



Draft
**WASTE
MANAGEMENT
AND MINIMISATION**
Bylaw

2025



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

www.napier.govt.nz

Contents

Napier City Council Draft Waste Management and Minimisation Bylaw 2025

Te Ture ā-rohe a Te Kaunihera o Ahuriri mō te Whakahaere me te Whakaiti Para 2025

1	Scope	page 1
2	Definitions and interpretation	page 2
3	Controls	page 4
4	Waste collection	page 5
5	Separation of waste	page 6
6	General responsibilities	page 6
7	Waste collectors and waste operators	page 6
8	Public Waste Bins	page 6
9	Enforcement	page 7

1 Scope

- 1.1** This bylaw is the Napier City Council Draft Waste Management and Minimisation Bylaw 2025/Te Ture ā-rohe a Te Kaunihera o Ahuriri mō te Whakahaere me te Whakaiti Para 2025.
- 1.2** This bylaw is made under the Waste Minimisation Act 2008.
- 1.3** This bylaw applies to Napier City.
- 1.4** The Napier City Council Solid Waste Bylaw 2012 was revoked on 1 July 2024 under section 58(3) of the WM Act applying section 160A of the LGA.
- 1.5** This bylaw comes into force on **XX XXXX** 2025.

Explanatory note: This bylaw should be read in conjunction with the Hastings District Council/ Napier City Council Joint Waste Management and Minimisation Plan/ Te Mahere Whakahaere me te Whakaiti Para and any relevant controls referred to in clause 3.

1.6 This bylaw does not apply to:

- Council when exercising its lawful compliance functions;
- Emergency services or civil defence personnel exercising their lawful functions in an emergency; or
- Any Person acting in compliance with a lawful direction of Council.

1.7 The purpose of this bylaw is to support:

- The implementation of the Hastings District Council/Napier City Council Joint Waste Management and Minimisation Plan;
- Achieve the purpose of the Waste Minimisation Act 2008 and the New Zealand Waste Strategy;
- Efficient and effective waste management and minimisation across Napier City and support safe practices through the regulation of the collection, transport, Recovery and disposal of Waste.

1.8 Compliance with bylaw

- a) No Person may deposit, collect, transport, sort, store, process or dispose of Waste other than in accordance with this bylaw;
- b) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, Regulations, bylaws and any relevant consents, permits or approvals.

2 Definitions and interpretation

2.1 In this bylaw unless the context otherwise requires:

Animal Remains means partial or whole animal carcasses or body parts excluding food scraps, manufactured goods and animal excretions.

Approved Receptacle means a container, bag or other receptacle approved by Council for the disposal of Waste, including for the collection of that Waste.

Commercial/Industrial Waste means any waste that results from a commercial enterprise and includes Waste generated by the carrying on of any business, manufacture, process, trade, market, or other undertaking including scrap, salvaged materials or other similar Waste.

Construction and Demolition Waste means any Waste generated from any building work (including construction, renovation, repair or demolition); and includes but is not limited to concrete, plasterboard, insulation, nails, wood, steel, brick, paper, roofing materials, wool/textiles, cardboard, metals, plastic or glass, as well as any Waste originating from site preparation, such as dredging materials, tree stumps, asphalt and rubble.

Explanatory note: For clarity and the avoidance of doubt, waste created during the manufacture of building products is not 'Construction and Demolition Waste' in terms of this bylaw.

Council Collection Point means any Council approved places, facilities or receptacle where Approved Receptacles may be left for collection or Waste may be deposited.

Event Waste means any Waste generated from any organised temporary activity of significant scale and/or occurring over multiple days that is likely to create Waste, including (but not limited to) an open-air market, parade, protest, festival, sports, concert or celebration.

Green Waste means lawn clippings, weeds, plants, soft vegetable matter or other Organic Waste, that by nature or condition and being free of any contaminants will naturally decompose into compost. This excludes any plant or vegetation classified as a pest plant by Hawke's Bay Regional Council (HBRC), such as moth plant.

Hazardous Waste means any waste that:

- 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 2000; or
- 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
- c) or is publicly notified by the Council from time to time to be hazardous and to require special handling for the purposes of collection, transportation, Recovery or disposal.

Household/Domestic Waste means any Waste originating from any household or from the cafeteria, lunchroom or canteen of any commercial enterprise. To avoid doubt this includes Recyclable Material, Green Waste or Organic Waste.

Licence means a licence, consent, permit or approval to do something under this bylaw and includes any conditions to which the licence is subject.

Medical Waste means waste generated by healthcare facilities that poses a risk of infection or is hazardous, including items like needles, syringes, blood-soaked materials, and certain pharmaceuticals.

Explanatory note: *the Management of Healthcare Waste Standard (NZS 4304:2002) outlines types*

of medical waste. In the context of this bylaw, hazardous and controlled healthcare waste are medical waste.

Multi-Unit Development means a multiple tenancy property comprising of 10 or more separately occupied residential units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership. This includes a unit title development, a mixed-use premises with business activities, and any development with controlled or restricted access, such as a gated community.

Occupier in relation to any land or premises, means any lessee, licensee, or other occupant of the land, and includes the Owner or the agent of the owner where there is no apparent occupier.

Organic Waste means food scraps including all parts of food discarded during food preparation (“food organics”) and vegetative materials discarded from gardening activities (“garden organics”), as provided for in the Standard.

Owner as applied to any Premises means any Person for the time being entitled to receive the rent for such Premises, or who would be so entitled if it were let to a tenant at a rack rent and, where any such Person is absent from New Zealand, includes their attorney or Agent.

Person means an individual, a corporation sole, a body corporate, and an unincorporated body.

Prohibited Waste means Waste containing any:

- a) Material capable of causing any injury to any person or animal unless that material is sufficiently contained to prevent injury;
- b) Material capable of causing damage to the Approved Receptacle or likely to shatter in the course of collection unless the material is sufficiently contained to prevent damage to the Approved Receptacle or to prevent injury;
- c) Material that may endanger any person, animal or vehicle that may come in to contact with it prior to, during or following collection, transportation, Recovery, or disposal;
- d) Liquid or viscous fluid (including but not limited to used oil and paints);

- e) Radioactive wastes but excluding domestic smoke detectors;
- f) Batteries, including but not limited to lithium and lead acid batteries;
- g) Hazardous Waste;
- h) Medical waste;
- i) Asbestos;
- j) Fluorescent lights or lightbulbs containing any mercury;
- k) Gas containers;
- l) Aerosol cans;
- m) Lead paint products;
- n) Other material prohibited by Council from time to time.

Public Place means a place that is open to or is being used by the public, whether free or on payment of a charge and whether any Owner or Occupier of the place is lawfully entitled to exclude or eject any person from it.

Public Waste Bins means an Approved Receptacle in a Public Place for the disposal of Waste and includes Approved Receptacles for different types of Waste for example Recyclable Material Organic Waste material or other Waste.

Recovery has the same meaning as in section 5 of the Waste Minimisation Act 2008.

- a) means extraction of materials or energy from waste or diverted material for further use or processing; and
- b) includes making waste or diverted material into compost.

Recyclable Material means the types of Waste that are able to be recycled and that may be specified by the Council from time to time under this bylaw.

Resource Recovery Facility means a premises

- a) At which material that has been disposed of or discarded is received, collected, sorted, stored, processed or any combination of these activities for the purpose of recovering components or elements for recycling or reuse;
- b) To avoid doubt, includes a commercial composting operation, recovery operation,

materials recovery facility, transfer station and recycling depot.

Special Collection Area means a Council defined area where there may be specific controls for the collection of Waste or Recyclable Material.

Standard means the Standard Materials for Kerbside Collections Notice 2023 (Notice No.1).

Waste Collector any person who collects or transports Waste as their primary business and includes commercial and non-commercial collectors and transporters of Waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport Waste for personal reasons (for example, a person taking household garden Waste to a refuse transfer station).

Waste has the same meaning as in section 5 of the Waste Minimisation Act 2008.

- a) Means anything disposed of or discarded; and
- b) Includes a type of waste that is defined by its composition or source (for example, Organic Waste, electronic waste, or Construction and Demolition Waste); and
- c) To avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.

Explanatory note: For clarity, the definition for Waste in the Public Places Bylaw is different to the definition in this bylaw. Waste in this bylaw has been defined using the Waste Minimisation Act 2008 definition.

Waste Management Facility means a premises

- a) At which material that has been disposed of or discarded is received, collected, sorted, stored, processed or any combination of these activities; and
- b) To avoid doubt, includes a landfill, cleanfill, managed fill, monofill or transfer station.

Waste Operator means a Person who owns, operates or manages a Waste Management Facility and/or Resource Recovery Facility.

2.2 Any undefined words, phrases or expressions used in this bylaw have the

same meanings as in the Waste Minimisation Act 2008 (including any regulations and rules made under that Act).

- 2.3** Part 2 of the Legislation Act 2019 applies to the interpretation of this bylaw.
- 2.4** Explanatory notes are not part of the bylaw, and the Council may add, amend or delete explanatory notes at any time without amending the bylaw.

Explanatory note: Explanatory notes are used to explain the intent of a clause in less formal language and/or to include additional helpful information.

3 Controls

- 3.1** In addition to the requirements of this bylaw, the Council may, by resolution publicly notified, make, amend or revoke controls or rules that provide for the following matters:
 - a) The type, size, number, construction of and maximum allowable limits of Waste allowed in an Approved Receptacle for the collection of Waste from a Public Place, Council Collection Point or Special Collection Area;
 - b) Collection times, conditions of use and any other operational matter relating to collection of an Approved Receptacle from a Public Place, Council Collection Point or a Special Collection Area;
 - c) The placing of an Approved Receptacle for collection;
 - d) The correct separation of Waste into an Approved Receptacle;
 - e) Types of Waste that are prohibited;
 - f) The effective management and minimisation of specific categories or types of Waste and diverted material, including but not limited to:
 - i. Construction and Demolition Waste;
 - ii. Organic Waste;
 - iii. Multi-Unit Development waste; and
 - iv. Event Waste;

- g) Conditions that, as applicable, can be included in any Licence for any Waste Collector or Waste Operator operating within the city, including, in addition to any of the above matters: the provision of information to the Council about the types of materials deposited, collected, transported, received, sorted, stored, processed, disposed of or any combination of these activities;
- h) The size, location, quantity and general management of Public Waste Bins allowed in Public Places.

3.2 Controls implemented by Council may:

- a) Regulate, control or prohibit any matter or thing generally, for any specified classes of case, or in a particular case;
- b) Apply to all Waste or any specified category or type of Waste;
- c) Apply to Napier City or to a specified part of it; and/or
- d) Apply at all times or at any specified time or period of time.

3.3 Any Person providing or using a waste collection service in or from a Public Place must comply with all controls made by the Council relating to that service.

4 Waste collection

4.1 Waste may not be placed in a Public Place, Council Collection Point or in a Special Collection Area for collection unless it is:

- a) Household/Domestic Waste;
- b) Organic Waste (including Green Waste);
- c) Recyclable Material;
- d) any other type of Waste determined by the Council as able to be placed for collection.

4.2 A person that disposes of or discards Waste in a Public Place, at a Council Collection Point or in a Special Collection Area for collection under clause 4.1, must:

- a) ensure that Waste is separated in accordance with clause 5 and deposited into the correct Approved Receptacle as determined by Council;
- b) take all reasonable steps to prevent any Waste from escaping any Approved Receptacle.
- c) ensure that any Approved Receptacle is not overfilled;
- d) take all reasonable steps to prevent any Approved Receptacle disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises;
- e) ensure that Approved Receptacles are placed for collection and retrieved in accordance with any applicable control specified by the Council under clause 3.

4.3 Council may declare by resolution that any road, Public Place or other land is a Special Collection Area.

4.4 Special Collection Areas shall be defined on a map and include information on any applicable control specified by the Council under clause 3.

4.5 A person must not:

- a) Cause, permit or allow the deposit of any Prohibited Waste into an Approved Receptacle;
- b) Cause, permit or allow the deposit of any material into an Approved Receptacle that is not approved for that type of Waste;
- c) Interfere with or remove any Waste material from an Approved Receptacle, except a Waste Collector, Authorised Officer, or with the consent of the Owner of the Approved Receptacle;
- d) Cause, permit or allow the deposit of any Waste in an Approved Receptacle provided to any other person, without that person's consent;
- e) Remove an Approved Receptacle from the premises to which it has been provided or from any other premises,

without the consent of Council (noting Council reserves the right to charge to replace any Approved Receptacle that are lost, stolen or damaged);

- f) Damage any Approved Receptacle;
- g) Obstruct or hinder a Waste Collector from lawfully collecting Waste from an Approved Receptacle.

5 Separation of waste

5.1 Waste, including Recyclable Material and Organic Waste must be separated in accordance with the Waste types set out in the Standard before being placed in Approved Receptacles for collection.

5.2 Only materials stated in the Standard are accepted in an Approved Receptacle for Recyclable Material or Organic Waste, unless otherwise specified by the Council by resolution.

Explanatory note: A copy of the Standard is available here [Materials for Kerbside Collections Notice 2023 (Notice No.1)]

6 General responsibilities

6.1 The Occupier of any premises is responsible for:

- a) Any Waste generated on that premises until it has been collected;
- b) Any Waste, generated from that premises, that has been placed on public property in an Approved Receptacle for collection, that is not collected;
- c) Ensuring that there is an adequate area on the premises for the safe storage of Approved Receptacles and that they are kept in a hygienic state.

7 Waste collectors and waste operators

7.1 Any Waste Collector who collects or transports Waste from a Public Place, Council Collection Point or Special Collection Area must:

- a) Make available to the Occupier of a premises one or more Approved Receptacle/s to enable separate collection of each of the Waste types required to be separately collected from the premises;
- b) Not collect or dispose of any Waste material which has not been separated in accordance with the requirements of this bylaw;
- c) Comply with all controls made by the Council relating to that collection.

7.2 The Council may require Waste Collectors and Waste Operators to apply for a Licence from the Council:

- a) in the form and manner required by Council; and
- b) including any information required by Council.

7.3 The Council may approve or refuse any application, taking into account the purpose of this bylaw and the Hastings District Council / Napier City Council Joint Waste Management and Minimisation Plan.

7.4 If approved, the Council may impose any conditions on the Licence provided for in any control made under clause 3 of this bylaw.

8 Public Waste Bins

8.1 A person must not:

- a) place any Household / Domestic Waste, Commercial / Industrial Waste, Organic Waste, Prohibited Waste or Hazardous Waste in any Public Waste Bin; or
- b) Dispose of any Animal Remains in a Public Waste Bin; or
- c) put or attempt to put any Waste into a Public Waste Bin if the bin is already full; or
- d) remove any Waste from a Public Waste Bin unless authorised by Council to do so; or
- e) attach any advertising material

(including but not limited to stickers and posters) to, or paint or vandalise any Public Waste Bin, unless authorised by Council to do so;

- f) Damage any Public Waste Bin provided by Council.

at the discretion of Council (or licensed Waste Operator where applicable).

Explanatory note: A Person committing a breach of this bylaw and/or any controls made under the bylaw may also commit an offence under the Litter Act 1979 and may be liable to a penalty under that Act.

9 Enforcement

- 9.1** A Person who fails to comply with this bylaw and/or any controls made under the bylaw commits a breach of this bylaw and is liable to a penalty under the Waste Minimisation Act 2008.

Explanatory note: Section 60 of the Waste Minimisation Act 2008 provides that: "Every Person commits an offence who breaches a bylaw made under section 56 and is liable on conviction to a fine not exceeding \$20,000."

- 9.2** Where a Person does not comply with the requirements of this bylaw and/or any controls made under the bylaw in relation to collection service that applies to them, the Council (or a Council contracted Waste Operator where applicable) may take any/all of the following action(s) against the Person:
- a) Reject (i.e. not collect) the contents of any Approved Receptacle left out by that Person for collection from a Public Place, if the contents or placement of the receptacle is non-compliant;
 - b) Issue written notices identifying the breach, requiring compliance with the bylaw and warning of the consequences of continued offending;
 - c) Remove the non-compliant contents in a receptacle (or remove the entire Approved Receptacle) with the Owner/ Occupier subject to payment of the costs of removal, administrative costs and an additional penalty specified by Council. If payment is not made within the specified period, the service may be withdrawn or suspended as below;
 - d) Withdraw or suspend the collection service provided to that Owner/Occupier. The suspension can be for a set period of time or indefinite, depending on the severity,