

# **Issues Associated with a Levy on Solid Waste – A Review of Positions and Possibilities**

## **Report prepared for the Ministry for the Environment**

Martin Ward, Christchurch, 1 March 2006

The opinions expressed in this report are those of the author only and do not represent those of the Ministry for the Environment or the Government.

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## **Acknowledgements**

I wish to acknowledge the forbearance and cooperation of all individuals interviewed (and many of their support staff) who bent over backwards to find convenient times at short notice to meet with me. My questioning was often direct and even blunt because of the tight time frame. Everyone was frank and helpful in response. There may be some errors in this report arising from my interpretation of comments made. If there are, they are mine alone and I hope they do not give offence. Please contact me so I can correct them.

## Executive Summary

Levies on the disposal of waste are used more or less successfully in many parts of the developed world. The possibility of a levy featured strongly in the work of the Waste Management and Minimisation Working Group in 2002, referred to as a *waste minimisation* levy. A commitment to investigating the possibility of a waste levy was made in the New Zealand Waste Strategy.

Waste levies have been used in New Zealand since 1998 when Christchurch City Council introduced one. In 2005, three Auckland Territorial Local Authorities (Waitakere City, Rodney District and North Shore City) introduced a similarly worded by-law to require all waste collectors operating in their areas to be licensed. The by-law made provision for a waste levy in line with Waitakere's then practice. A judicial review of the power to set by-laws for this purpose has been initiated by two major waste companies and a decision is pending.

Local Government New Zealand and some Territorial Local Authorities have been pressing Government to take actions to more clearly provide for the legal imposition of levies by by-law. Strong representation has been made to the Ministry for the Environment from large waste companies seeking a national waste levy.

This report sets out to provide the Ministry for the Environment with an understanding of the current opportunities and risks associated with the further use of local/regional waste levies and with the use of a national waste levy. It is based on interviews with thirty people involved in the waste sector.

Different viewpoints on the desirability of a levy on waste, the means of collecting and using it, and its quantum are influenced by a wide range of variables. These include the nature of the person's/organisation's business, the degree of public and private (company) involvement in waste activities in a particular location and existing arrangement for waste management, including charging.

The reasons for having a waste levy that came through the Waste Minimisation and Management Working Group work are still current. They are to generate revenue to assist waste minimisation (reclaim, reuse, recycle) activities, and to incentivise alternative waste generation and disposal behaviour.

A common view is held that the use for waste minimisation of money collected through a landfill levy for waste minimisation purposes is an important 'paired' or connected signal. Thus the signal given by the levy is not so much a price signal (at least at the start) but a signal that waste minimisation is being taken seriously and 'waste' sourced money is being used for this purpose.

Territorial Local Authorities want control over the funds raised by a levy. Large industry players are concerned that a local government operated system will follow local political and administrative agendas to use the money for a wider range of waste related and even non-waste activities and to garner more money over time.

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Industry believes that the initial design and subsequent management of a national system is more likely to be professionally developed and narrowly prescribed.

Waste movements are dictated by commercial arrangements, influenced by trucking times, and unaffected by local authority boundaries. The message is that waste collection and disposal arrangements and behaviours define their own region and they do not coincide with single or groups of regional council boundaries. They are also likely to change over time as older landfills close and others open.

All parties agree that from a 'narrow' efficiency point of view, collecting a levy by weight of material to be buried at the landfill is the most sensible approach. However, in the present situation of fewer, larger, and more widely dispersed landfills, often in private ownership, the Auckland by-law based levy must rely on waste companies collecting the levy, noting its city of origin. This presents significant practical challenges for all collectors with a business involving a wide range of waste types and that crosses Territorial Local Authority boundaries.

In its present form, with charges based on waste collection, the local Auckland North-West Alliance scheme does not appear to be a suitable model or basis for a regional levy arrangement. However, a disposal levy system operated regionally is feasible. It could be used nationwide. This has three particular challenges: setting the regional boundaries, managing cross boundary movement, and designing and getting acceptance for an efficient administrative structure and arrangements.

There was wide agreement that money collected through a levy should be repatriated to the local authorities. A population-based formula was accepted as reasonable, notwithstanding it would possibly penalise Territorial Local Authorities with industries generating large waste volumes. All organisations are informed and influenced by the recent history of the New South Wales waste levy which was hypothecated at a rate of 55% at the time it was established but subsequently completely absorbed into the state government coffers.

To gain wide, cross-sectoral support a national levy system needs to be simple, efficient and deliver substantial percentage of its income to the communities from whence it was raised. In respect of the last point, the long term commitment to continuing these arrangements must have a very high level of certainty.

If government were of a mind to develop and introduce a national waste levy, it should be done without delay. Uncertainty and indecision had bedeviled this subject to date and has caused enough unnecessary work for different parties. The work could be undertaken alongside a refreshed mandate to address other parts of the New Zealand Waste Strategy such as a more determined approach to the large waste streams that are not being reduced, such green wastes and putrescibles.

If a decision was taken to support the emergence of local/regional levies, it needs to be clearly signaled and acted on, also without delay. The actions that are needed are essentially to actively assist where asked.

## 1. Introduction and Purpose

In December 2005, the Ministry for the Environment approached the author to undertake a rapid assessment of issues and opportunities associated with a waste levy.

The terms of reference for the work require it to “provide the Ministry for the Environment with a good understanding of the current opportunities and risks associated with the further use of local/regional waste levies and with the idea of a national waste levy”. Specifically:

- “1. To identify and assess the arguments being advanced by major waste companies against local/regional waste levies and in favour of a national waste levy
2. To identify and assess the arguments advanced by councils in favour of local/regional waste levies and the views of councils on the idea of a national waste levy
3. To assess whether and to what extent the establishment of local/regional waste levies might limit the potential introduction of a national waste levy
4. To identify and assess any significant non-technical barriers to the introduction of both local/regional levies and a national waste levy, and
5. To provide other such assessment or analysis as may be needed to achieve the purpose of the contract (within its time and cost constraints)”.

This is a draft report for feedback to the Ministry.

## 2. Background

The concept of a waste levy featured strongly in the Waste Management and Minimisation Working Group Report.<sup>1</sup> It was identified as a *waste minimisation* levy. Work on investigating a levy was recommended as a joint local and central government action “as a means of funding regional and local waste minimisation initiatives”. It was linked to a further recommendation to apply the ‘use pays’ principle. This reflected the working group’s view that there was a role for both an additional penalty on waste disposal and an injection of funding for waste minimisation. Submissions were sought on that report and over 250 were received, many in favour of a waste levy.<sup>2</sup>

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<sup>1</sup> Ministry for the Environment 2000, Towards a National Waste Minimisation Strategy

<sup>2</sup> Both Waitakere and North Shore City Council submitted in favour of a national levy although the latter noted that it should be collected locally. Rodney, without an elected council at the time, sent an officer’s submission in support of a levy.

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The possibility of a waste levy was also identified in the New Zealand Waste Strategy<sup>3</sup> within the framework of a range of initiatives with the general description of economic instruments. It noted 2003 as a target date for 'considering' waste levy options. The Ministry for the Environment examined the role and function of a levy on waste through 2000-2002. It commissioned a study by the New Zealand Institute of Economic Research<sup>4</sup> and prepared a draft discussion document. This draft document was completed in 2002 and while it has had wide informal distribution, it has not been officially released.<sup>5</sup> The draft discussion document, while addressing both the revenue generating and behaviour modifying objectives for a levy, gives emphasis to the latter objective.

The possibility of a levy or charge on solid waste disposal was canvassed briefly in a 2001 tax review published by The Treasury.<sup>6</sup> The report's authors saw "little need for a national levy or charge", concluding that "overall, the environmental impact of landfills appears to be satisfactorily addressed by existing environmental regulation and the allocation of responsibility for waste disposal to local government bodies."

The power for by-laws to be introduced by Territorial Local Authorities to license collection and transportation of waste of any kind was introduced in the Local Government Act 1974. The Act also allows local authorities to allocate the costs of implementing their waste management plan in a way that establishes economic incentives and disincentives.

New powers and responsibilities for waste minimisation and management were introduced in the 1996 Amendment to the Local Government Act 1974. The changes were designed to enable local authorities to establish modern waste management practices. The amendment made the adoption of waste management plans mandatory. The new provisions addressed licensing systems to control the (adverse) effects associated with waste management activities and the collection of information about waste flows.

A number of Territorial Local Authorities subsidise waste minimisation activities, with revenue from tipping fees being set at a higher level than disposal costs contributing in some cases (eg Wellington, Christchurch, Napier/Hastings). Christchurch is the only Territorial Local Authority that has formally collected a levy on waste disposal using by-laws. It first collected a waste minimisation fee on waste tipped at its own waste facilities in 1998 and introduced a Cleanfill Bylaw in 2004 to enable a waste levy to be applied to certain cleanfill wastes. In 2005 it introduced a Waste Facilities Bylaw allowing it to require privately managed waste facilities to collect a levy on the council's behalf. The revenue is designated for waste minimisation activities.

In 2005, three Auckland Territorial Local Authorities - Waitakere City, Rodney District and North Shore City, collectively referred to as the North-West Alliance, introduced

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<sup>3</sup> Ministry for the Environment 2002, The New Zealand Waste Strategy

<sup>4</sup> New Zealand Institute of Economic Research (Inc) 2000, A Landfill Levy: economic principles and implications of implementing and landfill levy

<sup>5</sup> Ministry for the Environment 2002, A Waste Levy for New Zealand ? – an unpublished draft discussion document exploring the issues

<sup>6</sup> McLeod et al 2001. Tax Review 2001: final report .Wellington: The Treasury.

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a similarly worded by-law to require all waste collectors operating in their areas to be licensed. The Waitakere City Council Waste Bylaw 2005 is reproduced in Appendix 2. The by-law requirements cover a licensing fee, compliance requirements, information supply and bonds, and made provision for a waste levy.<sup>7</sup> The proposed levy would be applied to waste collected from a particular Territorial Local Authority area and would be paid by the waste collector to that Territorial Local Authority. While it is a levy or tax on the generator of the waste, it is collected by the waste companies on behalf of the Territorial Local Authorities.

The by-laws came into effect in August 2005 and are at present subject to a judicial review in the High Court of the three Auckland Council's use of the Local Government Act levying powers in this way.<sup>8</sup> The parties mounting this challenge are Fullcircle (Carter Holt Harvey) and Waste Management NZ Ltd. The case was heard in February and the parties are now awaiting the determination.

At the 2004 Annual General Meeting of Local Government New Zealand a remit was passed to promote an amendment to the Local Government Act to more expressly provide for the allocation of costs in the form of waste levies on licensed waste collectors and operators of waste facilities. Parts of Government are considering this.

Strong representation has been made to the Ministry for the Environment from large Auckland-based waste companies seeking a national waste levy.<sup>9</sup> The reasons for this are discussed below. Strong representation has been made to the Department of Internal Affairs and the Ministry for the Environment by Local Government New Zealand and some Territorial Local Authorities to use the Local Government Law Reform Bill, proposed to be introduced into Parliament soon, to clarify and affirm local government's right to impose a waste levy by-law.

### **3. Approach to the Work**

The positions and possibilities associated with waste levies were enquired into in a series of semi-structured interviews undertaken by the author, and in a few instances with Ministry for the Environment staff present. The interviewees are from a range of waste companies (principal activity - collection, transport and landfill), recycling / reuse companies (principal activity - collection, transform / reuse or sell / export), regional and local government, and one business and one community NGO. Two were contacted by telephone.

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<sup>7</sup> Waitakere City already had a waste levy applied to its contracted waste collector. It covers all waste and recyclables collected in that city. The other councils have yet to impose one.

<sup>8</sup> Christchurch City Council is also named in the judicial review.

<sup>9</sup> While the more determined call for a national levy came from late 2004, some waste company leaders had been publicly supported a waste levy from the time of release of the Waste Minimisation and Management Working Group's report.

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Auckland interviewees predominated but individuals from and having knowledge of issues in Waikato, Hawkes Bay, and Christchurch were included. Twenty interviews were completed involving 30 individuals.

The interviews were guided by, but not restricted to, the following questions:

1. Why have a waste levy at all?, and
2. If there were a levy,
  - 2.1. What are legitimate uses for the money raised?
  - 2.2. What uses are not fair and reasonable?
  - 2.3. What is the most effective means of collecting it?
  - 2.4. What is the most effective means of distributing it?
3. How critical is the point of collection?
4. What are the benefits and the problems of a regional / sub-regional levy?
  - 4.1. How can the problems be managed?
5. What are the benefits and the problems of a national levy?
  - 5.1. How can the problems be managed?
6. What are your sector's other 'members' attitudes to levies and to subsidies of this sort?
7. Can you identify any precedent or model for collecting or recycling the levy?

### **4. Reminding Ourselves of Some Important Aspects of the Waste Issue**

Different viewpoints on the desirability of a levy on waste, the means of collecting and using it as well as its quantum are influenced by a wide range of variables. These include the nature of the person's / organisation's business, the degree of public and private (company) involvement in waste activities in a particular part of the country and existing arrangement for waste management, including charging. Some key factors are listed below as a reference for the following section on positions and possibilities:

- New Zealand generates around 3.2 million tonnes of waste annually
- domestic waste is 1.5 million tonnes, half from kerbside pick-up and half from direct delivery to transfer stations or landfills
- nation wide waste volumes to landfill are not rising significantly
- domestic markets for recovered materials are still limited and international markets are subject to commodity cycles
- most Territorial Local Authority landfills are charging at or above full cost level

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- commercial landfills charge some customers at less than full cost for competitive and operational reasons
- many landfills are privately owned and by definition charge at a rate to make a profit; most do
- landfill disposal prices in New Zealand are low by comparison with many countries, however and current disposal prices are not strong drivers of waste diversion and recovery
- there has been a very strong trend to fewer, newer and larger landfills in New Zealand and it is expected to continue
- a significant number of Territorial Local Authorities have no landfills
- most Territorial Local Authorities have one or more transfer stations, many of them new (or upgraded) weigh bridges are now a common feature of both landfills and transfer stations
- new large landfills coming on stream tend to exert a downward pressure on disposal charges where there is competition and an upwards pressure where there is none
- haul distances to landfill have increased but travel time is a more critical economic factor for waste operators
- price increases at landfills/transfer stations have led to measurable increases in diversion activities in some instances
- Territorial Local Authorities pay considerable sums from rates income to operate kerbside and other recyclables collection schemes
- the public consistently support waste recovery and recycling schemes in all parts of the country.

## **5. Positions and Possibilities – findings from interviews**

### 5.1 Why would a levy be charged on waste

This section is not prefaced by one entitled “should waste generation or disposal be levied?” Why is this? It would be tempting to say it is because there is a general consensus that waste levies have a role, and in some areas a successful track record. That is almost the case and supporters of the waste levy include major waste companies, local authorities and NGOs. But there is more to the story.

Amongst the interviewee group it would be more correct to acknowledge that the present situation reflects the determination of the Auckland North-West Alliance to have a waste collection levy on the one hand, and an acceptance by the large waste collection and recycling companies that a waste disposal levy wouldn't necessarily be a bad thing – subject to its design and operation.

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It is around the design that the divide is set with greatest clarity. Most Territorial Local Authorities favour a local or regional levy and most large waste companies favour a national one. None of the parties interviewed had no view formed on this matter.

The two reasons for having a waste levy that came through the local government/central government waste minimisation and management work are:

- to generate revenue to assist waste minimisation (reclaim, reuse, recycle) activities, and
- to establish a financial hurdle to incentivise alternative waste generation and disposal behaviour.

No party interviewed had a strong view against either objective although some favoured one over the other. The general consensus reflects the wide acceptance of the 'user pays' principle.

There is widespread support from interviewees for the first purpose, subject of course to its design and operation. The strongest qualification from the Territorial Local Authorities, is, and without compromise, the need for the majority of the funds to be returned to the Territorial Local Authority whose citizens had generated them. Current sources of funds for waste minimisation and related waste management activities for many local authorities is general rates, a funding source that is neither secure nor large (indeed for some Territorial Local Authorities there is no budget for waste minimisation activities).

The strongest qualification from the large waste companies is that a levy should not in any way support 'commercial' waste activities by Territorial Local Authorities in competition with them (issues around the collection and distribution of levy funds are discussed below).

All organisations are informed and influenced by the recent history of the New South Wales waste levy which was hypothecated (repatriated for waste management purposes) at a rate of 55% at the time it was established but subsequently completely absorbed into the state government coffers.

The organisations involved in reclaiming, reusing or recycling waste firmly believe that a landfill disposal cost increase of as little as \$10/tonne will lead to increased diversion rates.<sup>10</sup> This is particularly so of green waste and putrescibles. It was claimed that this price barrier is sufficient to incentivise more sorting of waste and the diversion of bulk compostable wastes from landfill to composting plants. An example cited from Auckland when landfill costs moved from \$65/tonne to \$95/tonne over a three-year period was for some of the independent wheelie bin collectors to commence sorting waste, particularly construction and demolition waste.

There is a third reason for a waste levy which can be expressed as follows:

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<sup>10</sup> One organisation favoured a targeted levy system on particular waste, and outright bans on others.

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- to generate funds to be generally applied to waste management activities (..... and perhaps to other things as well)

There is a firmly held view amongst the large waste companies that this is the purpose of the combined Auckland North-West Alliance levy and that once in place the levy system will be used to raise larger sums and/or apply it to less waste minimisation focused activities.

Setting aside the third purpose for discussion below, the first two attracted interesting comments around the quantum of a levy. A view was expressed that if the levy purpose was to change behaviour then a large levy would be required, and in contrast, if it was to collect revenue for waste minimisation *alone* then it need not be a large impost. Territorial Local Authorities with well-established waste minimisation programmes challenge the latter assertion.

This latter point introduces another consideration, that if it is only a modest sum that is required, less than \$5 million for arguments sake, then direct government funding might be easier and more economically efficient than a levy.

It is important to note that the point in the collection-disposal chain at which the levy is collected is very important for the transmission of the price signal, particularly for a smallish sum like \$10 per tonne. Set and collected at the landfill or the back door of the transfer station we have seen that it can have an effect to increase sorting and diversion. This would much less be the case if the point of collection was the commercial premises from which the waste was being collected as the generator of the waste is likely to be less 'price' sensitive than the waste collector in the author's experience.

A concluding point arising from the discussion on this subject was a common view held that collecting and using money labeled "for waste minimisation" was an important paired or connected signal. Thus the signal given by the levy is not so much a price signal (at least at the start) but a signal that waste minimisation is being taken seriously and waste-sourced money is being used for this purpose.

### 5.2 Issues and views around collection of a levy

The great majority of parties interviewed agree that from a 'narrow' efficiency point of view collecting a levy by weight of material to be buried at the landfill is the most sensible approach. The landfill itself is the logical place to collect it. The back door of the transfer station (after sorting, if any) could be a suitable proxy if circumstances dictated it. This is the method most commonly used overseas. It is the method used by Christchurch City Council. So why would one use another method? The answer is, when one doesn't own or control the landfills to which the waste is going.

If one doesn't own or control a landfill then the only other way to collect a local levy is on waste at source and the only practical way of doing that is to use waste

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collecting businesses as is proposed by the North-West Alliance councils. A Waste Collectors, Monthly Waste Reporting schedule is proposed to be used for this purpose. A copy of the form is shown in Appendix 3.

This reporting schedule is used by the North-West Alliance's common waste collection contractor, Onyx Group Ltd for reporting waste volumes. The company collects a relatively narrow range of domestic and recyclable wastes from households and commercial premises in the three council's areas. Onyx has no other waste collection business in the Auckland area and, perhaps influencing its views on the reporting format, seeks none. It pays the Waitakere City Council waste levy per tonne of material collected (combined waste and recyclables) within that city's boundaries.

Onyx advises that the reporting, and particularly the need to collect separate information city by city, is an additional cost. The CEO observed that the systems needed for a waste business with a more diverse source of wastes and covering a larger geographic spread of cities would be more demanding and costly. He observed that the cost grows with the accuracy sought.

The waste collectors' return is far from simple as it requires wastes to be categorised by source council location. Its complexity arises from the need to identify the source of the waste in order to repatriate the levy to the correct Territorial Local Authority. The complexity can be moderated by collecting only a narrow range of waste types and in a restricted area as is the case with Onyx. An additional role for the form is to gather information on waste sources and volumes to enable targeted management and minimisation programmes to be developed. This form has been one of the triggers for the major waste companies seeking a judicial review

The North-West Alliance reporting requirement poses significant practical challenges for all collectors with a business that cross Territorial Local Authority boundaries, like those in the greater Auckland area. The addition to the scheme of other Territorial Local Authorities will compound the problem. In its present form it is likely to lead to imprecise data recording. Indeed in small margin businesses with a work force subject to performance pressures, in a sense it invites it.

One possibility raised was that theoretically at least, a waste levy could be collected by Territorial Local Authorities through the consents process under the Resource Management Act 1991. Putting the requisite conditions on landfill consents seems at first glance to be generally within the purpose of the Act and could be introduced by National Policy Statement or National Environmental Standard.

### 5.3 Issues and views around a regional levy

The key issues raised concerning a regional levy are, the control of the money raised (see section 5.5), the challenges of establishing straight forward and satisfactory administrative arrangements, establishing the 'waste region', and the replication of administrative costs if several regional schemes are set up.

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The need for a levy gathering area from which waste cannot 'flee' and avoid payment is a fundamental design criterion for a regional levy. It leads to the consideration of either a New Zealand wide (national) levy or a region wide levy. The possibility of a regional levy arises from a number of directions and considerations as follows:

- the Auckland North-West Alliance is soliciting support from Auckland and one Waikato Territorial Local Authority to join them in their scheme
- the Canterbury region operates a successful co-operative arrangement based on the Kate Valley landfill.

The spider web of bulk waste trucking routes within, between and across territorial and regional council boundaries in the upper North Island in search of lower cost or own company landfills is by now legend. Northland's wastes go to Auckland, Bay of Plenty wastes go to Waikato, as does some of Auckland's. Gisborne's waste went to Hawkes Bay for a while and now goes to Paeroa, and so it goes on. There are a few exceptions. There is a similar story in Canterbury, and elsewhere. In some parts of the country, such as the lower North Island where landfill numbers are greater (relative to volumes of waste) and many more are in local authority ownership, the spider webs are less complex.

Waste movements are dictated by commercial arrangements, influenced by trucking times, and unaffected by local authority boundaries. The message is that waste collection and disposal arrangements and behaviours define their own region and they do not coincide with single or groups of regional council boundaries. They are also likely to change over time as older landfills close and new ones open.

But regional levies could work. The majority of people involved (waste companies and Territorial Local Authorities) can conceive of a boundary to an upper North Island waste region across which leakage would be minimal and/or could be managed. It would run from below the Bay of Plenty to the King Country Taranaki border (more or less). Within this 'mega-region' a system involving a waste levy collected at the landfill on waste originating in the area could work.

The champions of the North-West Alliance system are 'nudging' their collective approach in that direction by trying to win the support of Waikato District Council. Some individuals in that group acknowledge that extending their scheme would require compromise on the by-law, and if necessary a changed focus to disposal and away from collection.

Other parts of the country with lower population densities and less competitive waste markets also lend themselves to regional arrangements, and to ones more closely aligned with current regional administrative boundaries.

Regional approaches, even if they are not bound by regional council boundaries could benefit from the administrative experience, networks and infrastructure of regional councils. Might they have a role? Senior policy staff in the three contacted

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for this work indicate that waste management is not on the agenda at political or officials level at present.

Regional councils have no significant current role in waste administration and nor do they seek one. Territorial Local Authorities don't seek their involvement.

### 5.4 Issues and views around a national levy

Questions put to the interviewees around this issue were prefaced with a proposition that a national levy could take a number of forms. Thus, while it could be New Zealand wide and be established through legislation it could have devolved functions and depending on locational particulars it could be locally or perhaps regionally managed. The purpose was to move people's ideas away from central government control and all the baggage that goes with that territory.

The issues arising around a national waste levy are control, control and control.

Simply stated, the large industry players are concerned (and in some cases deeply suspicious) that a local government operated system will follow local political and administrative agendas to use the money for a wider range of waste related and even non-waste activities and to garner more money over time. Industry believes that the initial design and subsequent management of a national system is more likely to be professionally developed and narrowly prescribed.

Local government views on a national system cover a wider scope. The North-West Alliance has a significant investment of time and effort in their system and are very committed to pursuing it. They are opposed to a national levy because they believe it will deliver them less money and there may be restrictions on its use. They argue, not very convincingly, that they need local *collection* of the money to achieve local and regional solutions. Other Auckland Territorial Local Authorities are reported to be interested in and/or committed to the concept. Whether this is because of its intrinsic merit or because there is no alternative (national levy) is unknown.

The Christchurch interviewees strongly prefer their existing arrangements which they find satisfactory and on that basis do not want a national levy to replace it. They can however see a role for a national levy 'laid over' the existing arrangements. The Hawkes Bay interviewees see a national levy giving their waste minimisation initiatives a boost.

### 5.5 Issues and views around the distribution of a levy

If the purpose of the waste levy is to penalise the polluter and/or to generate funds for waste minimisation use in a local area, then the price signal must flow back to the area the waste is generated in.

This is the issue around which views are most strongly held. There is a small set of common views and a second group widely at variance. Every person spoken to

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firmly believed that none, or at best a token amount, of the money raised through a waste levy should end up in the Consolidated Fund. The New South Wales experience referred to above is one, but only one of the factors influencing this. It is seen more as a simple matter of equity. There was a (grudging) acceptance that a small portion might be justifiably assigned to administrative costs.

There was wide agreement that the money should be repatriated to the local authorities. A population-based formula was accepted as reasonable, notwithstanding it would tend to penalise Territorial Local Authorities with industries generating large waste volumes in favour of others with little or no waste generating industry.

There was recognition of the value of some money being available for national initiatives, i.e. with a nationwide benefit, but not, or not necessarily, spent by central government.

The strongest views were held around what the money should be spent on, however raised, and in whomever's hands. Listed below are the types of use with comments:

- new initiatives funding – a contestable fund for researching or kick-starting new initiatives had wide support
- kerbside and other recycle collection schemes – was widely supported but waste companies drew a firm line beyond the collection
- transfer station activities such as sorting, storing, preparing for sale – was supported by Territorial Local Authorities but opposed by waste companies
- litter control, collection of abandoned cars, monitoring / policing flytipping – were seen as legitimate uses of the money by most but not all of Territorial Local Authorities but not by the waste companies
- council sponsored or supported community initiatives like worm farms and local composting – were not supported by the waste companies although they did support 'education'.

Another possible use for the levy income suggested was funding the monitoring or reclamation of abandoned or historic landfill.

And then there is the question of the management of the fund. The Canterbury Waste Sub-committee (of the Canterbury Joint Standing Committee) is a model that works well in that region. One of the reasons for this, it is asserted, is that at its formation, key waste management powers and responsibilities of Territorial Local Authorities were 'ceded' to it and it is not subject to politically led changes. Political involvement is maintained in a high-level governance role.

A governance model recently discussed at an officials level by the North-West Alliance around the question of additional Territorial Local Authority 'members' is a council controlled organisation with equal representation by politicians on a board. There are precedents for this equal and political representation which have struggled

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with the 'stronger voice' and 'greater authority' of Manukau City and Auckland City on these forums because of their larger populations.

### 5.6 Other issues

There are two external issues that could potentially influence the decisions taken and the opportunities for change around this issue.

The Green Party has a Waste Minimisation Bill in the ballot for introduction as a Private Members Bill. It is in the name of Nandor Tanczos. The Bill covers the establishment of a National Waste Minimisation Authority, local authority responsibilities as Waste Control Authorities, bans on materials to landfills, a national waste disposal levy which would fund waste minimisation activities, extended producer responsibility and other related activities. It covers all the institutional and operational aspects related to setting up and operating a national waste levy scheme.

The Parliamentary Commissioner for the Environment is just completing a study of the use of economic instruments for management as one of its major cases. The report of this study is due to be presented to Parliament in April. It is understood to report in favour of the use of economic instruments in at least the management of waste.

## 6. Some Conclusions and Opportunities

### 6.1 General conclusions

The recent history of discussion about a waste minimisation levy, and it has nearly always been described by designation or purpose as waste *minimisation* levy, has left some parts of local government, industry and the NGO-community frustrated. Around this issue there is a cross-sector core of agreement that a waste levy would be effective and should be introduced.

This work leading up to the New Zealand Waste Strategy and engagement with the Minister for the Environment and officials following that, created an expectation that a national levy could be introduced. When it became clear that government was not actively pursuing a national levy, local initiatives spread. Local government officials believe they have been encouraged in this direction and use their powers under the Local Government Act to deliver it.

There is now a clear challenge to government from Local Government New Zealand to ensure the Local Government Act is able to deliver a local/regional levy, and from the major waste companies and some other parties in the waste business, to introduce a national waste levy.

## 6.2 A regional levy system

In its present form, with charges based on waste collection, the local Auckland North-West Alliance scheme does not appear to be a suitable model or basis for a regional levy arrangement. It seems to work for waste collections with a limited range of wastes types (ie 'household' wastes) and for waste collectors operating within single or small groups of local authorities, ie Territorial Local Authority boundary bound. The complex data collection process for collectors involved with a wider range of waste types associated with commercial and industrial waste collection and operating across local authority boundaries imposes so much additional time and cost on the waste collection businesses and is open to too many variables of compliance knowledge, competence or commitment to be reliable. Expanded in its present form it will only get worse.

A scheme based on waste disposal is considered more effective and is a more or less universal concept with a strong precedent. It gets the price signal in the right place.

A disposal levy system operated regionally is feasible. It could be used nationwide. It has three particular challenges: setting the regional boundaries, managing cross-boundary movement, and designing an efficient administrative structure and arrangements and getting acceptance for them. The first two could be/should be left to the waste operators (councils and business) to resolve. They know where the waste goes and why, and how to intercept it if needed. Administration is a greater challenge.

Existing regional council administration may be geographically sensible in some parts of the country but if a common administrative set-up is needed, the administrative needs of the upper North Island 'mega' waste region would need to prevail.

Could an Auckland mega-region waste levy arrangement establish itself by the co-operative individual Territorial Local Authorities? It is possible. However, in my opinion there is a strong likelihood that it will fall short of its objective. It is likely that some combination of market distortions and undesirable perverse waste disposal behaviour arising from the progressive cobbling together of Territorial Local Authority partners, sustained opposition from major waste companies, with NGOs and other chippings in favour of a national levy, and the strong logic of a national levy will push the issue onto the political agenda for central government action.

## 6.3 A national levy system

To gain wide cross-sectoral support a national levy system needs to be simple, efficient and deliver substantial percentage of its income to the communities from whence it was raised. In respect of the last point, the long term (and cross-party) commitment to continuing these arrangements must have a very high level of certainty.

## Not Government Policy

A collection system from landfills,<sup>11</sup> by weight, is possible and would capture the very great majority of waste disposed of. Some new weigh bridges may need to be installed. Agreeing the quantum, at least the initial sum, should not be difficult as a \$10/tonne is a widely discussed figure.

Establishing guidelines or rules for the use of the funds is straightforward at the core and a bit contentious at the margin. There are practical means of doing this. I address them in section 7 below.

Repatriation of the great majority of the levy-generated funds to Territorial Local Authorities is necessary. Done on a population basis, it will introduce some distortions but they are unlikely to be great. Other formulas can no doubt be devised, and may be needed eventually, but the simplicity test is likely to be challenged. Administrating a bidding system for some part of the fund based on clear criteria poses no challenges.

The design question of most significance (to meet the simplicity test) is how to apply it. A strong argument runs like this. The present cost and price arrangement for waste collection and disposal, reclaim, recycling and reuse have a market equilibrium. This reflects contractual arrangements, past investment divisions, current business activities, and a range of subsidies or not, and levies or not, at publicly owned transfer stations and landfills. This is the waste market warts and all – the playing field with all its humps and hollows. If a levy was ‘draped’ across this playing field, adding say \$10/tonne to the current landfill charge at every landfill (i.e. irrespective of whether or not local levies are in place), the underlying market relationship between collection and disposal activities would not be disturbed or distorted.

### 6.4 Are they mutually exclusive?

Are levies at local and national levels of government mutually exclusive? Under the scenarios described in 6.3 above, for existing levies, the answer is ‘no’ although there will be arguments against it. The argument to have both regional and national levies in place seems harder to conceive.

The more important question is: “could (or should) local/regional levies be introduced in the future when a national levy system is in place?” Simple logic suggests not, although the case for levies on selective wastes, or indeed bans, can be made and would sensibly be provided for.

## **7. If a Decision was taken to Develop and Introduce a National Waste Levy**

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<sup>11</sup> In some locations transfer stations may be a more efficient proxy.

## Not Government Policy

If government were of a mind to develop and introduce a national waste levy, my first recommendation would be that it should be done without delay. Uncertainty and indecision have bedeviled this subject to date and have caused enough unnecessary work for different parties. The public dislikes waste and wastage and supports recycling and reuse. Significant parts of the waste sector have been asking for a national levy for over five years and for some much longer. Until it believed it was directed into other means, so did local government. There has been a lot of discussion and analysis by officials. They could act quickly if instructed now to do so.

Hypothecation would need to be set at a high percentage of the levy and enacting legislation would need to make the level difficult to change.

Decisions on the nature of the organisation to be used (new or existing) to collect and distribute the levy income and the use to which it could be put, should be taken in an open process led by a group of sector leaders and other suitably knowledgeable individuals.<sup>12</sup> Such a group could be quickly convened with a focused mandate and a demanding completion date.

The work could be undertaken alongside a refreshed mandate to address other parts of the New Zealand Waste Strategy such as a more determined approach to the large waste streams that are not being reduced such as green wastes and putrescibles.

Changes to the Local Government Act would be necessary irrespective of the outcome of the judicial review to restrict the use of by-laws for local waste levy purposes pending, but conditional on, the introduction of a national waste levy.

If the Green Party Waste Minimisation Bill was drawn from the ballot in the next few months, it would provide both a rallying point for debate on this issue and an opportunity for the government to act. As a rallying point for national levy supporters it may extend the current 'coalition' of business supporters for action.

The CEOs of two of the major waste companies reported that they would come out publicly in support of a government initiative to pursue a national waste disposal levy.

### **8 If a Decision was taken to Let Local/Regional Waste Levies Operate as They Emerge**

If a decision was taken to support the emergence of local/regional levies, it needs to be clearly signaled and acted on, also without delay. The actions that are needed are essentially to actively assist where asked. This is a 'one size does not fit all' situation and government's best role might be to prepare guidance on structures and

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<sup>12</sup> Garry Moore, Rob Fenwick, Ann Magee, Tim Combs and Lucy White might form the core of such a group.

Not Government Policy

arrangements for different models. In Auckland the actions probably include helping to facilitate the creation of the waste region groupings and possibly some standard by-laws.

Changes to the Local government Act may be needed depending on the outcome of the judicial review. If the findings are that the powers are not as they believe them to be then changes would be required to establish powers that the Territorial Local Authorities need. There may be other amendments to allow for or facilitate the establishment of a combined Territorial Local Authority waste region.

Changes to the Act could also address how levy funds could (and could not) be used. This would be necessary to help ensure greater cooperation and/or compliance by waste operators.

## **Appendix 1      Interviewees**

Robert Brodnax	Programme Manager, Policy Development, Environment Waikato, Hamilton
Mike Lord	General Manager, Environmental, Perry Environmental, Hamilton
Bill Mitchelmore	Group Special Projects Manager, Perry Group, Hamilton
Craig Forman	Chief Executive, Fullcircle, Auckland
Paul Bishop	Chief Executive Officer, EnviroWaste Services Ltd, Auckland
Carl Temm	Landfill and Business Development Manager, EnviroWaste Services Ltd, Auckland
Carol Bergquist	Senior Analyst, Environmental Policy, Strategy and Development, Waitakere City Council, Henderson
Jon Roscoe	Manager, Solid Waste, Waitakere City Council, Henderson
Ewen Skinner	Associate, Morrison Low and Associates Ltd, Newmarket
Rob Fenwick	Managing Director, Living Earth Ltd, Auckland
Ann Magee	Executive Manager, Chief Executives Office, Auckland Regional Council
Peter Winder	Chief Executive, Auckland Regional Council
Eddie Grogan	Group Manager, Environmental Policy, Auckland Regional Council
Grant Anderson	Projects Manager, Waste Management NZ Ltd, Auckland
Rod Murray	Manager – Environment, Pacific Steel Group, Auckland
Hans Buwalda	Manager – Environment, Fletcher Building Limited, Auckland
Liz Lambert	Manager – Policy, Hawkes Bay Regional Council, Napier
Dominic Salmon	Waste Minimisation Officer, Hastings District Council / Napier City Council, Hastings
Simon Collin	Planning Manager, City Water and Waste, Christchurch City Council

Not Government Policy

Zefanja Potgieter	Senior Resource Planner, City Water and Waste, Christchurch City Council
Tim Combs	Managing Director, Albrite Industries, Napier
Peter Neilson	CEO, New Zealand Business Council for Sustainable Development, Auckland
Garry Moore,	Mayor, Christchurch City Council
George Wood	Mayor, North Shore City Council
Bradley Nolan	Team Leader, Waste Minimisation, North Shore City Council
John Brockies	Chief Executive, North Shore City Council
Lucy White	Coordinator, The Community Recycling Network New Zealand, Wellington

**Telephone discussions have been held with**

Melissa Arsernault	Coordinator, RONZ, Whangarei
Carl Storm	General Manager, Onyx Group Ltd
Kevin Atkinson	Owner, Eastern Bins Ltd, Auckland

# **Waitakere City Council Waste Bylaw 2005**

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# Part 1

## Introduction

### 1 Citation

This Bylaw may be cited as the Waitakere City Council Waste Bylaw 2005

### 2 Commencement

This Bylaw comes into force on 1 August 2005 (“**the commencement date**”).

### 3 Revocation

Waitakere City's Bylaw 30 and Chapter 6 of its general bylaws; removal of refuse, bailing and disposal is revoked with effect from the commencement date.

### 4 Purpose

This Bylaw is made pursuant to section 145 of the Local Government Act 2002, sections 542 and 684(1)(15) of the Local Government Act 1974, section 12 of the Litter Act 1979 and sections 64(1) and 65 of the Health Act 1956. The purpose of this Bylaw is to regulate Waste Management Facilities and the collection, transportation and disposal of waste. In addition, from the commencement date all collectors, transporters and disposers of waste in excess of 20 tonnes per annum and operators of Waste Management Facilities are to be subject to a licensing system and may be required to pay a levy on the waste collected, transported and disposed of in accordance with that Licence. The levy is intended to introduce a system of financial incentives and disincentives consistent with its waste reduction objectives which will assist the Council to manage waste in a manner which is consistent with its statutory responsibilities and waste management objectives.

### 5 Objectives

The objectives of this Bylaw are:

- To monitor and regulate the collection, transportation, disposal and management of waste in such a way as to encourage minimisation of waste being generated and disposed of in Waitakere City.
- To promote Council's waste minimisation and waste reduction objectives.
- To assist in the implementation of Council's Waste Management Plan and the New Zealand Waste Strategy.
- To ensure effective and efficient waste management in the Council's area.
- To impose specific performance standards and requirements for waste collection, transportation, disposal and treatment services for the benefit of the public.

## Part 2

### Interpretation

#### 6 Definitions

*"Addressed"* has the meaning in clause 95(5).

*"Addressed Mail Only"* has the meaning in clause 95(1).

*"Addressed Mail and Newspapers Only"* has the meaning in clause 95(2).

*"Advertising Material"* has the meaning in clause 95(6).

*"Approved Receptacle"* means a container or bag used for the keeping of waste and approved by the Council pursuant to the provisions of this bylaw.

*"Circulars"* has the meaning in clause 95(6).

*"Commercial Household Waste"* has the meaning in clause 60.

*"Commercial Waste"* has the meaning in clause 71.

*"Council"* means Waitakere City Council and shall include all Council officers authorised to act on Council's behalf.

*"Deposit"* means in relation to waste to:

- a) cast, place, throw or drop; and
- b) to cause or permit waste or other material or thing to be cast, placed, thrown or dropped.

*"Green Waste"* has the meaning in clause 31.

*"Hazardous Waste"* has the meaning in clause 85.

*"Household Waste"* has the meaning in clause 7.

*"Inorganic Waste"* has the meaning in clause 53.

*"Junk Mail"* has the meaning in clause 95(6).

*"Kitchen Food Waste"* means solid organic food waste including vegetable scraps, meat, fish and bone discards, or any other such food waste arising or resulting from domestic housekeeping activities.

*"Landfill"* means land upon which the deposit and disposal of Solid Waste can lawfully occur.

*"Licence"* means a licence granted by Council under this bylaw.

**“Licensed Waste Collector”** means a person which has a Licence to collect, transport or dispose of waste.

**“Licensed Waste Operator”** means a person which has a Licence to operate a Waste Management Facility.

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

**“Litter Control Officer”** means any person appointed under section 5, or deemed to have been appointed under section 6 of The Litter Act 1979 as a litter control officer.

**“Multi Unit Property”** means a property comprising two or more separately occupied residential units or business occupancies, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership.

**“Occupier”** means any person who occupies any land or building and, if the land or building is unoccupied, includes the owner.

**“Paper Waste”** has the meaning in clause 44.

**“Person”** includes a company or other corporate body.

**“Prohibited Waste”** has the meaning in clause 80.

**“Property”** means land or buildings which are separately occupied.

**“Public Place”** means every road, footpath, court, alley, pedestrian mall, lane, access way, reserve, park, sportsfield, recreation ground, domain, beach, river, lake, foreshore and building which is open to or used by the public as of right, and every place to which the public has access.

**“Publicly notified”** means published in a notice published in a newspaper or newspapers circulating in the district to which the notice relates.

**“Recyclable Waste”** has the meaning in clause 18.

**“Scavenger”** means a Person who removes any waste, except for the purpose of placing the same in a litter bin, from any Waste Collection Area.

**“Solid Waste”** means any waste generated as a solid or converted to a solid for disposal.

**“Special Waste”** means any waste which requires special disposal because of environmental considerations or the operational requirements of the Landfill at which disposal is to occur but does not include Household Waste, Commercial Household Waste, Recyclable Waste, Green Waste, Paper Waste, Inorganic Waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature.

**“Trade Waste”** means any sewage or liquid, with or without matters in suspension or solution, produced in the course of any trade or industrial process.

**“Transfer Station”** means land or buildings to which waste is delivered for sorting or consolidation before being taken away for treatment, processing, recycling or disposal.

**“Trolley”** means any movable receptacle on wheels, and includes a shopping trolley.

**“Unaddressed”** has the meaning in clause 95(5).

**“Waste”** means any solid, material or thing that is discarded, discharged or selected for disposal and includes;

- Commercial Waste, Household Waste, Commercial Household Waste, Green Waste, Hazardous Waste, Inorganic Waste, Kitchen Food Waste, Paper Waste, Prohibited Waste, Recyclable Waste and Special Waste
- an object which has been abandoned
- Litter

**“Waste Collection Area”** means the area on the road reserve outside the property from which the waste originates immediately adjacent to the kerb and limited in size so that the placement of the waste does not unduly interfere with the free passage of pedestrians or such other place approved by Council as a Waste Collection Area.

**“Waste Management Facilities”** means facilities where waste is managed and includes, but is not limited to, Landfill sites, Transfer Stations, tips, recycling centres, transfer points, waste pads, transportation points, cleanfill sites, composting facilities or waste consolidation points.

## Part 3

### Waste Types

#### *Household Waste*

##### 7 **Definition**

- (1) **“Household Waste”** means Solid Waste resulting from domestic housekeeping operations. Household Waste does not include waste of a domestic nature emanating from commercial premises (“Commercial Household Waste”), Recyclable Waste, Green Waste, Paper Waste, Inorganic Waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature.

##### 8 **Accumulation of Household Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Household Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

##### 9 **Provision of Approved Receptacle**

- (1) Every Occupier must use an Approved Receptacle for Household Waste.
- (2) Every owner of a Multi Unit Property is to provide Approved Receptacles for Household Waste and kerbside recyclables to the Occupiers of units in that Multi Unit Property.
- (3) Every owner of any Multi Unit Property for which building consent is granted after 1 January 2006 must make adequate provision for Household Waste within the property to the satisfaction of the Council. Any Multi Unit Property for which building consent is granted after 1 January 2006 must be accompanied by a waste management plan which identifies: an adequate area for the storage of Approved Receptacles which is accessible to Occupiers and waste collectors; the methods to be employed to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism.
- (4) Approved Receptacles for Household Waste include:
  - (a) Paper bag approved by Council and sold by or on behalf of Council or Licensed Waste Collectors;
  - (b) Plastic bag approved by Council and sold by or on behalf of Council or Licensed Waste Collectors;
  - (c) Biodegradable bags approved by Council and sold by or on behalf of Council or Licensed Waste Collectors for specific Council services;
  - (d) Mobile bin approved by Council and provided by or on behalf of Council or Licensed Waste Collectors;

- (e) Any receptacle provided by a Licensed Waste Collector and approved by Council for the purpose of collecting Household Waste;
- (f) Any other receptacle provided by or on behalf of Council from time to time for the purpose of collecting Household Waste.

## 10 **Maintenance of reusable Approved Receptacles**

- (1) Reusable Approved Receptacles must be kept clean and in good repair, covered at all times with a close-fitting lid where provided or securely tied and the contents protected from rain or ingress or egress of flies or vermin.

## 11 **Use of Approved Receptacle**

- (1) No waste other than Household Waste shall be placed in a Household Waste Approved Receptacle.
- (2) Household Waste placed in a reusable Approved Receptacle must be placed in a manner which allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied.
- (3) Approved Receptacles must not contain Prohibited Waste or be overloaded. The maximum permitted weight of an approved bag is 15 kilograms.

## 12 **Placement of Household Waste for collection**

### *Time*

- (1) Household Waste must be put out for collection no earlier than 5.30 pm the evening before, and no later than 7.30 am on the morning of the day for collection unless otherwise directed from time to time by Council.

### *Place (Waste Collection Area)*

- (2) Approved Receptacles for Household Waste must be placed in an upright position within the Waste Collection Area.

### *Maximum number*

- (3) The number of Approved Receptacles put out from each property for collection or emptying must not exceed the maximum number determined by the Council from time to time (if any) and publicly notified.

## 13 **Retrieval of uncollected Waste**

- (1) Waste which is not collected on the day for collection must be removed from the Waste Collection Area at the end of that day by the Occupier of the property from which the waste was generated.

- (2) Waste left in the Waste Collection Area after 8.30 am on the day following the day for collection may be removed by the Council and the cost of collection and disposal of that uncollected waste (except in any case where the missed collection was to be undertaken by the Council) shall be borne by the Occupier of the property from which the waste was generated.

#### **14 Retrieval of reusable Approved Receptacle**

- (1) Reusable Approved Receptacles, whether full or empty, must be removed from the Waste Collection Area before the expiry of the day for collection by the Occupier and the owner of the property from which the reusable Approved Receptacle came.

#### **15 Waste collectors to be licensed and authorised**

- (1) No person other than the Occupier of the property from which the waste was generated shall remove Household Waste from a Waste Collection Area or from a property, unless licensed to collect Household Waste under this bylaw.

#### **16 Obstruction of Licensed Waste Collectors**

- (1) No person shall obstruct or hinder any Licensed Waste Collector from removing Household Waste from any Waste Collection Area in accordance with a Licence under this bylaw.

#### **17 Offences**

- (1) Every person breaches this bylaw who fails to comply with:

Clause 8(1)

Clause 9(1),(2),(3)

Clause 10(1)

Clause 11(1),(2),(3)

Clause 12 (1),(2),(3)

Clause 13(1)

Clause 14(1)

Clause 15(1)

Clause 16(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000.<sup>1</sup>

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<sup>1</sup> As stipulated by the Local Government Act 2002.

## *Recyclable Waste*

### 18 **Definition**

- (1) **“Recyclable Waste”** means any rags, second hand or used clothing, textiles, wood, concrete, steel, paper, steel cans, tin cans, aluminium cans, glass, plastic products including plastic containers and other items publicly notified by the Council from time to time. Recyclable Waste does not include Household Waste, Commercial Household Waste, Green Waste, Paper Waste, Inorganic Waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature.

#### **Advice Notes:**

- **Recyclable Waste is all waste that is potentially recyclable but this does not necessarily mean that it will be able to be put out for collection by Council in its kerbside Recyclable Waste Collections. Only that Recyclable Waste which is described below under the heading ‘Kerbside Recyclable Waste Collections’ (clause 20) will be collected by Council in its Kerbside Recyclable Waste collections.**
- **While Recyclable Waste can include paper it explicitly excludes paper which falls within the definition of “Paper Waste” and reference should be made to clause 44(1) of the bylaw for the definition of ‘Paper Waste’.**

### 19 **Accumulation of Recyclable Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Recyclable Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

### 20 **Kerbside Recyclable Waste Collections**

- (1) Only the following Recyclable Waste may be placed in the Waste Collection Area:

(a) **Residential:**

- (i) all rags and clothing; and
- (ii) aluminium cans, steel cans, glass bottles (clear, amber and green) and plastic recyclable containers of a type publicly notified by Council from time to time; and
- (iii) any other recyclable items as publicly notified by the Council from time to time;

which arise from, or result from residential housekeeping activities.

(b) **Commercial:**

- (i) aluminium cans, steel cans, glass bottles (clear, amber and green) plastic recyclable containers of a type publicly notified by Council from time to time; and
- (ii) any other recyclable items as publicly notified by the Council from time to time.

which arise from, or result from housekeeping activities undertaken on commercial premises for and on behalf of staff who work at those commercial premises.

**21 Provision of Approved Receptacle for Recyclable Waste for Kerbside Recyclable Waste collections**

- (1) Every Occupier must use an Approved Receptacle for kerbside recyclable collection.
- (2) Every owner of a Multi Unit Property is to provide Approved Receptacles for kerbside recyclable collection to Occupiers of units of that Multi Unit Property.
- (3) Every owner of any Multi Unit Property for which building consent is granted after 1 January 2006 must make adequate provision for Recyclable Waste within the property to the satisfaction of the Council. Any Multi Unit Property for which building consent is granted after 1 January 2006 must be accompanied by a waste management plan which identifies: an adequate area for the storage of Approved Receptacles which is accessible to Occupiers and waste collectors; the methods to be employed to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism.
- (4) Approved Receptacles for Recyclable Waste include:
  - (a) Plastic crate approved by Council and provided by or on behalf of Council or other Licensed Waste Collectors;
  - (b) Mobile recycling bin approved by Council and provided by or on behalf of Council or other Licensed Waste Collectors;
  - (c) Any receptacle as provided by a Licensed Waste Collector and authorised by Council for the purpose of collecting Recyclable Waste;
  - (d) Any receptacle as provided by Council or on behalf of Council from time to time for the purpose of collecting Recyclable Waste.

**22 Maintenance of reusable Approved Receptacle**

- (1) Reusable Approved Receptacles for Recyclable Waste must be kept clean and in good repair.

**23 Use of reusable Approved Receptacle**

- (1) No waste other than Recyclable Waste shall be placed in a Recyclable Waste Approved Receptacle.

- (2) Recyclable Waste may only be placed in the Waste Collection Area if it is in a receptacle approved for kerbside Recyclable Waste collection.
- (3) Recyclable Waste placed in a reusable Approved Receptacle must be placed in a manner which allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied.
- (4) Approved Receptacles must not contain Prohibited Waste or be overloaded.

## 24 **Placement of Kerbside Recyclable Waste for Collection**

### *Time*

- (1) Residential recyclable waste for kerbside collection must be put out for collection no earlier than 5.30 pm the evening before and no later than 7.30 am on the morning of the day for collection unless otherwise directed from time to time by Council.
- (2) Commercial recyclable waste for kerbside collection must be put out for collection not earlier than 5pm and not later than 6pm on the day for collection unless otherwise directed from time to time by Council.

### *Place (Waste Collection Area)*

- (3) Approved Receptacles for recyclable waste for kerbside collection must be placed in an upright position as close to the kerb as possible within the Waste Collection Area.

### *Maximum number*

- (4) The number of Approved Receptacles put out from each property for collection or emptying must not exceed the maximum number determined by the Council from time to time (if any) and publicly notified.

## 25 **Retrieval of uncollected Recyclable Waste**

- (1) Waste which is not collected on the day for collection must be removed from the Waste Collection Area at the end of that day by the Occupier of the property from which the waste was generated.
- (2) Waste left in the Waste Collection Area after 8.30 am on the day following the day for collection may be removed by the Council and the cost of collection and disposal of that uncollected waste (except in any case where the missed collection was to be undertaken by the Council) shall be borne by the Occupier of the property from which the waste was generated.

## 26 **Retrieval of reusable Approved Receptacle**

- (1) Reusable Approved Receptacles, whether full or empty, must be removed from the Waste Collection Area before the expiry of the day for collection by the Occupier and the owner of the property from which the reusable Approved Receptacle came.

**27 Recyclable Waste not to be disposed of in Landfill**

- (1) Recyclable Waste must not be disposed of in Landfill unless authorised by Council.

**28 Waste collectors to be licensed and authorised**

- (1) No person other than the Occupier of the property from which the waste was generated shall remove Recyclable Waste from a Waste Collection Area or from a property, unless licensed to collect Recyclable Waste under this bylaw.

**29 Obstruction of Licensed Waste Collectors**

- (1) No person shall obstruct or hinder any Licensed Waste Collector from removing Recyclable Waste in accordance with a Licence under this bylaw.

**30 Offences**

- (1) Every person breaches this bylaw who fails to comply with:

Clause 19(1)  
Clause 20(1),(2)  
Clause 21(1),(2),(3)  
Clause 22(1)  
Clause 23(1),(2),(3)  
Clause 24(1),(2),(3),(4)  
Clause 25(1)  
Clause 26(1)  
Clause 27(1)  
Clause 28(1)  
Clause 29(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000<sup>2</sup>.

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<sup>2</sup> As stipulated by the Local Government Act 2002.

## *Green Waste*

### 31 **Definition**

- (1) “**Green Waste**” means compostable plant material but does not include Household Waste, Commercial Household Waste, Recyclable Waste, Paper Waste, Inorganic Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature.

### 32 **Accumulation of Green Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Green Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

### 33 **Kerbside Collections of Green Waste**

- (1) Green Waste may only be placed in the Waste Collection Area where it comes from or results from gardening activities on residential property or gardening activities on commercial property which are ancillary to the commercial activities taking place on the property, and which is not:

- (a) tree trunks or limbs larger than 100mm diameter;
- (b) flax, bamboo, palm leaves, toitoi, cabbage tree material;
- (c) tuberous material such as ginger plant;
- (d) noxious plants and plant pests as defined by the Auckland Regional Council from time to time;
- (e) animal products including manure; or
- (f) soil and timber

unless publicly notified by Council from time to time.

### 34 **Provision of Approved Receptacle**

- (1) Every Occupier must use an Approved Receptacle for Green Waste should they use that service.
- (2) Approved Receptacles for Green Waste include:
  - (a) Mobile bin approved by Council and provided by Council or other Licensed Waste Collectors;
  - (b) Wool sacks or strengthened bags approved by the Council and provided by Council or other Licensed Waste Collectors.

### **35 Maintenance of reusable Approved Receptacle**

- (1) Reusable Approved Receptacles must be kept clean and in good repair.
- (2) Reusable Approved Receptacles must be used in a manner which minimises any adverse effects of the storage of Green Waste in that receptacle to surrounding Occupiers.

### **36 Use of Approved Receptacle**

- (1) No waste other than Green Waste shall be placed in an approved Green Waste receptacle.
- (2) Green Waste may only be placed in the Waste Collection Area if it is in a receptacle approved for Green Waste kerbside collection.
- (3) Green Waste placed in a reusable Approved Receptacle must be placed in a manner which allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied.
- (4) Approved Receptacles must not contain Prohibited Waste or be overloaded.

### **37 Placement of Green Waste for collection**

#### *Time*

- (1) Green Waste may only be put out for collection in accordance with the Green Waste collection contract between the Occupier or the owner and the licensed Green Waste collector.

#### *Place (Waste Collection Area)*

- (2) Approved Receptacles for Green Waste must be placed in an upright position within the Waste Collection Area.

### **38 Retrieval of uncollected Green Waste**

- (1) Waste which is not collected on the day for collection must be removed from the Waste Collection Area at the end of that day by the Occupier of the property from which the waste was generated.
- (2) Waste left in the Waste Collection Area after 8.30 am on the day following the day for collection may be removed by the Council and the cost of collection and disposal of that uncollected waste (except in any case where the missed collection was to be undertaken by the Council) shall be borne by the Occupier of the property from which the waste was generated.

### **39 Retrieval of reusable Approved Receptacle**

- (1) Reusable Approved Receptacles, whether full or empty, must be removed from the Waste Collection Area before the expiry of the day for collection by the Occupier and the owner of the property from which the reusable Approved Receptacle came.

**40 Green Waste not to be disposed of in Landfill**

- (1) Green Waste must not be disposed of in Landfill unless authorised by Council.

**41 Waste collectors to be licensed and authorised**

- (1) No person other than the Occupier of the property shall remove Green Waste from a Waste Collection Area or from a property, unless licensed to collect Green Waste under this bylaw.

**42 Obstruction of Licensed Waste Collectors**

- (1) No person shall obstruct or hinder any Licensed Waste Collector from removing Green Waste in accordance with a Licence under this bylaw.

**43 Offences**

- (1) Every person breaches this bylaw who fails to comply with:

Clause 32(1)  
Clause 33(1)  
Clause 34(1)  
Clause 35(1), (2)  
Clause 36(1),(2),(3),(4)  
Clause 37(1),(2)  
Clause 38(1)  
Clause 39(1)  
Clause 40(1)  
Clause 41(1)  
Clause 42(1)

- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000<sup>3</sup>.

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<sup>3</sup> As stipulated by the Local Government Act 2002.

## *Paper Waste*

### 44 **Definition**

- (1) “**Paper Waste**” means any paper, cardboard, or any other paper based waste but does not include Household Waste, Recyclable Waste, Green Waste, Inorganic Waste, Commercial Waste, Prohibited Waste, Hazardous Waste or Trade Waste.

### 45 **Accumulation of Paper Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Paper Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

### 46 **Kerbside Collections of Paper Waste**

- (1) Only clean Paper Waste of a type, quality or from a source that is publicly notified by Council as suitable for separate collection from time to time may be placed in the Waste Collection Area.

### 47 **Placement of Paper Waste for collection**

#### *Time*

- (1) Paper Waste must be put out for collection no later than 7.30 am on the morning of the day for collection unless otherwise directed by Council from time to time.

#### *Place (Waste Collection Area)*

- (2) Paper Waste must be bound together or contained in a manner approved by the Council and publicly notified from time to time, and placed as close to the kerb as possible within the Waste Collection Area.

### 48 **Multi Unit Properties**

- (1) Every owner of any Multi Unit Property for which building consent is granted after 1 January 2006 must make adequate provision for Paper Waste within the property to the satisfaction of the Council. Any Multi Unit Property for which building consent is granted after 1 January 2006 must be accompanied by a waste management plan which identifies: an adequate area for the storage of Approved Receptacles which is accessible to Occupiers and waste collectors; the methods to be employed to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism.

**49 Retrieval of uncollected Waste**

- (1) Waste which is not collected on the day for collection must be removed from the Waste Collection Area at the end of that day by the Occupier of the property from which the waste was generated.
- (2) Waste left in the Waste Collection Area after 8.30 am on the day following the day for collection may be removed by the Council and the cost of collection and disposal of that uncollected waste (except in any case where the missed collection was to be undertaken by the Council) shall be borne by the Occupier of the property from which the waste was generated.

**50 Waste collectors to be licensed and authorised**

- (1) No person other than the Occupier of the property shall remove Paper Waste from a Waste Collection Area or from a property, unless licensed to collect Paper Waste under this bylaw.

**51 Obstruction of Licensed Waste Collectors**

- (1) No person shall obstruct or hinder any Licensed Waste Collector from removing Paper Waste in accordance with a Licence under this bylaw.

**52 Offences**

- (1) Every person breaches this bylaw who fails to comply with:
  - Clause 45(1)
  - Clause 46(1)
  - Clause 47(1),(2)
  - Clause 48(1)
  - Clause 49(1)
  - Clause 50(1)
  - Clause 51(1)
- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000<sup>4</sup>.

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<sup>4</sup> As stipulated by the Local Government Act 2002.

## *Inorganic Waste*

### 53 **Definition**

- (1) “**Inorganic Waste**” means domestic Solid Waste that will not fit within an Approved Receptacle and if the Council so elects for the particular collection may include polystyrene, builder’s waste or Prohibited Waste of a particular class but does not include Household Waste, Commercial Household Waste, kerbside recyclables, Green Waste, Paper Waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or other liquid waste of any nature.

### 54 **Accumulation of Inorganic Waste**

- (1) The Occupier and the owner of a property must not permit or suffer any accumulation of Inorganic Waste in or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

### 55 **Placement of Inorganic Waste for collection**

#### *Time*

- (1) Inorganic Waste must not be put out for collection earlier than the weekend prior to the week publicly notified by the Council for the collection.

#### *Size and Bulk of Inorganic Waste that will be collected*

- (2) Inorganic Waste placed in the Waste Collection Area by an Occupier must not exceed one (1) cubic metre in total volume and must not include any one item being more than 55 kilograms in weight.

#### *Place (Waste Collection Area)*

- (3) Inorganic Waste placed in the Waste Collection Area by an Occupier must not be placed so as to create a nuisance, hazard, or obstruction or to cover service access points or power plinths.
- (4) Nothing above shall be deemed to prevent the collection of Inorganic Waste from a property in accordance with any contract for the collection of Inorganic Waste, nor be deemed to permit the placement of Inorganic Waste for private collection in a Waste Collection Area or a Public Place.

### 56 **Retrieval of uncollected Waste**

- (1) Waste which is not collected on the day for collection must be removed from the Waste Collection Area by the end of that week by the Occupier of the property from which the waste was generated.
- (2) Waste in the Waste Collection Area following the expiry of the week fixed for collection may be removed by the Council and the cost of collection and disposal of that uncollected waste

(except in any case where the missed collection was to be undertaken by the Council) shall be borne by the Occupier or the owner (jointly and severally) of the property from which the waste was generated.

- (3) In any case where the waste from any property exceeds one (1) cubic metre in total volume or includes any one item which weighs more than 55 kilograms as set out above in clause 55(2), the Council may, if it thinks fit, make a reasonable charge for the collection of the waste, or require the owner or Occupier of the property to have the same removed at his or her own cost.

## **57 Inorganic Waste Collection**

- (1) It is an offence to remove Inorganic Waste placed in a Waste Collection Area if;
- (a) such Inorganic Waste is repeatedly being taken for the purpose of resale or commercial gain; or
  - (b) is removed in a manner likely to cause:
    - (i) injury; or
    - (ii) scattering of waste; or
    - (iii) damage or breakage of any items put out for Inorganic Waste collection which could in the reasonable opinion of Council become a nuisance.
- (2) Clause 57(1) shall not apply to Licensed Waste Collectors contracted to Council to collect Inorganic Waste as a public waste collection service.

## **58 Obstruction of Licensed Waste Collectors**

- (1) No person shall obstruct or hinder any Licensed Waste Collector from removing Inorganic Waste in accordance with a Licence under this bylaw.

## **59 Offences**

- (1) Every person breaches this bylaw who fails to comply with:
- Clause 54(1)
  - Clause 55(1),(2),(3)
  - Clause 56(1)
  - Clause 57(1),(a),(b)
  - Clause 58(1)
- (2) Every person who breaches this bylaw may be liable on conviction by the courts to a fine not exceeding \$20,000<sup>5</sup>.

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<sup>5</sup> As stipulated by the Local Government Act 2002.

















































