

# **Waitomo District Council**

## **Solid Waste Bylaw 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 resolution to create this Bylaw, was passed by the Waitomo District Council at an ordinary meeting of the Council held on Tuesday 25 November 2025. This Bylaw was adopted by Council following the special consultative procedure, by a resolution at a meeting of the Council on Tuesday 30 June 2026.

Prior to this WDC controlled solid waste collection through the Removal of Refuse Bylaw. The Solid Waste 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 3 November 2009. Minor amendments were made when reviewed in 2014.

This Bylaw will come into force on 1 July 2026.

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

## 1 TITLE | TAITARA

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

## 2 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 1 July 2026], by order of Council.

This Bylaw remains in force until [date 1 July 2033], unless reviewed or repealed earlier.

## 3 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 regard to solid waste. These include:

- Waste Minimisation Act 2008
- Health Act 1956
- Litter Act 1979

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 safe collection and disposal of waste; and
- d) To manage waste management facilities for the optimum disposal or recycling of waste.

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

## 4 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 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 WDC to act on its behalf and with its authority and includes an agent of 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 WDC for the collection of refuse and recyclables from the street kerbside.
<b>Council</b>	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><li>c) Is publicly notified by 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.</li></ul>

<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 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 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 WDC on a street or other public place for public use to deposit litter so as to prevent littering.
<b>Long Term Plan (LTP)</b>	means the operative Long Term 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.

<b>Recyclables</b>	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.
<b>Recycle Bin</b>	means a WDC approved bin or other container for the placement of recyclables only for collection.
<b>Road</b>	has the meaning given to it by the Land Transport (Road User) Rule 2004.
<b>Roadway</b>	has the meaning given to it by the Land Transport (Road User) Rule 2004.
<b>Sharp Healthcare Waste</b>	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: <ul style="list-style-type: none"> <li>a) The meaning of "sharp" shall be the same as included in NZS 4304:2002 under the definition of "sharps".</li> </ul>
<b>Special Waste</b>	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.
<b>Stormwater</b>	means surface water run-off resulting from precipitation.
<b>Street</b>	shall have the same meaning as <b>ROAD</b> herein.
<b>TCLP Test</b>	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.
<b>Trade Refuse</b>	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.
<b>Transfer Station</b>	means a facility that receives material for possible segregation consolidation or compaction for bulk transport for resource recovery, treatment, or disposal facilities.
<b>Transfer Station Contractor</b>	means any person or company contracted to WDC to operate, control or manage or assist in the control or management of a transfer station.
<b>Waitomo District Council (WDC)</b>	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 WDC for the purpose of the collection of refuse.
<b>Waste Disposal Site</b>	means any landfill or closed landfill operated by or for WDC for the disposal or temporary storage of refuse or any specified refuse. It includes those transfer stations owned by and operated for WDC.
<b>Residual Waste Or Solid Waste</b>	means 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, is permitted except in accordance with this bylaw, on or about their premises.

5.5 No person shall dispose of 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 container.

### **5.8 Use of Collection Service**

5.9 Where 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 WDC nor any waste collection contractor or agent employed by 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 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 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 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 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

- h) The bag or the waste does not comply with the rules under this part in terms of type; or
- 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 their own arrangements either to remove any trade refuse from the premises for disposal, or a private collection service to collect and dispose of any trade refuse from the premises.

5.18 Where in the opinion of 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, WDC may by notice in writing require its removal and disposal.

#### **5.19 Obstruction**

5.20 No person shall place any receptacle for rubbish or recyclables, whether full or empty, on a footpath, 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 whiteware, 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 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 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 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 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 Te Kuiti Transfer Station**

- 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 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 Te Kuiti Transfer Station, 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 Te Kuiti Transfer Station**

- 6.16 The minimum opening hours for the Te Kuiti Transfer Station shall be publicly notified.
- 6.17 The following types of general waste will be accepted at the 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 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 Kuiti Wastewater Treatment Plant; or
  - e) Non-hazardous commercial and industrial refuse; or
  - f) Screenings from approved wastewater 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 Waitomo District Landfill trade waste consent conditions.
- 6.19 No person shall dispose of special waste without first having obtained the written permission of WDC and unless all relevant documentation has been completed and submitted to the weighbridge operator.
- 6.20 Prohibited wastes shall not be accepted.

### **6.21 Out of District Waste**

- 6.22 Except with the prior permission of the 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 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 WDC for consent to the use of the Public Place provide, to the satisfaction of 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.

## 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 obtain a licence from 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 WDC from time to time and be accompanied by any application or processing fee and such further supporting information as 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 WDC, and may be subject to such terms and conditions as WDC 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, WDC 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 WDC's waste management and minimisation plan;
  - 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, entranceways, 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 WDC of a works performance bond or security for the performance of the work licensed, of an amount determined by WDC from time to time;
- d) Compliance with any relevant 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 WDC;
- h) Provision to WDC of information as specified by 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 Revoking, or Waiving Licences**

9.11 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 WDC may require the licence holder to attend a hearing to explain why the licence should not be revoked or suspended. 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 WDC is satisfied that either of the grounds in clause existed beyond a reasonable doubt.

9.13 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. 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.

9.14 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 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 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 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 they 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 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 WDC may recover costs associated with damage to any 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 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 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, 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 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 WDC solid waste disposal facilities, the collection of waste, and any other matter described in this bylaw shall be as set out in WDC's Fees and Charges Schedule and/or calculated in terms of formulae approved by WDC from time to time.

Note: Section 46 of the Waste Minimisation Act 2008 authorises 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 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:



**John Robertson**  
Mayor

**Ben Smit**  
Chief Executive