preparation of a WMP will be available on the Council's website together with staff advice.

(4) An Events WMP must include:

(a) An estimate of the types and amounts of waste likely to be generated at the Event;

(b) How waste generated by the Event will be minimised;

(c) Where practicable, the steps which will be taken to prioritise the use of reusable systems, the collection and use of recyclables and other recoverable and compostable materials, and an estimate of the diversion of waste from Landfill;

(d) The equipment to be provided for the storage, collection and transportation of waste and diverted materials;

(e) The individual or organisation responsible for the collection and Disposal of waste;

(f) The timing and frequency of collection and Disposal of waste to be used during or after the Event; and

(g) The method for managing Litter and any spillages during or associated with the Event.

(5) The Event organiser or person(s) responsible for the Event must comply with an approved Events WMP.

(6) Within two calendar months of completion of the Event, the Council require the event organiser or person responsible for the event to provide the Council with a waste analysis report, including a breakdown of:

(a) The types and amounts of waste generated by the Event;

(b) The amount of waste diverted from Landfill; and

(c) The facilities used to recover, recycle, treat, or Dispose of all waste materials.

(7) The Council may determine the Terms and Conditions relating to any requirements for the waste management plan and may include, but are not limited to:

(a) The type of event is subject to this clause.

(b) The number of people attending to require a WMP before the event is subject to this clause.

(c) Whether an individual or generic plan is appropriate for multiple similar events in a given time frame.

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26. Unaddressed Mail and Advertising Material

(1) No person may deposit, cause, permit or authorise the Deposit of any unaddressed mail or Advertising Material in any letterbox which is clearly marked “no circulars”, “no junk mail”, “addressed mail only” or with words of similar effect:

(a) Around or near any such letterbox or associated vehicle access-way;

(b) On any vehicle parked in a public place; or

(c) In a letterbox that is already full of mail and/or Advertising Materials.

27. Nuisance and Litter

(1) No person may:

(a) 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

(b) Use an approved receptacle in a manner that creates a Nuisance, is offensive or is likely to be injurious to health.

(2) Except as provided for under this Bylaw, no person may:

(a) Bury or allow to be buried any waste on any property they own, occupy, or manage except:

i. Organic waste, including dead farm animals in rural areas;

ii. Dead companion animals and Nuisance pests;

iii. For the purposes of home composting; or

iv. Waste deposited in a farm refuse dump or an offal pit.

(b) Dispose of any waste on any premises except at a licensed waste operations facility, or any premises they own, occupy or manage, for the purposes of home composting.

28. Restriction on the Disposal of Waste in Public Receptacles for Litter and Recyclable Materials

(1) The Council may prohibit certain materials from being deposited in a recyclable materials receptacle or a Litter Receptacle in a public place.

(2) No person may place or allow prohibited materials to be deposited in a recyclable materials receptacle or a Litter Receptacle provided by the Council in a public place.

(3) No person may:

(a) Deposit any waste arising from that person’s household or that person’s business activities in any receptacle provided by the Council in any public place;

(b) Remove any waste from any Litter Receptacle provided by the Council in any public place, where this results in any waste being deposited outside the receptacle, unless authorised by the Council to do so;

(c) Deposit or attempt to Deposit any Litter in any receptacle provided by the Council in any public place if the receptacle is full or the Litter is likely to escape;

(d) Fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any Litter Receptacle provided by the Council in any public place; or

(e) Damage any receptacle provided by the Council in any public place

(4) No person may allow any flag, banner, bunting, balloon, sign, poster, leaflet or similar device, which is displayed to become Litter, and 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.

(5) The Council may determine the Terms and Conditions relating to the depositing of Litter into a recyclable materials receptacle or a Litter Receptacle in a public place. The terms and conditions may include, but are not limited to:

(a) What items are acceptable to be deposited;

(b) What the requirements are for a particular item prior to being accepted;

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(c) Where and what type of receptacle can be used;

(6) The Council may subsequently amend or revoke any term or condition made under Clause 21 at any time.

29. Controls on the Operation of Waste Collection Services from a Public Place

(1) The Council may determine the Terms and Conditions relating to make controls for the safe and efficient operation of waste collection services from a public place.

(2) The Terms and Conditions may include, but are not limited to:

(a) The categories of waste (including Prohibited Waste) and the maximum weight of waste that may be deposited in collection containers;

(b) Any requirements for the separation of waste into different collection containers;

(c) The characteristics of collection containers that may be used;

(d) 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;

(e) Any requirements applicable to waste minimisation;

(f) Any requirements to minimise any risks to traffic or pedestrian safety;

(g) The clean-up of any Litter or illegally dumped materials; and

(h) Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.

(3) The Council may subsequently amend or revoke any Terms and Conditions made under this clause at any time.

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

30. Controls on the Operation of Waste Deposit Points in a Public Place

(1) The Council may make controls for the safe and efficient operation of waste Deposit points, including recycling stations or CRS stations, which are located in a public place or within 10 metres of/adjacent to a public place.

(2) The controls may include but are not limited to:

(a) The location and access requirements for waste Deposit points (including collections vehicle access);

(b) The type of waste which may be Deposited; and

(c) The type and use of the receptacles at the waste Deposit point.

(3) The Council may subsequently amend or revoke any controls made under this clause at any time.

(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.

(5) Any person operating a waste Deposit point to which this clause applies must:

(a) Ensure the removal of all deposited materials including non-compliant materials;

(b) Ensure the clean-up of any Litter or illegally dumped materials; and

(c) Ensure the maintenance of visual amenity including removal of graffiti or advertising notices from the collection point.

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31. Controls on Depositing Diverted Material at Not-for-Profit Store

(1) The Council may make controls for the safe and efficient operation of not-for-profit organisation for the receiving of diverted materials which are located on private premises or within 20 metres of/adjacent to a private premises.

(2) The Council may determine Terms and Conditions for this purpose that may include but are not limited to:

(a) Restricting the times that the products can be deposited to the times the not- for- profit is open

(b) Treat any diverted material that is left outside a premises that this section applies to, as litter under the Litter Act 1979.

(c) Restrict the items to be place within the boundary of the premises; and

(d) Direct that any item that is in a public place is removed.

(3) The Council may subsequently amend or revoke any of the terms and conditions made under this clause at any time.

(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.

(5) Any person operating a Not-for-Profit premises to which this clause applies must:

(a) Comply with any controls made under Clause 31 of the Bylaw;

(b) Ensure the removal of all deposited materials including non-compliant materials;

(c) Ensure the clean-up of any Litter or illegally dumped materials; and

(d) 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 premisses 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.

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PART 4: Waste Operations

32. Objectives for Part 4

(1) The objectives of this part of the Bylaw are to:

(a) Regulate and monitor waste operations and operators involved in the management, storage, processing and depositing of waste within the District;

(b) Ensuring that waste operations, which Handle environmentally safe 'inert' natural and manufactured materials and dispose of them to land, do so in a safe and controlled manner; and

(c) Facilitate the collection of data and information for waste management and minimisation purposes.

33. Licences Required for Waste Operations

(1) No person may Handle, process, store or Dispose of more than 30 tonnes of waste in a 12 month period unless:

The Council has granted a waste operations Licence to that person for that waste operation; and

That person (the Licensee) complies with all terms and conditions of the licence.

(2) No person may allow any land or building owned or controlled by that person to be used for a waste operation unless:

The Council has granted a waste operations Licence to the person carrying out the waste operation; and

The Licensee complies with all terms and conditions of the Licence.

(3) A waste operations Licence is personal to the holder and is not transferable.

(4) A waste operations Licence may be subject to such Terms and Conditions as the Council thinks fit as set out in Clause 9.2 of the Bylaw.

(5) The term of a waste operations Licence is 12 months from the date of approval of the Licence; or such shorter period as determined by the Council and specified in the licence.

(6) At the conclusion of the term of the Licence, subject to satisfactory compliance, the Council may allow the Licence to be renewed on the payment of the required fee, on or prior to 1 July of each year.

Explanatory Note: Where the Licence is granted during the financial year, the fee will be set on a pro-rata basis.

34. Application for a Waste Operations Licence

(1) A written application for a waste operations Licence must: be made in the required form, contain all the information requested, and accompanied by the relevant fee (if any).

(2) The Council may require the applicant to provide further information, at the applicant's cost, in order to process the waste operations Licence application.

(3) A waste operations Licence application will be processed, and a decision issued to the applicant within 20 working days of receipt of a complete Licence application (including required fees and information).

(4) If a waste operations Licence application is refused, the Council will provide the applicant with written reasons for the Council's decision.

Explanatory note: Fees and charges for the issue of licences 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. In addition to the requirement for a Licence under the Bylaw some waste operators, may be required to be registered as an 'offensive trade' i.e. Refuse collection and Disposal" under the Health Act 1956, Health (Registration of Premises) Regulations 1966.

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35. Considerations for a Waste Operations Licence

(1) When considering an application for a waste operations licence, the Council will consider a range of factors including but not limited to:

(a) The nature of the activity for which a Licence is sought;

(b) The quantity and type or category of waste to be Handled;

(c) The location and previous use of the land proposed to be used for any waste facility, including Landfills (such as managed or Controlled Landfills);

(d) The extent to which any licensed waste operation will adopt best practice for waste management and minimisation;

(e) The extent to which the licensed activities will promote public health and safety, and support the goals of the Council's WMMP;

(f) The methods employed for the Handling, recycling and disposing of waste and for the minimisation of Litter;

(g) The identity of the facility (or facilities) where recycling, recovery, sorting, storage, treatment, Disposal of waste will occur;

(h) Adherence to health and safety standards and any other relevant industry standards;

(i) The frequency and location of any removal and transportation of waste;

(j) Any practical considerations associated with the proposed waste operation;

(k) Any other approvals or consents held by the applicant or which are required by the applicant;

(l) Any relevant resource consents administered, or that will be required, by the Council and the Regional Council under the Resource Management Act 1991;

(m) 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 or of the Bylaw; and

(n) The Terms and Conditions under which the waste operation is permitted to operate.

(2) When considering an application for a licence, the Council may inspect the premises or locations related to the application in relation to the purposes for which the Licence is sought.

36. Terms and Conditions of a Waste Operations Licence

(1) The Terms and Conditions of a waste operations Licence may include but are but not limited to:

(a) Standard conditions applying to all waste operators;

(b) Other conditions for a particular class or type of operation e.g., for managed or Controlled Landfills;

(c) Controls on the quantity and type or category of waste to be Handled (including collection);

(d) Controls on the storage, handling, recycling and disposing of waste and to ensure the minimisation of Litter;

(e) Conditions to address issues raised in or by the application for the licence;

(f) Requirements to operate in accordance with industry best practice for waste management and minimisation; and

(g) Conditions to promote public health and safety, and to support the implementation of the Council's WMMP.

(2) At its discretion, the Council may require the Licensee to pay a performance bond, being a bank-guaranteed bond or a security.

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Explanatory note: The Council provides guidance on the usual types of conditions applying to all waste operations (insert link) and for managed or Controlled Landfills. These guides may be updated from time to time, for example, to reflect any changes in the national regulatory framework for Landfill classes 3 and 4.

37. Suspension or Revocation of Waste Operations Licence

(1) The Council may suspend or revoke a waste operations Licence if a Licensee fails to:

(a) Comply with this Bylaw, or any of the Terms and Conditions of the bylaw or the licence;

(b) Pay the required fees or bond; or

(c) Act in any manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for the Licensee.

38. Monitoring and Inspections

(1) The Council, for the purpose of ensuring compliance with the Bylaw may carry out monitoring and inspections.

(2) An owner, waste operator or any other person must co-operate with any monitoring and inspections required at the discretion of an authorised officer, including, but not limited to:

(a) Enabling access to enter the property; and

(b) Providing documents, plans and other information.

39. Fees

(1) Where this Bylaw provides for the Council to issue a Licence or to give an approval or carry out an inspection, monitoring visit or review, the Council may require the payment of a fee pursuant to section 150 of the Local Government Act 2002.

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PART 5: Administration, Enforcement & Miscellaneous provisions

40. Permission of Council

(1) Where, in these bylaws, the prior permission of Council is required, a person must apply to Council in writing, providing all of the information identified by Council as necessary and paying the required fee. Council will consider the application and may grant, with conditions, or decline the permission.

(2) Where Council has determined (whether by resolution otherwise) that a specified activity at a specified place at specified times is permitted, any person who would otherwise require prior written permission under these bylaws need not obtain that permission if they comply with the determination and any terms and conditions imposed by Council in relation to that determination.

41. Fees

(1) Council may, by resolution, publicly notified, fix fees for an application for a permission, for collection, transport and disposal of waste, and for any other matter under this bylaw and the Acts.

(2) The fees may be reviewed and amended from time to time.

(3) Council may set different fees for different activities, locations, or types of waste.

42. Breach of Bylaws Made Under the Waste Minimisation Act

(1) A person who fails to comply with these bylaws commits an offence and is liable to a fine not exceeding $20,000.00.

43. Breach of Bylaws Made Under the Litter Act 1979

(1) A person who fails to comply with these bylaws commits an offence and is liable to a fine, in the case of an individual, not exceeding $5,000 or, in the case of a body corporate, not exceeding $20,000,

(2) Where any person fails to comply with these bylaws and the litter deposited is of such a nature as is likely to endanger any person or to cause physical injury or disease or infection to any person coming into contact with it (being in particular any bottle whether broken or not, glass, article containing glass, sharp or jagged material, or any substance of a toxic or poisonous nature) that person is liable -

(a) In the case of an individual, to imprisonment for a term not exceeding 1 month, or to a fine not exceeding $7,500, or to both; or

(b) In the case of a body corporate, to a fine not exceeding $30,000.

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.

44. Breach of Bylaws Made under the Local Government Act 2002

(1) A person who fails to comply with these bylaws commits an offence and is liable to a fine, not exceeding $20,000,

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.

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(2) Council may, under section 163 of the Local Government Act 2002 -

(a) remove or alter a work or thing that is, or has been, constructed in breach of this bylaw; and

(b) recover the costs of removal or alteration from the person who committed the breach.

Explanatory Note— Section 163 provides that nothing done under section 163 or this bylaw relieves the person who committed the breach from any other liability for the breach of the bylaw.

45. Bylaws Not to Limit or Affect Other Enactments

These bylaws do not limit or affect the requirements in or under any other enactment.

46. Revocations and Savings

(1) The Waste Bylaw 2017 is revoked.

(2) Any permission, consent, agreement, or any other act of authority which originated, or which was continued under the Waste Bylaw 2017, and which is still in force at the commencement of this Bylaw, continues to have full force and effect for the purpose of this Bylaw.

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Terms and Conditions for Council's Waste Management Services

The Council makes these Terms and Conditions as required under the Marlborough District Council Waste Management and Minimisation Bylaw 2025.

These Terms and Conditions use the defined terms found in Clause 3 of the Bylaw.

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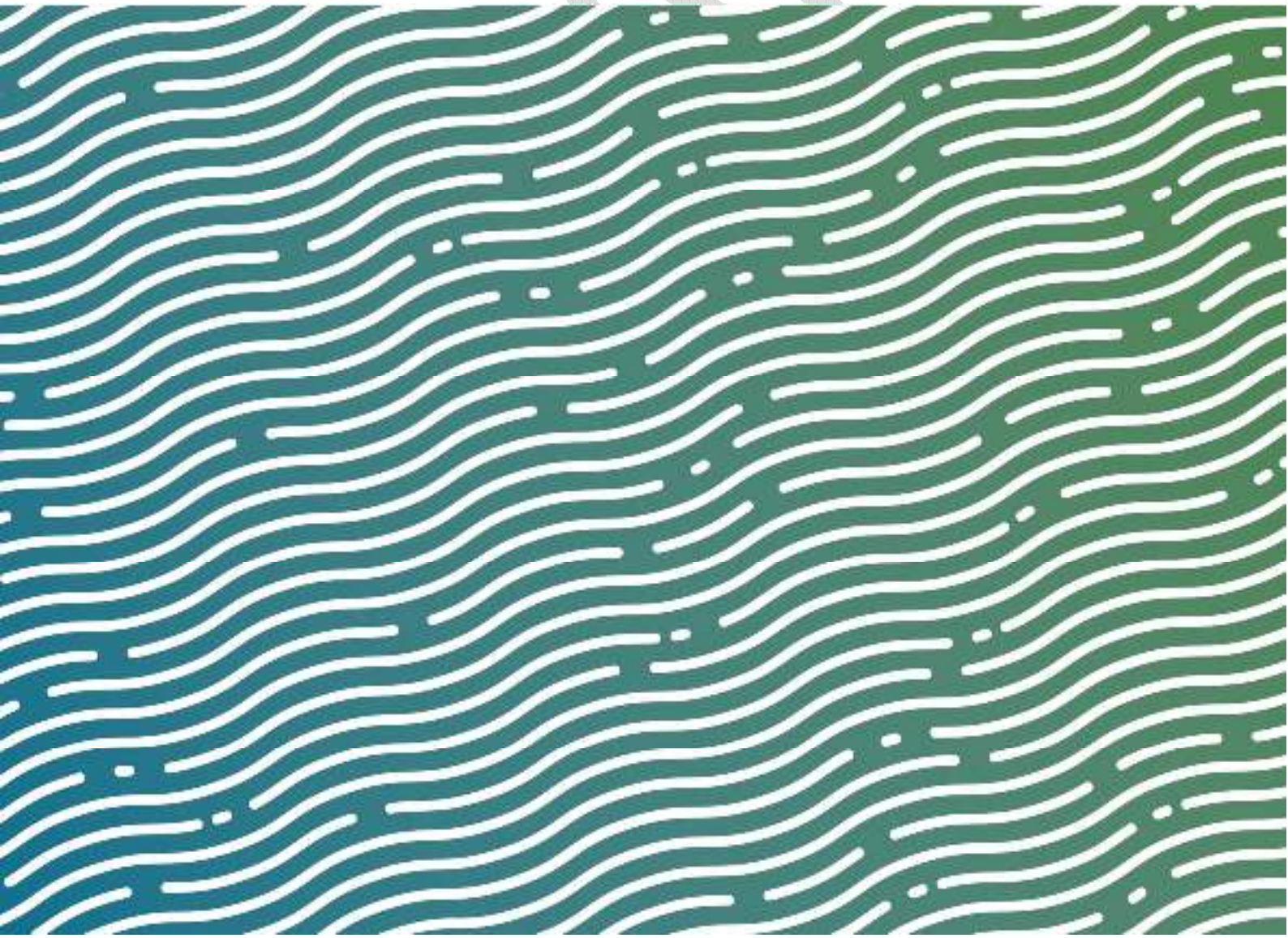

Kerbside Collection Services

Subject to Clause 5 of the Waste Management and Minimisation Bylaw 2025 (the Bylaw) the following conditions are set in relation to Kerbside collection.

1. Types of Kerbside Collection Services

1.1 All Eligible Properties in the designated kerbside collection areas will be charged the appropriate waste minimisation targeted rate and are entitled to use the associated Council funded collection service.

Explanatory note: There is no option to opt out of this service so if your property is in a designated kerbside collection area you will be charged for this service. You can refuse to accept the bins, but you will still be charged for the service.

1.2 The Council offers the following types of services:

(a) **Standard Service**: this is a mobile waste bin-based service and comprises a fortnightly collection of recycling and a fortnightly collection of rubbish. For each property the recycling will be collected on the week after the general waste collection.

Explanatory note: The current standard service containers consist of two 'wheelie' bins with three size options available, 80 litre, 140 litre and 240 litre with a yellow lid for recycling and a red lid for general waste. Customers will also be supplied a 60 litre crate for glass recycling. Further information is available on the Council website.

(b) **Shared Service**: In lieu of individual sets of bins, residential multi occupancy properties may be supplied with shared bins. This may utilise shared containers to reduce total container numbers and the service will have the same schedule as a standard service. Collection for Shared Service may occur on the private property, with bins to be stored in an area accessible to the collection's contractor.

Explanatory note: Residential properties of 10 units or more may be required to have a waste management plan in terms of Clause10 of the bylaw Each individual property will still be charged individually for this service.

(c) **User Pays Service**: this is a service to be organised directly with the contractor and can only be in the areas that the contracted vehicle transit through.

Explanatory note: Council currently does not offer a User Pays Service for recycling and refuse to areas outside the agreed kerbside collection area. If a property requests a service, the contract is between the waste contractor and the property owner.

(d) **Assisted On-Property Service**: this is the circumstances of the Occupier(s) of the property are such that, due to medical reasons, it is not reasonable to expect them to place wheelie bins at the kerbside. Provision of the Assisted Service will be provided at the Council's discretion and may be limited to the collection of rubbish only. See Clause 9 of the Bylaw's Terms and Conditions.

Explanatory note: Currently the Assisted On-Property Service will be provided for occupants with a disability, impairment and/or frailty.

2. Use of Approved Containers

2.1 With the exceptions provided for in Clause 2.2 and 2.3 of the Terms and Conditions, only Approved Containers with the Council branding are to be used in the Kerbside Collection Service. The Approved Containers are owned by Council and may not be utilised by a commercial collector or for any other purpose.

2.2 Where the use of an Approved Container (e.g., wheelie bin or crate) is not feasible, the Council may nominate other containers to be used (with any necessary modification).

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Explanatory note: Only containers approved by the Council, will be collected; bags and loose items placed beside, or on top of Approved Containers will not be collected.

2.3 Approved Containers (e.g. wheelie bins) will not be collected if they are non-compliant. Non-compliant containers include containers that are:

(a) Too heavy (e.g. standard wheelie bins weighing more than 70 kilos);

(b) Overloaded and/or contain oversize material (e.g. overloaded bin with lid not shut flat);

(c) Contain materials which are not approved for the service (e.g. rubbish in the recycling container) or Prohibited Waste; or

(d) Presented outside an incorrect address or in another location which is not approved.

Explanatory note: Council maintains a record of serial numbers and of bins allocated to properties rated for the Kerbside Collection Service. These bins are allocated for the sole use of that rateable property and should not be presented elsewhere or relocated.

3. Permitted Waste

3.1 Only permitted waste can be deposited in the Approved Containers.

3.2 The following materials are permitted waste for recycling containers (Yellow Top Bin), provided they are loose, not bagged, with tops off and free of contaminates such as food waste:

- Paper;
- cardboard (flattened), including pizza boxes;
- aluminium cans;
- plastic bottles and rigid containers (up to 3 Litres) with resin codes 1, 2 and 5 only;
- steel cans;

3.3 The following glass is accepted in the glass recycling crate:

- Glass bottles; and/or
- Jars

3.4 The following material is accepted as waste container (Red Top bin), if it does not include any Prohibited Waste:

- Waste originating from domestic activities that is not suitable for recycling.

Explanatory notes: The Council may make changes to the listed permitted materials by amending these terms and conditions. For the most up-to –date and complete information on materials acceptable for collection e.g. in the recycling bins, please check the Council website.

4. Prohibited Waste

4.1 The following materials are Prohibited Waste and may not be deposited in any Approved Container:

- sharp objects or material capable of shattering or puncturing the container or injuring any person (excluding glass bottles or jars suitable for recycling and placed in the glass crate);
- any explosives, gas bottles, hot ashes, flammable material, or any other matter, thing or waste of any kind whatsoever that may endanger any person, animal or vehicle prior to, during and after collection or during and after Disposal;
- asbestos or other hazardous materials which may cause injury or harm to waste collectors and Disposal site operators;
- any item of excessive size including tyres;
- any liquid, whether in a container or otherwise, or any viscous fluid including used oil;
- any radioactive wastes (except for domestic smoke detectors);

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- any batteries (e.g. household, tool, EV-scooter/bike/vehicle);
- any electrical equipment containing Hazardous Substances (including electrical equipment containing HFCs/Gases); and
- any Medical Waste unless the Council has given its express approval for the waste to be deposited in the rubbish container.
- Organic Waste that is not food scraps; for example lawn clippings and garden waste.

Explanatory notes: Prohibited Waste is not permitted in the Council's kerbside collection. For information on how to Dispose of hazardous, prohibited, and special waste please refer to the council website or contact the Council Call Centre on 03 520 7400.

5. Placement of Approved Containers (wheelie bins) for Collection

5.1 Wheelie bins are to be placed for collection in a manner which facilitates the safe and efficient collection by the waste collectors, and in accordance with the following:

(a) on the kerb in front of the boundary of the serviced property with Council logo facing the road, in the case of roads without formed kerbs, on the nominal edge of the road closest to where the collection vehicle passes as directed by the Council;

(b) close to but not obstructing the driveway/ footpath crossing for the serviceable property;

(c) bins should be placed at least 500mm clear of fixed obstructions such as trees, lamp posts and signposts to enable mechanical lifting of bins by the collection vehicle;

(d) where possible bins should be placed clear of movable obstructions such as parked cars and temporary road signage;

(e) mobile bins are only to be presented in a manner that does not impede pedestrian or vehicular movement; and

(f) bins should be placed 500mm between presented bins for purposes of reading the electronic tag.

5.2 Alternatively when it is not possible to comply with Clause 5.1 of the Terms and Conditions, wheelie bins are to be placed as directed by the Council to facilitate the waste collection operations. Instances where alternative arrangements may be directed include on service lanes, on one-way streets, on streets with cycle lanes, in private lanes and in gated communities.

5.3 Wheelie bins must be placed and removed in accordance with the following timeframes:

(a) bins are to be placed for collection prior to the collection starting in the area. Bins should be at the kerbside no earlier than 5:00 pm on the day before collection and (to ensure collection) no later than 7.00 am on the day of collection; and

(b) unless a collection service has been missed, all bins must be removed from the kerbside by 11:00 pm on the scheduled day of collection.

(c) All Central Business District bins will be collected between 5.00am and 7.00am on the collection days.

Explanatory note: Where a collection is missed or otherwise does not take place on the scheduled day, the collection will take place on the next collection day or as directed by the Council.

(d) In some locations, the Council may direct that the placement or removal of bins occurs outside the standard times (above) for reasons of public safety and convenience.

Explanatory notes: The standard collection day is from 7:00 am to 5.00 pm but in some situations the Council may set non- standard collection times and will notify Occupiers of the appropriate times for placement and removal of bins for these services.

Examples of locations where non-standard collection hours may apply include some industrial areas and/or CBD (where the collection service may start at 5.00am), and on some streets where parking during the day is an issue, or which have high day-time traffic volumes.

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6. Protection and Use of Approved Containers (wheelie bins)

6.1 Every Owner or Occupier must:

(a) take reasonable steps to protect the Approved Containers (e.g. wheelie bins) allocated to their property from damage and theft

(b) separate and prepare all waste so as to comply with the permitted waste criteria for recycling and waste;

(c) maintain Approved Containers (wheelie bins) in a sanitary manner so as not to cause offence or Nuisance;

(d) notify the Council of any loss of or damage to the wheelie bin within 48 hours of collection day;

(e) ensure that Approved Containers (wheelie bins) allocated to a property remain at the allocated property;

(f) pay any fees and charges (set annually) to have a replacement bin delivered to the allocated address;

(g) make the Approved Containers (wheelie bins) allocated to the property available to the Council, its contractor or Agent, for audit and inspection purposes;

(h) if a repair is required, to make the bin available at the kerbside on the next collection day for that bin or as directed by the Council; and

(i) make payment to replace/repair an Approved Container (wheelie bin) in any of the following circumstances:

i. the bin has been removed because of non-compliance;

ii. the bin has been damaged or destroyed;

iii. the Owner or Occupier has failed to report the loss or theft of a bin from kerbside to the Council within 48 hours of collection day, or of a bin being stolen from private property;

iv. the bin has gone missing after collection having been left at the kerbside after 11pm on their correct collection day; or

v. any other instance where a court orders compensation to the contractor for damage or loss attributed to the Occupiers of that property.

Explanatory note: The Council provides a 24/7 service for reporting missing bins and maintains a record of the serial numbers of the bins allocated to properties for the kerbside collection. When a lost or stolen bin is recovered in a usable condition, the Council's contractor will refund any payment minus expenses for cleaning, relabelling and redelivery.

7. Enforcement

7.1 The following three step notification process will be followed before an Approved Container (e.g., wheelie bin) is removed because of the incorrect use of that container, and the Kerbside Collection Service is withdrawn from a property (refer Clause 5 of the Bylaw):

(a) The Council or its contractor may issue notices of non-compliance with regard to the incorrect use of Approved Containers. A notice will generally be attached to the container and will contain guidance on the correct use of the container and advice that the non-compliance has been logged against the registered address for the container. A notice will be issued when:

i. The placement of the container does not comply with Clause 6 of these terms and conditions; or

ii. The contents of the container do not comply with the permitted waste criteria for that container e.g. rubbish has been deposited in the recycling container. Where non-compliant content is identified before collection, the container will not be emptied.

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(b) Following the first incident of non-compliance in terms of the permitted waste criteria for that container, the Council or its contractors may monitor the container for contamination.

(c) Should a further non-compliance be identified, a second notice of non-compliance will be issued and attached to the relevant container. The Council will also write to the registered property address associated with the non-compliant container to:

i. Advise the owners (Occupiers) of the property of the non-compliance;

ii. Provide advice as to the correct use of containers; and

iii. Warn that further incidents of contamination may lead to the loss of the service.

(d) Following a further (third) non-compliance, the container may be removed at any time and the Council will remove the service entitlement for the container from the property.

(e) Reinstatement of the service entitlement will be at the discretion of the Council and will require:

i. A fee to be paid to the Council; and

ii. The Owner or Occupier to make a statement, to the satisfaction of the Council that they understand and will comply with the Terms and Conditions for the waste collection service.

(f) The removal of the bins under this Clause of these Terms and Conditions does not affect the owner or occupier's requirement to pay the targeted rate for that property for the period the bins have been removed.

Explanatory note: Containers presented without a corresponding service allocation or at an address different from that allocated, may not be emptied and may be uplifted immediately.

8. Private Lanes, Gated Communities, and Multi-Unit Residential Development.

8.1 The extension of the collection service down private lanes (rights of way) may be approved by the Council in accordance with this criteria:

(a) the relevant lane must service a minimum of five residential dwellings or units;

(b) a majority (51%) of the landowners whose properties are serviced by the lane must request the service before an application for extension of the collection service can be considered by Council;

(c) applications must satisfy the Council that either all of the required landowners have consented to the service, or that the applicant has the authority to act on behalf of all the required landowners;

(d) the vehicles used for collecting from "difficult access streets" (as defined in the collection contract) must be able to safely negotiate the lane, and turnaround within the lane. This is to be determined at the discretion of the Council in consultation with the contractor;

(e) the landowners of affected lanes must acknowledge in writing that in providing the requested Council services, neither the Council nor Council contractor will be liable for wear and tear to a private right of way (lane) including any turnaround area that may occur as a consequence of providing the requested Council services; and

(f) any approved service may be withdrawn at the discretion of the Council if safe access along the lane by the collection vehicle is consistently impeded e.g. by parked vehicles.

Explanatory Note: The legal arrangements underlying private lanes can vary, so the purpose of this clause is not necessarily to require that all landowners must consent but to ensure that all the consents legally required to be obtained are obtained.

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8.2 The following Terms and Conditions apply in respect of Multi-Unit Residential developments:

(a) Organisations responsible for the administration of Multi-Unit Residential developments (e.g. the Body Corporate or any owners' committee) may apply for collection services to be extended to within their private properties on behalf of the owners, provided that such organisation satisfies the Council that it has the authority to act on behalf of all the required owners;

(b) This service will be charged at the equivalent of a small bin cost for each property, and larger bins that fit the properties circumstances, will be supplied to the equivalent cubic meterage (rounded up).

Explanatory notes: The calculation will be "Number of properties x Low bin charge = total cost to be charged." The bin calculation will be "Number of Properties x 80l = Total cubic meters divided by the bin size" ie: a 16-property premises that decided 240l bins were more appropriate: 16 x 80l ÷ 240l = 6 bins.

(c) the extension of collection services to within these areas will be provided subject to the same conditions as for private rights of way (lanes) subject to:

i. driver-activated access, by means of a remote control and card key or access code as back-ups being provided to the Council and/or the Council's contractor;

ii. where access cannot be gained by the contractor due to a failure in the access system, collection will only occur outside the secured perimeter of the facility; and

iii. where access codes are used, the Council/contractor will be notified of any changes in such codes;

(d) the Council may, at its discretion, discontinue the provision of collection services within such properties at any time;

(e) neither the Council, nor the Council's contractor, will be liable for wear and tear to a private right of way (lane) including any turnaround area that may occur as a consequence of providing the requested Council services or for any missed collections due to a lack of adequate access; and

(f) the community shall provide a collection point for Approved Containers outside the security perimeter in a safe and accessible location for the Council's contractor where:

i. the community chooses not to apply for collection to take place within the property; or
ii. if access into the community property does not meet the required standard.

9. Assisted On-Property Service

9.1 The Council may provide a wheel-out, wheel-back service for kerbside collection, for people where they are unable to take the bin to the kerbside due to disability, impairment, and frailty. Applications for assistance may be approved by Council where the following criteria are met:

(a) the applicant is prevented from using the kerbside service because of disability, impairment, or frailty and /or the particular circumstances of the applicant's property; and

(b) household or community support is not available.

9.2 Properties provided with this service will be required to keep the allocated container in a fixed location readily accessible from the street and to provide unencumbered access to the property to the contractor for the purpose of collecting and returning the bin.

10. Central Business District

10.1 The Central Business District (**CBD**) collection area includes Blenheim, Picton and Redwoodtown as defined on the CBD collection map will have a rubbish service within a defined area on a map.

10.3 Only Approved Containers can be used for the CBD collection.

10.3 The container is to be placed for collection on the footpath or service lane in a manner and time which minimises the disruption and Nuisance to other users of the footpath

10.4 Waste originating from domestic activities that is not suitable for recycling is permitted waste for the general waste bin.

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10.5 Unwrapped sharp objects, hot ashes, liquids, or dangerous objects may not be placed in the containers.

10.6 No Prohibited Waste can be deposited in either the general waste bins.

10.7 The Occupier of the premises is required to place the collection tag on the bin for each collection. Each targeted rate charge covers 26 collection tags. Further collection tags are available to be purchased from the Council offices.

Explanatory Notes: The Council provides a waste collection service for properties within the CBD collection area. All recycling is the responsibility of the company in the CBD collection area.

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Disposal of Waste and Recyclable Products at a Council Waste Facility

11. Regional Landfill (Bluegums)

11.1 Subject to Clause 15 of the Bylaw the Regional Landfill (Bluegums) is open for the use of commercial account holding or pay as you go customers.

11.2 Bluegums will accept non-commercial customers on a casual basis if they wish to Deposit waste that is not suitable to be taken to a Transfer Station. This may include but not limited to

- Dead animals
- Decaying or very smelly products

11.3 All loads are to be secured and covered until up at the tip face.

11.4 No person under the age of 15 years are allowed on the Landfill site

11.5 The maximum speed on site is 30km/h and seatbelts must be worn.

11.6 All signs and instructions from a council staff member or council's contractor must be followed.

11.7 No smoking on site as Landfill gas is flammable.

11.8 The following PPE must be worn when on site

- High Visibility jacket or clothing
- Steel capped footwear
- Hard Hat when at the tip head.

11.9 Council can direct any load of waste that is considered difficult to compact to be chipped either prior to delivery or on the Landfill site before it is taken to the tip face.

11.10 All Hazardous Waste as described under this Bylaw is to be tread in accordance with any legislative requirements and under Clause 20 of the Bylaw.

11.11 All products described in the Clause 21 of the Bylaw are required to be treated under Clause 16 of these Terms and Conditions.

11.12 These Terms and Conditions do not restrict the Council appointed contractor from having any site-specific requirements to meet their company requirements.

11.13 Any company can request to open a credit account, and this request will be considered on the Council's credit criteria.

11.14 Any credit account holder is required to pay their account in full by the 20th of the following invoiced month.

11.15 If a credit account holder does not comply with 11.14 above Council can place the account and stop credit and may restrict that person/company from using this or all sites own by Council.

11.16 If Council considers a person/company does not meet the criteria for credit account that person/company can use this facility as cash customer.

11.17 Any fees or charges for the site will be shared through the Council's Website and signage at the Landfill. These fees or charges will be reviewed annually and adjusted as required.

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12. Transfer Station

12.1 Subject to Clause 12 of the Bylaw the following conditions are set out for all Transfer Stations

12.2 Transfer Stations (TS) are intended for all people in the district to use and Deposit waste and recycling. These are operated on a user pays model.

12.3 Locations of TS and the services at each location will be determined and notified by Council from time to time. This notification will be shared through the Council's Website and signage on the TS.

12.4 Facilities will be provided at each location for the Disposal of recycling and rubbish except where the Council determines that a TS is restricted to accept.

Explanatory notes: If the Council decides to change the criteria for acceptable waste that may be deposited at a transfer station. it will publicise the changes on the Council's website and through a public notice in a newspaper circulating in the locality. Other methods of publicising changes may include notices at Council facilities and social media advertising and letter box 'drops'.

12.5 Waste that meets the criteria for Prohibited Waste is Prohibited Waste and may not be deposited at a TS.

Explanatory notes: TS are provided in locations around the District to provide residents to take they're in-organic waste. Their hours of operation and categories of waste accepted can be found on the Council's website.

12.6 All products are accepted and charged on the volume of the waste in cubic meters.

12.7 The Council or it's contractor can record the registration of any vehicle for the purpose of identification of any person who has breached the Litter Act or this Bylaw.

12.8 The maximum speed on site is 20km/h and seatbelts must be worn

12.9 All signs and instructions from a council staff member or council's contractor must be followed.

12.10 All TS sites are smoke free.

12.11 Abuse or violence to any person on a TS site will result in action taken against the offending person pursuant to Clause 39 of the Bylaw or by the New Zealand Police.

12.12 Any company or individual can request to open a credit account, and this request will be considered on the Council's credit criteria

12.13 Any credit account holder is required to pay their account in full by the 20th of the following invoiced month.

12.14 If a credit account holder does not comply with 12.13 above Council can place the account on stop credit and may restrict that person/company from using this or all sites owned by Council.

12.15 If Council considers a person/company does not meet the criteria for a credit account that person/company can use these facilities as cash customer

12.16 Any fees or charges for the site will be shared through the Council's Website and signage an the TS. These fees or charges will be reviewed annually and adjusted as required.

13. Remote Transfer Station

13.1 Subject to Clause 13 of the Bylaw the following conditions are set out for all Remote Transfer Stations

13.2 Remote Transfer Stations (RTS) are intended for use residents of properties that are not in the kerbside collection areas and visitors to the district.

13.3 Locations of RTS and the services at each location will be determined and notified by Council from time to time. This notification will be shared through the Council's Website and signage on the RTS.

13.4 Facilities will be provided at each location for the Disposal of Domestic Waste and recycling only. All commercial waste is to be taken to a Transfer Station

13.5 Council can determine that a RTS is restricted to accepting only recycling or only waste.

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Explanatory notes: If the Council decides to change the criteria for acceptable waste that may be deposited at a RTS, it will publicise the changes on the Council's website and through a public notice in a newspaper circulating in the locality. Other methods of publicising changes may include notices at Council facilities and social media advertising and letter box 'drops' if appropriate.

13.6 All permitted waste that meets criteria for recycling for the Kerbside Collection Service is accepted in the RTS recycling containers.

13.7 All permitted waste that meets the criteria for waste for the kerbside collection is accepted in the RTS rubbish (red top) containers.

13.8 The following materials are Prohibited Waste and may not be deposited at an RTS:

(a) Garden Organic waste;

(b) Waste generated by businesses in the course of their business activities;

(c) Waste that meets the criteria for Prohibited Waste;

(d) Construction and Demolition Waste; and

(e) Large household items which would not fit in a standard kerbside wheelie bin.

Explanatory notes: Remote Transfer Stations are provided in the following locations in Awatere Valley, Ohingaroa Quarry, Port Underwood, Portage, Rai Valley, Rapaura, The Grove, Titirangi, Waihopai Valley, Waitaria Bay, Ward to provide those residential properties which are not on a kerbside collection route with Disposal points for domestic recycling and rubbish. Details of the locations of the Remote transfer Stations (RTS) and categories of waste accepted can be found on the Council's website.

14. Marlborough Recycling Centre

14.1 Subject to Clause 14 of the Bylaw the following conditions are set out for the recycling Centre

14.2 Everybody is entitled to use the Marlborough Recycling Centre (MRC) to Dispose of recyclable products.

Explanatory note: The Marlborough Recycling Centre is the receiving point of all recyclable products except greenwaste and steel. We ask that you Deposit that correct product in the correct bin as contamination is a major issue.

14.3 The services at the MDC be determined and notified by Council from time to time. This notification will be shared through the Council's Website and signage on the MRC.

14.4 Any person using the MRC must comply with the terms and conditions for the use of the MRC.

14.5 This facility is provided for the Disposal of domestic and commercial recyclable products.

14.6 The products and the conditions that those products can be Deposit at the site will be shared through the Council's Website and signage on the MRC.

14.7 Any company can request to open a credit account and this request will be considered on the Council's credit criteria.

14.8 Any credit account holder is required to pay their account in full by the 20th of the following invoiced month.

14.9 If a credit account holder does not comply with 14.18 above Council can place the account and stop credit and may restrict that person/company from using this or all sites own by Council.

14.10 If Council considers a person/company does not meet the criteria for credit account that person/company can use this facility as cash customer.

14.11 Council can charge fees or charges for the site, if it deems it appropriate and these will be shared through the Council's Website and signage on the MRC. These fees or charges will be reviewed annually and adjusted as required.

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15. Hazardous Waste

15.1 Subject to Clause 12 of the Bylaw the following conditions are set out for the Hazardous Waste Centre.

15.2 All Domestic Waste that falls into the Hazardous Waste category can be delivered to a transfer station or the hazardous waste centre for Disposal at no charge.

15.3 All commercial waste that falls into the Hazardous Waste category can be delivered to the Hazardous Waste Centre and will be charged for this service.

15.4 Pursuant to Clause 20 of the Bylaw all Hazardous Waste must be assessed and confirmed it meets the legislative requirements to be deposited in the Landfill:

(a) Any fees incurred for external analysis will be passed onto the person/company that is making the claim.

16. Non-Hazardous Waste to be treated Under the Waste Acceptance Criteria

16.1 Pursuant to Clause 21 of the Bylaw all possible recyclable products must be recycled as the first option before they can be accepted at the Landfill:

(a) Evidence of recycling of the product will be required;

(b) Once all possible recycling options have been explored, the product (if not recyclable) or any by-product from the recycling process could be deemed acceptable.

(c) Cost is not a consideration for a reason to not recycle under subsection (b) above.

16.2 The Waste Acceptance Evaluation process will access the waste and confirm if it suitable for the Landfill; and

16.3 An application fee for a Waste Acceptance Evaluation may be charged and this will be advertised on the website.

16.4 Council will list the products that trigger this clause on the Council website.

17. Construction and Demolition Waste Management Plans

17.1 Pursuant to Clause 24 of the Bylaw the following conditions are being set so all possible recyclable products are being recycled as the first option:

17.2 This clause will not be enforced until 1 July 2026.

17.3 All products that are recyclable or reuseable are to be included in the WMP.

17.4 All efforts should be made to divert the materials included in the plan.

17.5 The trigger value for a WMP is set at $2M and requires a building consent or demolition consent.

17.6 The requirement for a WMP is for both commercial and residential projects.

17.7 A request for a generic WMP for multiple builds can be made to the council. If a generic plan has been approved, all builds will require an individual return

17.8 The contractor is responsible for the completion of the plan, completing the return and ensuring all employees/sub-contractors and any other person who works on the site is aware of the plan and adheres to it.

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18. Event Waste Management Plans

18.1 Pursuant to Clause 25 of the Bylaw the following conditions are being set so all possible recyclable products are being recycled as the first option:

18.2 This clause will not be enforced until 1 January 2026, to give Council the opportunity to conduct a marketing / education program.

18.3 All products that are recyclable or reuseable are to be included in the WMP.

18.4 All efforts should be made to divert the materials included in the plan

18.5 The trigger point for a WMP under this clause is 500 people at the event.

18.6 The requirement for a WMP is for all commercially run events.

18.7 A request for a generic WMP for multiple events can be made to the council. If a generic plan has been approved, all events will require an individual return

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