

---

**MINUTES**

**WEDNESDAY 24 SEPTEMBER 2008**

**5.35PM**

**COUNCIL CHAMBER  
FIRST FLOOR, TOWN HALL  
WAKEFIELD STREET  
WELLINGTON**

---

**PRESENT:**

Councillor Ahipene-Mercer  
Councillor Best  
Councillor Cook (5.46 – 6.11pm)  
Councillor Coughlan  
Councillor Foster  
Councillor Gill  
Councillor Goulden (5.39 – 6.11pm)  
Councillor McKinnon (Chair)  
Councillor Morrison  
Councillor Pannett  
Councillor Pepperell  
Councillor Ritchie  
Councillor Wade-Brown  
Councillor Wain

**APOLOGIES:**

Mayor Prendergast  
Councillor Cook (for lateness)  
Councillor Goulden (for lateness)

104/08C **APOLOGIES**  
(1215/11/IM)

**Moved Councillor McKinnon, seconded Councillor Best, the motion that apologies for absence be accepted from Mayor Prendergast and apologies for lateness be accepted from Councillors Cook and Goulden.**

**The motion was put and declared CARRIED on voices.**

**RESOLVED:**

*THAT Council:*

1. *Accept apologies for absence from Mayor Prendergast.*
2. *Accept apologies for lateness from Councillors Cook and Goulden.*

105/08C **PUBLIC PARTICIPATION**  
(1215/11/IM)

**NOTED:**

There was no public participation.

106/08C **ANNOUNCEMENTS BY THE MAYOR**  
(1215/11/IM)

**NOTED:**

Acting Mayor McKinnon thanked the Councillors and others who attended the Civic welcome held in Civic Square on Tuesday 23 September 2008 to welcome the Wellington Lions Rugby team who fairly and squarely beat Auckland to lift the Ranfurly Shield from their grasp.

107/08C **PETITIONS**  
(1215/11/IM)

**NOTED:**

There were no petitions.

108/08C **CONFLICT OF INTEREST DECLARATIONS**  
(1215/11/IM)

**NOTED:**

There were no conflict of interest declarations.

## **Reports from Committees – Part A**

### **Committee Decisions requiring Council approval**

109/08C **STRATEGY AND POLICY COMMITTEE**  
**Meeting of Thursday 4 September 2008**  
(1215/11/IM) (REPORT 1)

1. **ITEM 246/08P TRAFFIC RESOLUTIONS**  
(1215/52/IM) (REPORT 4)

**Moved Councillor Foster, seconded Councillor Pepperell substantive motion.**

**The substantive motion was put.**

Voting for: Councillors Ahipene-Mercer, Best, Coughlan, Foster, Gill, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 12:0

**The substantive motion was declared CARRIED.**

**RESOLVED:**

*THAT Council:*

1. *Recommends that Council approve the following amendments to the Wellington City Council Traffic Restrictions, pursuant to the provisions of the Wellington City Council Consolidated Bylaw 2008.*

a) ***RESTRICTED PARKING – P60 – TACY STREET – KILBIRNIE (39-08)***

*Add to Schedule B (Restricted Parking), of the Traffic Restrictions Schedule.*

**Column One**  
**Tacy Street**

**Column Two**  
*P60 Monday - Sunday,  
8.00am – 6.00pm*

**Column Three**  
*North side, commencing  
28 metres east of its  
intersection with Kemp  
Street and extending in  
an easterly direction  
following the southern  
kerb line for 145 metres.*

**b) NO STOPPING AT ALL TIMES – WADESTOWN ROAD –  
WADESTOWN (40-08)**

*Add to Schedule D (No Stopping Restrictions), of the Traffic  
Restrictions Schedule.*

**Column One**  
**Wadestown Road**

**Column Two**  
*No Stopping At All  
Times*

**Column Three**  
*West side,  
commencing 54 metres  
south of its  
intersection with Wade  
Street east and  
extending in a  
southerly direction  
following the western  
kerbline for 52 metres*

**c) P20 PARKING – ARO STREET – ARO VALLEY (41-08)**

*Add to Schedule A (Time Limited Parking) of the Traffic  
Restrictions Schedule.*

**Column One**  
**Aro Street**

**Column Two**  
*P20, At All Times*

**Column Three**  
*North side,  
commencing 135  
metres east of its  
intersection with  
Devon Street and  
extending in a easterly  
direction following the  
northern kerb line for  
24 metres (4 car  
parks).*

**d) P10, NO STOPPING AT ALL TIMES – SAR STREET -  
WADESTOWN (48-08)**

*Add to Schedule A (Time Limited Parking) of the Traffic  
Restrictions Schedule*

**Column One**  
**Sar Street**

**Column Two**  
*P10, Monday –  
Saturday, 8.00am –  
6.00pm.*

**Column Three**  
*South side,  
commencing 20 metres  
west of its intersection  
with Hutt Road and  
extending in a westerly  
direction following the  
southern kerbline for  
10 metres.*

*Add to Schedule D (No Stopping Restrictions) of the Traffic  
Restrictions Schedule.*

**Column One**  
**Sar Street**

**Column Two**  
*No Stopping At All  
Times.*

**Column Three**  
*South side,  
commencing from its  
intersection with Hutt  
Road and extending in  
a westerly direction  
following the southern  
kerbline for 20 metres.*

**Sar Street**

*No Stopping At All  
Times*

*South side,  
commencing 30 meters  
west of its intersection  
with Hutt Road and  
extending in a westerly  
then southerly  
direction following the  
southern kerbline for  
18.5 metres.*

**e) NO STOPPING AT ALL TIMES – BELVEDERE ROAD –  
HATAITAI (49-08)**

*Delete from Schedule D (No Stopping Restrictions) of the Traffic  
Restrictions Schedule.*

**Column One**  
**Belvedere Road**

**Column Two**  
*No Stopping At All  
Times.*

**Column Three**  
*East side, commencing  
262 metres west of its  
intersection with  
Overtoun Terrace and  
extending in a  
southerly direction  
following the western  
kerbline for 51 metres.*

**Belvedere Road**

*No Stopping At All  
Times.*

*South side,  
commencing from its  
intersection with  
Overtoun Terrace and*

<b><i>Belvedere Road</i></b>	<i>No Stopping At All Times.</i>	<i>extending in an easterly direction following the southern kerbline for 7.5 metres. South side, commencing 29 metres south of its intersection with Overtoun Terrace and extending in an easterly direction following the southern kerbline for 31 metres.</i>
<b><i>Belvedere Road</i></b>	<i>No Stopping At All Times.</i>	<i>South side, commencing 108 metres south of its intersection with Overtoun Terrace and extending in an easterly direction following the southern kerbline for 23.5 metres.</i>
<b><i>Belvedere Road</i></b>	<i>No Stopping At All Times.</i>	<i>North side, commencing at its intersection with Overtoun Terrace and extending in an easterly direction following the northern kerbline for 69 metres.</i>
<b><i>Belvedere Road</i></b>	<i>No Stopping At All Times.</i>	<i>North side, commencing 199 metres south of its intersection with Overtoun Terrace and extending in a southerly direction following the northern kerbline for 7 metres.</i>
<b><i>Belvedere Road</i></b>	<i>No Stopping At All Times.</i>	<i>North side, commencing 211 metres south of its intersection with Overtoun Terrace and extending in a southerly direction following the northern kerbline for 44 metres.</i>

<b><i>Belvedere Road</i></b>	<b><i>No Stopping At All Times.</i></b>	<b><i>North side, commencing 285 metres east of its intersection with Overtoun Terrace and extending in an easterly direction following the northern kerbline for 99 metres.</i></b>
------------------------------	---	--

*Add to Schedule D (No Stopping Restrictions), of the Traffic Restrictions Schedule.*

<b><i>Column One</i></b>	<b><i>Column Two</i></b>	<b><i>Column Three</i></b>
<b><i>Belvedere Road</i></b>	<b><i>No Stopping At All Times.</i></b>	<b><i>South side, commencing from its intersection with Evans Bay Parade and extending in a westerly then northerly direction following the southern kerbline for 174.5 metres.</i></b>
<b><i>Belvedere Road</i></b>	<b><i>No Stopping At All Times.</i></b>	<b><i>West side, commencing 228.5 metres north of its intersection with Evans Bay Parade and extending in an northerly then westerly direction following the western kerbline for 102 metres.</i></b>
<b><i>Belvedere Road</i></b>	<b><i>No Stopping At All Times.</i></b>	<b><i>South side, commencing 354.5 metres north of its intersection with Evans Bay Parade and extending in a westerly direction following the southern kerbline for 6 metres.</i></b>
<b><i>Belvedere Road</i></b>	<b><i>No Stopping At All Times.</i></b>	<b><i>North side, commencing from its intersection with Overtoun Terrace and extending in an easterly direction following the northern kerbline for 5 metres.</i></b>
<b><i>Belvedere Road</i></b>	<b><i>No Stopping At All Times.</i></b>	<b><i>East side, commencing 214 metres south of its intersection with Overtoun Terrace and</i></b>

<b>Belvedere Road</b>	<i>No Stopping At All Times.</i>	<i>extending in a southerly direction following the eastern kerbline for 38 metres. East side, commencing 283 metres south of its intersection with Overtoun Terrace and extending in a southerly then easterly direction following the eastern kerbline for 80 metres.</i>
-----------------------	----------------------------------	---

**f) P10 – HOSPITAL ROAD – NEWTOWN (57-08)**

*Delete from Schedule B (Restricted Parking) of the Traffic Restrictions Schedule.*

<b>Column One</b>	<b>Column Two</b>	<b>Column Three</b>
<b>Hospital Road</b>	<i>P10, Loading Zone, Monday – Friday, 8:00am – 5:00 pm.</i>	<i>North side, commencing 20 metres east of its intersection with Adelaide Road and extending in an easterly direction following the northern kerbline for 21 metres.</i>

*Add to Schedule B (Restricted Parking) of the Traffic Restrictions Schedule.*

<b>Column One</b>	<b>Column Two</b>	<b>Column Three</b>
<b>Hospital Road</b>	<i>P10, Monday to Friday.</i>	<i>North side, commencing 20 metres east of its intersection with Adelaide Road and extending in an easterly direction following the northern kerbline for 21 metres.</i>

**g) NO STOPPING AT ALL TIMES and RESIDENTS PARKING – WATSON STREET – TE ARO (65-08)**

*Delete from Schedule B (Restricted Parking) of the Traffic Restrictions Schedule.*



**Column One**  
**Watson Street**

**Column Two**  
*No Stopping Except for  
Authorised Residents  
Vehicles, Monday to  
Friday, 8:00am –  
6:00pm.*

**Column Three**  
*East side,  
commencing 32  
metres from its  
intersection with  
Vivian Street and  
extending in a  
southerly for 33.5  
metres.*

*Delete from Schedule D (No Stopping Restrictions) of the Traffic  
Restrictions Schedule.*

**Column One**  
**Watson Street**

**Column Two**  
*No Stopping At All  
Times.*

**Column Three**  
*East side,  
commencing from its  
intersection with  
Vivian Street and  
extending in a  
southerly direction  
following the eastern  
kerbline for 7 metres.*

**Watson Street**

*No Stopping At All  
Times.*

*East side,  
commencing 65.5  
metres south of its  
intersection with  
Vivian Street and  
extending in a  
southerly direction  
following the eastern  
kerbline for 18  
metres.*

**Watson Street**

*No Stopping At All  
Times.*

*West side,  
commencing from its  
intersection with  
Vivian Street and  
extending in a  
southerly direction  
following the eastern  
kerbline for 49.5  
metres.*

*Add to Schedule B (Restricted Parking) of the Traffic Restrictions  
Schedule.*

**Column One**  
**Watson Street**

**Column Two**  
*No Stopping Except for  
Authorised Residents  
Vehicles, Monday to*

**Column Three**  
*East side,  
commencing 31  
metres from its*

*Friday, 8:00am – 6:00pm.*

*intersection with Buller Street and extending in a southerly for 33 metres.*

*Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule.*

***Column One  
Watson Street***

***Column Two  
No Stopping At All Times.***

***Column Three  
East side, commencing from its intersection with Buller Street and extending in a southerly direction following the eastern kerbline for 6.5 metres.***

***Watson Street***

***No Stopping At All Times.***

***East side, commencing 64 metres south of its intersection with Buller Street and extending in a southerly direction following the eastern kerbline for 21.5 metres.***

***Watson Street***

***No Stopping At All Times.***

***West side, commencing from its intersection with Buller Street and extending in a southerly direction following the eastern kerbline for 55.5 metres.***

***h) BUS STOP, CLEARWAY, NO STOPPING AT ALL TIMES and METERED PARKING – WILLIS STREET – LAMBTON (66-08)***

*Delete from Schedule B (Bus Stop) of the Traffic Restrictions Schedule.*

***Column One  
Willis Street***

***Column Two  
Bus Stop At All Times***

***Column Three  
West side, commencing 55.5 metres south of its intersection with***

*Vivian Street and extending in a northerly direction following the kerbline for 25 metres.*

*Delete from Schedule D (Clearway) of the Traffic Restrictions Schedule.*

<b><i>Column One</i></b>	<b><i>Column Two</i></b>	<b><i>Column Three</i></b>
<b><i>Willis Street</i></b>	<i>Clearway, Monday to Friday, 7:00am-9:00am.</i>	<i>West side, commencing from its intersection with Vivian Street and extending in a northerly direction following the western kerbline to its intersection with Ghuznee Street</i>
<b><i>Willis Street</i></b>	<i>Clearway, Monday to Friday, 7:00am-9:00am, 4:00pm-6:00pm.</i>	<i>West side, commencing from its intersection with Abel Smith Street and extending in a northerly direction following the western kerbline to its intersection with Vivian Street.</i>

*Delete from Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule.*

<b><i>Column One</i></b>	<b><i>Column Two</i></b>	<b><i>Column Three</i></b>
<b><i>Willis Street</i></b>	<i>No Stopping At All Times.</i>	<i>West side, commencing 5 metres north of its intersection with Vivian Street and extending in a northerly direction following the western kerbline for 50.5 metres.</i>
<b><i>Willis Street</i></b>	<i>No Stopping At All Times.</i>	<i>West side, commencing 104 metres north of its intersection with Vivian Street and extending in a northerly direction</i>

<b>Willis Street</b>	<i>No Stopping At All Times.</i>	<i>following the western kerbline for 13 metres. West side, commencing 129.5 metres north of its intersection with Vivian Street and extending in a northerly direction following the western kerbline for 31 metres.</i>
----------------------	----------------------------------	---

*Delete from Schedule F (Metered Parking) of the Traffic Restrictions Schedule.*

<b>Column One</b>	<b>Column Two</b>	<b>Column Three</b>
<b>Willis Street</b>	<i>P120 Maximum, Monday to Thursday, 9:00am-6:00pm, Friday 9:00am-8:00pm, Saturday 8:00am-1:00pm, \$1.00/Hr.</i>	<i>West side, commencing 112 metres north of its intersection with Vivian Street and extending in a northerly direction following the western kerbline for 17.5 metres. (3 carparks).</i>
<b>Willis Street</b>	<i>P120 Maximum, Monday to Thursday, 9:00am-6:00pm, Friday 9:00am-8:00pm, Saturday 8:00am-1:00pm, \$1.00/Hr.</i>	<i>West side, commencing 80.5 metres north of its intersection with Vivian Street and extending in a northerly direction following the western kerbline for 23.5 metres. (4 carparks).</i>
<b>Willis Street</b>	<i>Bus Stop At All Times</i>	<i>West side, commencing 55.5 metres north of its intersection with Buller Street and extending in a northerly direction following the kerbline for 25 metres.</i>

*Add to Schedule D (Clearway) of the Traffic Restrictions Schedule.*

**Column One**  
**Willis Street**

**Column Two**  
Clearway, Monday to  
Friday, 7:00am-  
9:00am.

**Column Three**  
West side,  
commencing from its  
intersection with  
Buller Street and  
extending in a  
northerly direction  
following the western  
kerbline to its  
intersection with  
Ghuznee Street.

**Willis Street**

Clearway, Monday to  
Friday, 7:00am-  
9:00am, 4:00pm-  
6:00pm.

West side,  
commencing from its  
intersection with Abel  
Smith Street and  
extending in a  
northerly direction  
following the western  
kerbline to its  
intersection with  
Buller Street.

*Add to Schedule D (No Stopping Restrictions) of the Traffic  
Restrictions Schedule.*

**Column One**  
**Willis Street**

**Column Two**  
No Stopping At All  
Times.

**Column Three**  
West side,  
commencing 13  
metres north of its  
intersection with  
Buller Street and  
extending in a  
northerly direction  
following the western  
kerbline for 42.5  
metres.

**Willis Street**

No Stopping At All  
Times.

West side,  
commencing 104  
metres north of its  
intersection with  
Buller Street and  
extending in a  
northerly direction  
following the western  
kerbline for 13  
metres.

**Willis Street**

No Stopping At All  
Times.

West side,  
commencing 129.5  
metres north of its

*intersection with Buller Street and extending in a northerly direction following the western kerbline for 31 metres.*

*Add to Schedule F (Metered Parking) of the Traffic Restrictions Schedule.*

***Column One  
Willis Street***

***Column Two  
P120 Maximum,  
Monday to Thursday,  
9:00am-6:00pm,  
Friday 9:00am-  
8:00pm, Saturday  
8:00am-6:00pm.***

***Column Three  
West side,  
commencing 112  
metres north of its  
intersection with  
Buller Street and  
extending in a  
northerly direction  
following the western  
kerbline for 17.5  
metres (3 carparks.  
West side,  
commencing 80.5  
metres north of its  
intersection with  
Buller Street and  
extending in a  
northerly direction  
following the western  
kerbline for 23.5  
metres (4 carparks).***

***Willis Street***

***P120 Maximum,  
Monday to Thursday,  
9:00am-6:00pm,  
Friday 9:00am-  
8:00pm, Saturday  
8:00am-6:00pm.***

***i) P120 PARKING AT ALL TIMES and NO STOPPING AT ALL TIMES – HANSON LANE – MT COOK (67-08)***

*Delete from Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule.*

***Column One  
Hanson Lane***

***Column Two  
No Stopping At All  
Times.***

***Column Three  
West side,  
commencing from its  
intersection with  
Hanson Street and  
extending in a  
southerly direction  
following the western  
kerbline for 45.5  
metres.***

<i>Hanson Lane</i>	<i>No Stopping At All Times.</i>	<i>West side, commencing 102 metres south of its intersection with Hanson Street and extending in a southerly direction following the western kerbline for 55 metres.</i>
<i>Hanson Lane</i>	<i>No Stopping At All Times.</i>	<i>East side, commencing 229 metres from its intersection with Hanson Street and extending northerly direction to its intersection with Hanson street.</i>

*Add to Schedule A (Time Limited Parking) of the Traffic Restrictions Schedule.*

<b><i>Column One</i></b> <i>Hanson Lane</i>	<b><i>Column Two</i></b> <i>P120, At All Times.</i>	<b><i>Column Three</i></b> <i>East side, commencing 119.5 metres south of its intersection with Hanson Street and extending in a southerly direction following the eastern kerbline for 10 metres.</i>
--	--	---

*Add from Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule.*

<b><i>Column One</i></b> <i>Hanson Lane</i>	<b><i>Column Two</i></b> <i>No Stopping At All Times.</i>	<b><i>Column Three</i></b> <i>North side, commencing at its intersection with Hanson Street and extending in an easterly then southerly direction following the northern kerbline for 60.5 metres.</i>
<i>Hanson Lane</i>	<i>No Stopping At All Times.</i>	<i>East side, commencing 74 metres south of its</i>

<i><b>Hanson Lane</b></i>	<i>No Stopping At All Times.</i>	<i>intersection with Hanson Street extending in a southerly direction following the eastern kerbline for 10.5 metres. East side, commencing 95 metres south of its intersection with Hanson Street extending in a southerly direction following the eastern kerbline for 24.5 metres.</i>
<i><b>Hanson Lane</b></i>	<i>No Stopping At All Times.</i>	<i>East side, commencing 129.5 metres south of its intersection with Hanson Street extending in a southerly then westerly direction following the eastern kerbline for 12.5 metres.</i>
<i><b>Hanson Lane</b></i>	<i>No Stopping At All Times.</i>	<i>South side, commencing at its intersection with Hanson Street extending in an easterly then southerly direction following the southern kerbline for 127 metres.</i>

**j) MOBILITY PARK – HANSON STREET – NEWTOWN (69-08)**

*Add to Schedule B (Restricted Parking) of the Traffic Restrictions Schedule.*

<i><b>Column One</b></i>	<i><b>Column Two</b></i>	<i><b>Column Three</b></i>
<i><b>Hanson Street</b></i>	<i>No Stopping Except for Vehicles Displaying an Operation Mobility Permit</i>	<i>West side, commencing 6 metres north of its intersection with Hall Street and extending</i>



*in a northerly direction following the western kerbline for 7.5 metres.*

**k) MOBILITY PARK – RINTOUL STREET – NEWTOWN (70-08)**

*Delete from Schedule B (Restricted Parking) of the Traffic Restrictions Schedule.*

<b>Column One</b>	<b>Column Two</b>	<b>Column Three</b>
<b>Rintoul Street</b>	<i>No Stopping Except for Vehicles Displaying an Operation Mobility Permit.</i>	<i>East side, commencing 66 metres north of its intersection with Lavaud Street and extending in a northerly direction following the eastern kerbline for 8.5 metres.</i>

*Add to Schedule B (Restricted Parking) of the Traffic Restrictions Schedule.*

<b>Column One</b>	<b>Column Two</b>	<b>Column Three</b>
<b>Rintoul Street</b>	<i>No Stopping Except for Vehicles Displaying an Operation Mobility Permit</i>	<i>East side, commencing 130.5 metres south of its intersection with Glendavar Street and extending in a southerly direction following the eastern kerbline for 15 metres.</i>

**l) P20 – KINGSFORD SMITH STREET – LYALL BAY (71-08)**

*Add to Schedule A (Time Limited Parking) of the Traffic Restrictions Schedule.*

<b>Column One</b>	<b>Column Two</b>	<b>Column Three</b>
<b>Kingsford Smith Street</b>	<i>P20, Monday to Saturday, 8:00am-6:00pm.</i>	<i>East side, commencing 39.5 metres of its intersection with McGregor Street and extending in a southerly direction</i>

*following the eastern  
kerbline for 7 metres.*

**m) NO STOPPING AT ALL TIMES – ANNE STREET –  
WADESTOWN (74-08)**

*Add to Schedule D (No Stopping Restrictions) of the Traffic  
Restrictions Schedule.*

**Column One**  
**Anne Street**

**Column Two**  
*No Stopping At All  
Times.*

**Column Three**  
*North side,  
commencing 218  
meters from its  
intersection with  
Sefton Street and  
extending in a  
northerly direction  
following the northern  
then western kerbline  
for 8 metres.*

**n) NO STOPPING AT ALL TIMES – CERES CRESCENT –  
NEWLANDS (79-08)**

*Add to Schedule D (No Stopping Restrictions) of the Traffic  
Restrictions Schedule.*

**Column One**  
**Ceres Crescent**

**Column Two**  
*No Stopping At All  
Times.*

**Column Three**  
*East side,  
commencing 41  
meters south of its  
intersection with  
Chesterton Street and  
extending in a  
southerly direction  
following the eastern  
kerbline for 12  
metres.*

**o) NO STOPPING AT ALL TIMES – GOLDIES BRAE –  
THORNDON (81-08)**

*Delete from Schedule D (No Stopping Restrictions) of the Traffic  
Restrictions Schedule.*

**Column One**  
**Goldies Brae**

**Column Two**  
*No Stopping At All  
Times.*

**Column Three**  
*East side,  
commencing 104  
meters north of its  
intersection with*

<b>Goldies Brae</b>	<i>No Stopping At All Times.</i>	<i>Frandi Street and extending in a southerly direction following the eastern kerbline for 18 metres. East side, commencing from its intersection with Frandi Street and extending in a northerly direction following the eastern kerbline for 128 metres.</i>
<b>Goldies Brae</b>	<i>No Stopping At All Times.</i>	<i>East side, commencing from its intersection with Grant Road and extending in a northerly direction following the kerbline for 58 metres.</i>
<b>Goldies Brae</b>	<i>No Stopping At All Times.</i>	<i>West side, commencing from its intersection with Frandi Street and extending in a northerly direction following the western kerbline for 44 metres.</i>
<b>Goldies Brae</b>	<i>No Stopping At All Times.</i>	<i>West side, commencing from its intersection with Goldies Brae and extending in an easterly direction following the western kerbline for 6 metres.</i>

*Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule.*

<b>Column One</b> <b>Goldies Brae</b>	<b>Column Two</b> <i>No Stopping At All Times.</i>	<b>Column Three</b> <i>West side, commencing from its intersection with Grant Road and extending in a</i>
--	---	--

<b>Goldies Brae</b>	<i>No Stopping At All Times.</i>	<i>northerly direction following the western kerbline for 20 metres. West side, commencing 49 metres north of its intersection with Grant Road and extending in a northerly then easterly direction following the western then northern kerbline for 77 metres.</i>
<b>Goldies Brae</b>	<i>No Stopping At All Times.</i>	<i>South side, commencing from its intersection with Frandi Street and extending in a westerly direction following the southern kerbline for 43 metres.</i>
<b>Goldies Brae</b>	<i>No Stopping At All Times.</i>	<i>South side, commencing 61 metres west from its intersection with Frandi Street and extending in a westerly then southerly direction following the southern then eastern kerbline for 60 metres.</i>

**p) NO STOPPING AT ALL TIMES – GARRETT STREET SERVICE LANE – TE ARO (86-08)**

*Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule.*

<b>Column One</b> <b>Service Lane Off-- Garrett Street</b>	<b>Column Two</b> <i>No Stopping At All Times.</i>	<b>Column Three</b> <i>West side, commencing 3.5 metres northeast of its intersection with the western lane boundary of the service lane and</i>
---	---	---

***Service Lane Off--  
Garrett Street***

***No Stopping At All  
Times.***

*northern kerbline of  
Garrett Street and  
extending in a north  
easterly direction  
following the service  
lane for 6 metres.  
West side,  
commencing 23.5  
metres from the  
intersection of the  
western lane  
boundary of the  
service lane and  
northern kerbline of  
Garrett Street and  
extending in a north  
easterly direction  
following the service  
lane for 4 metres.*

***q) NO STOPPING AT ALL TIMES and BUS STOP – DUTHIE  
STREET – KARORI (87A-08)***

*Delete from Schedule B (Restricted Parking) of the Traffic  
Restrictions Schedule.*

***Column One  
Duthie Street***

***Column Two  
Bus Stop At All Times***

***Column Three  
East side,  
commencing 139  
metres north of its  
intersection with  
Croydon Street and  
extending in a  
northerly direction  
following the eastern  
kerbline for 12  
metres.***

***Duthie Street***

***Bus Stop At All Times***

***West side,  
commencing 216  
metres north of its  
intersection with  
Gipps Street and  
extending in an  
northerly direction  
following the western  
kerbline for 12  
metres.***

*Delete from Schedule D (No Stopping Restrictions) of the Traffic  
Restrictions Schedule.*

**Column One**  
**Duthie Street**

**Column Two**  
**No Stopping At All Times.**

**Column Three**  
**West side, commencing at its intersection with Hurman Street and extending in an southerly direction following the kerbline for 6 metres.**

*Add to Schedule B (Restricted Parking) of the Traffic Restrictions Schedule.*

**Column One**  
**Duthie Street**

**Column Two**  
**Bus Stop At All Times.**

**Column Three**  
**East side, commencing 142.5 metres south of its intersection with Tiro Street and extending in a southerly direction following the kerbline for 12 metres.**

**Duthie Street**

**Bus Stop At All Times.**

**West side, commencing 165.5 metres north of its intersection with Croydon Street and extending in a northerly direction following the kerbline for 12 metres.**

*Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule.*

**Column One**  
**Duthie Street**

**Column Two**  
**No Stopping At All Times.**

**Column Three**  
**East side, commencing 94.5 metres south of its intersection with Tiro Street and extending in a southerly direction following the eastern kerbline for 48 metres.**

**Duthie Street**

**No Stopping At All Times.**

**East side, commencing 154.5 metres south of its intersection with Tiro Street and extending in a southerly direction following**

<b><i>Duthie Street</i></b>	<b><i>No Stopping At All Times.</i></b>	<i>the eastern kerbline for 5 metres East side, commencing 255 metres south of its intersection with Tiro Street and extending in south-westerly direction following the kerbline for 55.5 to its intersection with Croydon Street.</i>
<b><i>Duthie Street</i></b>	<b><i>No Stopping At All Times.</i></b>	<i>North side, commencing 24.5 metres east of its intersection with Croydon Street and extending in a north-easterly direction following the kerbline for 26.5 metres.</i>
<b><i>Duthie Street</i></b>	<b><i>No Stopping At All Times.</i></b>	<i>West side, commencing 53.5 metres north-east of its intersection with Hurman Street and extending in a northerly direction following the kerbline for 17.5 metres.</i>

***r) NO STOPPING AT ALL TIMES – CROYDON STREET – KARORI (87B-08)***

*Delete from Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule.*

<b><i>Column One</i></b>	<b><i>Column Two</i></b>	<b><i>Column Three</i></b>
<b><i>Croydon Street</i></b>	<b><i>No Stopping At All Times.</i></b>	<i>West side, commencing 70 metres north of its intersection with Messines Road and extending in a northerly direction following the kerbline for 10 metres.</i>

*Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule.*

**Column One**  
**Croydon Street**

**Column Two**  
*No Stopping At All Times.*

**Column Three**  
*East side, commencing 26.5 metres south of its intersection with Duthie Street and extending in a southerly direction following the kerbline for 63 metres to its intersection with Messines Road.*  
*West side, commencing 60 metres north of its intersection with Messines Road and extending in a northerly direction following the kerbline for 19 metres.*

**Croydon Street**

*No Stopping At All Times.*

s) **NO STOPPING AT ALL TIMES, STOP CONTROL – KEDHA STREET – MIRAMAR (88-08)**

*Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule.*

**Column One**  
**Kedah Street**

**Column Two**  
*No Stopping At All Times.*

**Column Three**  
*North side, commencing from its intersection with Calabar Road and extending in an easterly then southerly then easterly direction following the kerbline for 32 metres.*  
*South side, commencing 62.5 metres west of its intersection with Miro Street and extending in a westerly then southerly then westerly direction following the kerbline*

**Kedah Street**

*No Stopping At All Times.*



*for 29 metres to its intersection with Calabar Road.*

*Add to Schedule G (Give Way and Stop Controls) of the Traffic Restrictions Schedule.*

**Column One**  
**Kedah Street**

**Column Two**  
**Stop Control.**

**Column Three**  
**Westbound traffic, at its intersection with Calabar Road.**

**t) NO STOPPING AT ALL TIMES – ARTHUR STREET SERVICE LANE – TE ARO (89-08)**

*Add to Schedule D (No Stopping Restrictions) of the Traffic Restrictions Schedule.*

**Column One**  
**Arthur Street Service Lane**

**Column Two**  
**No Stopping At All Times.**

**Column Three**  
**East side for its whole length. West side, commencing 2.5 metres south of its intersection with Arthur Street (Slip Lane) and extending in a southerly direction following the western lane boundary for 11.5 metres.**

110/08C **STRATEGY AND POLICY COMMITTEE**  
**Meeting of Thursday 11 September 2008**  
(1215/11/IM)

(REPORT 2)

1. **ITEM 258/08P A TARGETED APPROACH TO INFILL HOUSING IN WELLINGTON CITY – REPORT BACK ON CONSULTATION AND WAY FORWARD**  
(1215/52/IM) (REPORT 6)

**Moved Councillor Foster, seconded Councillor Wade-Brown the substantive motion.**

(Councillor Goulden joined the meeting at 5.39pm.)

**Moved Councillor Best, seconded Councillor Ritchie the following amendment:**

“THAT Council:

1. Lie the paper on the table.
2. Agree to set up a Subcommittee of Council to be known as the Infill Housing Hearings Subcommittee consisting of all elected members to hear oral submissions on the discussion paper ‘How and where will Wellington grow – proposals for change and character protection’.
3. Agree to a Subcommittee quorum of three.
4. Agree that the Infill Housing Hearings Subcommittee will report back to Council before the end of October 2008.”

(Councillor Cook joined the meeting at 5.46pm.)

**Moved: Councillor Wain, seconded: Councillor Ahipene-Mercer the following foreshadowed amendment:**

“THAT Council:

1. Lie the paper on the table.
2. Agree to set up a Subcommittee of Council to be known as the Infill Housing Hearings Subcommittee consisting of up to **five Elected Members** to hear oral submissions on the discussion paper ‘How and where will Wellington grow – proposals for change and character protection’.
3. Agree to a Subcommittee quorum of three.
4. Agree that the Infill Housing Hearings Subcommittee will report back to Council before the end of October 2008.”

**The amendment moved by Councillor Best was put:**

Voting for: Councillors Ahipene-Mercer, Best, Cook, Coughlan, Gill, Goulden, McKinnon, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Councillors Foster and Morrison.

Majority Vote: 12:2

**The amendment moved by Councillor Best was declared CARRIED.**

**The foreshadowed amendment moved by Councillor Wain was withdrawn with the leave of the meeting.**

**RESOLVED:**

*THAT Council:*

1. *Lie the paper on the table.*
2. *Agree to set up a Subcommittee of Council to be known as the Infill Housing Hearings Subcommittee consisting of all elected members to hear oral submissions on the discussion paper 'How and where will Wellington grow – proposals for change and character protection'.*
3. *Agree to a Subcommittee quorum of three.*
4. *Agree that the Infill Housing Hearings Subcommittee will report back to Council before the end of October 2008.*

111/08C **STRATEGY AND POLICY COMMITTEE**  
**Meeting of Tuesday 23 September 2008**  
(1215/11/IM)

(REPORT 3)

1. **ITEM 263/08P SAFER ROADS NEWTOWN AND BERHAMPORE:  
PROPOSED SPEED LIMIT CHANGES**  
(1215/52/IM) (REPORT 2)

**Moved Councillor Wain, seconded Councillor Foster the substantive motion.**

**The substantive motion was put.**

Voting for: Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

**The substantive motion was declared CARRIED.**

**RESOLVED:**

*THAT Council:*

1. *Agrees to make a resolution under clause 14.3.4 of the Wellington City Consolidated Bylaw to set the speed limits on a number of streets in Newtown as stated in Table 1.*

**Table 1: Proposed speed limits for Newtown**

<i>Road</i>	<i>From</i>	<i>To</i>	<i>Proposed speed limit</i>
<i>Arney Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Balmoral Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Blucher Avenue</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Cardall Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Colville Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Coromandel Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Corunna Avenue</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Daniell Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Donald McLean Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Douro Avenue</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Emmett Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Ferguson Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Green Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Harper Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Hiropi Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Horner Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Lawrence Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Mein Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Minerva Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Newtown Avenue</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Normanby Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Owen Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Paeroa Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Picton Avenue</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Princess Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Princess Terrace</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Regent Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Rhodes Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Riddiford Street</i>	<i>From its intersection with Mein Street</i>	<i>To its intersection with Rhodes Street</i>	<i>40km/h</i>
<i>Seddon Terrace</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Somerset Avenue</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Wilson Street</i>	<i>For its entire length</i>		<i>40km/h</i>
<i>Wingate Terrace</i>	<i>For its entire length</i>		<i>40km/h</i>

2. **ITEM 267/08P PROPOSED WASTE MANAGEMENT BYLAW (1215/52/IM) (REPORT 6)**

**Moved Councillor Wade-Brown, seconded Councillor Pannett the substantive motion.**

**The substantive motion was put.**

Voting for: Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

**The substantive motion was declared CARRIED.**

*THAT Council:*

*1. Agrees:*

- (a) That amending the Wellington City Consolidated Bylaw 2008 by including a new part to regulate the management, including collection, diversion and disposal, of municipal waste is the most appropriate way to address the 'perceived' problems of health and safety risks, and diminished amenity value, associated with uncontrolled waste disposal.*
- (b) The proposed Wellington City Consolidated Bylaw 2008: Part 9 – Waste Management, attached at Appendix A of the minutes, is the most appropriate form of bylaw.*
- (c) The proposed Wellington City Consolidated Bylaw 2008: Part 9 – Waste Management has no clear breach of any rights established in the New Zealand Bill of Rights Act 1990, as advised by the Council's legal advisors.*
- (d) To initiate the special consultative procedure on the proposed Wellington City Consolidated Bylaw 2008: Part 9 – Waste Management, as required under the Local Government Act 2002.*
- (e) To delegate to the Chief Executive and the Environment Portfolio Leader the approval of the Statement of Proposal and Summary of Information to ensure that it reflects any changes made at the Council meeting.*

## **Reports from Committee - Part B**

### **Committee decisions for Council to note**

112/08C **RECEIPT OF INFORMATION FOR NOTING FROM COMMITTEES**

(1215/11/IM)

**Moved Councillor McKinnon, seconded Councillor Pepperell, the motion that Council receive the information for noting from the Regulatory Processes Committee meeting of Wednesday 3 September 2008 and the Strategy and Policy Committee meetings of Thursday 4 September 2008, Thursday 11 September 2008 and Tuesday 23 September 2008.**

**The motion was put.**

Voting for: Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

**The motion was declared CARRIED.**

**RESOLVED:**

*THAT Council:*

1. *Receive the information for noting from the Regulatory Processes Committee meeting of Wednesday 3 September 2008 and the Strategy and Policy Committee meetings of Thursday 4 September 2008, Thursday 11 September 2008 and Tuesday 23 September 2008.*

***REGULATORY PROCESSES COMMITTEE***

***Meeting of Wednesday 3 September 2008***

***(1215/11/IM) (REPORT 4)***

1. ***ITEM 058/08RP PROPOSED DEVELOPMENT – TAKAPU ISLAND TAWA – COMPREHENSIVE DEVELOPMENT PLAN***  
***(1215/53/IM) (REPORT 1)***

*THAT the Regulatory Processes Committee:*

1. *Receives the information.*
2. *Agrees that the Comprehensive Development Plan from Chaffers Properties Limited prepared by Urban Perspectives Limited dated July 2008 for the development of the site known as Takapu Island be approved as a strategic level commitment to development of the site in an integrated and comprehensive manner.*
3. *Notes that the approval of the Comprehensive Development Plan does not imply approval of the development proposal or pre-empt in any*

way the consideration of detailed site development issues that will be the subject of subsequent resource consent processes.

2. **ITEM 059/08RP GRANTING OF FRESH PREMISES LEASE TO WELLINGTON COLLEGIANS CRICKET CLUB INCORPORATED (1215/53/IM) (REPORT 2)**

THAT the Regulatory Processes Committee:

1. *Receives the information.*
2. *Approves, subject to the conditions below, the granting of a fresh lease to the Collegians Cricket Club Incorporated, under the Reserves Act 1977:*

<i>Location</i>	<i>Term</i>	<i>Annual Rental</i>	<i>Annual Maintenance Fee</i>	<i>Type of Lease</i>
<i>Anderson Park, Kelburn</i>	<i>10 years + one renewal of 10 years</i>	<i>\$166 + GST per annum</i>	<i>\$504 + GST per annum</i>	<i>Premises lease</i>

*Any approval to grant fresh leases is conditional upon:*

1. *Appropriate consultation with iwi;*
2. *The Lease being publicly notified in accordance with sections 119 and 120 of the Act and any approved Management Plan;*
3. *The Club reimbursing the Council for legal and advertisement costs;*
4. *There being no objections or sustained objections resulting from the consultation or notification.*

**STRATEGY AND POLICY COMMITTEE**  
**Meeting of Thursday 4 September 2008**  
**(1215/11/IM) (REPORT 5)**

1. **ITEM 244/08P HOUSING POLICY REVIEW – PROJECT BRIEF (1215/52/IM) (REPORT 2)**

THAT the Strategy and Policy Committee:

1. *Receives the information.*
2. *Agrees to the Housing Policy Review Project Terms of Reference attached at Appendix One (of the officers report) amended as follows:*
  - (a) *Add to the terms of reference*
    - *Tenant Representative/Advocate to the Housing Policy Review Project Group subject to the approval of Housing New Zealand Corporation.*

(b) *Takes section 4.4 of the officer's report "Consultation with a range of stakeholders" and includes it into the terms of reference.*

3. *Notes that Councillors will be involved in the process and progress will be reported to the Strategy and Policy Committee at the completion of each part of the project.*

4. *Notes that the final report on the Housing Policy Review will be reported to the Strategy and Policy Committee in April 2010.*

2. **ITEM 245/08P NEW ZEALAND RECREATION ASSOCIATION CONFERENCE, CHRISTCHURCH, 15-18 SEPTEMBER 2008 (1215/52/IM) (REPORT 3)**

*THAT the Strategy and Policy Committee:*

1. *Receives the information.*

2. *Approves the attendance of one Elected Member at the 'New Zealand Recreation Association Conference' to be held in Christchurch, 16-18 September 2008 and agree that the costs associated with attending the conference are met from the Elected Members Budget (GVEM01).*

3. *Notes that there is a Strategy and Policy Pre-Meeting Session on Tuesday 16 September, a Grants Subcommittee meeting and a Pacific Advisory Group meeting on Wednesday 17 September and a Strategy and Policy Committee meeting and the Makara Ohariu Community Board meeting on Thursday 18 September 2008.*

4. *Notes that a report on the conference will be presented to the Strategy and Policy Committee in accordance with Council policy.*

5. *Approve the attendance of Councillor Best at the New Zealand Recreation Association Conference to be held in Christchurch, 16 – 18 September 2008.*

3. **ITEM 247/08P STRATEGY AND POLICY COMMITTEE FORWARD PROGRAMME (1215/52/IM) (REPORT 5)**

*THAT the Strategy and Policy Committee:*

1. *Receives the information.*

2. *Agrees to the Forward Programme for the Strategy and Policy Committee, attached as Appendix 1 to the officer's report.*

**STRATEGY AND POLICY COMMITTEE**



**Meeting of Thursday 11 September 2008**  
(1215/11/IM) (REPORT 6)

1. **ITEM 255/08P AMENDMENT TO EARTHQUAKE-PRONE BUILDING POLICY – REPORT ON CONSULTATION**  
(1215/52/IM) (REPORT 2)

*THAT the Strategy and Policy Committee:*

1. *Receive the information.*
2. *Note that 30 written submissions were received and 8 oral submissions heard by the Strategy and Policy Committee on 27 August 2008, and two oral submissions heard on 11 September 2008, as part of the special consultative procedure for review of the Council's Earthquake-prone Buildings Policy 2006.*
3. *Lays the report on the table and officers meet with appropriate stakeholders with a view to exploring issues around the interface between heritage and earthquake strengthening as well as process issues and report back to the Strategy and Policy Committee by 30 October 2008.*

2. **ITEM 256/08P WATER CONSERVATION MEASURES FOR SUMMER**  
(1215/52/IM) (REPORT 4)

*THAT the Strategy and Policy Committee:*

1. *Receive the information.*

3. **ITEM 257/08P NZ WALKING CONFERENCE 2008 REPORT BACK**  
(1215/52/IM)(REPORT 5)

*THAT the Strategy and Policy Committee:*

1. *Receives the information.*

**STRATEGY AND POLICY COMMITTEE**  
**Meeting of Tuesday 23 September 2008**  
(1215/11/IM) (REPORT 7)

1. **ITEM 262/08P SAFER ROADS NEWTOWN AND BERHAMPORE:  
PROPOSED FINAL IMPLEMENTATION PLAN**  
(1215/52/IM) (REPORT 1)

*THAT the Strategy and Policy Committee:*

1. *Receives the information.*

2. *Notes the results of the public consultation process; 99 submissions were received in total, of which 41 supported the proposal, 50 agreed with most of the proposal with some minor changes, 1 disagreed with most of the proposal and 7 were opposed to the entire proposal.*
3. *Agrees that the proposed road safety initiatives listed in the proposed implementation plan proceed to construction.*

2. **ITEM 264/08P HERITAGE GRANTS**  
(1215/52/IM) (REPORT 3)

*THAT the Strategy and Policy Committee:*

1. *Receives the information.*
2. *Agrees to the allocation of grants to applicants in the July 2008 round of the Built Heritage Incentive Fund, as assessed by Council officers as follows:*

<b><i>Project</i></b>	<b><i>Amount Granted</i></b>
<i>Green-house, Karitane Products Society, 21A Manchester Terrace, Melrose</i>	<i>\$8,177.50</i>
<i>(2) House, 25 Ascot Street, Thorndon</i>	<i>\$3,500.00</i>
<i>(3) Retail/residential, 288 Cuba Street, Te Aro</i>	<i>\$17,000.00</i>
<i>(4) Hummingbird Café, 20 Courtenay Place, Te Aro</i>	<i>\$14,000.00</i>
<i>Total</i>	<i>\$42,677.50</i>

3. *Agrees to a change in project description for a grant approved in the March 2008 round of the Built Heritage Incentive Fund for the Cadbury Building at 60 Ghuznee Street (Refer section 5.4 of the officers report).*

3. **ITEM 265/08P SUBMISSION ON NATIONAL POLICY STATEMENT ON URBAN DESIGN**  
(1215/52/IM) (REPORT 4)

*THAT the Strategy and Policy Committee:*

1. *Receives the information.*
2. *Approves the attached submission as amended to the Ministry for the Environment for their consideration in their assessment of a National Policy Statement on Urban Design.*

4. **ITEM 266/08P SUBMISSION ON DRAFT REGIONAL CYCLING PLAN**

(1215/52/IM) (REPORT 5)

*THAT the Strategy and Policy Committee:*

1. *Receives the information.*
2. *Approves the submission attached to the Officers report on the draft Regional Cycling Plan as amended.*
3. *Agrees to delegate to the Portfolio Leader - Urban Development and Transport and Chief Executive the authority to make any minor drafting changes necessary before forwarding the submission to Greater Wellington.*

113/08C **QUESTIONS**  
(1215/11/IM)

**NOTED:**

There were no questions.

114/08C **RESOLUTION TO EXCLUDE THE PUBLIC**  
(1215/11/IM)

**Moved Councillor McKinnon, seconded Councillor Wade-Brown the motion that the public be excluded.**

**The motion was put:**

Voting for: Councillors Ahipene-Mercer, Best, Cook, Coughlan, Foster, Gill, Goulden, McKinnon, Morrison, Pannett, Pepperell, Ritchie, Wade-Brown and Wain.

Voting against: Nil.

Majority Vote: 14:0

**The motion was declared CARRIED.**

**RESOLVED:**

*THAT Council:*

1. *Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, resolve that the public be excluded from the following part of the proceedings of this meeting namely:*

**Report 8 – Strategy and Policy Committee, Meeting of Tuesday 23 September 2008**

*Grounds:* Section 48(1)(a) *That public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7*

*Reason:* Section 7(2)(a) *to protect the privacy of natural persons*

**Report 9 - Regulatory Processes Committee, Meeting of Wednesday 3 September 2008**

*Grounds:* Section 48(1)(a) *that public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7*

*Reason:* Section 7(2)(g) *maintain legal professional privilege*  
Section 7(2)(i) *to enable the Council to carry out negotiations without prejudice or disadvantage*

2. *Permit Craig Stevens of DLA Phillips Fox to remain at this meeting, after the public has been excluded because of their knowledge of Report 8 Strategy and Policy Committee Meeting of Tuesday 23 September 2008 and Report 9 Regulatory Processes Committee Meeting of Wednesday 3 September 2008 as this knowledge, may be of assistance in relation to the matter being discussed.*

The meeting went into public excluded session at 6.06pm.

For items 115/08C and 116/08C, please see the public excluded minutes.

The meeting concluded at 6.11pm.

Confirmed: \_\_\_\_\_  
Chair  
/ /

# APPENDIX A

**This appendix includes the following information to be made available during the special consultative procedure:**

- **SUMMARY OF INFORMATION**

- **STATEMENT OF PROPOSAL,**

Including Appendix 1, the

**PROPOSED WELLINGTON CITY CONSOLIDATED BYLAW 2008:  
PART 9 – WASTE MANAGEMENT**

# APPENDIX A

## SUMMARY OF INFORMATION ON THE PROPOSED WELLINGTON CITY CONSOLIDATED BYLAW 2008: PART 9 – WASTE MANAGEMENT

October 2008

Wellington City Council is asking for public feedback on a proposed new part to the Wellington City Consolidated Bylaw 2008 covering how we manage household, commercial and pedestrian waste, called Part 9.

This will replace the old waste management bylaw, Part 15. The old bylaw needed to be updated in line with modern waste management practice and was revoked on 1 July 2008 when the Wellington City Consolidated Bylaw 2008 came into force.

It is planned that the proposed new waste management part of the consolidated bylaw will come into force on 18 December 2008.

The power to make such a bylaw comes from the Local Government Acts 1974 and 2002, the Litter Act 1979 and the Health Act 1956. In this case it is proposed that a new part is added to an existing bylaw.

This summary of information provides an overview of the Statement of Proposal, as required by the Local Government Act 2002. Copies of the submission form and the full text of the Statement of Proposal, including the draft text of proposed Part 9 – Waste Management, are available at [www.Wellington.govt.nz](http://www.Wellington.govt.nz) and at Council service centres and libraries. Copies may also be obtained by emailing [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz).

### **Why do we need a bylaw to deal with waste management?**

The Council wants to regulate Wellington's waste management in this way to:

- protect the city from health and safety risks
- reduce the volume of waste put in landfills
- keep our streets clean and free from rubbish
- make it clear to residents and visitors what they need to do with their rubbish and recycling

### **What does the new addition to the bylaw change for me?**

Part 9 does not introduce changes to the way residents and businesses deal with their waste.

Instead of making new rules about rubbish or recycling, it proposes a framework for the Council to make consistent rules across all the different types of waste. It also aims to make the rules clear to all Wellingtonians, as well as clarifying the penalties for not following the rules.

Following these rules helps keep down the cost of recycling and disposing of waste.

### **What does the new addition change for the Council?**

# APPENDIX A

Part 9 will integrate the way the Council deals with all types of waste from households and businesses and focuses on managing waste in a sustainable way. It sets a framework for the Council to make rules and guidelines for managing waste from businesses and households.

## **What areas will be covered by Part 9?**

The new addition to the consolidated bylaw allows the Council to manage the following areas:

- kerbside collection services – allows the Council to set rules around collection times, your responsibilities in regards to your waste and recycling, the types of waste you can put out, correct separation of waste and recycling, how to use the Council's rubbish bags and recycling containers, and the collection services provided to multi-unit buildings and commercial areas
- waste blowing around the streets – you need to ensure your rubbish doesn't get blown around the street and you need to take your uncollected rubbish back in on the same day
- litter and recycling bins – these are for pedestrian waste, and not waste from houses, businesses or cars
- what can be disposed of in rubbish bags and recycling bins – some waste can be hazardous to you and to our rubbish collectors so we need to regulate this
- taking things from or adding things to other people's waste – you can be fined for interfering with other people's waste
- landfill operations – opening times, types of waste accepted, charges, what's recycled, power to inspect waste and waste containers
- people who don't comply with the waste management rules – the Council does not have to collect your rubbish if you do not follow the rules and can issue fines under the bylaw or prosecute under the Litter Act 1979, the Health Act 1956 or the Local Government Act 2002

## **What does Part 9 take into account?**

The addition to the bylaw takes into account the Waste Minimisation Act 2008. The Act introduces a levy on all waste disposed of in a landfill, clarifies local government's role in recycling, introduces a responsibility for operators who collect and transport waste to collect data and establishes a Waste Management Board to advise the Minister for the Environment.

Part 9 also takes into account the Council's Solid Waste Management Plan 2003, which we developed in response to the New Zealand Waste Strategy 2002. The Council is keen to reduce the amount of waste Wellington produces and manage waste in a safe and sustainable way.



# APPENDIX A

## **What's *not* covered in the new addition to the bylaw?**

The following areas are covered by other bylaws or legislation and are *not* covered in Part 9:

- dumping rubbish in a public place- covered by the Public Places Bylaw
- build-up of business waste on commercial premises - covered by Fire Safety and Evacuations of Buildings Regulations
- disposal of dog faeces - covered by the Dog Control Act 1996
- regulation of commercial rubbish collectors and transportation - covered under the Collection and Transportation of Waste Bylaw which will be reviewed soon and is expected to be out for consultation in 2009.

## **What other waste management options did the Council initially consider?**

The Council initially considered three options to manage commercial and household waste in Wellington:

- keeping the status quo, which relies on voluntary compliance with the cost of any clean-up required falling on ratepayers. Some aspects of waste management are covered by legislation – e.g. the Litter Act 1979 and the Health Act 1956 – and other bylaws
- launching an education campaign to encourage Wellingtonians to recycle, and to minimise and correctly dispose of their waste, rather than introducing a new bylaw
- as well as the education programme, introducing a new bylaw or including a new part in an existing one to address waste disposal and minimisation, making the rules clear to all Wellingtonians and giving the Council the power to act where necessary to prosecute for non-compliance. This is the recommended option that we are asking for your feedback on.

## **Consultation process**

Public feedback is invited from 13 October to 14 November and the Strategy and Policy Committee will hear oral submissions on 20 November. The Council will consider all the submissions on the proposed amendment, and will make its decision on 17 December. The final amended bylaw will come into force the next day.

You can make your submission on line at [www.wellington.govt.nz](http://www.wellington.govt.nz), email your submission to [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz) or fill in the attached submission form and send it to:

Sharon Bennett  
Freepost  
Wellington City Council  
P O Box 2199  
Wellington

# APPENDIX A

**The deadline for written submissions is Friday 14 November 2008, 5pm.**

If you have any queries or would like any further information, please contact Ken Bowater on 499 4444 or [ken.bowater@wcc.govt.nz](mailto:ken.bowater@wcc.govt.nz)

# APPENDIX A

**STATEMENT OF PROPOSAL**  
**TO AMEND THE**  
**WELLINGTON CITY CONSOLIDATED BYLAW 2008 TO**  
**INCLUDE**  
**PART 9 – WASTE MANAGEMENT**

**October 2008**

## **CONTENTS**

- 1. Introduction**
  - 2. Have your say**
  - 3. Background**
    - 3.1 Legislation
    - 3.2 The role of the Council in waste management
    - 3.3 Other Councils
  - 4. Development of the proposed amendment**
    - 4.1 Local Government Act 2002 requirements
    - 4.2 The ‘perceived’ problems
    - 4.3 Is a bylaw the most appropriate way to address the problem?
    - 4.4 Differences from Wellington City Consolidated Bylaw 1991  
Part 15: Refuse
    - 4.5 Most appropriate form of bylaw
    - 4.6 Bill of Rights implications
  - 5. Process and proposed timeline**
- APPENDIX 1 Proposed new part for inclusion in the Wellington City Consolidated Bylaw 2008: Part 9 – Waste Management**

## 1 Introduction

This *Statement of Proposal*, relating to amending the Wellington City Consolidated Bylaw 2008 by including a new part, Part 9 – Waste Management (the proposed amendment), is being published so we can hear the views of the ratepayers and stakeholders on the proposed amendment. Previously, the Wellington City Consolidated Bylaw 1991: Part 15 - Refuse (Part 15) regulated the management, including collection and disposal, of municipal waste. Part 15 needed updating in line with modern thinking on waste management. Part 15 was revoked from 1 July 2008 in accordance with clauses 1.2.1 and 1.3.1 of the Wellington City Consolidated Bylaw 2008.

The Council is proposing this amendment to allow it to address some perceived problems related to the management of municipal waste, to progress some objectives in the New Zealand Waste Strategy 2002 and the Council's Solid Waste Management Plan 2003 in accordance with the requirements of the Local Government Act 2002 (LGA 2002), and the special consultative procedure must be used in making the proposed amendment, subject also to section 86 of the LGA 2002.

This document contains:

- background information
- an outline of the review process required under the LGA 2002
- an identification of the 'perceived' problems
- an analysis of the options to address the perceived problems
- a summary impact analysis for the proposed amendment
- the text of the proposed amendment to the Wellington City Consolidated Bylaw 2008.

## 2. Have Your Say

The Wellington City Council is keen to know what ratepayers and stakeholders think about the proposed amendment. A submission form is attached to this Statement of Proposal. Additional copies of these documents are available online at [www.wellington.govt.nz](http://www.wellington.govt.nz) and at Council service centres and libraries. Copies may also be obtained by emailing to [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz).

The Councillors will consider all the submissions on the proposed amendment before making a decision on whether to adopt it. For those who wish to make an oral submission, they will be heard by the Strategy and Policy Committee on 20 November 2008.

Please make a submission on line at [www.wellington.govt.nz](http://www.wellington.govt.nz), email your submission to [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz) or fill in the attached submission form and send it to:

Sharon Bennett  
Freepost  
Wellington City Council  
P O Box 2199  
Wellington

**Written submissions open on 13 October 2008 and close at 5pm on Friday 14 November 2008.**

## 3. Background

In recent years, central government and the Council have developed goals to manage waste disposal in a sustainable manner. Documents to this end include:

- *New Zealand Waste Management Strategy 2002<sup>1</sup>* - covers solid, liquid and gaseous waste and recognises that moving towards zero waste and a sustainable New Zealand is a long-term challenge. It provides a framework within which local authorities can:
  - put waste minimisation targets in place for each waste type
  - provide qualitative reports on their waste minimisation progress
  - introduce efficient pricing policies
- *Council's Solid Waste Management Plan 2003* - states that Council will work to a broad philosophical concept of zero solid waste disposal and outlines the key actions it will undertake. Several of its proposed actions relate to supporting waste reduction, such as through waste diversion, recovery and recycling. Regional cooperation is also identified as a priority.

The proposed Part 9 reflects the goals of the above strategy and plan.

### 3.1 Legislation

Including a new part in the Wellington City Consolidated Bylaw 2008, Part 9 – Waste Management is authorised under the LGA 2002 and the LGA 1974. The bylaw creation process set out in the LGA 2002 has been followed. The following legislation is relevant to the proposed amendment:

#### *Local Government Act 1974 (LGA 1974)*

Part 31<sup>2</sup> of the LGA 1974 covers waste management. It places a duty on the Council to promote effective and efficient waste management and to adopt a waste management plan. It provides the Council with specific powers to ensure the city's waste management is appropriate, efficient and effective and to make waste related bylaws. Section 542 contains empowering provisions for bylaws that prohibit or regulate the collection and transportation of waste of any specified kind.

#### *Local Government Act 2002 (LGA 2002)*

Part 8 of the LGA 2002 empowers local authorities to make a bylaw to protect the public from nuisance (section 145), to protect, promote and maintain public health and safety (section 145) and to regulate waste management and solid wastes (section 146).

#### *Resource Management Act 1991 (RMA)*

The RMA aims to promote the sustainable management of natural and physical resources and specifically covers discharges to the environment. Section 9 relates to the use of land and section 15 relates to the discharge of contaminants

---

<sup>1</sup> Produced by the Ministry for the Environment.

<sup>2</sup> This part was not repealed by the LGA 2002 and incorporates subsequent amendments e.g. The LGA Amendment Act (No 4) 1996.

# APPENDIX A

into the environment. Under the RMA, waste disposal in the city is controlled by the:

- *Wellington City District Plan*. It takes the likely visual and environmental impact of the proposed activity on the amenity of the area into consideration during any consent process.
- *Greater Wellington Regional Council (GWRC) Regional Plan for Discharges to Land*. The Plan requires resource consents for discharges of waste, including hazardous waste, at landfills.
- *GWRC Regional Air Quality Management Plan*. The Plan applies to discharges of contaminants into air. The Plan requires resource consents for landfills where the waste materials come from sources off the site.

## **3.2 The Role of Council in Waste Management**

The Council's solid and liquid waste management plans (SWMP and LWMP) outline the Council's strategic objectives in waste management. To achieve them the Council needs to drive, influence and promote: a reduction in waste generation; waste minimisation; and the recovery of material that is currently being collected, transported, disposed of and received by commercial waste operators.

The Council currently manages the landfilling of more than 80,000 tonnes of waste material (excluding cleanfill and demolition material) per year at the Southern Landfill. It is estimated that this represents less than 25% of the total waste material generated within Wellington City<sup>3</sup>. This share will be further reduced with the expected impact of the Waste Minimisation Act 2008 on waste volume. The balance of the waste goes to cleanfills, demolition sites or leaves the city. The Council looks after the kerbside collection and disposal of approximately 12,500 tonnes of domestic waste each year. This represents only 15% of the waste going to the city's landfill.

## **3.3 Other Councils**

The approaches of other local authorities have been considered in determining appropriate approaches for the Wellington environment and context.

A number of councils have bylaws to regulate municipal waste collection within their districts and Wellington is considered one of the leaders. The approaches taken have met with varying levels of success and no council is seen as having come up with an ideal. Each is designed to meet the particular needs of its community's geography.

Approaches to recycling are proving particularly challenging and the Waste Minimisation Act 2008 is expected to have a strong impact on creating a national context to support the development of effective collection services, efficient processing and robust markets.

Another area that is proving difficult is that of how to most effectively communicate with residents and visitors about the role they can play in

---

<sup>3</sup> Source: The City Infrastructure Committee Report, 3 December 2003, Solid Waste Management: Proposal for a Bylaw to Licence and Levy Private Waste Collectors and Cleanfill/Demolition Sites states that privately owned cleanfill/demolition sites are estimated to accept around 250,000 tonnes of waste per annum.

# APPENDIX A

increasing the effectiveness of municipal waste collection and diversion while also managing the costs of this. Again, the Waste Minimisation Act 2008 is likely to have a strong impact through national leadership and communication. Regional consistency would also assist with clarity of expectations.

The proposed Part 9 is consistent with the direction being taken by other local authorities in the region and will not cut across any benefits that may result from regional initiatives regarding waste management.

## 4 Development of the Proposed Amendment

### 4.1 Local Government Act 2002 requirements

The LGA 2002 has three specific sections that establish the steps to be taken in the bylaw making process:

- *section 155* requires that Council determine that a bylaw is the most appropriate way of addressing the perceived problem<sup>4</sup>. If it is, then the Council must determine if a proposed bylaw is the most appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990. No bylaw can be made that is inconsistent with the New Zealand Bill of Rights Act 1990
- *section 156* requires the special consultative procedure contained in section 83, subject to section 86, to be used when the Council makes or amends a bylaw. This involves preparing a:
  - *statement of proposal* that covers the points outlined in section 155 and incorporates a draft of the proposed bylaw
  - *summary of the information* contained in the statement of proposal that must be a fair representation of the major matters in the statement of proposal and be distributed as widely as reasonably practicable as a basis for general consultation
- *section 76* requires that when Council is making a decision it does so in accordance with sections 77, 78, 80, 81 and 82, insofar as they apply. This may involve consideration and assessment of all reasonably practicable options for achieving the objective of the decision, consideration of community views and preferences of people likely to be affected by the matter, and identification and explanation of any inconsistency with past decisions<sup>5</sup>.

### 4.2 The 'perceived' problems

The perceived problems to be addressed through the proposed regulation of the management, including collection and disposal, of municipal waste are the:

- health and safety risks from incorrect disposal of waste
- unnecessary volume of waste disposed to landfills resulting from uncontrolled waste disposal
- use of public litter and recycling bins for non-pedestrian waste

---

<sup>4</sup> Sections 159 & 155(1) LGA 2002.

<sup>5</sup> Section 80 of the LGA 2002 indicates that if a decision will be significantly inconsistent with the Council's relevant policies or plans the Council must identify the inconsistency, explain why it is proceeding with an inconsistent decision and indicate any attention to amend the policies or plan to accommodate the decision.

# APPENDIX A

- diminished amenity value through the uncontrolled accumulation of waste and fugitive waste resulting from wind and spillage during uplifting.

The proposed amendment would also offer benefits of clarity and efficiency through providing, over time, for integration across all aspects of the Council's waste management activity.

## **4.2.1 Analysis of the Wellington City Consolidated Bylaw 1991: Part 15 - Refuse**

Part 15 needed updating in line with modern thinking on waste management. It also needed updating in its structure and language so as to clearly state what was permitted and prohibited, and that prohibited acts were offences.

Although Part 15 has now been revoked, a detailed analysis of its clauses has been undertaken to inform consideration of the perceived problems to be resolved. The analysis suggested that a number of clauses covered aspects that could be adequately addressed through information printed on the approved collection bags or notified by notice at appropriate locations such as the landfill entrance. These aspects included:

- the use of the income from the sale of approved bags to cover the cost of collection and disposal of municipal waste
- rules relating to how to correctly and safely use the approved bags and reusable containers, and for the use of kerbside collection services, including in commercial collection areas
- rules for the use of kerbside collection for recyclables
- operational aspects, fees and charges for landfill use
- rules for the control, handling and disposal of hazardous wastes.

Other aspects of Part 15 were seen as important to retain. These included:

- allowing refuse collectors to enter private property in the course of their duties
- the prevention of refuse build-up on streets and footpaths
- the permitted hours during which refuse may be left out in commercial collection areas
- empowerment of enforcement officers to inspect vehicles, waste and waste containers
- the prohibition of lighting fires at landfills
- the prohibition of misuse of litter bins.

It was considered that Part 15 could be much simplified by including clauses which:

- make entry to the landfill conditional upon the user abiding by directions given by notice or staff
- make it an offence for failing to abide by rules stipulated by notice or staff.

## **4.2.2 Health and Safety Risks from Incorrect Disposal of Waste**

The incorrect disposal of waste can create risks to bag handlers and operators, and can result in hazardous or recyclable waste being disposed to landfill. The incorrect disposal of solid waste is perceived to occur in various instances, for example where:



# APPENDIX A

- waste producers place hazardous or infectious materials, such as offal, dead pets, hot ashes, syringe needles, paint, chemicals or car batteries in refuse bags, wheelie bins or skips for collection
- waste producers place materials, such as organic green waste or general household waste, into 'cleanfill skips' intended for emptying at a cleanfill site.

The incorrect disposal of waste is problematic as it may:

- have an adverse effects on the environment in the case of hazardous waste or create a health hazard
- incur additional costs for ratepayers when Council has to remove waste dumped on public land
- result in the contamination of cleanfill sites, with consequent potential adverse environmental impacts.

#### **4.2.3 Unnecessary Volume of Waste Disposed to Landfills Resulting from Uncontrolled Waste Disposal**

Much household waste can be diverted from the waste stream. Appropriate treatment of recyclable materials, such as the separation of materials according to type, is necessary to achieve cost-efficient collection and processing.

Uncontrolled waste disposal can result in:

- unnecessary need for the development of new disposal sites
- contamination or mixing of recyclables with non-recyclables or incompatible materials, requiring the disposal of the whole collection
- additional costs to ratepayers where mixed or hazardous materials must be separated
- the loss of usable raw materials from the recyclables waste stream.

#### **4.2.4 Diminished Amenity Value through the Uncontrolled Accumulation of Waste**

Uncontrolled waste disposal can result in fugitive waste or a build-up of waste on streets or footpaths:

- obstructing the movement of pedestrians and vehicles
- creating health and safety risks
- attracting vermin
- detracting from the visual amenity of the streetscape, making our streets appear untidy and unappealing.

Subsequently, ratepayers can incur additional costs including for:

- the removal of waste dumped on public land
- roading maintenance, such as the clearing of sumps
- more frequent collection servicing of public litter and recycling bins
- the impacts of damage caused by avoidable flooding which can result from drains being blocked by fugitive waste or recyclables.

#### **4.2.5 Integration of Waste Activities**

It is the Council's intent, over the next few years, to bring all waste management controls within a single bylaw. At present various aspects of waste management are provided for through a number of the Council's bylaws, including the Collection and Transportation of Waste Bylaw 1997, the Trade Waste Bylaw

# APPENDIX A

2004. This can be confusing for both residents and service providers. Benefits of efficiency and clarity could be achieved by bringing all aspects of waste into one bylaw.

## **4.3 *Is a bylaw the most appropriate way to address the problem?***

### **4.3.1 Options**

The proposed amendment is intending to regulate the management, including collection, diversion and disposal, of municipal waste to:

- minimise health and safety risks to the public, bag handlers and waste operators by regulating the kinds of waste that can be put out for collection
- reduce the risk of environmental impacts resulting from the disposal of refuse by regulating the kinds of waste that can be put out for collection
- reduce the contamination of recyclables and the volume of unnecessary waste disposed to landfill by maximising the reduction, recovery, reuse and recycling of waste, including by continuing to encourage the separation of waste types for recycling
- reduce the risk of environmental impacts resulting from the disposal of refuse by regulating
- minimise the impact of waste accumulation or dispersal on streetscape amenity value by regulating the disposal of refuse, including the use of kerbside collection services
- ensure compliance with legislation and statutory obligations by capturing data on the flow and nature of waste into, out of and through the Wellington District.

The proposed amendment also aims to offer benefits of clarity and efficiency through providing, over time, for integration across all aspects of the Council's waste management activity. This would be progressed as various bylaws were reviewed or as new opportunities, such as through the enactment of new legislation, arose.

The Council has identified the following three options that may be used to address the above problems. The options are described below and considered further in the following sections.

# APPENDIX A

## **Option 1      Status quo**

*Option 1 avoids regulation of the activity but does not address the risks associated with non-compliance.*

The Council currently has no bylaw provisions which target the problems discussed above. If left uncontrolled, the risk of adverse impacts could reasonably be expected to rise. In effect the Council would rely on voluntary community action or behaviour to address the perceived problems, although enforcement of aspects that fall under legislation such as the Litter Act 1979 would continue.

The Council could monitor outcomes and consider regulation at some future date. Like other councils, Wellington City Council has not favoured a hands-off approach in the past. It is possible that significant health or environmental effects might arise in the meantime, or during the course of making any future bylaw. The consequences, including the costs of any clean-up required, would likely fall on ratepayers.

Several aspects of Part 15 could be addressed through the provision of information for the public on Council's approved bags and by signage at appropriate locations, such as the entrance to landfills.

## **Option 2      Educational programmes**

*Option 2 promotes correct disposal but avoids regulation.*

Analysis of Part 15 suggested that a number of aspects could be adequately addressed through education, and information printed on the approved collection bags or notified by notice at appropriate locations such as the landfill entrance. This option would educate waste generators, transporters and receivers of waste about their responsibilities and the need to:

- minimise waste production
- maximise opportunities to recover, reuse and recycle waste
- dispose of waste correctly for health, safety and environmental reasons e.g. not to dispose of hazardous waste in general waste.

## **Option 3      Make a new bylaw - or include a new part in an existing one**

*Option 3 addresses correct disposal and waste minimisation issues.*

When Part 15 was reviewed it was seen as important to address the intent of a number of its aspects through a bylaw so that enforcement action would be more certain. The education and information programmes in Option 2 would be included as part of this option.

Option 3 also provides for the following perceived problems that were beyond the scope of Part 15:

- a more responsive mechanism for responding readily to emerging risks to health, safety or amenity value; using Council resolution publicly notified to maintain the detail for permitted and prohibited activities
- appropriate emphasis on minimising unnecessary waste disposal in landfills
- the use of public recycling bins.

# APPENDIX A

## 4.3.2 Assessment of options for LGA decision making requirements

Section 77 of the LGA 2002 requires a local authority in making a decision of this nature to seek to identify the practicable options for achieving the objective of a decision, and then to assess the options by considering:

- the benefits and costs of each option in terms of the present and future social, economic, environmental and cultural wellbeing of the district
- the extent to which community outcomes will be promoted or achieved in an integrated and efficient manner by each option
- the impact on the local authority's capacity to meet present and future needs in relation to any statutory responsibility of the local authority
- any other matters that, in the opinion of the local authority, are relevant.

### Cost Benefit Analysis

The option adopted by the Council needs to be effective as a means to facilitate the achievement of the New Zealand Waste Strategy and the Council's SWMP. The advantages and disadvantages of each of the above options are summarised in Table 1. The table illustrates that a new bylaw part to regulate the management, including collection and disposal, of municipal waste is the most appropriate way of dealing with the perceived problems. This would sit alongside the other mechanisms that are currently used for waste management purposes – education, user pays charges and ratepayer funding.

It is recommended that a new bylaw part to regulate the management, including collection and disposal, of municipal waste is the most appropriate way to address the perceived problems.

**Table 1: Advantages and disadvantages of each option**

Advantages	Disadvantages
<p><b><i>Option 1 – Status quo</i></b></p> <ul style="list-style-type: none"> <li>• No costs would be incurred to administer or enforce a bylaw.</li> <li>• Fewer requirements would be placed on householders and businesses.</li> <li>• Several aspects of Part 15, such as when to put approved refuse bags out for collection, could be addressed through other means, such as signage.</li> </ul>	<ul style="list-style-type: none"> <li>• This would rely on voluntary compliance with the Council's collection conditions.</li> <li>• It will not ensure compliance with the New Zealand Waste Strategy or the Council's SWMP.</li> <li>• The Council would have limited powers to control domestic refuse disposal.</li> <li>• The potential environmental, health and safety risks associated with uncontrolled domestic refuse disposal would continue.</li> <li>• Additional costs may be incurred for any clean-up or recovery programme required. These would be a burden on ratepayers rather than being 'user pays'.</li> </ul>
<p><b><i>Option 2 - Educational programmes</i></b></p>	<ul style="list-style-type: none"> <li>• As for Option 1.</li> <li>• This is part of a longer term solution</li> </ul>

## APPENDIX A

<ul style="list-style-type: none"> <li>• No costs would be incurred to administer or enforce a bylaw.</li> <li>• People would be more knowledgeable about:             <ul style="list-style-type: none"> <li>• minimisation of waste production</li> <li>• maximisation of opportunities to recover, reuse and recycle waste</li> <li>• correct disposal of waste for health, safety and environmental reasons</li> <li>• their responsibilities.</li> </ul> </li> <li>• Fewer requirements would be placed on householders and businesses.</li> </ul>	<p>but will not achieve the desired outcomes if used in isolation.</p>
<p><b><i>Option 3 - Make a new bylaw /amend an existing bylaw</i></b></p> <ul style="list-style-type: none"> <li>• This option addresses correct disposal and waste minimisation. It would be consistent with the New Zealand Waste Strategy and the Council's SWMP, and assist the Council to meet its statutory obligations.</li> <li>• It provides for the management of potential environmental, health and safety risks associated with domestic refuse disposal.</li> <li>• Costs could be on a user pays basis.</li> <li>• It provides certainty about expectations and consequences of non-compliance.</li> <li>• Offenders could be prosecuted under s242 of LGA 2002 (maximum \$20,000 fine).</li> <li>• It would target and influence specific waste streams in line with policy and national waste minimisation objectives.</li> <li>• It is consistent with the approach taken for other aspects of waste management and with the previous approach taken for refuse management.</li> <li>• It initiates a process to develop, over time, a coherent approach to waste management.</li> </ul>	<ul style="list-style-type: none"> <li>• Enforcement would be deemed a 'public benefit' and be at ratepayer cost unless a waste levy is imposed.</li> </ul>

# APPENDIX A

--	--

## Impact Assessment

The selected option should be consistent with the Wellington Regional Strategy outcomes of a sustainable natural environment and of high quality, secure essential services, consistent with sustainable growth.

It should also promote the Long Term Council Community Plan:

- **Community Outcomes:**
  - Wellington's long-term environmental health will be protected by well-planned and well-maintained infrastructure.
  - Wellington will move towards a zero waste policy.
  - Wellington will promote the sustainable management of the environment, and support increased opportunities for the exercise of kaitiakitanga.
- **Council Outcomes:**
  - 4.3 *More actively engaged* – Wellington will pursue a collaborative, participatory approach towards environmental kaitiakitanga by sharing information within the community and establishing partnerships to achieve environmental goals.
  - 4.5 *More sustainable* – Wellington will reduce its environmental impact by making efficient use of energy, water, land and other resources; conserving resources; and minimising waste.
  - 4.6 *Safer* – Wellington will have access to safe and reliable...waste disposal systems that protect public health and ecosystems.
- **Council Priorities:**
  - The Council will increase its promotion of water and energy efficiency and conservation, energy security and the use of renewable resources. And it will take a more active leadership role in these.
  - The Council will strengthen its partnerships with stakeholders to increase environmental awareness, community participation and the achievement of environmental goals.

Table 2 records the Council's impact analysis of the identified options.

**Table 2: Impact assessment for each option**

<b>Option</b>	<b>Cost</b>	<b>Benefit</b>	<b>Community outcomes promoted</b>	<b>Increased ability to meet statutory requirements</b>
<b><i>Option 1 – Status quo</i></b>	Incorrect disposal of refuse could: <i>Economic</i> – result in harm or damage and require costly repairs <i>Social</i> - reduce the amenity	<i>Economic</i> – No costs would be incurred to administer or enforce a bylaw. Fewer requirements would be placed on householders and businesses.	No	No

## APPENDIX A

	value of streets and footpaths <i>Environmental</i> – result in harm to health, safety or the environment.	<i>Social</i> – None. <i>Environmental</i> – None.		
<b><i>Option 2 - Educational programmes</i></b>	<i>Economic</i> – Cost of education programmes and delivery. <i>Social</i> – None. <i>Environmental</i> – Substantial if we do not prevent unauthorised dumping	<i>Economic</i> - No costs would be incurred to administer or enforce a bylaw. Fewer requirements would be placed on householders and businesses. Possible reduced cost to Council if more waste disposed of correctly. <i>Social</i> - May improve householder and business engagement, knowledge of waste issues and voluntary compliance. May contribute to the development of waste minimisation initiatives that have social benefits. <i>Environmental</i> – None. May contribute to the development of waste minimisation initiatives and to correctly disposed of and reduced waste going to the landfill.	Yes	No

## APPENDIX A

<p><b>Option 3 - Make a new bylaw /amend an existing bylaw</b></p>	<p><i>Economic</i>- Cost of bylaw implementation, administration and ongoing monitoring and enforcement. Enforcement would be deemed a 'public benefit' and be at ratepayer cost unless a waste levy is imposed. <i>Social</i> – None. <i>Environmental</i>- None.</p>	<p><i>Economic</i> – Reduced cost to Council to clean up incorrectly disposed of waste. Requirements and consequences clear and easily understood. Costs could be on a user pays basis. <i>Social</i> – Less incorrectly dumped waste to visually impact on areas. May contribute to the development of waste minimisation initiatives that have social benefits. <i>Environmental</i> - Would contribute to achieving environmental and sustainability goals and reduce potential costs to mitigate adverse environmental, safety and health impacts. May contribute to correctly disposed of and reduced waste going to the landfill.</p>	<p>Yes</p>	<p>Yes</p>
--	--	---	------------	------------

### **4.4 Differences from Wellington City Consolidated Bylaw 1991 Part 15: Refuse**



# APPENDIX A

Many clauses of Part 15 operated adequately and have been retained in proposed Part 9. However, the proposed Part 9 will:

- allow the Council to progress some objectives in the New Zealand Waste Strategy 2002 and its Solid Waste Management Plan 2003, and meet the requirements of the LGA 2002
- offer benefits of clarity and efficiency through providing, over time, for integration across all aspects of the Council's waste management activity
- reflect modern thinking on waste management
- address the following perceived problems arising from or related to the management of municipal waste:
  - health and safety risks from incorrect disposal of waste
  - unnecessary volume of waste to landfill resulting from uncontrolled waste disposal
  - use of public litter and recycling bins for non-pedestrian waste
  - diminished amenity value through the uncontrolled accumulation of waste and fugitive waste resulting from wind and from spillage during uplifting.

In particular the proposed new bylaw part has:

- been named to better reflect its purpose and to allow it to be incorporated into the Wellington City Consolidated Bylaw 2008
- been clarified by writing it in plain English
- updated definitions
- a new emphasis on diversion of waste for reuse or recycling
- provisions to permit random audits of the contents of waste and waste containers to determine whether or not people are complying with the terms and conditions of use of the landfill with regard to the types of waste or divertible material they are carrying in for disposal or deposit
- clear statements about what constitutes an offence under this bylaw.

## **4.5 Most appropriate form of Bylaw**

The proposed amendment to the Wellington City Consolidated Bylaw 2008 to include a new part, Part 9 – Waste Management, attached at Appendix 1, has been reviewed in terms of clarity of legal interpretation by Council's legal advisors and reflects Council's current policies.

Amendment to the existing Consolidated Bylaw is recommended in preference to making a new, stand-alone bylaw because:

- no clear rationale has been identified for making a new bylaw outside the Wellington City Consolidated Bylaw 2008 to address the perceived problems
- this approach offers the practical efficiency of having all controls in one instrument, subject to the consistent enforcement, penalty and general provisions in Wellington Consolidated Bylaw Part 1 - Introduction

# APPENDIX A

- this approach signals the Council's desire to generally take an integrated approach to regulation, including for waste management.

It is the Committee's belief that the proposed amendment, attached at Appendix 1, is the most appropriate form of bylaw to address the perceived problems outlined in section 4.2.

## 4.6 *Bill of Rights implications*

The Council must determine whether the proposed amendment gives rise to any implications under the Bill of Rights Act 1990 (BORA) and that it is consistent with BORA.

Table 3 considers potential rights that could be impinged by the proposed provisions.

**Table 3 Analysis of implications for rights under the Bill of Rights Act 1990**

<b>Right</b>	<b>Definition</b>	<b>Clause which may impinge</b>	<b>Assessment</b>
<b>14 Freedom of expression</b>	Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.	<i>Clause 2.3</i> Council support for waste minimisation, waste diversion, protection of movement on roading space and streetscape amenity value.	The clause does not restrict an individual's right to hold or express contrary opinions.  Council's position is consistent with the Community Outcomes of the Long Term Council Community Plan.
<b>18 Freedom of movement</b>	(1) Everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand.	<i>Clause 5.6(c)</i> Council officers authorised under this Part are empowered to: <ul style="list-style-type: none"> <li>• prevent a particular person or organisation from entering the landfill.</li> </ul>	The clause does not restrict an individual's right to movement in a public space. Rather, it reflects the legal occupier of the landfill's ability to exclude certain persons.
<b>28 Freedom from discrimination</b>	(1) Everyone has the right to freedom from discrimination on the grounds of discrimination in the Human Rights Act 1993.	<i>Clauses 4.3.1, 4.3.2</i> Different provision for waste collection services in designated commercial areas.	The clause does not discriminate on the grounds of discrimination in the Human Rights Act 1993.
<b>21 Unreasonable search and seizure</b>	Everyone has the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence or otherwise.	<i>Clause 5.6</i> Council officers authorised under this Part are empowered to: <ul style="list-style-type: none"> <li>• ensure that anyone entering the landfill complies with the conditions of entry</li> <li>• inspect the contents of their waste and waste containers, whether carried in a vehicle, trailer, or by</li> </ul>	A search conducted on the permitted basis would be reasonable, justified and consistent with the BORA.  The clause does not provide for the seizure of an individual's property by an authorised officer.

# APPENDIX A

		some other means	
		<ul style="list-style-type: none"><li>prevent a particular person or organisation from entering the landfill.</li></ul>	
<b>22 Liberty of the person</b>	Everyone has the right not to be arbitrarily arrested or detained.	<i>Clause 5.5(a)</i> Council officers authorised under this Part are empowered to inspect vehicles, waste and waste containers.	The clause does not provide for the detention of individuals.  The stopping of vehicles by authorised Council officers in pursuit of their duties is considered to not unreasonably impinge in the rights of individuals.
<b>28 Other rights and freedoms not affected</b>	An existing right or freedom shall not be held to be abrogated or restricted by reason only that the right or freedom is not included in this Bill of Rights or is included only in part.	<i>Clauses 4.2.1, 4.3.2, 4.4.1, 4.5.1, 4.5.2, 4.5.3, 5.3</i>  Council can place restrictions on the depositing of waste, including on the types, treatment and collection of waste.	The proposed kinds of restriction are considered to not unreasonably impinge in the rights of individuals.

The Council's legal advisors have concluded that the proposed amendment is very limited and arguably does not breach or restrict the BORA rights and freedoms as:

- there is a specific empowering provision<sup>6</sup> that allows Council to make the proposed Bylaw
- the stopping and inspection of vehicles entering landfills is only a minor impact on the liberty of a person and does not require detention or arrest of that person
- the impact of restrictions on the depositing of waste on a person's freedoms under the BORA is also minor as it merely requires that those freedoms are exercised under an appropriate and justifiable regulatory environment.

It is considered that the proposed amendment does not give rise to any implications under, and is not inconsistent with, the BORA.

## 5 Process and proposed timeline

This consultation is being undertaken as the special consultative procedure required under section 83 of the LGA 2002, subject to section 86. The consultation plan includes both public and targeted consultation.

The proposed timeline for considering the amendment from this point is as follows:

---

<sup>6</sup> Section 542 of the LGA 1974, section 146 of the LGA 2002 and section 12 of the Litter Act 1979.

## APPENDIX A

13 October to 14 November 2008	Consultation period (5 weeks).
20 November 2008	Strategy and Policy Committee hears oral submissions.
4 December 2008	Strategy and Policy Committee considers report on all written and oral submissions received.
17 December 2008	Council considers the Committee's recommendations regarding the adoption of the proposed amendment.
18 December 2008	Public notice, as required under section 157(1) of the LGA 2002, that the newly amended bylaw is in force.

**PROPOSED**

**WELLINGTON CITY CONSOLIDATED BYLAW 2008**

**PART 9 – WASTE MANAGEMENT**

Pursuant to sections 145 and 146 of the Local Government Act 2002, section 542 of the Local Government Act 1974, section 12 of the Litter Act 1979 and section 64 of the Health Act 1956, the Wellington City Council amends the Wellington City Council Consolidated Bylaw 2008 to include a new part, Part 9 - Waste Management.

### **1. Short Title and Commencement**

- 1.1 This is the Wellington City Council Consolidated Bylaw 2008: Part 9 – Waste Management. This Part comes into force on 18 December 2008.

### **2. Purpose**

- 2.1 This Part of the Bylaw applies to all municipal waste and diverted material that is:

- (a) disposed of or collected within the district and / or
- (b) transported through or within the district and / or
- (c) received by a waste handling facility sited within the district.

- 2.2 The purposes of this Part of the Bylaw are to:

- (a) contribute to safe, effective and efficient waste management in the district, and, where appropriate, beyond the district
- (b) protect the health and safety of the public and of the Council's employees and contractors
- (c) assist with the implementation of waste minimisation goals in the New Zealand Waste Strategy 2002 and the Council's Solid Waste Management Plan 2003 and any subsequent waste minimisation initiatives.

- 2.3 It achieves these purposes by regulating:

- (a) kerbside collection services for waste and diverted material from individual properties
- (b) Council waste and diverted material collection services for any area designated in relation to this Part of the Bylaw as a commercial collection area
- (c) the types of waste that may be disposed of

# APPENDIX A

- (d) the prevention of nuisance in relation to waste collection, and litter and recycling bins provided by the Council in public places
- (e) the rules and conditions for use of landfills.

## 3. Interpretations

The following meanings apply in this part of the Bylaw:

<b>approved container</b>	any container for the deposit of recyclable materials, organic matter, or waste to be disposed to landfill, which is approved or provided by or on behalf of the Council, and which is used in a kerbside collection service
<b>authorised officer</b>	any person appointed by the Chief Executive of the Council for the purposes of acting as an authorised enforcement officer under this Bylaw
<b>commercial collection area</b>	a shopping and/or commercial area, including any private residences within that area, specifically identified by the Council to receive a waste collection and/or recycling service of a different nature or frequency from the Council's residential service
<b>deposit</b>	in relation to waste, including but not limited to litter, to cause or permit waste or other material or thing to be cast, placed, thrown or dropped
<b>destination</b>	the location at which the waste will be disposed of, discharged or unloaded
<b>disposal</b>	the final (or more than short-term) deposit of waste, including the incineration of waste, into or onto land set apart for that purpose
<b>dispose</b>	the action where liquid waste is discharged or solid waste is unloaded from the vehicle transporting it
<b>disposal facility</b>	a facility, including a landfill, operating, at least in part, as a business to dispose of waste, including household waste
<b>diverted material</b>	any thing that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded, including material for reuse, recycling and recovery
<b>organic green waste</b>	lawn clippings, branches, weeds, plants or other plant waste
<b>handle</b>	in relation to waste, includes, but is not limited to, any collection, sorting, consolidation, storage or processing of waste
<b>household waste</b>	waste from a household that is not entirely from construction, renovation, or demolition of the house. Household waste includes ashes, sweepings, dust, bones, waste food, cans, cartons, bottles or other containers, paper and any other waste resulting from domestic housekeeping, but does not include trade waste or any materials prohibited under this part of the Bylaw
<b>incineration</b>	the deliberate burning of waste to destroy it, but not to recover energy from it
<b>kerbside collection services</b>	any service provided for the collection of recyclable materials, waste for disposal to landfill or organic matter from producers of municipal waste
<b>landfill</b>	a designated site for the permanent, underground disposal of waste, but noting also that landfill operations are also often used for the temporary collection and storage of divertible materials

# APPENDIX A

<b>litter</b>	has the same meaning as in section 2(1) of the Litter Act 1979
<b>municipal waste</b>	solid waste in the Wellington District, including divertible material until such diversion has taken place, and including that generated by householders, visitors, commercial businesses, pedestrians and others
<b>nuisance</b>	has the same meaning as in section 29 of the Health Act 1956
<b>official bag</b>	a plastic bag identified with the Council logo and/or other images or text, approved by the Council, or any other official container approved under this Bylaw
<b>organic matter</b>	materials that are organic in origin and appropriate to be used as feedstock for composting, as determined by Council resolution
<b>recyclable materials</b>	recyclable materials, as determined by Council resolution
<b>recovery</b>	extraction of materials or energy from waste for further use or processing, including making green waste into compost
<b>recycling</b>	the reprocessing of waste to produce new materials
<b>recycling station</b>	an area or container, including public recycling bins, set aside by the Council for the deposit of specified types of solid waste
<b>reduction</b>	lessening waste generation, including by using products more efficiently or by redesigning products
<b>reusable container</b>	any container for waste or recycling that can be reused, including wheelie bins, recycling bins and skips
<b>reuse</b>	the further use of waste in its existing form for the original, or similar, purpose of the materials or products that constitute the waste
<b>solid waste</b>	all waste generated as a solid, or converted to a solid form for disposal, including cleanfill
<b>treatment</b>	subjecting waste to any physical, biological, or chemical process, other than by dilution, to change its volume or character so that it may be disposed of with no or reduced adverse effect on the environment
<b>waste</b>	any thing or material (liquid, solid or combination) disposed of or discarded, including: <ul style="list-style-type: none"><li>a) a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste);</li><li>b) abandoned material and litter; and</li><li>c) to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded</li></ul>
<b>waste handling facility operator</b>	any company, operator, contractor, partnership, or private non-profit agency that handles waste for treatment, storage/transport or disposal on a commercial basis
<b>waste management</b>	waste minimisation, and treatment and disposal of waste
<b>waste minimisation</b>	the reduction of waste, and the reuse, recycling and recovery of waste and diverted material

# APPENDIX A

## 4. Kerbside Collection Services

### 4.1 Overview

- 4.1.1 This subpart of the Bylaw is to ensure that municipal waste can be collected, transported and disposed of in a safe and efficient manner, and that waste does not cause a nuisance. It aims to prevent the contamination of recoverable resources and maximise the recovery of recyclable resources.
- 4.1.2 This subpart does not cover high-risk waste, such as blades or needles, sourced from waste producers such as health services, tattooists or beauticians, which are the concern of the New Zealand Waste Strategy 2002.
- 4.1.3 Littering is also covered under the Litter Act 1979.

### 4.2 Terms and Conditions

- 4.2.1 Any person using a kerbside collection service must comply with the terms and conditions for that service as determined by Council resolution publicly notified. The terms and conditions may include, but are not limited to, the following operational matters:
  - (a) the types of waste that may be placed in approved containers for kerbside collection
  - (b) the correct separation and treatment, such as wrapping or cleaning, of waste for disposal to landfill, organic matter or recyclable materials into approved containers
  - (c) the use and placement of approved containers for collection
  - (d) collection times
  - (e) retrieval of reusable waste or recycling containers and of any uncollected waste, recyclable or other materials
  - (f) the provision of on-site space for approved containers for multi-unit buildings
  - (g) restrictions on the weight of approved containers
  - (h) additional rules as may be required for the efficient operation of the respective collection systems.

### 4.3 Commercial Collection Areas

- 4.3.1 The Council may designate a specific area and/or road as a commercial collection area that will receive a specific collection service different from other kerbside collection services provided.
- 4.3.2 Any person disposing of waste in a commercial collection area must comply with the terms and conditions for the service as determined by Council resolution publicly notified including, but not limited to, the operational matters identified in 4.2.2 and any additional rules as may be required for the efficient operation of the respective collection systems.



# APPENDIX A

## **4.4 Recycling and Litter Bins in Public Places**

- 4.4.1 No person may deposit, or allow to be deposited, waste arising from that person's household, vehicle or business activities, including any offensive or dangerous matter, in any litter bin or at any recycling station provided by the Council in any public place.

## **4.5 Restriction on Disposal of Waste**

- 4.5.1 The Council may by resolution publicly notified prohibit certain materials from being deposited in an approved container, recycling station or litter bin provided by the council in a public place.
- 4.5.2 If a resolution has been made under clause 4.5.1 then no person may place or allow such materials to be deposited in any approved container, recycling station or litter bin provided by the Council in a public place.

## **4.6 Interference with Collection Service**

- 4.6.1 No person may interfere with or remove any waste or recyclable materials from an approved container or a Council waste collection point except the person who deposited the materials, or the Council or its agent.
- 4.6.2 No one shall obstruct or hinder any person engaged in carrying out waste collection services as agents of the Council.
- 4.6.3 No person may deposit any waste in an approved container provided to any other person, without that person's consent.

## **4.7 Non-Compliance with Conditions for Kerbside Collection Service**

- 4.7.1 Any person who does not comply with the terms and conditions for the kerbside collection service that applies to them may be subject to one or more of the following actions being taken against them:
- (a) the rejection of any approved container left out for collection if the contents or placement of the container is non-compliant
  - (b) a notice being issued against that person by the Council to prevent them from using that collection service or area
  - (c) any other steps that may be taken by the Council in law.

## **5 Landfills**

- 5.1 Entry to the landfill is conditional upon the user abiding by directions given by notice and staff. Failure to abide by the rules stipulated by notice or staff is an offence under this Bylaw.
- 5.2 It will be a condition of entry to the landfill for vehicles that the owners and operators of the vehicles may be subject to random audits of the contents of their waste and waste containers whether carried in a vehicle, trailer, or by some other

## APPENDIX A

means. Such inspections, sampling, testing or monitoring of waste, to be undertaken by landfill staff, will be for the purpose of determining whether or not people are complying with the terms and conditions of use of the landfill, with regard to the types of waste or divertible material they are carrying in for disposal or deposit. Detection of material that does not comply with the terms and conditions for use of the landfill may result in:

- (a) refusal to accept that waste or load for disposal
  - (b) a notice being issued against that person by the Council to prevent them from using the landfill
  - (c) any other steps that may be taken by the Council in law.
- 5.3 A person wishing to dispose of waste or deposit divertible material at a landfill must comply with the terms and conditions as determined by Council resolution publicly notified. The terms and conditions may include, but are not limited to:
- (a) the hours during which the landfill will be open
  - (b) the types of waste which can be disposed of there, including in relation to any required special handling as defined by the Dangerous Goods and Substances Act
  - (c) the types of divertible material to be directed to a recycling area
  - (d) the charges for disposing of waste in the landfill and for depositing divertible material
  - (e) the part of the landfill where waste is to be placed at any time
  - (f) any other conditions considered necessary for the proper control and management of the landfill.
- 5.4 No one shall remove or disturb any deposit of waste or diverted material, or remove any article or material of any kind from any landfill, unless authorised to do so by the Council.
- 5.5 No one (including any employee of the Council) shall light any fire upon or near any landfill without the express permission of the Council.
- 5.6 Council enforcement officers authorised under this Part of the Bylaw are hereby empowered to:
- (a) ensure that anyone entering the landfill complies with the conditions of entry and any other conditions to ensure compliance with health and safety standards, operational requirements and the laws governing the use of the landfill
  - (b) inspect waste and waste containers as provided for in clause 5.2
  - (c) prevent a particular person or organisation from entering the landfill for previous failure to comply with this Part or any direction given under it, failure to pay landfill or waste operator licensing fees, or failure to comply with operational requirements, the laws governing the use of the landfill, or health and safety standards in relation to waste management.

# APPENDIX A

## **6 Public Notification of Council Resolutions**

- 6.1 Copies of Council resolutions made under this bylaw will be made available at its offices and libraries, and online at [www.wellington.govt.nz](http://www.wellington.govt.nz).
- 6.2 For Council resolutions made under 4.2.1, relevant terms and conditions will also be printed on approved collection bags.
- 6.3 For Council resolutions made under 5.3, relevant information will also be notified by signage at landfills.