



SOLID WASTE BYLAW

2008

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Effective from 1 December 2008

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1.0 TITLE

This bylaw shall be called "The South Waikato District Solid Waste Bylaw 2008"

2.0 COMMENCEMENT

This bylaw shall come into effect on the ("insert date").

3.0 PURPOSE

The purpose of The South Waikato District Solid Waste Bylaw is to set guidelines for collection and disposal of refuse in an efficient and cost-effective manner, serving the interests of public health, enhancing the amenity of the residential and business environment and protecting the natural environment while at the same time ensuring that any impact on any public place in the district is kept to a minimum. General issues relating to recycling, ownership of the waste stream, refuse storage, waste management and minimisation are also covered by this Bylaw.

This bylaw seeks to:

- Promote the Council Waste Strategy and New Zealand Waste Strategy
- Ensure efficient and effective Waste management in accordance with legislative requirements
- Impose performance standards for the benefit of the public

4.0 LEGISLATIVE OVERVIEW

This Bylaw is made pursuant to sections 145(b) and 146(a)(iv) of the Local Government Act 2002 and section 12 of the Litter Act 1979.

5.0 INTERPRETATION AND DEFINITIONS

For the purposes of this Bylaw the following definitions shall apply:

COUNCIL means The South Waikato District Council or any successor territorial local authority under the Local Government Act 2002.

HOUSEHOLD REFUSE means domestic household waste including: cold ashes, sweepings, dust, paper, bottles, bones and waste food, cans, cartons, or other food containers, or any other refuse arising or resulting from domestic housekeeping operations.

INORGANIC HOUSEHOLD COLLECTION means a kerbside collection of unwanted household items specifically allowed by a policy statement notified under clause 6 of this Bylaw.

LICENCE means a licence granted by the Council under this bylaw.



OFFICIAL REFUSE CONTAINER means any mobile bin, plastic bag or multi-wall paper bag or other container from time to time approved by the Council and collected by or on behalf of the Council.

PERSON includes any body corporate.

PUBLIC PLACE means any place that, at any material time, is under the control of Council and is open to or being used by the public, whether free or on payment of a charge; and includes any road whether or not under the control of Council. It also includes every reserve, park, domain, foreshore, and recreational grounds under the control of the Council.

RECYCLABLES means items which are specifically allowed by a policy statement notified under clause 6 of this Bylaw and for which arrangements have been made by or on behalf of the Council for collection or acceptance at any refuse disposal site for recycling or reuse.

RECYCLABLES CONTAINER means any container that enables the easy viewing of the contents

REFUSE means any solid material or thing that is discarded, discharged or selected for disposal.

REFUSE CONTAINER in relation to household refuse means any household refuse container approved by the Council from time to time, and all references to refuse containers in this Bylaw shall, where the context permits, include official refuse containers.

REFUSE CONTRACTOR means a person or persons whom the Council has authorised to collect refuse.

REFUSE DISPOSAL SITE means any landfill, transfer station or other land or facility operated by or for the Council for the disposal or temporary storage of refuse or any specified recyclable.


RESIDENTIAL FLAT means a self-contained residential unit, not necessarily separately rated.

SPECIAL WASTES means any wastes 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. Special Wastes include electronic waste and abandoned vehicles.

TRADE REFUSE means any scrap or waste material resulting from the carrying on of any business, manufacture, process, trade, market, or other commercial or industrial undertaking.

6.0 HOUSEHOLD REFUSE COLLECTION

The Council may, from time to time by resolution publicly notified, and set out in Schedule 1 of this Bylaw, make and amend a set of policy statements governing the collection of all types of refuse and recyclables by or for the Council, including the weights and contents of containers which will be collected, the placing of containers for such collection and such other matters as the Council considers relevant.



7.0 CONTAINERS TO BE KEPT CLEAN AND IN REPAIR

Where reusable containers are used, every occupier shall keep their refuse container as clean as practicable and shall maintain the same in good repair to the satisfaction of the Council.

8.0 CONTAINERS TO BE PLACED CONVENIENTLY FOR EMPTYING AND REMOVAL

- 8.1 Every occupier shall, on the day and not later than the time specified in Schedule 1 cause the refuse container to be securely fastened or closed to prevent spillage and placed for collection.
- 8.2 Refuse for collection shall be placed near the edge of the road carriageway in front of the property. The position shall be readily accessible for collection but shall not obstruct vehicle or foot traffic.
- 8.3 Every refuse container put out for collection by or on behalf of the Council shall be an official refuse container.
- 8.4 No person shall leave or place refuse arising from one property outside, or on, another property unless the location has been approved by the Council.

9.0 DEPOSIT OF CERTAIN MATERIALS PROHIBITED

No person shall deposit or cause or permit or allow to be deposited in any refuse container or at any refuse disposal site:

- a) Explosive, highly inflammable or infectious material or hot ashes;
- b) Liquids, acids, printer's ink, paint, or any other viscous fluid;
- c) Broken bottles, glass, glass articles, broken crockery, china or other such sharp articles or materials unless such sharp articles or materials are wrapped so as to prevent injury to persons engaged on collection or disposal work;
- d) Any matter, thing or refuse of any kind whatsoever, other than household refuse unless specifically allowed by a policy statement notified under clause 6 of this Bylaw.

10.0 ACCUMULATION AND STORAGE OF REFUSE

- 10.1 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, on or about such premises or any portion thereof without council consent.
- 10.2 Every refuse container, unless it is being emptied, cleansed, repaired or used for depositing refuse, shall be kept closed or covered at all times for the protection of the interior of the container and its contents from rain, flies or vermin.



- 10.3 Refuse shall not be packed tightly in rigid walled refuse containers, but shall be stored in such a manner that the whole of the contents of the container fall out easily and cleanly when the container is upended.
- 10.4 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
- 10.5 No person shall dispose of household refuse on any other property than the property on which the refuse was generated, except if the other property is a refuse disposal site

11.0 REMOVAL OF TRADE REFUSE

- 11.1 Where the Council has reached an agreement to remove trade refuse, such refuse will be removed or disposed of by the Council, only when the refuse is contained within an official container or other agreed manner.
- 11.2 Every owner or occupier of any premises shall ensure that there is no undue accumulation of trade refuse or salvaged material in, on, about or on any portion of such premises.
- 11.3 Any perishable or putrescible trade refuse shall be removed from the premises daily, except where stored in a container specifically allowed by a policy statement notified under clause 6 of this Bylaw and which does not cause a nuisance.
- 11.4 Where in the opinion of the Council an accumulation exists on any premises of trade refuse or salvaged materials which is or is likely to be injurious to health, or offensive, or to harbour vermin, or is likely to create a fire hazard, the Council may by notice in writing require its removal and disposal.

12.0 DISPOSAL OF REFUSE

The disposal of refuse on a refuse disposal site shall be subject to the conditions imposed by any consent or approval given to the Council under the Resource Management Act 1991 and other enactments and such conditions as the Council may from time to time by resolution publicly notified and set out in Schedule 2 of this Bylaw, impose and amend in respect of the hours of opening and closing, the nature of the refuse which may be disposed of therein, the position in any such place in which refuse may be placed, and any other matter which the Council may consider necessary or desirable to determine by such resolution.

13.0 RECYCLING

- 13.1 The Council may arrange for the collection of specified recyclables from the road carriageway in front of the property or from specified or agreed recycling stations.
- 13.2 The Council may supply to owners and occupiers or require the use of a specifically marked container or containers for the recyclables to be placed in.



- 13.3 No person shall interfere with or remove any recyclables or any container of recyclables that has been put out for collection or placed at a recycling station or other facility for collection by or for the Council, except in the course of collecting the same on behalf of the Council.
- 13.4 No person shall place or leave any materials other than the appropriate recyclable material in any recyclables container or at any recycling station.

14.0 RESTRICTIONS ON REFUSE COLLECTION OPERATIONS

- 14.1 No person shall engage in the collection of trade or household refuse or recyclables, where the materials awaiting collection are left outside the property from which they are to be collected, without the prior written consent of the Council and subject to such conditions as the Council may from time to time impose.
- 14.2 No person shall leave or place any refuse of any kind or any recyclables for collection in any public place unless such refuse or recyclables are in a suitable container or containers which are secured to prevent spillage and are placed in a position that does not obstruct or present a hazard to pedestrian or vehicular traffic or the flow of storm water.

15.0 OWNERSHIP OF WASTE STREAM


Except with the prior permission of the Council, no person other than the occupier of the property from which any refuse or recyclables have come, shall on any public place interfere with or remove any refuse or recyclables awaiting collection by a refuse contractor. The ownership of any refuse or recyclables placed for collection in a public place remains with the said occupier of the property until uplifted by the Council or a refuse contractor.

16.0 SPECIAL WASTE

No person shall place any special waste in a public place.

17.0 PUBLIC LITTER BINS

- 17.1 No person shall:
- a) Place any Household Refuse, Special Wastes, or Trade Refuse in any public Litter bin or public Recyclable Waste collection bin; or
 - b) Put or attempt to put any refuse or waste into a public Litter bin or Recyclable Waste collection bin if the bin is already full; or
 - c) Remove any Waste from a public Litter bin or Recyclable Waste collection bin unless authorised by Council to do so; or
 - d) Attach any advertising material (including, but not limited to, stickers and posters) to, or paint or vandalise any public Litter bin



or public Recyclable Waste collection bin, unless authorised by Council to do so.

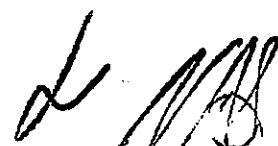
- 17.2 Any Occupier of premises required by Council to provide public Litter bins or recyclables containers in any Public Place in the vicinity of those Premises for the Deposit of Litter or Recyclables must maintain such Litter bins or recyclables containers to the Council's satisfaction. Maintenance includes:
- a) Ensuring the bins or containers are regularly emptied.
 - b) Ensuring bins or containers do not become full or overflow.
 - c) Thoroughly cleaning and sanitising the bins or containers.
 - d) Disposing of all Litter emptied from the bins.

18.0 REFUSE MANAGEMENT FOR EVENTS

- 18.1 The organiser of a special event held in or on a Public Place shall at the time of making application to Council for consent to the use of that Public Place provide, to the satisfaction of Council, a Refuse Management Plan produced for the special event.
- 18.2 The Refuse Management Plan shall identify:
- a) an estimate of the types and volumes of refuse to be generated by the event;
 - b) any opportunities for refuse minimisation;
 - c) the steps to be taken to maximise the use and collection of Recyclables or re-usable materials;
 - d) the refuse and Recyclables collection, storage and transportation equipment to be provided;
 - e) the method of and person responsible for the collection and disposal of refuse generated by the event;
 - f) the arrangements made for the provision of post-event refuse analysis and reporting of that information to the Council.

19.0 LICENSING OF REFUSE COLLECTORS

- 19.1 No person shall remove, collect, transport or dispose of more than 1 (one) tonne per week or 30 (thirty) tonnes per annum of Refuse within the district administered by the Council without a Licence from the Council to do so.
- 19.2 Applications for licences, permissions or approvals under this Bylaw must be made in the prescribed form as determined by the Council from time to time and be accompanied by any application or processing fee and such further supporting information as the Council requests.



- 19.3 No application made under Section 19.2 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.
- 19.4 Licences, permissions or approvals shall be granted at the discretion of the Council, and may be subject to such terms and conditions as the Council thinks fit.
- 19.5 In considering whether to grant a licence to any person to carry on a trade or business that involves the collection of any refuse or recyclables from the street, the Council 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 the Council's waste management plan;
 - b) The types of refuse or recyclables proposed to be collected;
 - c) The type and specification of vehicles, equipment and containers proposed to be used for the collection of refuse and recyclables;
 - d) The frequency and location of the proposed collections;
 - e) The proposed manner of treatment (if any) and disposal of the refuse 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, carriageways, cycleways or pedestrian ways or otherwise causing an obstruction that would endanger the public.
- 19.6 The terms and conditions upon which a licence to carry on a trade or business that involves the collection of any refuse 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 the Council of a works performance bond or security for the performance of the work licensed, of an amount publicly notified by the Council from time to time;



- d) Compliance with any relevant Council 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 holding of public liability insurance acceptable to the Council;
 - g) Provision to the Council of information as specified by the Council from time to time relating to:
 - i) The quantities and types of refuse and recyclables collected; and
 - ii) The source and destination of the refuse and recyclables collected.
- 19.7 The Council may revoke or suspend a licence granted under this Bylaw if it reasonably believes the licence holder:
- i) Has acted or is acting or is proposing to act in breach of the licence; or
 - ii) Is unfit in any way to hold or retain such a licence.
- 19.8 The Council may require the licence-holder to attend a hearing to explain why the licence should not be revoked or suspended. The Council may revoke or suspend the licence at its discretion, if either:
- i) The licence holder does not attend the hearing; or
 - ii) If after the hearing the Council is satisfied on reasonable grounds that either of the grounds in the previous clause is satisfied.
- 19.9 The Council 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. The Council may suspend any such licence for the purposes of protecting the public from nuisance or for protecting, promoting or maintaining public health and safety.

20.0 CONTROL OF REFUSE DISPOSAL SITES

- 20.1 All persons entering any refuse disposal site shall observe and comply with all signs or any instructions given by the Council or its contractor with regard to refuse disposal site operational and safety matters or the deposition of refuse or recyclables therein.
- 20.2 Any person driving a vehicle in a refuse disposal site shall obey all signs or notices concerning traffic movement and parking displayed in that refuse disposal site.



- 20.3 No vehicle shall be driven at a greater speed than indicated on any road within the refuse disposal site, and in any other direction other than indicated by traffic notices. In the absence of speed limit signs, no vehicle may be driven at a speed greater than 10 kilometres an hour in any refuse disposal site.
- 20.4 Every person driving or in charge of any vehicle in any refuse disposal site shall stop or move such vehicle as directed by the Council.
- 20.5 No person shall enter any refuse disposal site other than for the purposes of depositing refuse and/or recyclables and during such hours as the refuse disposal site is open, except with the approval of the Council.
- 20.6 No person shall dispose on any refuse disposal site any special waste without the express consent of the Council 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.
- 20.7 The Council may refuse to accept at any refuse disposal site any refuse for which any imposed charges have not been paid or which, in its opinion:
- a) May cause undue hazard to the health and safety of persons; or
 - b) May damage the environment; or
 - c) Cannot be adequately treated or handled by the normal methods used on that site.
- 20.8 No person shall remove any deposited refuse, article or materials from any refuse disposal site without the consent of the Council, providing that this shall not apply to any person authorised by the Council to remove articles or materials for recycling or reuse.
- 20.9 All refuse, garden waste, unwanted articles or other things deposited and left at any refuse disposal site shall be deemed to be the property of the Council which may dispose of such materials by recycling or in such other manner as it sees fit. The person so depositing and leaving such refuse, garden waste, unwanted articles or other things 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 Bylaw or any other enactment.
- 20.10 Except when secured to or confined completely within a vehicle, no person shall take any animal on to any refuse disposal site or allow any stock to wander or graze thereon without the prior consent of the Council.
- 20.11 No person shall light any fire on any refuse disposal site.
- 20.12 No person shall damage any fence, gate, building, plant or equipment, water supply, road, sign or tree, on any refuse disposal site.
- 20.13 The Council may require any person who is contravening the provisions of this Bylaw to leave any refuse disposal site, with or without any refuse brought by that person for disposal.



- 20.14 No person shall in any manner tip, throw, or deposit any refuse at any place on any refuse disposal site which is not designated for that purpose.

21.0 RECYCLABLES ON REFUSE DISPOSAL SITES

- 21.1 Any materials which are designated as recyclables brought to any refuse disposal site shall be deposited in such places and in such a manner as directed by the Council.
- 21.2 No person shall deposit any general refuse, special waste or trade refuse in any place or container designated for the deposition of recyclables.
- 21.3 Any person shall comply with a reasonable instruction of an authorised officer to separate recyclables from general refuse and to deposit them as directed.

22.0 REFUSE REMOVAL VEHICLE

No person for the time being in charge of or operating any refuse collection vehicle shall:

- a) Allow the vehicle to stand or park, in any public place for any period of time other than is necessary for the collection of refuse from any premises;
- b) Permit or allow the vehicle to be in an unclean or offensive condition;
- c) Neglect or omit to immediately collect refuse spilled from a refuse collection vehicle on any road or other place and redeposit it in the collection vehicle.
- d) Vehicles and attendants must comply with the COP for Temporary Traffic Management for Local Roads.

23.0 REFUSE TO BE COVERED DURING TRANSPORTATION

No refuse shall be transported by vehicle through, over or upon any road or public place unless such refuse is sufficiently and adequately covered to prevent the refuse from falling or otherwise escaping on to any road or other public place. Any refuse which escapes must be recovered by the driver or any other occupant of the vehicle.

24.0 FEES AND CHARGES

- 24.1 The Council may prescribe fees for this Bylaw in accordance with Section 150 of the Local Government Act 2002.

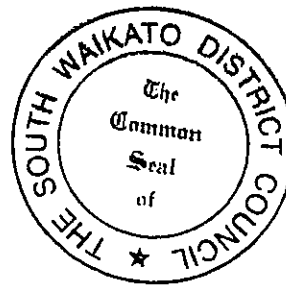


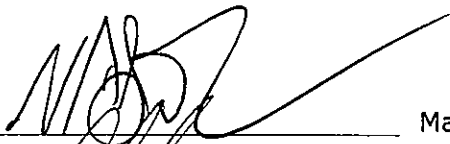
24.2 The Council may from time to time by resolution publicly notified and set out in Schedule 3 of this Bylaw, make and amend a system of charges and fees for the disposal of solid waste.


25.0 OFFENCES AND BREACHES

Every person who fails to comply with this Bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002, Part 3 (Purpose) of this Bylaw and the other enabling enactments contained in Part 4 of this Bylaw.

THE COMMON SEAL OF SOUTH)
WAIKATO DISTRICT COUNCIL was)
 hereto affixed pursuant to)
 resolution passed at a Meeting of)
 the South Waikato District Council)
 held on 26 November 2008.)







 22/12/08

Mayor

Chief Executive

Date

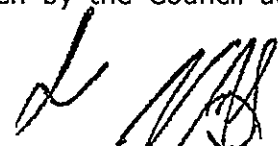
SCHEDULE 1 OF THE SOUTH WAIKATO DISTRICT SOLID WASTE BYLAW 2008 – POLICY NOTES

1. Household Refuse Collection

- 1.1 Each separately rated residential property, and each residential flat served by an authorised council refuse collection shall be entitled at each refuse collection, generally weekly, to the removal of refuse.
- 1.2 No person shall place for collection any official container of refuse, which has a gross weight exceeding 20 kilograms or a volume exceeding 60 litres.
- 1.3 All residential refuse shall be placed for collection not later than 7.30am on the collection day.
- 1.4 Refuse will not be collected on Statutory and Public Holidays when these fall on normal collection days.
- 1.5 When Statutory and Public holidays fall on a normal collection day the alternative arrangement for collection will be advised by advertisement in the local newspaper or by delivery of a circular to all collection addresses.

2. Inorganic Refuse Collection

- 2.1 Inorganic refuse includes the following, with no item to exceed 80kg:
 - Furniture (Chairs, Tables, Cabinets, etc);
 - Computer, TV's,
 - Carpet;
 - Metal items from household renovations only; (Corrugated iron, pipes, etc).
 - Appliances (Washing Machines, Stoves, Fridges)
- 2.2 No more than a standard car trailer (4m² deck size) load of inorganic refuse may be disposed of by any household during any inorganic refuse collection.
- 2.3 Disposal of the following refuse is not permitted during any inorganic refuse collection:
 - Any Bagged Rubbish;
 - Garden Waste, Tree Trimmings and Soil;
 - Commercial and Farming Waste;
 - Bricks and Broken Concrete;
 - Glass, Small Loose Items, Oil, Paint and Chemicals;
 - Fibrolite/Asbestos, Builders Waste
 - Car Bodies and Tyres;
 - Household renovations materials (excluding metals);
 - Anything that cannot be lifted by two persons.
- 2.4 The inorganic refuse collection may be undertaken by the Council at intervals specified in the Annual Plan.



SCHEDULE 2 OF THE SOUTH WAIKATO DISTRICT SOLID WASTE BYLAW 2008 – REFUSE DISPOSAL SITES

1. The following sites are designated as refuse disposal sites:
 - 1.1 Putaruru Refuse Transfer Station:
State Highway 1, Putaruru
Operating hours as publicly notified from time to time.
 - 1.2 Tokoroa Landfill:
Newells Road, Tokoroa
Operating hours as publicly notified from time to time.
2. Acceptance of special wastes at refuse disposal sites is at the discretion of the Council. Special wastes include sprays, solvents, chemicals, electronic wastes and abandoned vehicles. All special waste is to be declared to the site operator.
 - 2.1 Asbestos is not accepted at refuse disposal sites unless prior arrangements have been made with Council.
 - 2.2 Compactor trucks, where the weight of the trucks exceeds 300kgs, are not permitted to discharge at Putaruru Refuse Transfer Station.



SCHEDULE 3 OF THE SOUTH WAIKATO DISTRICT SOLID WASTE BYLAW 2008 – REFUSE DISPOSAL CHARGES

1. The set refuse disposal charge (per tonne of refuse) will be included in each annual plan, duly subject to the special consultative procedure of the annual plan.
2. Recyclables will be accepted at refuse disposal sites without charge.
3. The disposal charge per tonne of green waste will be 50% of the set refuse disposal charge.
4. Clean Cover Material will be accepted with prior approval of Council and charged at 50% of the set refuse disposal charge.
5. Official refuse bags will be accepted at refuse disposal sites without charge.
6. Where a commercial operator disposed of greater than 150 tonnes/month, a 15% discount will apply to the monthly account.
7. Stripped car bodies will be accepted at refuse disposal sites without charge. Stripped car bodies mean car bodies from which the fuel, oil, battery, number plates and tyres have been removed.
8. The disposal charge for any load delivered to the refuse disposal sites is calculated on the basis of the load weight tabled below multiplied by the set refuse disposal charge.
9. Any out of district refuse will be rejected unless the consent of the Group Manager Assets has approved its acceptance. This will be charged at twice the annual charge, or pro-rated based on standard vehicle fee.

| Description | Load Volume | Load Weight (tonne) |
|--------------------------|--------------------|----------------------------|
| Refuse bag (unofficial) | 60 litres | 0.02 |
| Small car load | 200 litres | 0.06 |
| Station Wagon load | 400 litres | 0.12 |
| Small trailer | 1.0 cubic metres | 0.3 |
| Large trailer/Ute | 2.0 cubic metres | 0.6 |
| Large loads | | As weighed |
| Car bodies, not stripped | | 0.25 |
| Tyres, clean, off rims | | |
| Tyres: Car | | 0.030 |
| 4X4 | | 0.060 |
| Truck | | 0.120 |
| Tractor | | 0.20 |

