



# **Agenda Council Meeting**

**Wednesday 13 May 2026  
9.00am**

**Council Chambers  
15 Queen Street  
TE KUITI**

Waitomo District Council is committed to conducting its business in a manner that is open, transparent and facilitates accountability and public participation. Any member(s) of the public wishing to address the Council at a Meeting or Workshop are asked to make arrangements through the Mayor's Office at least three clear working days before the scheduled Meeting or Workshop.

All attendees at this meeting are advised that the meeting will be electronically recorded (audio and video) for the purpose of webcasting to the Council's website. Every care will be taken to maintain individuals' privacy; however, attendees are advised they may be recorded as part of the general meeting proceedings.



## NOTICE OF MEETING

**A MEETING OF THE WAITOMO DISTRICT COUNCIL IS TO BE HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON WEDNESDAY 13 MAY 2026 COMMENCING AT 9.00AM**

### COUNCIL MEMBERS

Mayor John Robertson  
Councillor Dan Tasker  
Councillor Isaiah Wallace

Deputy Mayor Eady Manawaiti  
Councillor Allan Goddard

Councillor Olivia Buckley  
Councillor Janette Osborne

MICHELLE HIGGIE  
**MANAGER – GOVERNANCE SUPPORT**

### ORDER PAPER

Items of Business	Page No.
1. Karakia Tuwhera	
2. Apologies	
<b><u>Hearing</u></b>	
3. Hearing of Submitters:	3
• Draft Annual Plan 2026/2027	
• Proposed Fees and Charges 2026/2027	
• Draft Solid Waste Bylaw 2026	
9.10am: Submission No 024 – Julia Radich	<i>(Online via ZOOM)</i>
9.20am: Submission No 025 – Waikato Regional Council	<i>(Online via ZOOM)</i>
<b><u>Deliberations</u></b>	
4. Deliberation of Submissions – Draft Solid Waste Bylaw 2026	7

#### **PLEASE NOTE**

1. The business papers attached to this Order Paper set out recommendations and suggested resolutions only. Those recommendations and suggested resolutions **DO NOT** represent Council policy until such time as they might be adopted by Council resolution.
2. This Order Paper may be subject to amendment either by the addition or withdrawal of items contained therein.
3. This Meeting will be **webcast** in real time to the Waitomo District Council website and will also be available for viewing on demand as soon as reasonably practicable following the meeting.

**Document No:** 971652

**Report To: Council**



**Meeting Date:** 13 May 2026

**Subject:**

**Hearing of Submitters:**

- **Draft Annual Plan 2026/2027**
- **Proposed Fees and Charges 2026/2027**
- **Draft Solid Waste Bylaw 2026**

**Type:**

Decision Required

**Author(s):**

Michelle Higgie  
Manager – Governance Support

**1. Purpose of Report**

- 1.1 The purpose of this business paper is for Council to hear Submitters speak in support of their written submissions to the Draft Annual Plan 2026/2027.
- 1.2 Both Submitters to speak at the Hearing will be attending online.
- 1.3 Copies of submissions have been distributed separately and form part of this business paper.

**2. Suggested Resolutions**

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.

- 1 The business paper on Hearing of Submitters: Draft Annual Plan 2026/2027, Proposed Fees and Charges 2026/2027 and Draft Solid Waste Bylaw 2026 be received.
- 2 Council note the verbal submissions made to the Draft Annual Plan 2026/2027 by the following Submitters:

<b>Submitter Name</b>	<b>Submission to</b>	<b>Submission Number</b>
Julia Radich	Draft Annual Plan 2026/2027	024
Waikato Regional Council	Draft Annual Plan 2026/2027	025

- 3 The verbal submissions to the Draft Annual Plan 2026/2027 be noted for consideration at the Council Meeting on Tuesday 26 May 2026 as part of the submission deliberations process.

If any late submissions are received -

- 4 Council accept the following late submission (and any other late submission(s) which may be received) and include it for consideration as part of the deliberations at the Council Meeting on Tuesday 26 May 2026:

<b>Submitter Name</b>	<b>Submission to</b>	<b>Submission Number</b>
Waitomo District Council	Proposed Fees and Charges 2026/2027	LATE 001

### **3. Notes for the Hearing**

- 3.1 The Submissions circulated to elected members are "Not for Public Circulation". The Submissions published on Council's website have personal information redacted (private addresses, personal phone numbers, and personal email addresses).
- 3.2 This is a Hearing for the purposes of Section 82(1)(d) of the Local Government Act 2002 i.e., to provide the opportunity for submitters to present their views in a manner and format appropriate to the preferences and needs of those submitters. Members must not enter into any debate with Submitters but may ask questions for clarification purposes.
- 3.3 Elected Members must consider all submissions without any predetermination and with an open mind. This does not mean that Members cannot have an opinion – it simply means that as an elected member you must be prepared to listen to alternative views and to change your own views should you be convinced to do so.

### **4. Commentary**

#### **4.1 Consultation**

- 4.2 On 24 March 2026 Council adopted the following documents for public consultation:

- 1 Consultation Document for the Draft Annual Plan 2026/2027
- 2 The following supporting information for the Draft Annual Plan 2026/2027:
  - (a) Prospective Statement of Funding Sources
  - (b) Prospective Whole of Council Funding Impact Statement
  - (c) Summary Prospective Financial Statements
  - (d) Financial Reporting and Prudence Benchmarks
  - (e) Rating Examples
  - (f) Draft Revenue and Financing Policy 2026
  - (g) Draft Significance and Engagement Policy 2026
  - (h) Draft Policy on Appointment of Directors to Council Controlled Organisations 2026
- 3 Proposed Fees and Charges 2026/2027
- 4 Draft Solid Waste Bylaw 2026

- 4.3 The consultation period was undertaken from Monday 30 March 2026 to Thursday 30 April 2026.

#### **4.4 Submissions**

- 4.5 The following number of submissions have been received:

Submissions to Draft Annual Plan	31
Submissions to Proposed Fees and Charges	3
Submissions to Draft Solid Waste Bylaw 2026	2
Late Submission to Proposed Fees and Charges	1

- 4.6 A full list of the Submitter names is included at the end of this business paper.

#### **4.7 Submitters to be Heard**

- 4.8 Three submitters indicated that they wished to speak in support of their submissions. However, after making telephone contact with those submitters to confirm times for the Hearing, and providing an explanation of the process forward, one of those submitters withdrew their request to be heard

#### **4.9 Late Submissions**

- 4.10 At the time of preparing this Agenda, one late submission has been received.

4.11 In the event any further late submissions are received, these will be circulated to the Council under separate cover and Council must decide whether or not to accept those late submissions and include them for consideration as part of its deliberations.

4.12 Historically, Council has accepted all late submissions received up until the time of the deliberations.

#### **4.13 Hearings Process**

#### **4.14 Solid Waste Bylaw**

4.15 As no submitters are to be heard for the Draft Solid Waste Bylaw 2026 no Hearing is required. Deliberation of the Draft Solid Waste Bylaw 2026 submissions will occur immediately following the hearing of submitters to the Draft Annual Plan 2026/2027.

4.16 The final draft of the Solid Waste Bylaw 2026 will be presented to Council at its 30 June 2026 meeting for consideration and adoption.

#### **4.17 Draft Annual Plan 2026/2027 and Proposed Fees and Charges 2026/2027**

4.18 Once Council has heard the Submitters speak, a resolution is required to refer the verbal submissions for deliberation at the Council Meeting on Tuesday 26 May 2026.

4.19 A business paper will be included in the Agenda for the 26 May 2026 Council Meeting which will include an analysis of all submissions.

4.20 Final drafts of the Draft Annual Plan 2026/2027 (and supporting information) and the Proposed Fees and Charge 2026/2027 will be presented to Council at its 30 June 2026 meeting for consideration and adoption.

## **5. Attachments/Separate Enclosures**

### **Separate Enclosures:**

Submissions to Draft Annual Plan	31
Submissions to Proposed Fees and Charges	3
Submissions to Draft Solid Waste Bylaw 2026	2
Late Submission to Proposed Fees and Charges	1

### Submitters to the Draft Annual Plan 2026/2027

Sub No	Name
1	Angelique Cooper
2	Kay Walshaw
3	Kerry Freakley
4	Erica Hilton
5	Stephen Ronald Corrigan
6	Kevin Parkinson
7	Raelene Myers
8	Mandy
9	Steve and Debbie Day
10	Lindsay Greig
11	Paul Symonds
12	John-Paul Praat
13	Craig Alan Roberts
14	Kim Jarvie
15	Phillip Noel Probyn
16	Tracie Baigent and Gavin Jakes ( <i>withdrawn request to be heard</i> )
17	Zarnia Wilson
18	Paul Freakley
19	Kevin Redshaw and Pam Saini
20	Jeanette Manson
21	Caleb Heremiah Muraahi
22	Dawn Old
23	Allan Jones
<b>24</b>	<b>Julia Radich</b>
<b>25</b>	<b>Waikato Regional Council</b>
26	Joanna Youngman
27	Waikato Environment Centre (Jo Wrigley)
28	Danielle Schouten
29	Kelly Russell
30	Karen Barrett
31	Federated Farms of New Zealand (Waikato Region) 1999 Incorporated

### Submitters to the Fees and Charges 2026/2027

Sub No	Name
1	Caleb Heremiah Muraahi
2	Tania Roma
3	Creative Waikato (Jeremy Mayall)
LATE 001	Waitomo District Council

### Submitters to the Solid Waste Bylaw Review 2026

Sub No	Name
1	Rosemary MacInnes
1a	Rosemary MacInnes
2	Waikato Environment Centre (Jo Wrigley)

**Document No:** 970971

## **Report To: Council**



**Meeting Date:** 13 May 2026

**Subject:** **Deliberation of Submissions – Draft Solid Waste Bylaw 2026**

**Author(s):** Raj Mahadevappa  
Policy Advisor

Charmaine Ellery  
Manager - Strategy and Policy

Komal Devi  
Manager Solid Waste

### **1 Purpose of Report**

- 1.1 The purpose of this business paper is to present to the Council the analysis on submissions received on the Draft Waitomo District Council Solid Waste Bylaw 2026 (the Bylaw) and to assist with Council's deliberations.

### **2 Suggested Resolutions**

- 2.1 The following are suggested resolutions only and do not represent Council policy until such time as they are adopted by formal resolution.
- 1 The business paper on Deliberation of Submissions - Draft Solid Waste Bylaw 2026 be received.
  - 2 The Chief Executive be delegated the authority to ensure that Council directions arising from the consideration of submissions are reflected in the responses schedule and all changes are made to the Final Waitomo District Council Solid Waste Bylaw 2026 prior to adoption at the 30 June 2026 Council meeting.
  - 3 Elected members and WDC staff would like to thank everyone who engaged in the Consultation and acknowledge the time and effort involved in making submissions.

### **3 Background**

- 3.1 On 24 March 2026, Council adopted the Statement of Proposal for Consultation which included the Draft Waitomo District Solid Waste Bylaw 2026.
- 3.2 The consultation period was open from 30 March to 30 April 2026.
- 3.3 Three submissions were received and no submitters wished to be heard.
- 3.4 The draft Bylaw is attached to this business paper.

### **4 Commentary**

- 4.1 The Bylaw was due for review by August 2024 (10-year review), however due to changes with Waitomo District Landfill and the kerbside contract coming up for renewal, Council decided to utilise the 2-year period allowed for in LGA to retain the current bylaw. Bylaws that are due for review are automatically revoked once two years have passed from the review date.

- 4.2 Council determined in the November Council meeting that the Bylaw should now be reviewed and aligned with any requirements for the new kerbside contract.
- 4.3 Elected members had the opportunity to review an initial draft at the workshops on 10 February and 24 February.
- 4.4 The following changes were proposed:
- Update definitions: define household waste, prohibited waste, and bin audits, addition of Plastic 5 to the list of accepted recycling.
  - Kerbside collection: waste should not have overfilled rubbish bags or recycling bins.
  - Offloading waste: include as per signage.
  - Green waste: only received at Te Kuiti Transfer Station.
  - Public litter bins: no disposing of motorhome/camping rubbish
  - Updates to event management: simplifying our approach that the event organisers are responsible
  - for managing waste during and after their event. If litter is left behind cost to remove and dispose of it would be charged back to the organisers. Council also expects event organisers to offer recycling receptacles.
- 4.5 The following themes were identified in the submission responses.

**Table 1 : Themes and Analysis**

Submission Points - Summary	Analysis Summary
<p>There needs to be a local point of collection for green waste in Mokau - Perhaps a skip bin at the transfer station.</p> <p>Otherwise the illegal dumping will continue on Aria Terrace and Surfies Track possibly causing land slips on coast and more erosion.</p>	<p>Awakino transfer station has limited space to accept green waste.</p> <p>It would be cost prohibitive to mulch and transport green waste from Awakino.</p>
<p>Please keep the Awakino transfer station in Awakino.</p> <p>This additional cost to ratepayers is unacceptable and unnecessary.</p>	<p>This topic will be deliberated during the May Council meeting when Council will consider all the feedback received through submissions as part of the decision-making process, alongside operational, financial, and community factors.</p>
<p>Maniapoto Environmental Management Plan (MEMP) principles have been reflected in this submission.</p> <p>Key concerns:</p> <p>The bylaw remains focused on waste management (collection, control, and disposal) rather than enabling a transition to systems that actively protect and restore mauri.</p> <p>The bylaw does not address waste displacement.</p> <p>The MEMP clearly states that Maniapoto must have influence over decisions affecting their taonga.</p> <p>Climate change is not explicitly integrated. The MEMP includes climate change as a core environmental domain and promotes precautionary, holistic, and long-term approaches to environmental management.</p>	<p>WDC solid waste by bylaw supports waste minimisation, and pollution control throughout the document by having standards on behaviours and enforcement mechanisms. For example, we enforce and educate our communities on recycling and ensuring the recycling is not contaminated.</p> <p>WDC has a resource recovery centre at Te Kuiti Transfer Station that diverts waste before it gets to landfill.</p> <p>WDC has established processes for protecting the environment as called for in the MEMP and Resource Management Act 1991.</p>

Submission Points - Summary	Analysis Summary
<p>Organic waste is not sufficiently prioritised.</p> <p>Licensing and operational provisions are not strongly aligned with kaitiakitanga outcomes. Equity and environmental justice are not adequately addressed.</p> <p>Conclusion:</p> <p>MEPM provides a clear framework for how environmental management should occur within the rohe. It emphasises that people and the environment are interconnected, that mauri must be protected and restored, and that Maniapoto must be active partners in decision-making.</p> <p>To give effect to this, the Solid Waste Bylaw must move beyond managing waste toward enabling systems that restore environmental health, uphold Te Tiriti, and build long-term resilience. We urge Council to align this bylaw with the MEMP and take a leadership role in advancing a zero-waste, regenerative future for the Waitomo District.</p>	<p>Through the new contract document for the waste services WDC has ensured maximum diversion of the waste streams from Landfill to an extent that is economically viable for the Council.</p> <p>WMMP and Solid Waste AMP also identifies many of the plans that compliments positive approaches towards waste minimisation, waste diversion and having resilient waste infrastructure promoting environmental and public health protection.</p> <p>The review and drafting of this bylaw has followed the legislated requirements under the Local Government Act 2002 inviting submissions which are considered before the final bylaw is adopted.</p>

- 4.6 A summary of submissions and analysis is presented below in Table 2 as an Appendix. The submissions have been circulated separately and form part of this business paper.

## 5 Analysis of Options

- 5.1 The following options are available to the Council with regard to the deliberation of the Draft Waitomo District Council Solid Waste Bylaw 2026.
- 5.2 **OPTION 1**
- 5.3 Council considers the submissions, deliberates and addresses the points raised by the submitters.
- 5.4 **OPTION 2**
- 5.5 Council does not receive submissions.
- 5.6 If Council does not receive and deliberate on the submissions, this poses a risk as there may be a perception that a genuine consultation process is not being followed. Also retaining the current Bylaw without amendments means the Bylaw would not reflect any updates and will cease to have effect two years after the date on which the Bylaw was required to be reviewed. Hence Option 2 is not a preferred option.

## 6 Considerations

- 6.1 **RISK**
- 6.2 The special consultative procedure in section 86 of the LGA is required to be used when Council makes Bylaws under the LGA. Section 86(2) of the LGA requires a Statement of Proposal for a Bylaw to include:
- A draft of the bylaw as proposed to be made;
  - The reasons for the proposal; and
  - A report on any relevant determinations by the local authority under section 155.
- 6.3 The Statement of Proposal complies with these requirements. A consultation period of one month for public submissions was allowed to meet the legislative requirement. Hence, the level of risk involved is low.

6.4 **CONSISTENCY WITH EXISTING PLANS AND POLICIES**

6.5 There are no inconsistencies with Council's direction, existing plans, and policies.

6.6 **SIGNIFICANCE AND COMMUNITY VIEWS**

6.7 The Council's Significance and Engagement Policy require the Council to assess the degree of significance of proposals and decisions, which informs the appropriate level of engagement.

6.8 The degree of significance was assessed to be of medium significance for the people of the district, which corresponds to the 'consult' level of engagement.

6.9 The public consultation was undertaken in accordance with the requirements of the LGA and its Significance and Engagement Policy.

<b>7 Attachments/Separate Enclosures</b>
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Attachment: Draft Waitomo District Solid Waste Bylaw 2026 (Doc # 951431)

Separate Enclosures: Submissions

Table 2 - Submission Points Analysis

Sub No.	Name and Organisation	Submission Points (summary)	Analysis
1	Rosemary MacInnes - Organisation - Ratepayer	There needs to be a local point of collection for green waste in Mokau - Perhaps a skip bin at the transfer station Otherwise the illegal dumping will continue on Aria Terrace and Surfies Track possibly causing land slips on coast and more erosion	Awakino transfer station has limited space to accept green waste. It would also be cost prohibitive to mulch and transport green waste from Awakino.
2	Rosemary MacInnes	Please keep the Awakino transfer station in Awakino. I do not support the moving of it to Mokau. This additional cost to ratepayers is unacceptable and unnecessary.	Options analysis was carried out based on the extra 8km travel for residents to drop off recycling and refuse.  All feedback received will be carefully considered as part of the decision-making process, alongside operational, financial, and community factors.
3	Jo Wrigley - Waikato Environment Centre t/as Go Eco	<p>Go Eco appreciates the opportunity to submit on the Draft Solid Waste Bylaw 2026. This submission builds on our previous feedback, including our April 2025 Annual Plan submission, and is explicitly informed by the Maniapoto Environmental Management Plan (MEMP).</p> <p>The MEMP is a direction-setting document that outlines the expectations of Maniapoto for environmental management, including the protection and restoration of mauri, the exercise of kaitiakitanga, and the intergenerational wellbeing of the environment and people as indivisible (p.12-13). These principles must be reflected in Council bylaws and decision-making.</p> <p><b>Key Concerns</b> The bylaw remains focused on waste management (collection, control, and disposal) rather than enabling a transition to systems that actively protect and restore mauri. The MEMP emphasises that environmental management must sustain ecosystems for future generations and recognise the inseparable relationship between people and the environment (p.12). The current bylaw does not reflect this holistic approach.</p> <p>The bylaw does not address waste displacement. Exporting waste outside the district contradicts the MEMP principle that all environments possess mauri and must be protected from degradation and</p>	<p>WDC solid waste bylaw supports waste minimisation, and pollution control throughout the document by having standards on behaviours and enforcement mechanisms. For example, we enforce and educate our communities on recycling and ensuring the recycling's are not contaminated.</p> <p>WDC has a resource recovery centre at Te Kuiti Transfer Station that diverts waste from landfill.</p> <p>WDC has established processes for protecting the environment</p>

Sub No.	Name and Organisation	Submission Points (summary)	Analysis
		<p>pollution, regardless of location (p.13). As noted in our previous submission, this shifts harm rather than resolving it.</p> <p>Transfer stations are framed primarily as infrastructure for waste aggregation and transport. This does not align with the MEMP's emphasis on restoring environmental health and adopting best practicable options and precautionary approaches to avoid further degradation (p.35–37).</p> <p>Te Tiriti o Waitangi obligations are not meaningfully operationalised. The MEMP clearly states that Maniapoto must have influence over decisions affecting their taonga and that co-governance and partnership are essential to environmental management (p.18–19). The bylaw does not currently reflect this expectation.</p> <p>Climate change is not explicitly integrated. The MEMP includes climate change as a core environmental domain and promotes precautionary, holistic, and long-term approaches to environmental management. The absence of climate considerations in the bylaw is inconsistent with this direction.</p> <p>Organic waste is not sufficiently prioritised. Given the MEMP's focus on restoring land, water, and ecosystems, the lack of strong provisions for organic diversion represents a missed opportunity to reduce pollution and regenerate soils. Licensing and operational provisions are not strongly aligned with kaitiakitanga outcomes.</p> <p>While zero waste is referenced, there are limited mechanisms to ensure that operators actively contribute to protecting environmental and cultural values.</p> <p>Equity and environmental justice are not adequately addressed. The MEMP highlights the cumulative impacts of environmental degradation and the disproportionate burden placed on Maniapoto through historical development (p.13). The bylaw does not currently address how such inequities will be avoided.</p> <p><b>Recommendations</b> Amend the purpose and scope of the bylaw to explicitly align with the Maniapoto Environmental Management Plan by prioritising the protection and restoration of mauri, intergenerational wellbeing, and the interconnected relationship between people and the environment.</p> <p>Embed a clear commitment to waste minimisation and zero waste systems, including reduction at source, reuse, repair, and local circular economies, consistent with kaitiakitanga and sustainable resource use.</p>	<p>as called for in the MEMP and Resource Management Act 1991.</p> <p>Through the new contract document for the waste services WDC has ensured maximum diversion of the waste streams from Landfill to an extent that is economically viable for the Council.</p> <p>WMMP and Solid Waste AMP also identifies many of the plans that compliments positive approaches towards waste minimisation, waste diversion and having resilient waste infrastructure promoting environmental and public health protection.</p> <p>The review and drafting of this bylaw has followed the legislated requirements under the Local Government Act 2002 inviting submissions which are considered before the final bylaw is adopted.</p>

Sub No.	Name and Organisation	Submission Points (summary)	Analysis
		<p>Include provisions that recognise the mauri of all environments and prevent the displacement of waste-related harm to other regions. Waste management decisions should reflect a whole-of-system responsibility, not just district-level outcomes.</p> <p>Strengthen the role of transfer stations by requiring them to function as resource recovery hubs that prioritise reuse, recycling, composting, and education. This aligns with the MEMP's emphasis on restoration, best practice, and environmental enhancement.</p> <p>Operationalise Te Tiriti o Waitangi by requiring genuine partnership with mana whenua in the design, governance, and implementation of waste systems. Integrate climate resilience into the bylaw by linking waste minimisation to emissions reduction, prioritising local solutions, and adopting precautionary approaches to avoid long-term environmental harm.</p> <p>Strengthen provisions for both green waste and food scrap diversion by enabling or requiring separation and supporting community-scale composting systems that return nutrients to the soil, contributing to ecosystem restoration in line with MEMP objectives.</p> <p>Enhance licensing requirements to ensure operators demonstrate alignment with kaitiakitanga, including measurable waste reduction outcomes, transparency of waste destinations, and contribution to local circular systems. To prevent systemic dependency on large-scale commercial entities, the Council will:</p> <ul style="list-style-type: none"> <li>● Prohibit "Take-or-Pay" Clauses: No contract or license shall include minimum volume guarantees that penalise the community for reducing waste.</li> <li>● Phased/Modular Contracting: Prefer shorter-term (3–5 year) or modular contracts that allow for the integration of emerging local enterprises and community-scale circular solutions.</li> <li>● Local Preference Scaling: Licensing fees and procurement weighting will favour operators who process waste within the region, minimising the carbon footprint and keeping economic value within the community.</li> </ul> <p>Strengthen event waste provisions to reflect zero waste expectations and minimise environmental impact. Including the availability of sorting infrastructure and support.</p> <p>In rural communities where alternative waste disposal or recycling options are limited or non-existent, the Council will prioritise supportive infrastructure and education over punitive measures. We recognise that enforcement without viable alternatives creates systemic inequity; therefore, investment in accessible community solutions must precede or accompany any new regulatory requirements.</p> <p>Incorporate equity considerations by ensuring that waste systems do not disproportionately impact Māori or other communities, and that all decisions reflect the MEMP's recognition of cumulative environmental effects and the need to restore balance.</p>	

Sub No.	Name and Organisation	Submission Points (summary)	Analysis
		<p><b>Conclusion</b></p> <p>The Maniapoto Environmental Management Plan provides a clear framework for how environmental management should occur within the rohe. It emphasises that people and the environment are interconnected, that mauri must be protected and restored, and that Maniapoto must be active partners in decision-making.</p> <p>To give effect to this, the Solid Waste Bylaw must move beyond managing waste toward enabling systems that restore environmental health, uphold Te Tiriti, and build long-term resilience. We urge Council to align this bylaw with the MEMP and take a leadership role in advancing a zero-waste, regenerative future for the Waitomo District.</p>	

# Waitomo District Council

**DRAFT**

## Solid Waste Bylaw ~~2009~~ **2026**

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~~Amended Bylaw Adopted 25 June 2014~~

~~Effective 1 August 2014~~

<b>First Adopted:</b>	1 December 2009
<b>Review History:</b>	March 2014, <b>March 2026</b>
<b>Date of Next Review:</b>	<b>March 2035</b>
<b>Responsibility:</b>	GM <del>Environment and Strategy</del> <b>Infrastructure Services</b>
<b>Adopted by:</b>	2026

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## INTRODUCTION | KUPU ARATAKI

This Bylaw controls activities relating to the collection and disposal of solid waste in the Waitomo District.

The initial resolution to create this Bylaw, was passed by the Waitomo District Council a....., prior to this ~~Council~~-WDC controlled solid waste collection through the Removal of Refuse bylaw. The Bylaw was extensively reviewed in line with legislation in 2009 and adopted by Council following the special consultative procedure, by a resolution at a meeting of the Council on 24 March 2009. This Bylaw came into force on 1 April 2009.

Other documents that should be referred to as relevant to this Bylaw include:

- Local Government Act 2002
- Waste Minimisation Act 2008
- Health Act 1956
- Litter Act 1979

## TITLE | TAITARA

This Bylaw is the Waitomo District Council Solid Waste Bylaw 2026.

## COMMENCEMENT | TĪMATA

- 2.1. This Bylaw will come into effect once adopted by Council with the commencement date being part of the Council resolution.

### Guidance note:

This Bylaw comes into force on [date 2026], by order of Council.

This Bylaw remains in force until [date 2036], unless reviewed or repealed earlier.

## PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

3.1. The purpose of this Bylaw is to ensure that solid waste is reduced, collected and disposed of in the interests of public health and in an efficient and cost-effective manner in the Waitomo District.

3.2. To achieve the purpose in clause 3.1, this Bylaw regulates: collection of waste and recyclables, waste disposal sites and transfer stations, public litter bins, waste management of events and licencing of waste collectors.

3.3. This Bylaw is made under the general authority given to it by the Local Government Act 2002, as well as other legislation which outlines some of the powers and requirements of the Council in regards to solid waste. These include:

Waste Minimisation Act 2008

Health Act 1956

Litter Act 1979

~~3.3.3.4.~~ The scope of this bylaw is to:

a) To ensure that household waste is reduced, collected and disposed of in the interests of public health and in an efficient and cost effective manner; and

b) To provide for the efficient collection and recovery of recyclable waste; and

c) To ensure ~~that the obstruction of streets and roads by waste for collection is minimised;~~ and safe collection and disposal of waste; and

d) To manage waste management facilities for the optimum disposal or recycling of waste.

~~3.4.3.5.~~ This bylaw is ~~was~~ made pursuant to the Waste Minimisation Act 2008 and the Local Government Act 2002.

## DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

4.1. In this Bylaw, unless the context otherwise requires, the following words have the meanings as specified:

<b>Approval Or Approved</b>	means Approval or Approved in writing by <del>Council</del> WDC, either by resolution of Council or by an Authorised Officer.
<b>Approved Container</b>	includes approved bins, approved pre-paid rubbish bags, and approved rubbish bags with prepaid tokens attached.
<b>Authorised Officer</b>	means any person appointed by <del>Council</del> WDC to act on its behalf and with its authority and includes an agent of <del>Council</del> WDC.
<b>Bin Audit</b>	is where an authorised officer will conduct waste inspections at the kerbside for the general waste and recyclables.
<b>Cleanfill Waste</b>	means any inert material that does not undergo any physical, chemical or biological transformation and will not cause adverse environmental effects or health effects once it is disposed of to ground.
<b>Collection Day</b>	means the day nominated by <del>Council</del> WDC for the collection of refuse and recyclables from the street <del>kerbside</del> .
<b>Council</b>	<del>means the Waitomo District Council</del> shall mean the elected members that form the governing body of the Waitomo District Council.
<b>District</b>	means the district of the Waitomo District Council.
<b>Fees And Charges Manual</b>	means the list of items, terms and prices for services associated with services as adopted and approved by Council.
<b>Footpath And Accessway</b>	have the respective meanings given to them by Section 315 of the Local Government Act 1974.
<b>Hazardous Waste</b>	means any waste that: <ul style="list-style-type: none"> <li>a) Contains substances defined in Section 2 of the Hazardous Substances and New Organisms Act 1996, which exceed the minimum degree of hazard specified by the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001, or</li> <li>b) Meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and the NZ standard 5433: 1999 – Transport of Dangerous Goods on land; or</li> </ul>

- c) Is publicly notified by ~~Council~~WDC from time to time by resolution publicly notified to be hazardous and to require special handling for the purpose of collection transportation or disposal.

<b>Household Waste</b>	means refuse consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, whiteware, appliances, commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.
<b>Infringement</b>	means an offence as specified by this bylaw under sections 243 and 259 of the Local Government Act 2002.
<b>Inorganic Household Collection</b>	means a kerbside collection of unwanted household items specifically allowed by Council resolution from time-to time.
<b>Landfill</b>	means land set aside by Council upon which the deposit and disposal of solid waste to ground can lawfully occur.
<b>Landfill Contractor</b>	means any person or company, employed by <del>Council</del> WDC, engaged in the operation, control or management of a landfill.
<b>Licensed Collector</b>	means any person that has been granted a licence by <del>Council</del> WDC to collect rubbish or recyclables from the street.
<b>Litter</b>	shall have the meaning as under the Litter Act 1979.
<b>Litter Bin</b>	means a refuse receptacle placed or installed by <del>Council</del> WDC on a street or other public place for public use to deposit litter so as to prevent littering.
<b>Long Term Plan (LTP<sup>tp</sup>)</b>	means the operative Long Term <del>Council</del> Community Plan adopted under section 93 of the Local Government Act 2002.
<b>Occupier</b>	means the occupier of any property, and in any case where any building, house, tenement or premises is or are unoccupied shall be deemed to include the owner of such building, house, tenement or premises.
<b>Person</b>	includes a corporation sole and also a body of persons, whether corporate or unincorporated.
<b>Premises</b>	means any land, house, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.
<b>Prohibited Waste</b>	means any explosive(s), liquid or viscous fluid, radioactive wastes (excluding domestic smoke detectors), used oil, lead acid battery and refrigerators and/or freezers that have not been professionally degassed, sharp objects or blades not sufficiently wrapped to prevent injury, and flammable materials including unemptied aerosol cans
<b>Public Place</b>	means every road, footpath and thoroughfare of a public nature or open to or used by the public as of right, reserve, park,

domain, walkway, walking track, beach, foreshore, river esplanade and recreational ground under the control of Council.

**Recyclables**

means tin cans, aluminium cans, steel cans, plastic products coded "1, 2 or 5", glass, paper, cardboard and such other items as may be publicly notified by the council as recyclable refuse from time to time.

**Recycle Bin**

means a Council-WDC approved bin or other container for the placement of recyclables only for collection.

**Road**

has the meaning given to it by the Land Transport (Road User) Rule 2004.

**Roadway**

has the meaning given to it by the Land Transport (Road User) Rule 2004.

**Sharp Healthcare Waste**

means any waste generated by healthcare services that is also sharp and includes a sharp home healthcare waste as defined by NZS 4304:2002 and specifically includes needles:

- a) The meaning of "sharp" shall be the same as included in NZS 4304:2002 under the definition of "sharps".

**Special Waste**

means any waste whether from a trade premise or any other source which is hazardous, toxic or by its nature requires special disposal because of environmental considerations or landfill operational requirements.

**Stormwater**

means surface water run-off resulting from precipitation.

**Street**

shall have the same meaning as **ROAD** herein.

**TCLP<sub>10</sub> Test**

means a 'Toxicity Characteristic Leaching Procedure' test that estimates the potential for both organic and inorganic constituents to leach from a non-liquid waste. The test results indicate the environmental acceptability of disposing the non-liquid to landfill.

**Trade Refuse**

means scrap, waste material, any sewerage or liquid, or rubbish resulting from the conduct of any factory, manufacture, process, trade, market or other industrial operation or undertaking.

**Transfer Station**

means a facility that receives material for possible segregation consolidation or compaction for bulk transport for resource recovery, treatment, or disposal facilities.

**Transfer Station Contractor**

means any person or company contracted to Council-WDC to operate, control or manage or assist in the control or management of a transfer station.

**Waitomo District Council (WDC)**

shall mean the organisation established to administer Council affairs, conduct operations, and bring effect to Council policy and strategies.

<b>Waitomo District Landfill</b>	means the facility in Te Kūiti designated for controlled disposal of solid waste.
<b>Waste</b>	means any solid, material or thing that is discarded, discharged or selected for disposal.
<b>Waste Collection Contractor</b>	means any person or company contracted or licensed by <del>Council</del> WDC for the purpose of the collection of refuse.
<b>Waste Disposal Site</b>	means any landfill or closed landfill operated by or for <del>Council</del> WDC for the disposal or temporary storage of refuse or any specified refuse. It includes those transfer stations owned by and operated for <del>Council</del> WDC.
<b>Residual Waste Or Solid Waste</b>	means <del>waste</del> refuse which is not suitable for composting or for recycling and which is not trade refuse.
<b>Working Day</b>	means any day of the week other than: <ul style="list-style-type: none"> <li>a. a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s birthday, Labour Day;</li> <li>b. a day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year;</li> <li>c. if 1 January falls on a Friday, the following Monday; and</li> <li>d. if 1 January falls on a Saturday, the following Monday and Tuesday.</li> </ul>

## 5. Collection Of Waste and Recyclables

### 5.1. Household Waste and Recyclables

- 5.2. Council may from time to time amend rules governing the collection of waste and/or recyclable waste by or for Council, including:
- a) The days and hours that an operated transfer station will be available for solid waste disposal and management.
  - b) The days that a collection is to take place.
- 5.3. Such rules shall be enforceable under this part.
- 5.4. Every owner or occupier of any premises shall ensure that no accumulation or collection of refuse, ~~except as is herein provided,~~ is permitted ~~or suffered to remain or be in~~ **accordance with this bylaw**, on or about ~~such their~~ premises. ~~or any portion thereof without Waitomo District Council consent~~
- 5.5. No person shall dispose of ~~household~~ refuse by burying it or burning it in such a manner as to cause a nuisance or in breach of any enactment.

## 5.6. Separation of Recyclables

- 5.7. No occupier of any premises shall cause or allow to be put out for collection from the street any recyclable materials unless the recyclables have been separated from the household waste and are contained in ~~an approved recycling~~ **separate** container. ~~., except that paper and cardboard need only be secured as a package.~~

## 5.8. Use of Collection Service

- 5.9. Where ~~Council~~ **WDC** makes provision for a waste collection service, users of that service must:

- a) Place approved refuse bags **and recycling bins** out before 8.00am on the morning of the collection. (Neither ~~Council~~ **WDC** nor any waste collection contractor or agent employed by ~~Council~~ **WDC** will accept responsibility for the non-collection of waste if it is not put out for collection by 8.00am on the day appointed for collection in the area concerned, or in the case of special circumstances, the time specified on the notification).
- b) Ensure that all waste is in a ~~Council~~ **WDC** approved rubbish bag.
- c) Ensure that the contents of any rubbish bag do not soak or escape there from so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter.
- d) Tie each bag securely closed so as to protect contents from the rain, dispersal by wind or ingress of flies and vermin.
- e) Must ensure that recyclables are **contained** in a **WDC approved** recycling ~~bag~~ **bin**.

- 5.10. No person shall place waste out for collection in a manner where:

- a) The rubbish bag is damaged or otherwise likely to cause injury to the collector; or
- b) In the opinion of ~~Council~~ **an authorised officer** or waste collection contractor, the waste is in an unsanitary or in an offensive condition; or
- c) The waste includes waste prohibited under this bylaw; or
- d) The bag is not an approved ~~Council~~ **WDC** rubbish bag; or
- e) The bag is in a condition that allows spillage of waste; or
- f) **The bag is overfilled or overweight (more than 15kgs); or**
- g) **The recycling bin is overfilled such that items are at risk of falling out; or**

~~e)h)~~ The bag or the waste does not comply with the rules under this part in terms of type; or

~~f)i)~~ Any other reason which the waste collector deems would cause a health and safety concern to the waste collection operation.

- 5.11. No person shall put their waste outside another person's property without the prior approval of an authorised officer.

## 5.12. Prohibition of Certain Materials

5.13. No person shall put out or cause or allow to be put out for collection, whether or not in an approved container:

- a) Any explosive, hot ashes, highly flammable material, sharp healthcare waste or any other matter or thing other than household or garden rubbish.
- b) Any liquid or other fluid.
- c) Any sharp material or thing unless such material or thing is wrapped so as to prevent injury to any person engaged in collection work.

#### 5.14. Trade Refuse

5.15. No person shall cause or permit any undue accumulation of trade refuse to be or remain in, upon or about any trade premises occupied by that person.

5.16. Household type waste placed out in an approved container will be collected by Council's waste collection contractor.

5.17. The occupier shall make ~~his/her~~their own arrangements either to remove any trade refuse from the premises for disposal, or ~~with the Council or~~ a private collection service to collect and dispose of any trade refuse from the premises.

5.18. Where in the opinion of ~~Waitomo District Council~~ an authorised officer an accumulation exists on any premises of trade refuse or salvaged material which is, or is likely to be, injurious to health, or offensive, or to harbour vermin, or is likely to create a fire hazard, ~~Waitomo District Council~~WDC may by notice in writing require its removal and disposal.

#### 5.19. ~~Obstruction of Footpath~~

5.20. No person shall place any receptacle for rubbish or recyclables, whether full or empty, on a footpath, ~~carriage way~~ ~~entranceway~~, roadway, cycleway or pedestrian way or at any location which would endanger the public and/or restrict visibility.

#### 5.21. ~~Non--Collection~~

5.22. When the waste collector does not remove any bag of waste or recyclables because of non-compliance with this bylaw they are required to place a "Rejected Notice" on the bag/~~bin~~ to inform the occupier why the waste has been rejected.

5.23. The occupier is responsible for any waste not collected because of non--compliance with this bylaw. Any waste or recyclables shall be removed back to the occupier's premises by evening of collection day and alternative arrangements for disposal shall be made by the occupier as soon as practicable.

#### 5.24. Responsibility for Litter-Free Collection

5.25. Except in the case of any litter resulting from an occupier's failure to comply with clause 5.8 and/or 5.12 above, the waste collector must ensure that all of the waste or recyclables put out for collection by that collector is collected and that no consequent litter remains once the relevant waste collection or recyclables collection has been completed.

#### 5.26. Inorganic Collection

5.27. No person shall place any household items such as white-ware, furniture or any other objects out for collection other than on a day determined by Council by special resolution and publicly notified.

#### **5.28. Interference with or Removal of Waste or Recyclable Materials**

5.29. The interference with or removal of waste or recyclables from any public place by anyone other than either the occupier or owner of the property from which the waste or recyclables were generated, or a person authorised by ~~Council~~WDC to remove such waste or recyclables, is prohibited.

## **6. Waste Disposal Sites and Transfer Stations**

### **6.1 General Provisions**

6.2 All persons entering any waste disposal site, transfer station or landfill shall observe and comply with all erected signs, or any instructions given by an authorised officer with regard to operational and safety matters relating to the site or the depositing of waste or recyclable waste therein.

6.3 No person shall at any waste disposal site or landfill site:

- a) Enter other than for the purpose of depositing waste and/or recyclables and only during such hours as the site is open.
- b) Dispose any special waste without the written consent of an authorised officer and in accordance with whatever conditions may be imposed in relation to the nature of the disposal required, or any charges that may be imposed.
- c) Tip, throw, or deposit any waste in any manner at any place on any waste disposal site which is not intended for that purpose.

6.4 An authorised officer may refuse to accept, at any waste disposal site any waste for which fees or charges have not been paid or which, in ~~his or her~~their opinion:

- a) May cause undue hazard to the health and safety of the public or to any operator of the site, or
- b) May damage the environment; or
- c) Cannot be adequately treated or handled by the normal methods used on that site.

6.5 No person shall remove any deposited waste, article or materials from any waste disposal site without the consent of an authorised officer, provided that this shall not apply to any person authorised by ~~Council~~WDC to remove articles or materials for recycling or reuse.

6.6 All waste, garden waste, recyclable waste unwanted articles or other things deposited and left at any waste disposal site shall be deemed to be the property of ~~Council~~WDC which may dispose of such materials by recycling or in such other manner as it sees fit.

6.7 The person so depositing and leaving such waste shall be deemed to have ~~—~~abandoned all claims to ownership thereof but shall not be relieved of any liability for damage flowing in any way from such action nor from the penalties provided for offences against this part.

6.8 No person shall take any animal on to any waste disposal site or allow any ~~—~~stock to wander or graze thereon without the prior consent of an authorised officer.

6.9 An authorised officer may require any person to leave any waste disposal site, with or without any waste brought by that person for disposal, who is on the site contravening the provisions of this part.

6.10 All waste to be transported by vehicle through, over or upon any road or public place, is to be sufficiently and adequately covered to prevent the waste from falling or otherwise escaping on to any road or other public place.

#### **6.11 ~~Council WDC~~ Te Kuiti Transfer Stations**

6.12 All persons using any transfer station facilities shall ensure that:

- a) All waste is separated into recyclable refuse and residual waste categories.
- b) All waste is off-loaded at the place and in the manner directed by the site operator, **or as directed by signage onsite.**
- c) All reasonable steps are taken to assist in the minimisation of waste.
- d) All reasonable steps are taken to protect the health and safety of ~~all of all those~~ persons on site including site staff.
- e) No prohibited waste is off-loaded.
- f) **Green waste is only accepted at Te Kuiti Transfer Station, no green waste is to be off loaded at any other WDC Transfer Station.**

6.13 No person shall deposit any special or hazardous waste in any place except at the hazardous waste facility at Waitomo District Landfill, and persons using the hazardous waste facility must before using the facility:

- a) Complete all Health and Safety documentation.
- b) Pay any applicable fee for the disposal of commercial quantities of hazardous waste.

6.14 No person shall:

- a) Deposit any general waste in any place, facility or container designated for the deposition of recyclables.
- b) Disregard any reasonable instruction of an authorised officer to separate recyclables from general waste and to deposit them as directed.
- c) Wrongly or unlawfully dispose of non-recyclable waste or hazardous waste ~~—~~through the recycling system.

#### **6.15 ~~Landfill~~ Te Kuiti Transfer Station**

6.16 The minimum opening hours for the ~~Council landfill~~ Te Kuiti Transfer Station shall be **approved by resolution** publicly notified.

6.17 The following types of general waste will be accepted at the ~~Council Waitomo District Landfill~~ Te Kūiti Transfer station:

- a) Municipal or domestic waste collected for disposal.
- b) End of life tyres.
- c) Non-hazardous commercial and industrial refuse acceptable for co-disposal with municipal or domestic waste.
- d) Clean fill if authorised as acceptable material by an authorised officer.

**6.18** No person shall deposit any special waste, other than listed below, at the ~~Waitomo District Landfill~~ Te Kūiti Transfer station:

- a) Asbestos (acceptable only if provided in accordance with the Asbestos Regulations 1998); or
- b) Small quantities of solids and liquid waste suitable for co-disposal with municipal refuse; or
- c) Hydrocarbon contaminated material; or
- d) Non-hazardous liquid waste and waste from commercial grease interceptors which cannot be disposed of at the Te Kūiti ~~Waste Water~~ Wastewater Treatment Plant; or
- e) Non-hazardous commercial and industrial refuse; or
- f) Screenings from approved waste-water treatment plants; or
- g) Small quantities of waste products containing potentially hazardous materials that is not likely to have adverse effects when contained within the residential refuse collection; or
- h) Landfill leachate; or
- i) Other such waste which when tested by a TCLP test shows that the leachate concentrations will not affect the ~~landfill's~~ Waitomo District Landfill trade waste consent conditions.

~~6.18~~**6.19** No person shall dispose of special waste without first having obtained the written permission of ~~Council~~ WDC and unless all relevant documentation has been completed and submitted to the weighbridge operator.

~~6.19~~**6.20** Prohibited wastes shall not be accepted ~~at any landfill~~.

~~6.20~~**6.21** **Out of District Waste**

~~6.21~~**6.22** Except ~~of~~ with the prior permission of the ~~Council~~ WDC, no person shall be allowed entry to any waste management and minimisation facility who has brought into the District commercial waste or recyclables for the purpose of depositing such waste or recyclables, whether in its original or some other form.

**7. Public Litter Bins**

7.1 No person shall interfere with, or remove any litter bin erected or placed on any road or other public place for the depositing of litter by the general public, or the contents thereof other than an employee or agent of the person or organisation responsible for the emptying, cleansing or repair of that receptacle.

- 7.2 No unauthorised person shall remove, relocate, damage, deface, write or place any sign or in any way interfere with any litter bin being the property of Council/WDC.
- 7.3 No person shall dispose of household, motorhome/camping, or commercial waste into any street litter bin.

## 8. Waste Management for Events

- 8.1 Event organisers are responsible for the management and removal of all waste generated at their event.
- 8.2 The organiser of a special event held in a Public Place shall at the time of making application to Council/WDC for consent to the use of the Public Place provide, to the satisfaction of Council/WDC, a Waste Management Plan produced for the special event.
- 8.3 Event organisers are encouraged to promote recycling by providing necessary provisions for recycling during the event.
- 8.4 Should waste not be removed following an event, WDC will recover all reasonable costs incurred for its removal from the event organisers.
- ~~1.1. The organiser of a special event held in a Public Place shall at the time of making application to Council for consent to the use of the Public Place provide, to the satisfaction of Council, a Waste Management Plan produced for the special event.~~
- ~~1.2. The Waste Management Plan shall identify:~~
- ~~a) An estimate of the types and volumes of waste to be generated by the event;~~
  - ~~b) Any opportunities for waste minimisation;~~
  - ~~c) The steps to be taken to maximise the use and collection of recyclables or re-useable materials;~~
  - ~~d) The waste and recyclables collection, storage and transportation equipment to be provided;~~
  - ~~e) The method of and person responsible for the collection and disposal of waste generated by the event;~~
  - ~~f) The arrangements made for the provision of post event waste analysis and reporting of that information to Council.~~

## 9. Licensing Of Waste Collectors

- 9.1 Obligation to Obtain Licence
- 9.2 All waste collectors operating or intending to operate within the District must ~~within six months from the date that this Bylaw becomes operational~~ obtain a licence from Council/WDC to do so.
- 9.3 Application for Licence**
- 9.4 Applications for licences, permissions or approvals under this part of bylaw must be made in the prescribed form as determined by Council/WDC from time to time and be accompanied by

any application or processing fee and such further supporting information as Council-WDC requests.

- 9.5 No application made under Section 5.4 and no payment of or receipt for any fee paid in connection with such an application, shall confer any right, authority or immunity on the person making the application.

## 9.6 Granting of Licence

- 9.7 Licences, permissions or approvals shall be granted at the discretion of the CouncilWDC, and may be subject to such terms and conditions as Council-WDC thinks-sees fit.

- 9.8 In considering whether to grant a licence to any person to carry on a trade or business that involves the collection of any waste or recyclables from the street, CouncilWDC may take into account any matters bearing on the suitability of the applicant to hold the licence and the need for and suitability of the collection including but not limited to the following matters:

- a. The extent to which the licensed activities will promote public health and safety and achievement of Council's-WDC's waste management and minimisation plan-and-zero-waste philosophy;
- b. The type of waste or recyclables proposed to be collected;
- c. The type and specification of vehicles, equipment and containers proposed to be used for the collection services;
- d. The frequency and location of the proposed services;
- e. The proposed manner of treatment (if any) and disposal of the waste and recyclables.
- f. The applicant's experience, reputation and track record in the waste industry;
- g. The applicant's financial position;
- h. The terms of any contracts or proposed contracts between the applicant and the occupiers of premises, and in particular contractual provisions relating to:
  - i. Waste minimisation;
  - ii. Containers not obstructing footpaths, carriagewaysentranceways, roadways, cycleways or pedestrian ways or otherwise causing an obstruction that would endanger the public.

- 9.9 The terms and conditions upon which a licence to carry on a trade or business that involves the collection of any waste or recyclables from the street may be granted will include but are not limited to the following matters:
- a. The term of the licence;
  - b. The licence fee;
  - c. The provision to Council-WDC of a works performance bond or security for the performance of the work licensed, of an amount determined by Council-WDC from time to time;
  - d. Compliance with any relevant Council-WDC standards and policies for the collection, transportation and/or disposal of refuse or recyclables;

- e. Provision of services on the days and times and at the locations, specified in the licence;
- f. The identification and display by the collector of a telephone number free of charge to callers from the District;
- g. The holding of public liability insurance acceptable to Council-WDC;
- h. Provision to Council-WDC of information as specified by Council-WDC from time to time relating to:
  - (i) The quantities and types of waste and recyclables collected; and
  - (ii) The source and destination of the waste and recyclables collected.

### 9.10 Suspending ~~or~~ Revoking, or Waiving Licences

9.11 Council-WDC may revoke or suspend a licence granted under this bylaw if it reasonably believes the licence holder:

- a. Has acted or is acting or is proposing to act in breach of the licence; or
- b. Is unfit in any way to hold or retain such a licence.

9.12 Council-WDC may require the licence holder to attend a hearing to explain why the licence should not be revoked or suspended. Council-WDC may revoke or suspend the licence at its discretion, if either;

- a. The licence holder does not attend the hearing; or
- b. If after the hearing the Council-WDC is satisfied that either of the grounds in clause existed beyond a reasonable doubt.

9.13 Council-WDC may suspend any licence granted under this bylaw for a period not exceeding 72 hours during the staging of any special event, by giving the licence holder 15 days' notice in writing. Council-WDC may suspend any such licence for the purposes of protecting the public from nuisance or for protecting, promoting or maintaining public health and safety.

~~9.13~~ 9.14 WDC may waive the requirement for a licence if satisfied terms and conditions under 5.9 are met by way of a signed contractual agreement.

## 10. Administration of Bylaw

### 10.1 Offences

10.2 No person shall do anything or cause any condition to exist for which a licence or approval from Council-WDC is required under this bylaw without first obtaining that licence or approval and the failure to do so shall constitute a breach of this bylaw.

10.3 No application for a licence or authority from Council-WDC and no payment of or receipt for any fee paid in connection with such application, licence or authority, shall confer any right, authority or immunity on the person making such application or payment.

10.4 ~~Everyone~~ Any person commits an offence against this Bylaw who:

- (a) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this bylaw; or

- (b) Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done at the time and in the manner therein provided; or
  - (c) Does not refrain from doing anything which under this bylaw ~~he or she~~ ~~they~~ ~~is~~ ~~are~~ required to refrain from doing; or
  - (d) Permits or suffers any condition of things to exist contrary to any provision contained in this bylaw; or
  - (e) Refuses or neglects to comply with any notice duly given under this bylaw; or
  - (f) Obstructs or hinders any ~~officer of Council~~ ~~authorised officer~~ in the performance of any duty to be discharged by such officer under or in the exercise of any power, conferred by this bylaw: or
  - (g) Fails to comply with or acts in contravention of any provision of this bylaw or any direction given in this bylaw; or
  - (h) Breaches the conditions of any consent to discharge granted pursuant to this bylaw.
- 10.5 In all cases ~~Council~~ ~~WDC~~ may recover costs associated with damage to any ~~Council~~ ~~WDC~~ property and/or breach of this bylaw in accordance with Sections 175 and 176 of the Local Government Act 2002 respectively.

#### 10.6 Penalties

- 10.7 Every person convicted of an offence against this bylaw shall be liable to the penalties as set out in Section 242 (4) of the Local Government Act 2002 and further if the offence is one to which Section 243 of the Local Government Act 2002 applies (and is therefore an infringement offence) shall be liable to infringement fees as prescribed by Regulations made under Section 259 ~~(b)~~ of the Local Government Act 2002, or where any person is alleged to have committed an offence against this bylaw; be proceeded against pursuant to any other enactment so empowering Council.
- 10.8 The continued existence of any building, land, premises or thing in such a state or form as to be in contravention of any provision of this bylaw, shall be deemed to be a continuing offence under this bylaw.

#### 10.9 Exemptions

- 10.10 Where in the opinion of ~~Council~~ ~~WDC~~ full compliance with any of the provisions of this bylaw would needlessly or injuriously affect any person, or the course or operation of the business of, or bring loss or inconvenience to any person without any corresponding benefit to the community, ~~Council~~ ~~WDC~~ may, on the special application of that person, dispense with the full compliance with the provisions of the bylaw; provided that any other terms and conditions (if any) that ~~Council~~ ~~WDC~~ may deem fit to impose shall be complied with by that person.

### 11. Fees

#### 11.1 General

- 11.2 The fees for the use of ~~Council~~ ~~WDC~~ solid waste disposal facilities, the collection of waste, and any other matter described in this bylaw shall be as set out in ~~Council~~ ~~WDC~~'s Fees and Charges ~~Manual~~ ~~Schedule~~ and/or calculated in terms of formulae approved by ~~Council~~ ~~WDC~~ from time to time.

Note: Section 46 of the Waste Minimisation Act 2008 authorises ~~Council~~ ~~WDC~~ to structure its Solid Waste fees and charges without reference to its actual costs to act as incentive or disincentive to promote the objectives of the Solid Waste Management and Minimisation Plan.

#### 11.3 Recovery of Costs

11.4 ~~Council~~WDC may recover costs under Local Government Act 2002 relating to wilful damage or negligent behaviour (section 175) and remedying damage arising from any breach of this bylaw (section 176).

**Common Seal of Waitomo District Council:**

The Common Seal of the Waitomo District Council  
was hereto affixed in the presence of:

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Mayor

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Chief Executive