

# Collection and Transportation of Waste Bylaw 2014

The Wellington City Council hereby makes by way of special order the following bylaw pursuant to the Local Government Act 2002 and all other Acts or authorities enabling it on that behalf.

## 1. Title and commencement

1.1 This Bylaw may be cited as the 'Wellington Collection and Transportation of Waste Bylaw 2014'.

1.2 This Bylaw shall come into force on 6 November 2014 and shall apply throughout the district.

## 2. Purpose of bylaw

2.1 The general purposes of this Bylaw are:

- a. To regulate the collection and transportation of liquid and solid waste collected from:
  - o grease traps
  - o septic tanks
  - o trade waste premises that would require a consent under the Trade Waste Bylaw 2004 (or succeeding Bylaws) if the trade waste was discharged to the Council's waste water system
  - o pre-treatment works within the Wellington district.
- b. To regulate the transportation and discharge of liquid and solid waste from scheduled sources discharged in the Wellington district.
- c. To provide for the licensing of persons who collect and transport liquid and solid waste from scheduled sources in the Wellington district and / or discharge liquid and solid waste from scheduled sources at destinations within the Wellington district.

## 3. Interpretation

3.1 In this Bylaw

**Act** means the Local Government Act 2002 as amended from time to time.

**Authorised officer** means any person appointed by the Chief Executive Officer of the Wellington City Council for the purpose of administering and monitoring the regulation of this Bylaw.

**The Council** means the Wellington City Council.

**Destination** means the exact location at which the liquid or solid waste is discharged or dispatched from the vehicle that has collected and transported the liquid or solid waste.

**District** means the district of the Wellington City Council as it may be defined from time to time by or pursuant to the Act.

**Person** includes a corporation sole, and also a body of persons, whether corporate or unincorporate.

**Pre-treatment** means any processing of trade wastes by any processes, works, structures, equipment or machinery intended to vary the quality of trade wastes, or remove noxious matters from any trade wastes prior to their discharge into the sewage system.

**Pre-treatment works** means any processes, works, structures, equipment or machinery which varies the quality of trade waste or removes noxious matters from the trade waste prior to its discharge into the sewage system.

**Scheduled sources** means liquid or solid waste collected from:

- a. Grease traps
- b. Septic tanks
- c. Trade waste premises that would require a consent under the Trade Waste Bylaw 2004 if the trade waste was discharged into the Council's waste water system
- d. Pre-treatment works.

**Trade waste** has the same meaning as in the Act.

**Trade waste premises** has the same meaning as in the Act.

**Waste** has the same meaning as in the Act.

#### **4. Control of collection and transportation of liquid and solid waste**

**4.1** No person shall collect and transport liquid or solid waste from scheduled sources located within the district of Wellington, except in accordance with a licence granted pursuant to this Bylaw.

**4.2** No person shall discharge solid or liquid waste collected from scheduled sources at a destination within the district, except in accordance with a licence granted pursuant to this Bylaw.

## **5. Application for licences**

**5.1** Any person who wishes to collect and transport liquid waste collected from scheduled sources located within the Wellington district and / or discharge solid or liquid waste from scheduled sources at a destination within the Wellington district shall apply to the Council for a licence.

**5.2** An application to Council under clause 5.1 shall be accompanied by a licence fee, set in accordance with clause 12.

**5.3** Before making its decision under clause 6.0 the Council may:

- a. require the applicant to submit further information necessary to assess the application;
- b. require the applicant to specify the number of employees, contractors or other agents associated with the applicant and require a separate licence to be applied for and to be held by any of those parties individually.

**5.4** The Council must notify the applicant of its requirements under clause 5.3 within 10 working days of receipt of the application.

**5.5** Applications for licences shall be made in the form approved from time to time by the Council.

## **6. Granting licences**

**6.1** On receipt of an application for a licence under clause 5.1, the Council shall, within 20 working days of receiving the application or the information requested under clause 5.3 above (whichever is the later):

- a. grant the licence in accordance with the application;
- b. grant the licence with conditions;
- c. refuse the application and notify the applicant of the decision giving a statement of the reasons for refusal.

**6.2** In considering an application for a licence, and in imposing any conditions the Council shall take into consideration the following matters:

- a. Whether the applicant's methods of collection and transportation of liquid or solid waste from scheduled sources are acceptable and meet industry standards.
- b. Whether the applicant is aware of and utilises the destinations available in and outside the district for the discharge of liquid and meet industry standards.
- c. Whether the applicant's proposed methods of reporting on the collection, transportation and destination of liquid or solid waste meet the requirements of this Bylaw.
- d. Whether the applicant has previously collected and transported liquid or solid waste from scheduled sources in a manner authorised by Council.
- e. Whether the applicant has previously had a licence cancelled or suspended under clause 9.0 of the Bylaw.
- f. Such other matters that are relevant to giving effect to this Bylaw.

**6.3** Unless otherwise stated, each licence granted by Council under clause 6.2 shall include the following conditions:

- a. A copy of the licence granted by council must be carried in each vehicle operated by the applicant under the licence at all times.
- b. A copy of the licence must be produced on demand to any authorised officer.
- c. A licence is not transferable and does not authorise any other person, other than employees, contractors or agents specified in the licence or subsequently notified to the Council and approved under clause 6.3(e) to operate under the licence.
- d. The licence holder shall keep and supply documents to Council in accordance with the requirements of part 8.0 of this Bylaw.
- e. All licence holders must advise Council of any change to the employees, contractors or agents authorised to operate under the licence and the Council has the right to vary the licence to allow for the change or to require a new licence to be applied for.
- f. That the administration fee set pursuant to clause 12 of this Bylaw:
  - i. shall be paid annually; and
  - ii. in the first year shall be paid within 2 weeks of the licence being granted; and

- iii. in subsequent years shall be paid on the anniversary of the licence, or the renewal, provided that any such further administration fee payable under clause 12.4 is to be paid on demand.

## **7. Duration of licences**

**7.1** Every licence shall continue in force:

- a. for 1 year, commencing with date of the issue of the licence; or
- b. if an application for the renewal of the licence is made, until the application is determined.

**7.2** Clause 7.1(b) applies subject to:

- a. the required fee for a renewal being paid to Council; and
- b. clause 9.0 relating to the suspension and cancellation of licences.

**7.3** The holder of a licence may apply for the renewal of the licence.

**7.4** In considering an application for renewal and imposing any conditions on the renewal, the Council shall take into consideration the following matters:

- a. The matters listed in clause 6.0; and
- b. The manner in which the licensee has conducted itself under the licence.

**7.5** After considering an application for renewal of a licence, the Council shall:

- a. Renew the licence on the conditions presently attaching to it; or
- b. Review the licence on different conditions as the Council thinks fit; or
- c. Refuse the licence.

**7.6** On renewing the licence, the Council shall specify a date (being no later than 3 years after the date on which the renewal takes effect) on which the licence shall expire unless it is again renewed under this clause.

## **8. Supply of documents**

**8.1** Each licensee or its agent shall keep a complete record of all liquid and solid waste collected and transported;

- a. from scheduled sources located in the district; and
- b. from scheduled sources discharged at destinations within the district.

**8.2** The records kept in accordance with clause 8.1 shall include for each vehicle operated under the licence:

- a. Identification of the location of each scheduled source within the Wellington district from which liquid or solid waste was collected, denoted by a unique number or system to allow compliance with clause 8.2(c).
- b. For each location identified under clause 8.2(a):
  - i. The time and date of collection.
  - ii. The volume collected.
  - iii. A description of the type of liquid or solid waste collected.
- c. For each discharge:
  - i. The time and date of discharge.
  - ii. The volume discharged.
  - iii. A description of the destination.
  - iv. A list of the unique numbers or other system adopted under clause 8.2(a) identifying the scheduled sources that made up the volume discharged.
- d. Identification of the operator or operators of the vehicle.

**8.3** At the request of an authorised officer, each licence holder must provide its records kept in accordance with clause 8.0 within 7 days of such a request.

**8.4** If following provision of records under clause 8.3, the Council seeks additional information, then the licence holder must provide that further information sought by Council within 7 days of the request being made.

**8.5** The records required under clause 8.0 shall be completed in a form approved by Council and shall be stored by the licensee or its agent for 3 years.

## **9. Cancellation and suspension of licences**

**9.1** Council may cancel or suspend any licence granted under clause 6.1 or clause 7.5 of this Bylaw in the following circumstances:

- a. If a licence holder breaches any term of their licence.
- b. If a licence holder discharges liquid or solid waste to the Council's waste water system without authorisation of the Council.
- c. If the licence holder is convicted of any offence under this Bylaw or in relation to any other activities associated with the collection, transportation and discharge of liquid or solid waste.

d. If, in the opinion of Council, a licence holder is unfit to hold such a licence.

**9.2** If a licence holder is cancelled or suspended under clause 9.0 then the licence holder shall surrender their licence to Council.

## **10. Right of objection**

**10.1** A licence holder may object to Council's decision under clause 9.1 to suspend or cancel a licence, by lodging an objection within 14 days of the receipt of Council's decision.

**10.2** Any such objection must be in writing and set out the relevant factors which the applicant wishes Council to take into account reconsidering the application.

## **11. Offences**

**11.1** Every person commits an offence who:

- a. Collects, transports or discharges liquid or solid waste without a licence in breach of clause 4.1 or 4.2 of this Bylaw.
- b. Fails to carry a licence and/or produce it on demand of an Authorised Officer in accordance with clause 6.3(b) of this Bylaw.
- c. Fails to supply information requested by Council under clause 8.0 of this Bylaw.
- d. Fails to comply with the conditions of a licence granted under this Bylaw.

## **12. Application (including renewal) and administration fees**

**12.1** The Council may from time to time by resolution publicly notified, fix the following fees:

- a. Application fees.
- b. Renewal fees.
- c. Annual administration fees.

**12.2** The amount of any application or renewal fee shall not exceed the reasonable cost of processing applications for licences and applications for renewal of licences.

**12.3** The amount of any administration fee shall not exceed the reasonable cost of administering a licence under this Bylaw, including the cost of conducting such investigations as are necessary to monitor the compliance by the licence holder with the licence held.

**12.4** Where a fee fixed in accordance with 12.1 is, in any particular case, inadequate to enable the Council to recover its actual and reasonable costs in respect of the

licence concerned, the Council may require the holder of the licence liable to pay the fee, to also pay an additional fee to Council.

This Bylaw was made by the Wellington City Council at a meeting on 5 November 2014.