
ORDINARY MEETING

OF

WELLINGTON REGION WASTE MANAGEMENT AND
MINIMISATION PLAN JOINT COMMITTEE

AGENDA

Time: 9:30am
Date: Monday, 9 December 2019
Venue: Te Wai Manga (16.10)
Level 16, Tahiwī
113 The Terrace
Wellington

MEMBERSHIP

Councillor Sandy Ryan	Masterton District Council
Councillor Jill Greathead	Carterton District Council
Councillor Pam Colenso	South Wairarapa District Council
Councillor Jackie Elliot	Kāpiti Coast District Council
Councillor Steve Taylor	Upper Hutt City Council
Councillor Simon Edwards	Hutt City Council
Councillor Ros Connelly	Greater Wellington Regional Council
Councillor Geoff Hayward	Porirua City Council
Councillor Laurie Foon	Wellington City Council



Have your say!

You can make a short presentation to the Councillors at this meeting. Please let us know by noon the working day before the meeting. You can do this either by phoning 04-803-8334, emailing public.participation@wcc.govt.nz or writing to Democracy Services, Wellington City Council, PO Box 2199, Wellington, giving your name, phone number, and the issue you would like to talk about.

AREA OF FOCUS

Under the Waste Minimisation Act 2008 territorial authorities were required to develop a Waste Management and Minimisation Plan (WMMP) by 2012.

In 2011, 8 Councils in the greater Wellington region adopted the first regional WMMP. The Councils agreed that a Joint Committee should be established to oversee the implementation of the WMMP.

Quorum: 4 members

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1. Meeting Conduct

1.1 Apologies

The Chairperson invites notice from members of apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

1.2 Conflict of Interest Declarations

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

1.3 Confirmation of Minutes

The minutes of the meeting held on 9 September 2019 will be put to the Wellington Region Waste Management and Minimisation Plan Joint Committee for confirmation.

1.4 Items not on the Agenda

The Chairperson will give notice of items not on the agenda as follows.

Matters Requiring Urgent Attention as Determined by Resolution of the Wellington Region Waste Management and Minimisation Plan Joint Committee.

The Chairperson shall state to the meeting:

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

The item may be allowed onto the agenda by resolution of the Wellington Region Waste Management and Minimisation Plan Joint Committee.

Minor Matters relating to the General Business of the Wellington Region Waste Management and Minimisation Plan Joint Committee.

The Chairperson shall state to the meeting that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Wellington Region Waste Management and Minimisation Plan Joint Committee for further discussion.

1.5 Public Participation

A maximum of 60 minutes is set aside for public participation at the commencement of any meeting of the Council or committee that is open to the public. Under Standing Order 3.23.3 a written, oral or electronic application to address the meeting setting forth the subject, is required to be lodged with the Chief Executive by 12.00 noon of the working day prior to the meeting concerned, and subsequently approved by the Chairperson.

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Requests for public participation can be sent by email to public.participation@wcc.govt.nz, by post to Democracy Services, Wellington City Council, PO Box 2199, Wellington, or by phone at 04 803 8334, giving the requester's name, phone number and the issue to be raised.

ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

Purpose

1. This report facilitates the election of a Chairperson and Deputy Chairperson of the Wellington Region Waste Management and Minimisation Plan Joint Committee (the Joint Committee) as required by the Committee's terms of reference.

Recommendation/s

That the Wellington Region Waste Management and Minimisation Plan Joint Committee:

1. Receives the information.
2. Adopts, as described in the report and in the Local Government Act 2002, *either*:
 - a. Statutory voting system A; *or*
 - b. Statutory voting system B
3. Agrees that any voting round that requires a resolution by 'lot' to exclude any person/s will use the procedure where the candidates' names (with the same number of votes) are placed in a container and the name of the person drawn out by an independent person is deemed the winner (i.e., elected or not excluded from the next round).
4. Resolves to elect a member of the Joint Committee as chairperson and another member as deputy chairperson, for terms ending at the 2022 local elections.

Background

2. Under the terms of reference of the Joint Committee, the Joint Committee must appoint a chairperson and deputy chairperson following each triennial election. There being a vacancy in both the chair and deputy chair, the first meeting of the Joint Committee following the election is an appropriate time to make these appointments.
3. The Local Government Act 2002 (Schedule 7, clause 25) requires that the Joint Committee chooses one of two statutory voting systems:
 - A. Election by the majority of members present and voting, or
 - B. Election by receiving a greater number of votes than any other candidate.

General description of Voting System A (election by majority)

4. The characteristics of this voting system are:
 - a. The person who is elected receives the votes of a majority of the Joint Committee members present and voting.
 - b. There is a first round of voting for all candidates.

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- c. If no candidate is elected in that round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded.
- d. If no candidate is successful in the second round there is a third, and so on. Each time the candidate with the fewest votes in the previous round is excluded.
- e. If, in any round, two or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.
- f. Rounds of voting will only be required where there are more than two candidates.

General description of Voting System B (election by greatest number of votes)

5. The characteristics of this voting system are:
 - a. A person is elected if they receive more votes than any other candidate. If there are more than two candidates, this may not be a majority of the Joint Committee members present and voting.
 - b. There is only one round of voting.
 - c. If two or more candidates tie for the most votes, the tie is resolved by lot.

Procedure in case of equality of votes ('tiebreaker')

6. Both voting systems A and B require a resolution by 'lot' if two or more candidates receive an equal number of votes and no one else is elected.
7. The most common procedure is for the names of the candidates with the same number of votes to be placed in a container and the name of the person drawn out by an independent person is deemed the winner (i.e. elected or not excluded from the next round).
8. It is recommended that this process be used in the event that there is a tie between candidates.

Options

9. The Joint Committee must determine between Voting System A and Voting System B, and must determine a tiebreaker procedure.
10. Any member of the Joint Committee should move a motion to adopt either Voting System A or Voting System B, as well as a tiebreaker system. The tiebreaker procedure outlined above is recommended but an alternative may be moved by any member.

Next Actions

11. Once the voting system is decided, a staff member of the host Council will call for nominations for the role of the Joint Committee chairperson.
12. Once elected, the chairperson will assume the chair, and call for nominations for the role of the deputy chairperson.

Attachments

Nil

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Item 2.1

Author	Dominic Tay, Senior Democracy Advisor
Authoriser	Jennifer Parker, Democracy Services Manager Emily Taylor-Hall, Manager, Waste Operations

SUPPORTING INFORMATION

Engagement and Consultation

Not required.

Treaty of Waitangi considerations

Not required.

Financial implications

Not required

Policy and legislative implications

The Joint Committee is required to adopt a voting system under the Local Government Act 2002.

Risks / legal

Not required.

Climate Change impact and considerations

Not required.

Communications Plan

Not required.

Health and Safety Impact considered

Not required.

GOVERNANCE ARRANGEMENTS 2019-2022

Purpose

1. This report provides the Wellington Region Waste Management and Minimisation Plan Joint Committee (the Joint Committee) with information about governance arrangements for the coming term, and seeks agreement to:
 - Adopt a meeting schedule
 - Confirm the hosting arrangements for Joint Committee meetings
 - Confirm the model of Standing Orders to be used in Committee meetings

Recommendation/s

That the Wellington Region Waste Management and Minimisation Plan Joint Committee:

1. Receives the information.
2. Adopts the quarterly meeting schedule set out in **Attachment 1** and as follows:
 - Monday 9 March 2020, 9:30am
 - Monday 8 June 2020, 9:30am
 - Monday 7 September 2020, 9:30am
 - Monday 7 December 2020, 9:30am
 - Monday 8 March 2021, 9:30am
 - Monday 7 June 2021, 9:30am
 - Monday 6 September 2021, 9:30am
 - Monday 6 December 2021, 9:30am
 - Monday 7 March 2022, 9:30am
 - Monday 6 June 2022, 9:30am
 - Monday 5 September 2022, 9:30am
 - Monday 5 December 2022, 9:30am
3. Agrees that meetings of the Joint Committee will be hosted by Wellington City Council, including secretariat support.
4. Notes that it may be necessary, from time to time, to schedule additional ordinary and extraordinary meetings or workshops and to reschedule or cancel existing meetings.
5. Agrees that changes to the meeting schedule may be determined by officers responsible for the implementation of the Plan, in consultation with the chairperson and/or deputy chairperson of the Joint Committee and the Secretariat.
6. Notes that the New Zealand Model Standing Orders for Meetings of Local Authorities and Community Boards (NZS 9202:2003 incorporating Amendment 1) will continue to apply to all meetings of the Joint Committee.

Background and Discussion

Meeting schedule

2. The terms of reference for the Joint Committee provide for meetings to be held “on an as required basis.”
3. In previous years the Joint Committee has adopted a quarterly meeting cycle. The adoption of a meeting schedule (of any cycle) allows for the planning of the Joint Committee’s work programme and enables elected members to plan their commitments accordingly. To fit around most other meetings of local authorities, the Joint Committee has typically met on Mondays at 9:30am.
4. Officers recommend that the status quo (quarterly meetings on Mondays at 9:30am) is continued in the 2019–2022 triennium.
5. A proposed quarterly meeting schedule is set out in **Attachment 1**.

Amendments to the meeting schedule

6. It may be necessary, from time to time, to schedule additional ordinary and extraordinary meetings or workshops and to reschedule or cancel existing meetings.
7. In the 2016–2019 triennium changes to the meeting schedule were agreed between officers responsible for the implementation of the Plan, the chairperson and/or deputy chairperson of the Joint Committee, and the Secretariat.
8. It is proposed that this arrangement continues in the 2019–2022 triennium.

Meeting venue and secretariat support

9. The terms of reference provide for the Joint Committee to agree at the beginning of each triennium a host Council which will be responsible for the meeting venue and secretariat support (such as the notification of meetings, coordination of reports and publication of agendas and minutes).
10. In the 2016–2019 triennium, Wellington City Council was the host Council.
11. Wellington City Council has offered to be the host Council for the 2019–2022 triennium.

Standing Orders

12. The New Zealand Standard Model Standing Orders for Meetings of Local Authorities and Community Boards (NZS 9202:2003 incorporating Amendment 1; “the Model Standing Orders”) apply at meetings of the Joint Committee. This was agreed at the inaugural Joint Committee meeting on 2 November 2015.
13. The Model Standing Orders may differ slightly from those used at most other local authority meetings that Joint Committee members attend. In general the following provisions apply:
 - A meeting will lapse for want of a quorum after ten minutes [some Councils use fifteen minutes].
 - Amendments may be moved and seconded by members who have not previously spoken to the motion (members who have moved and seconded a prior amendment may not move or second a subsequent amendment) [SOLGM model standing orders Option A].

- In the event of an equality of votes, the chairperson does not have a casting vote and the status quo is preserved [some Councils have a casting vote].
14. Joint Committee members will be provided with a copy of the Model Standing Orders at the first meeting.

Options

15. Officers recommend that the quarterly meeting schedule be adopted, and that meetings continue to be hosted by Wellington City Council.
16. Members of the Joint Committee may propose amendments to the meeting schedule or an alternative host Council, if they wish.

Next Actions

17. The host Council will publish a list of upcoming Joint Committee meetings on its website and notify members and the public of these meetings.

Attachments

Attachment 1. Proposed quarterly meeting schedule 2019-2022 [↓](#) 

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Author	Dominic Tay, Senior Democracy Advisor
Authoriser	Emily Taylor-Hall, Manager, Waste Operations

SUPPORTING INFORMATION

Engagement and Consultation

Not applicable.

Treaty of Waitangi considerations

Not applicable.

Financial implications

Secretariat costs will be met by the host Council.

Policy and legislative implications

The Joint Committee is required by its terms of reference to agree a meeting schedule and secretariat support at the beginning of each new triennium.

Risks / legal

Not applicable.

Climate Change impact and considerations

Not applicable.

Communications Plan

Not applicable.

Health and Safety Impact considered

Not applicable.

Wellington Region Waste Management and Minimisation Plan Joint Committee

Meeting Schedule 2019–2022

Meetings are to be quarterly on Mondays at 9:30am as follows:

2020

Monday 9 March 2020, 9:30am

Monday 8 June 2020, 9:30am

Monday 7 September 2020, 9:30am

Monday 7 December 2020, 9:30am

2021

Monday 8 March 2021, 9:30am

Monday 7 June 2021, 9:30am

Monday 6 September 2021, 9:30am

Monday 6 December 2021, 9:30am

2022

Monday 7 March 2022, 9:30am

Monday 6 June 2022, 9:30am

Monday 5 September 2022, 9:30am

Monday 5 December 2022, 9:30am (first meeting after triennial election)

Note: Amendments to the meeting schedule may be necessary from time to time. These may be agreed between officers responsible for the implementation of the Plan, the chairperson and/or deputy chairperson of the Joint Committee, and the Secretariat.

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ORAL UPDATES ON LOCAL WORKSTREAMS

Purpose

1. Council officers will provide the Wellington Region Waste Management and Minimisation Plan Joint Committee with oral updates on local workstreams.

Recommendation/s

That the Wellington Region Waste Management and Minimisation Plan Joint Committee:

1. Receives the information.

Attachments

Nil

Author	Dominic Tay, Senior Democracy Advisor
Authoriser	Emily Taylor-Hall, Manager, Waste Operations

DRAFT WASTE BYLAW TEMPLATE

Purpose

1. This report asks the Wellington Region Waste Management and Minimisation Plan Joint Committee to approve the draft waste bylaw template for discussion with the individual territorial authorities in the Wellington region.

Summary

2. This report provides an update on the work to “*investigate and if feasible develop, implement and oversee monitoring and enforcement of a regional bylaw, or a suite of regionally consistent bylaws*”, as stated in the Wellington Region Waste Management and Minimisation Plan 2017-2023, which was developed jointly and collaboratively by the eight councils in the Wellington region.
3. Over the last two years, officers have analysed a range of waste and recycling issues in our region, with a view to understand the role and justification for a regionally consistent bylaw to help address these.
4. Draft provisions for a regionally consistent bylaw have now been completed, and are being presented to the joint committee for formal acceptance, and for approval before requesting feedback from member councils (and selected stakeholders) on these draft provisions.

Recommendation/s

That the Wellington Region Waste Management and Minimisation Plan Joint Committee:

1. Notes the Wellington Region’s Waste Management and Minimisation Plan’s action for councils to “*investigate and if feasible develop, implement and oversee monitoring and enforcement of a regional bylaw, or a suite of regionally consistent bylaws*”.
2. Notes the work completed to analyse the issues and associated justifications for regionally consistent bylaw provisions.
3. Approves the draft waste bylaw template as contained in **Appendix 1** for discussion with member councils.
4. Asks member councils to formally re-confirm their commitment to the waste bylaw development timetable, with the aim of having a new regionally consistent waste bylaw in place by October 2020.

Background

Review of solid waste bylaws in the Wellington region

5. In 2017, all eight territorial authorities of the Wellington Region adopted the Wellington Region Waste Management and Minimisation Plan (WMMP) 2017-2023. This regional-level plan, required under the Waste Minimisation Act 2008, was collaboratively developed by the eight territorial authorities and identifies the council actions for

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achieving effective and efficient waste management and minimisation within the respective cities and districts, including working collaboratively to advance solutions to regional and local waste management issues.

6. Under the umbrella of WMMP, the eight councils also agreed to “*investigate and if feasible develop, implement and oversee monitoring and enforcement of a regional bylaw, or a suite of regionally consistent bylaws*” and to “*ensure systems and resources are in place for implementing, monitoring and enforcing the Regional Solid Waste Bylaw once it becomes active*” (R.1).
7. In line with this regional action, a project was set up to review Council’s existing bylaws in 2018. The bylaw review and development has been led by our regional waste planner, who is jointly employed by the eight Wellington territorial authorities to support the development and implementation of the regional WMMP, albeit supported by local council officers working in conjunction with the regional waste planner.

Legislative context

8. Collectively, the Local Government Act 2002 (LGA), the Waste Minimisation Act 2008 (WMA), the Litter Act 1979, the Resource Management Act 1991, and the Health Act 1956, provide a legislative framework for waste management and minimisation in New Zealand. These Acts provide a legislative foundation for the New Zealand Waste Strategy (2010).
9. The LGA and the WMA are the primary pieces of legislation relevant to this bylaw review. Underpinning this, the WMA (s42) stipulates that territorial authorities have an obligation to encourage effective and efficient waste management and minimisation within their areas. The LGA further specifies that territorial authorities are required to have particular regard to the contribution that solid waste collection and disposal makes to their communities as a core service (s11A, LGA, 2002). As the WMA exists independently of the LGA, territorial authorities are obliged to give effect to both pieces of legislation.
10. Territorial authorities have the ability to make bylaws in accordance with the WMA and LGA in order to:
 - Prohibit or regulate the deposit of waste (WMA s56(1)(a))
 - Regulate the collection and transportation of waste (WMA s56(1)(b))
 - Prohibit the removal of waste intended for recycling from receptacles (WMA s56(1)(f))
 - Protect the public from nuisance (LGA s145(a))
 - Protect, promote and maintain public health and safety (LGA s145(b))
 - Regulate waste management, solid waste, and trade waste (LGA s146(a)(ii, iii, iv))

Bylaw review requirements and considerations

11. Councils have an obligation to review their bylaws made under the Local Government Act (LGA) initially every 5 years, and then subsequently at least every 10 years.
12. Most councils within the region have a bylaw regarding solid waste management, as follows:

Council	Bylaw commencement date	Expiry date (+10 years)	+2 years
Upper Hutt	2005	2015	Council revoked bylaw in July 2017
Hutt City	18 March 2008	18 March 2018	18 March 2020
Wellington City	18 Dec 2008	18 Dec 2018	18 Dec 2020
Porirua	1 July 2010	1 July 2020	1 July 2022
Kapiti	1 July 2010	1 July 2020	1 July 2022
Masterton & South Wairarapa	14 August 2013 (MDC)	14 August 2023 (MDC)	14 August 2025 (MDC)
	31 July 2013 (SWDC)	31 July 2023 (SWDC)	31 July 2025 (SWDC)
Carterton	n/a	n/a	n/a

13. Note that when a bylaw expires, a Council has a further two years to review it, before it lapses.
14. Before a local authority makes a bylaw, a council must determine whether a bylaw is the most appropriate way of addressing the issue or problem.
15. While non-regulatory guidance (e.g. community education, guidelines and the provision of information) and appropriate operational practices may be needed to address a range of waste management issues, bylaw regulation can be necessary as a means to establish a range of baseline waste management and minimisation standards applicable to waste service users and service providers.
16. Together, regulatory standards, non-regulatory action and operational practice will support the delivery of effective and efficient waste management and minimisation within a city or district (as depicted in the below diagram).

Components of effective and efficient waste management and minimisation



Project phases

17. The project to develop a regionally consistent bylaw has been broadly divided into two phases:
 - Phase 1: Issue and option analysis, determination of the scope and scale of the issues, and determination of the role of a bylaw in resolving these (in the context of other potential measures to resolve them)
 - Phase 2: Subject to the findings emerging from the initial issues and options analysis, development of a bylaw, including the creation of a potential regional bylaw template, consultation and deliberation on submissions/feedback and following that, Council approval.
18. Phase 1 took place between 2018 and mid-2019, and involved the regional waste planner analysing the issues and their scale regarding waste management and minimisation within each council area, and an assessment of the role of a bylaw in resolving these. This work resulted in background information and issues reports for each council, and these were discussed at workshops (or presented via briefings) for each council in late 2018 and early 2019. These engagements presented a key opportunity to test the level of interest by each council to address the identified issues through a bylaw.
19. Following this work, the regional planner identified a number of common issues and concerns that could be addressed through a bylaw. Analysing other councils' bylaws and regulatory frameworks (both in New Zealand, and in other jurisdictions), the regional planner developed, as a first step in Phase 2 of the project, a draft bylaw template as a basis for engagement and discussion with each individual Council.
20. This draft bylaw template is the subject of this paper, and is included in Appendix 1.
21. Note that in principle, it would be possible to develop a regional bylaw that applies to all councils. However, due to some differences with regard to particular issues, officers have focused their efforts on developing a draft bylaw template as the basis for a regionally consistent bylaw.
22. In the following sections, issues of common concern are discussed, and justifications are provided as to why these issues could or should be addressed as part of a regionally consistent bylaw.

Issues and justification for regionally consistent bylaw provisions***Ensuring efficient & effective waste management operations***

23. As recognised in the NZ Waste Strategy (2010), efficiency in waste management is acknowledged to extend beyond the consideration of operational efficiency and also includes the efficiency of resource use to reduce the impact on the environment and human health, and to capitalise on economic benefits.
24. Both waste service user and operator actions have the potential to impact the efficiency and effectiveness of waste management operations. These actions include:
 - the use and placement of kerbside containers for collection
 - the types of waste and diverted material placed in kerbside collection containers

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- levels of recycling contamination
 - littering and the inappropriate deposit of waste
 - the reliability of service provision
 - the appropriate disposal of material at landfills
25. The use of education strategies and programmes exist as options available to Councils to manage efficiency and effectiveness issues. For example, community education promoting the correct use of kerbside collection systems will be essential if a collection service is to run effectively and efficiently. However, despite education being a necessary tool for promoting behaviour change, it does not necessarily provide a satisfactory solution for a small percentage of the population who knowingly breach kerbside collection rules. Furthermore, education and advice will not, alone, be sufficient in managing commercial waste collectors who will largely be driven by cost considerations.
26. Opportunities exist to expand the current standards applicable to Councils to better support and safeguard the efficiency and effectiveness of waste and recycling servicing operations, reflected in relevant regionally consistent bylaw provisions.

Managing dangerous, hazardous and/or infectious waste

27. The disposal of dangerous and/or hazardous waste into any kerbside waste or recycling containers, and potentially into landfills, remains a waste management issue requiring attention. As national regulation, standards and codes of practice pertaining to hazardous waste management continue to evolve, it will be important that Councils can readily respond and address related issues through bylaw provisions and associated terms, conditions and standards.
28. Regulating the disposal of dangerous, hazardous and infectious materials consequently remains necessary, and bylaw provisions should ensure that risks such materials pose to human health, environmental wellbeing, and waste service operator safety are minimised, and where possible avoided. As such, the use of a non-regulatory approach to controlling the disposal of hazardous waste is unlikely to be sufficient. It is, however, recognised that in order to be effective, such bylaw controls need to be supported by community education advocating best practice waste management behaviour.
29. In line with guiding legislation, specifically section 145(b) LGA 2002, and sections 23(e) and s64(1)(a) of the Health Act, relevant regionally consistent bylaw provisions would provide Councils with the tools for controlling the deposition of dangerous, hazardous and infectious substances within the waste stream.

Managing waste storage and collection activities to minimise public nuisance issues and adverse impacts on urban amenity

30. Waste and recycling collection activities have the potential to reduce the level of amenity enjoyed within the urban environment and to create public nuisance issues. This can include:
- the siting of waste or recycling receptacles (wheelie bins, crates, bags) in a manner that impedes footpath access
 - noise disturbance associated with collection activities

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- the recurrent practice of the mass deposit or piling of rubbish and recycling on the kerbside and outside of multi-unit dwellings
 - inappropriate waste disposal in public places and on private property.
31. Councils have the ability to affect these issues using education strategies and programmes. While community education may be effective in promoting behaviour change for kerbside service users, it is important to set clear minimum operational standards to work towards. Furthermore, when attempting to address issues such as the inappropriate siting of waste or recycling receptacles and the mass piling of waste, the effectiveness of community education is likely to be limited where practices will result in a cost saving or time saving by a service user or service operator.
32. For this reason the use of community education would be best supported by bylaw provisions that provide minimum regulatory standards that service users, and operators, should meet. For this reason, relevant regionally consistent bylaw provisions would provide Councils with the tools to address these public nuisance and amenity-related issues in a consistent manner.

Ensuring efficient and appropriate waste management storage and servicing for multi-unit dwellings

33. As urban densities increase, not just in Wellington City but across the wider Wellington region, the provision of adequate on-site waste management storage and servicing areas has the potential to be an issue within areas subject to intensification. Broadly speaking, a multi-development refers to a property comprising two or more separately occupied household/residential units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership located on the one site.
34. The inappropriate design of waste storage and servicing areas in multi-unit dwellings can create difficult-to-access or no-access sites for waste collection vehicles. In turn, associated waste and recycling servicing can cause public place nuisance issues caused by the deposit of waste, and result in a recurrent loss of amenity.
35. Insufficient space provision in multi-unit developments for waste and recycling receptacles, and inappropriately designed and located waste management storage areas can also be problematic for residents, constraining a person's ability to sustainably manage and divert/minimise their waste for the life of the building.
36. Whilst the Building Code (Clause G15 Solid Waste) stipulates that such "*buildings shall be provided with space and facilities for the collection, and safe hygienic holding prior to disposal, of solid waste arising from the intended use of the buildings*", this clause does not apply to multi-unit dwellings if there is an independent access, or if there is a private open space at the ground level.
37. Building Code provisions are therefore considered inadequate both for amenity protection and for accommodating the waste management needs of residents for the following reasons:
- Where a development is exempt from Clause G15:

- The provision of an independent site access does not guarantee that multi-unit developments are designed with sufficient on-site waste and recycling storage areas.
 - The provision of a private open space at the ground level does not guarantee that this open space is available or accessible for waste storage or servicing needs.
 - Where Clause G15 is deemed applicable to a development:
 - It does not specify a minimum site size for on-site waste and recycling storage. It is, however, noted that Building Code provision G15/AS1 provides detail of a possible 'acceptable solution' for waste storage, which when complied with, will be deemed acceptable in terms of Building Code compliance.
38. When considering any potential solutions to this issue, it is important to differentiate between existing legally constructed multi-unit dwellings, and new (yet to be established) multi-unit dwellings. The use of a regulatory mechanism as a means to require suitable waste and recycling storage and servicing areas is only appropriate with respect to new multi-unit dwellings, or buildings (e.g. offices) being converted into multi-unit dwellings.
39. Existing multi-unit dwellings are anticipated to be legally constructed in accordance with regulatory standards. Therefore, the Council cannot retrospectively apply new building development standards applicable to these buildings. However, the Council can regulate waste and recycling service collection standards applicable to both new and existing multi-unit dwellings.
40. For new (yet to be established) multi-unit dwellings and buildings being converted into multi-unit dwellings, there are two regulatory options relevant for consideration as a potential means to address waste storage and servicing area issues. These include District Plan standards, or the introduction of revised waste bylaw controls.
41. Where specific District Plan rules or standards relating to the provision of waste servicing areas in multi-unit developments do not yet exist, they could be addressed via new District Plan provisions. However, should future District Plan standards fail to address this issue, then the establishment of minimum standard waste bylaw controls in the meantime would be appropriate.
42. In summary, issues or potential issues caused by inadequate waste management and storage facilities in multi-unit dwellings can be anticipated to increase in the future. For this reason, relevant regionally consistent bylaw provisions would provide councils with the capacity to establish minimum multi-unit waste storage and service standards in the absence of relevant District Planning controls and to require waste management and minimisation planning.

Minimising construction and demolition (C&D) waste

43. The New Zealand construction sector is relatively waste-intensive in New Zealand. Construction and demolition activity can generate substantial quantities of dense material, much of which is potentially recoverable, such as brick and concrete, timber, plasterboard, and metal.

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44. In 2013/14, approximately 32,000 tonnes of waste sent to municipal (Class 1) landfills in the Wellington Region was waste construction and demolition waste (being 12.7% of Class 1 Landfill waste stream). However, available data also indicates that the majority of C&D waste is currently being sent to Class 2-4 landfills.
 45. In 2015, Class 2-4 landfill operators reported their C&D waste tonnages to be approximately 525,000 tonnes per annum. This converts into a per capita disposal rate of approximately 1.06 tonnes per capita per annum (Wellington Region Waste Assessment, 2016, p.55). As a significant part of this waste stream is potentially recoverable, the Wellington Region Waste Assessment identified construction and demolition waste as being a priority waste stream that could be targeted by councils as a means to reduce waste to landfill (2016, p.87).
 46. In late 2018, councils from the Wellington Region cooperated and jointly commissioned a report from Tonkin & Taylor Ltd to analyse the waste minimisation issues and challenges associated with construction and demolition (C&D) waste, and to identify the range of options available to councils in response to these issues.
 47. The key issues include, but are not limited to constrained capacity to process and recover C&D waste, the availability of low cost disposal for C&D waste close to where many major projects are occurring, and a lack of incentives that would encourage or promote C&D waste minimisation.
 48. While some of the identified options are not within the scope of councils' roles (eg increasing the waste levy to incentivise diversion of C&D waste), some options exist for councils to advance C&D waste minimisation. Such initiatives could include investing in C&D waste processing activities to stimulate the recovery market, and incorporating C&D waste minimisation into council procurement considerations.
 49. Alternatively, councils could rely on voluntarily waste minimisation practices and sustainability certifications (e.g. the GreenStar building rating system) to promote C&D waste minimisation. However, despite being useful to reduce C&D waste on discrete projects, it is limited in its capacity to promote or bring about significant reductions in the amount of C&D waste generated across the region.
 50. The establishment of bylaw provisions that require the consideration of C&D waste minimisation associated with large commercial building projects exists as a starting point for C&D waste minimisation in the Wellington Region. Bylaw provisions have the potential to require the consideration of C&D waste minimisation design, planning, materials recovery and reuse.
 51. It is important to recognise that the establishment of such bylaw provisions will not significantly reduce the amount of C&D waste produced within the region in the absence of changes occurring in the Wellington Region waste market. Currently within the Wellington region, the disposal of C&D waste to Class 2-4 landfills is relatively cheap in comparison to disposal to Class 1 municipal landfill waste. For this reason, C&D waste diversion would be incentivised and become more commercially viable if the cost of C&D waste disposal was to increase.
 52. The New Zealand Government has signalled their interest in intervening in the C&D waste market through increasing or expanding the scope of the waste levy. Should this national-level intervention occur and the cost of C&D waste disposal increase, it would act as an incentive for industry to divert and recycle C&D waste. If this was to happen,

the existence of any council requirement for C&D waste minimisation plans would become a valuable tool for identifying the potentially divertible and recyclable waste material streams. Such plans would also contribute to the success of any C&D diversion facilities established within the region.

53. Bylaw provisions that require C&D waste management and minimisation planning on large construction and demolition projects consequently could hold a key role in promoting construction and demolition waste minimisation in the Wellington region.

Littering, waste and public nuisance caused by unaddressed mail

54. Advertising material is currently being deposited in mail boxes and on car windows. Inappropriate disposal or depositing of unaddressed mail in already full mailboxes can result in public nuisance issues for residents, increased waste to landfill, and litter in public places. It is currently estimated that 30kg of advertising circulars are delivered to each New Zealand home every year.
55. Furthermore, when waste is deposited in a public place (e.g. car windscreens and advertising flyers), the resulting litter and waste often becomes the liability of the Council for removal and disposal. Council has no ability to recover the costs of removal or disposal by the waste generators.
56. Councils have three options available in order to address this issue: reliance on voluntary codes of practice, community education/promotional strategies, and bylaw regulation.
57. The voluntary Marketing Association Code of Practice for the distribution of unaddressed mail currently already exists. This voluntary standard advocates for the honouring of household “No Junk Mail” requests by advertisers, and is a standard that is, in principle, widely accepted by the marketing industry and endorsed by the Marketing Association and the New Retailers Association. However, notwithstanding the existence of this standard, waste and litter issues associated with unaddressed mail continue to remain an issue for many residents within the Wellington region. This situation suggests that on its own, a voluntary approach is limited in its ability to address this issue.
58. The main advantage of regulating unaddressed mail through a bylaw is that a bylaw has universal application and will apply to all advertisers. Also, a bylaw could explicitly prohibit putting marketing material under car windscreen wipers.
59. A bylaw response clarifying the acceptable and unacceptable deposit of unaddressed mail is consequently considered a possible response to this issue.

Limited waste data

60. As recognised within the New Zealand Waste Strategy (2010), “...*the lack of data about waste hampers our ability to plan appropriate activities to improve waste management and minimisation*”. Consequently, the limited and inconsistent nature of regional waste data (including cleanfill waste data) and recycling sector data can constrain councils’ understanding of waste issues.
61. The establishment of waste operator bylaw licensing has the potential to address this issue. Waste operator licensing will be most effective when co-ordinated at the regional

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level and when developed to give effect to the National Waste Data Framework. From an operator perspective, a regionally co-ordinated waste operator licensing regime would likely be beneficial as it would reduce the burden of data provision for operators working across district/city boundaries within the Wellington region. The National Waste Data Framework has the potential to inform the collection of waste-related data across the Wellington Region, and New Zealand more widely.

62. Section 56(3)(b) of the WMA enables territorial authorities to require the provision of waste data from operators through operator licensing. Licensing may also stipulate licensing conditions that require the following:
 - a performance bond or security, or both, for the performance of the work licensed, and;
 - preparation of reports (or provision of data) setting out the quantity, composition, and destination of waste collected and transported by the licensee (for example, household waste to a disposal facility).
63. Engagement with waste industry stakeholders in early 2019 has confirmed that requesting the voluntary provision of waste data would not secure the provision of data for councils. This is due to the commercial sensitivity of the data. In one instance, a waste company reported that it was their corporate policy to only release commercial waste data if required by regulation.
64. In addition, feedback suggests that if licencing were to be required, it should be done regionally, in order to minimise transactions costs to operators.
65. A number of territorial authorities in New Zealand have already established operator licensing via bylaw provisions in order to secure the provision of waste data. Within the Wellington Region, only Kapiti Coast District Council has in place a licencing regime. The introduction of relevant regionally consistent bylaw provisions for a regional licencing regime would avoid a piece meal approach, and would likely minimise transaction costs for both operators and Councils.
66. It is noted that appropriate data confidentiality protocols will need to be applied to safeguard the commercial viability of the waste operators supplying the data.

Better event waste management and minimisation

67. Public events, such as festivals, parades and concerts have the potential to generate a significant amount of waste. However, as the amount of waste being generated at events typically remains unreported, the total volume of event waste generated within the region, or individual cities or districts, remains unknown.
68. Where event organisers voluntarily choose to run waste free events, or promote recycling and organics diversion at events, it has the dual benefit of normalising and promoting waste minimisation behaviour change within the community, and reducing the amount of waste sent to landfill.



69. Currently, councils jointly encourage event waste organisers to consider waste minimisation through the provision of advice: a regional event organiser guide, and a regional food packaging guide for food retailers. Both guides were developed collaboratively by all eight Councils, copies are available at <https://www.upperhuttcity.com/Services/Waste-and-recycling/Event-Waste-Minimisation-and-Management>.
70. However, experience from other councils around New Zealand has highlighted that without regulatory intervention the use and uptake of any such guidelines will likely be extremely limited.
71. As event organisers may be able to save time and money by ignoring event waste reduction guidelines and techniques, and by sending all their accumulated event waste to landfill, voluntary approaches to event waste minimisation are consequently limited in their capacity to reduce waste.
72. In response to this issue, a number of local authorities around New Zealand have established bylaw provisions to regulate the encouragement of waste minimisation at events. For example, some bylaws have the ability to require the lodgement of an event waste management and minimisation plan prior to the commencement on an event over a certain size (e.g. over 1,000 event attendees). Such plans have the ability to control the types of potential waste materials used and produced at events, and could require event organisers to specify the steps to be taken to minimise waste and maximise the diversion. However, at their most basic level, they would not necessarily mandate waste diversion, but simply require organisers to think through how they will manage the waste at their event, and at least minimise negative effects such as litter.
73. Due to the limited effectiveness of non-regulatory event waste management approaches, and the absence of alternate regulatory approaches, the use of bylaw provisions would establish basic waste-related planning considerations for events, at least for those held on council owned, managed or administered land. It could also help minimise potential waste-related reputational risk issues for the councils, and act as a strong learn-by-doing educational tool for promoting and normalising waste minimisation behaviour change within the community.

Next steps

74. Based on the timetable approved at the last Joint Committee meeting on 9 September 2019 (**Graphic** overleaf refers), the next step on the bylaw timetable is to discuss the first draft of the regionally consistent bylaw template with all member councils. This could be done via formal briefings or workshops. It could also involve early consultation with relevant stakeholders, such as the construction and demolition sector.
75. Based on the feedback collected at these engagements, officers would report back to the Joint Committee with recommendations on a draft bylaw package, in March 2020.
76. This would be followed by councils formally receiving the draft bylaw and commencing their respective bylaw processes, including consultation with their communities. While officers propose that this bylaw be regionally consistent as much as possible, ultimately each council will have to adopt their own version of the bylaw template.

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- 77. Following the formal bylaw process, a new regionally consistent waste bylaw could be in place by approximately October 2020.



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Risks

78. Except for Upper Hutt City Council, all territorial authorities in the Wellington region currently have a waste bylaw. However, both Hutt City Council's and Wellington City Council's bylaw will lapse within the next year.
79. Based on the current timeframe for having a new regionally consistent bylaw in place by October 2020, there can be a time gap between when current bylaws formally expire, and a new bylaw formally in place. Councils affected by this time gap would not be able to formally enforce their expired bylaw, or be able to prosecute in response to someone breaching their bylaw. Whether this is problematic or not depends on the relevant provisions in the bylaw for each council. (Note that councils' ability for enforcement and infringements under the Litter Act 1979 are unlikely to be affected by bylaws lapsing.)
80. Hutt City Council will be affected by this time gap, and Wellington City Council would be affected by this also if there is any delay to the current time table. Delays to the time table increase the risk that those councils affected by a time gap will break away from the regional project to work collaboratively on a regionally consistent bylaw with other councils, which in turn could limit the region's ability to develop regionally consistent and more effective waste management-related bylaw provisions. This would run counter to the intent of the WMMP 2017-23 and previous decisions by the member councils.
81. In order to minimise this risk, officers recommend that all individual councils formally re-confirm their commitment to the regional time table via a relevant council decision, and by confirming that they have the council-internal waste bylaw processes included on their relevant committee work programmes, in line with the regional timetable currently in place.

Attachments

Attachment 1. Draft Waste Bylaw Template [↓](#) 

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DRAFT - Wellington Region TAs ‘Waste Management & Minimisation Bylaw’ standard clauses/options template [as at 25-11-2019]

This draft document sets out a series of potential standard bylaw clauses developed for the 8 territorial authorities of the Wellington region to use when reviewing their solid waste and waste management bylaws. In accordance with the WMMP (2017), these have the potential to form the basis for the development of a suite of regionally consistent district level solid waste management bylaws (or updated bylaws) across the councils (to the extent this is feasible/workable). It is intended that each Council will adopt its own waste management and minimisation bylaw, with tailored provisions/clauses where appropriate and necessary (e.g. to reflect a specific context, operational needs and/or management facilities), and with specific associated controls to support implementation of the bylaw able to be made under the bylaw as needed by each council.

The below table outlines each potential bylaw clause and notes the rationale and/or key considerations regarding the draft bylaw clause/provision.

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
PART A: INTRODUCTION				
1	Title and Application	1.1 The title of this Bylaw is the “Waste Management and Minimisation Bylaw [insert year]”. 1.2 This Bylaw applies within the boundaries of the [insert District/City].	<i>Insert details as appropriate for each council.</i>	
2	Commencement	2.1 This Bylaw comes into force on [insert date] except for the following exceptions which come into force on the date specified: (a) The licensing provisions in clause 9 come into force [2 years] after the commencement date of this bylaw; (b) The construction and demolition waste management plan provisions in clause 15 come into force [1 year] after the commencement date of this bylaw; and (c) The event waste management plan provisions required under clause 14 come into force [1 year] after the commencement date of this bylaw.	<i>Insert details, including commencement dates of delayed provisions, as appropriate for each council. Dates in this draft are suggestions only. The exceptions allow for the delayed start of specified provisions to give councils</i>	<i>KCDC may propose that licencing provisions come into force right away (as they already have a licencing system in operation).</i>

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ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
			<i>(as may be required) more time to put in place appropriate implementation resourcing, mechanisms and systems etc.</i>	
3	Revocation	3.1 This Bylaw repeals and replaces the [insert name] Bylaw [date].	<i>Councils to include the existing solid waste bylaw being replaced by this Bylaw (as is relevant).</i>	
4	Purpose	<p>4.1 The purpose of this Bylaw is to support:</p> <ul style="list-style-type: none"> (a) The promotion and delivery of effective and efficient waste management and minimisation in [insert district/city] as required under the Waste Minimisation Act 2008; (b) The implementation of the Wellington Region Waste Management and Minimisation Plan; (a) The purpose of the Waste Minimisation Act and the goals in the New Zealand Waste Strategy, being to encourage waste minimisation and a decrease in waste disposal in order to protect the environment from harm; and provide environmental, social, economic, and cultural benefits; (b) The regulation of waste collection, transport and disposal, including recycling, ownership of the waste stream, waste storage and management; (c) Controls regarding the responsibilities of customers who use approved solid waste services, and the licensing of waste collectors and waste operators; (d) The protection of the health and safety of waste collectors, waste operators and the public; and (e) The management of litter and nuisance relating to waste in public places. <p>4.2 This Bylaw is made pursuant to section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Heath Act 1956, and section 12 of the Litter Act 1979.</p>	<p><i>This section sets out the purpose, intention, and outcomes intended for the Bylaw and provides the context in which the Bylaw is made and adopted.</i></p> <p><i>Councils can include more information in this section if desired to reflect specific long-term goals/objectives and the bylaw's role in achieving them, other plans the bylaw implements etc.</i></p>	
5	Compliance with	5.1 No person may deposit, collect, transport, sort, process, treat or dispose of waste	<i>For clarity</i>	

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
	Bylaw	other than in accordance with this Bylaw. 5.2 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.		
6	Interpretation	6.1 For this Bylaw, unless the context otherwise requires, the following term definitions apply ¹ :	<i>To provide clarity in relation to key terms used within the bylaw.</i>	<i>To further assist interpretation, all defined terms used within the bylaw text could be identified using bold, italic or underline.</i>
	Term:	Means:		
	Act (the Act)	Waste Minimisation Act 2008		
	Advertising material	Any message which: (a) Has printed content controlled directly or indirectly by the advertiser; and (b) Is expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of a person.	<i>To assist in the implementation of the unaddressed/unsolicited mail clauses. Definition based on Auckland 2019 bylaw.</i>	
	Approved	Authorised in writing by the Council.		
	Approved collection point(s)	Council approved places, facilities or receptacle where approved receptacles may be left for collection or waste may be deposited.	<i>Provides for both Council collection points and Council approved collection points (ie. where there is no Council collection in place)</i>	

¹ For the avoidance of doubt, where this Bylaw relies on a definition in legislation and that definition changes, the definition in this Bylaw changes accordingly.

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ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
	Approved receptacle	Any container, bag or other receptacle that has been approved by the Council for the collection of any type of waste or diverted material, with approval based on the following criteria: the prevention of nuisance, the provision for adequate security to prevent scavenging, the protection of the health and safety of waste collectors and the public, and the achievement of effective waste management and minimisation.		
	Authorised Officer	Any officer of the Council or other person authorised by the Council to administer and enforce its bylaws, and any person appointed especially or generally by the Council to enforce the provisions of this Bylaw.		
	Building work	As defined in the Building Act 2004 and generally means any work for, or in connection with, the construction, alteration, demolition, or removal of a building. It can include sitework and design work relating to the building work.	<i>This is required for the construction and demolition waste management plan clauses. Building work (as defined in the Building Act) includes the construction, alteration, demolition, or removal of a building.</i>	<i>"As defined in the Building Act 2004"</i>
	Bylaw	This Waste Management and Minimisation Bylaw [insert date].		
	Class 1-4 landfills	As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand) ² .		
	Cleanfill material	Waste that meets all of the following requirements: (a) does not undergo any physical, chemical or biological	<i>Commonly used definition across other bylaw</i>	<i>Councils could opt to use the Wasteminz guidelines</i>

² These guidelines can be accessed at <http://www.wasteminz.org.nz/pubs/technical-guidelines-for-disposal-to-land-april-2016/>

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and</p> <p>(b) is not diverted material; and</p> <p>(c) includes virgin excavated natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:</p> <ul style="list-style-type: none"> (i) combustible, putrescible, degradable or leachable components; (ii) hazardous waste, hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown; (iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices; (iv) materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health or the environment; and (v) contaminated soil and other contaminated materials; and (v) liquid waste; and <p>(d) has less than two per cent by volume by load of tree or vegetable matter.</p>	<p><i>examples; clause c) aligns with definition in WasteMinz technical guidelines for disposal to land.</i></p> <p><i>Inclusion of clause b) re: 'not diverted material' to be further considered as to appropriateness.</i></p>	<p><i>definition of 'clean fill material' or the Proposed Natural Resources Plan (PNRP) definition (which is similar, but not the same as WasteMinz); or</i></p> <p><i>If councils have a district plan definition of 'cleanfill material' this could be an alternative (as used by Auckland).</i></p>
		Cleanfill site	Land used for the disposal of cleanfill material.	
		Commercial waste	All waste (excluding trade waste) that results from a commercial enterprise and includes waste generated by the carrying on of any business, manufacture, process, trade, market, or other activity of a similar nature (and for the	<i>The WasteMinz technical guidelines definition of 'commercial waste' could be a potential alternative</i>

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ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		avoidance of doubt includes residual waste, recyclable waste and organic waste).		<i>(noting it is broader and includes waste from a premises used for the purpose of sport, recreation, education, healthcare or entertainment).</i>
	Construction and demolition waste	Waste generated from any building construction or demolition works (including renovation and repair); and includes but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, asphalt and rubble.	<i>Supports the construction and demolition waste management plan clauses in clause 15. Definition draws from WasteMinz definition (but is not exactly the same).</i>	<i>The WasteMinz definition of 'C&D waste' could be an alternative but it is broader and includes structures like roads, bridges etc whereas the focus of the C&D waste plans in the bylaw is on buildings.</i>
	Council	The [insert name of Council] or any person delegated or authorised to act on its behalf.		
	Cover material	Material specified by the Council under clause 10.1(d) of this Bylaw as suitable for use as cover material at a Class 1-4 landfill site.		
	Deposit	To cast, place, throw or drop any waste or diverted material.		
	Dispose or Disposal	As defined in the Act and generally means the final disposal of waste into land set aside for the purpose or the incineration of waste.		<i>"As defined in the Act"</i>
	Diverted material	As defined in the Act and means 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	<i>Diverted material can often also be 'waste'. This means that any provisions in this</i>	<i>"As defined in the Act"</i>

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		discarded.	<i>Bylaw that apply to waste will also apply to diverted material, unless it can be shown that items are solely diverted material, and not waste.</i>	
	Estimated value	As defined in the Building Act 2004 and generally means the estimated aggregate of all goods and services to be supplied for the building work.	<i>Relates to the construction and demolition waste management plan clauses (re: value of building work)</i>	<i>“As defined in the Building Act 2004”</i>
	Event	<p>Any organised temporary activity of significant scale that is likely to create litter and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, protest, festival, concert or celebration. An event will be considered significant if it requires a road closure or has an expected attendance of 1,000 or more people across the event. For clarity, for the purpose of this Bylaw ‘event’ <u>excludes</u>:</p> <ul style="list-style-type: none"> • open-aired events that are enclosed within a building or structure (e.g. an open-aired stadium) • indoor performances, markets, displays, exhibitions or conferences • indoor private functions • indoor tasting and sampling activities • any regularly occurring recreational activities such as weekly sports events. 	<p><i>Definition required to support the event waste management plan provisions in clause 14.</i></p> <p><i>Useful to have a consistent event size trigger across councils if possible but could depend on individual council/ district circumstances. Provision requires a waste management plan for any event of more than 1,000 attendees, or where road closure is required. Other events could be encouraged to consider waste management as part of their event planning. Include a link to the ‘regional event guidelines’ to support</i></p>	<p><i>An alternative could be to rely on the definition of ‘event’ in the council’s district plan (if there is one). For KCDC, the current definition for an event in the KCDC Solid Waste Bylaw links to the resource consent requirement in the District Plan. This could potentially be an alternative option for those councils that control events/ temporary events under their District Plans (i.e. require resource consent above a certain trigger point).</i></p>

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ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw) <i>implementation.</i>	Possible alternatives
	Food waste	Organic material derived from uneaten animal or plant-based material and to avoid doubt, includes uneaten fruit, vegetables, meat, fish, bones and shells that is free of contamination, and any other similar food scraps.		
	Green waste	Organic plant material from gardening or arboricultural activities including lawn clippings, weeds, plants and other soft vegetable matter, which by nature or condition and being free of any contaminants will degenerate into compost.		
	Handled or handles	Includes removing, collecting, transporting, storing, sorting, treating, processing or disposing of waste.		
	Hazardous substance	As defined in the Hazardous Substances and New Organisms Act 1996 and means, unless expressly provided otherwise by regulations, any substance— (a) with 1 or more of the following intrinsic properties: (i) explosiveness: (ii) flammability: (iii) a capacity to oxidise: (iv) corrosiveness: (v) toxicity (including chronic toxicity): (vi) ecotoxicity, with or without bioaccumulation; or (b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a).		<i>“As defined in the Hazardous Substances and New Organisms Act 1996”</i>

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
	Hazardous waste	<p>Waste that:</p> <p>(a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organism Act 1996; or</p> <p>(b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or</p> <p>(c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.</p> <p>Hazardous waste does not include household waste, inorganic waste, construction and demolition waste, or commercial waste.</p>		
	Home composting	The activity of aerobically decaying household organic waste (green waste and/or food waste) and other compostable items originating from that property to create compost at home. To avoid doubt, includes worm farms and anaerobic digestors.		
	Household waste	Waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, industrial waste, commercial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction, demolition or renovation wastes.	<i>The term "household waste" is suggested instead of "domestic waste" to support understanding (noting that the existing WCC bylaw uses "household waste").</i>	
	Inorganic waste	Waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an		

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ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>approved receptacle, and that is specified by the Council as suitable for:</p> <p>(a) collection from a public place by the Council or an approved waste operator; or</p> <p>(b) collection from any premises by the Council or an approved waste operator; or</p> <p>(c) delivery to a resource recovery facility.</p>		
	Landfill	As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand) ³ .		<i>District plan definition (if defined)</i>
	Licence	A licence, consent, permit or approval to do something under this Bylaw and includes any conditions to which the licence is subject.		
	Litter	Any rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, other residual waste or any other thing of a like nature that has been disposed of in a public place, other than in an approved receptacle or collection point for such disposal, or on private land without the consent of the occupier. For the avoidance of doubt this includes organic material, dog faeces in a container or bag, or disposable nappies.		<i>"As defined in the Litter Act 1979"</i>
	Litter receptacle	A receptacle provided for the collection of litter.		
	Manager	A person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.		
	Multi-unit development	A multiple tenancy property comprising of 10 or more separately occupied residential or business units, whether in	<i>Councils could amend the lower limit that defines a</i>	<i>The Auckland bylaw definition could be an</i>

³ These guidelines can be accessed at <http://www.wasteminz.org.nz/pubs/technical-guidelines-for-disposal-to-land-april-2016/>

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		the same building or in separate buildings, and held either in common ownership or in separate ownership. To avoid doubt this includes a unit title development and any development with controlled or restricted access, such as a gated community or a shared right of way.	<i>'MUD' for their context and needs if necessary. "10 or more" is quite commonly used in other bylaw examples but other thresholds range between 4 and 10 units. For eg, New Plymouth uses 4 units.</i>	<i>alternative, being: "Multi-unit development means a premises that contains 10 or more dwellings and to avoid doubt, includes mixed-use premises with business or other activities."</i>
	Nuisance	As defined in section 29 of the Health Act 1956 and includes anything obnoxious, offensive or injurious to the community or any member of it.	<i>Relevant to the clauses that cover (amongst other issues) the stockpiling of waste.</i>	<i>"As defined in section 29 of the Health Act 1956"</i>
	Occupier	In relation to any property or premises, means the inhabitant occupier of that property or premises and, in any case where any building, house, tenement, or premises is unoccupied includes the owner.		
	Organic waste	Food waste and/or green waste that is specified by the Council under clause 10.1(a) of this Bylaw as organic waste.		<i>Anything that was once living or made from something living that breaks down by anaerobic decomposition.</i>
	Owner	In relation to any property or premises, means the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent, and where such a person is absent from New Zealand, includes their attorney or agent.		
	Person	An individual, a corporation sole, a body corporate, and an unincorporated body.		
	Premises	Any separately occupied land, dwelling, building, or part of the same.		<i>The Auckland bylaw definition could be an</i>

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ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>Prohibited waste</p> <p>Waste containing -</p> <p>(a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;</p> <p>(b) any material capable of causing damage to the approved receptacle or likely to shatter in the course of collection unless the material is sufficiently contained to prevent damage to the approved receptacle or to prevent injury;</p> <p>(c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation, storage, sorting or disposal;</p> <p>(d) any radioactive wastes, but excluding domestic smoke detectors;</p> <p>(e) any used oil and lead-acid batteries;</p> <p>(f) any hazardous waste;</p> <p>(g) medical waste including wastes generated at health care</p>		<p><i>alternative, being:</i></p> <p><i>“Premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each other and occupied together are deemed to be the same premises.”</i></p>

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>facilities, such as hospitals, physicians’ offices, dental practices, blood banks, pharmacies/chemists, and veterinary hospitals/clinics, as well as medical research facilities and laboratories;</p> <p>(h) any asbestos containing material; and</p> <p>(i) any material prohibited by the Council under clause 10.1(f) of this Bylaw.</p>		
	Public place	<p>(a) A place that is under the control of Council or a Council-controlled organisation that, at any material time, is open to or is being used by the public, whether free or on payment of a charge; and</p> <p>(b) To avoid doubt –</p> <p>(i) includes any park, reserve, recreational ground, pool, community facility, sports field or facility, public open space, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat ramp, pontoon, road, street, lane, thoroughfare, footpath, access way, cycleway, bridleway, car park, grass verge, berm, and any part of the public place.</p>		
	Recovery	<p>As defined in the Act and means –</p> <p>(a) extraction of materials or energy from waste or diverted material for further use or processing; and</p> <p>(b) includes making waste or diverted material into compost.</p>		<i>“As defined in the Act”</i>
	Recyclable material	<p>The types of waste that are able to be recycled and that may be specified by the Council from time to time under this Bylaw.</p>	<p><i>Types of waste that are able to be recycled will keep changing over time and as technology changes so councils need to be able to be responsive to changes.</i></p>	

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ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
	Recycling	As defined in the Act and means the reprocessing of waste or diverted material to produce new materials.		"As defined in the Act"
	Reuse	As defined in the Act and means the further use of waste or diverted material in its existing form for the original purpose of the materials or products that constitute the waste or diverted material, or for a similar purpose.		"As defined in the Act"
	Rural areas	Any areas zoned and/or defined in the [insert name] District Plan as rural.	<i>Note: Councils may need to amend this definition to reflect their district plan. Some district plans may not define 'rural' - if this is the case and the term is required for the bylaw's implementation, the council will need to agree on a definition.</i>	
	Specified intended life	As defined in the Building Act 2004 and in relation to a building, generally means the period of time, as stated in an application for a building consent or in the consent itself, for which the building is proposed to be used for its intended use.	<i>Supports the construction and demolition waste management plan clauses.</i>	"As defined in the Building Act 2004"
	Treatment	As defined in the Act and means - (a) subjecting waste to any physical, biological, or chemical process to change its volume or character so that it may be disposed of with no or reduced adverse effect on the environment; but (b) does not include dilution of waste.		"As defined in the Act"
	Unaddressed mail	(a) Any mail or material that does not display a full address	<i>Definition based on the Auckland 2019 bylaw of</i>	

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>and name of a person at that address; and</p> <p>(b) To avoid doubt, includes public notices from government departments or agencies, crown entities, local authorities, network utilities and New Zealand Post, election material, free print media, material from local community organisations or charitable entities and advertising material.</p>	<p><i>'Unaddressed mail'; to assist in implementation of the unaddressed/ unsolicited mail clauses.</i></p>	
		<p>Waste</p> <p>As defined in the Act and means -</p> <p>(a) Any thing disposed of or discarded; and</p> <p>(b) Includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and</p> <p>(c) To avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.</p>	<p><i>Consistent with the Act and provided for clarity</i></p>	<p><i>"As defined in the Act"</i></p>
		<p>Waste collector</p> <p>Any person or entity that collects or transports waste and includes commercial and non-commercial collectors and transporters of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, the owner taking their own household garden waste to a waste management facility).</p>	<p><i>Definition aligned with the WM Act and the national waste data framework definition. The definition of "waste" includes any thing disposed of or discarded, including recyclable material and diverted material.</i></p>	
		<p>Waste management facility</p> <p>A facility authorised by the Council which primarily provides waste treatment and disposal services or waste remediation and materials recovery services, in relation to solid waste. Includes but is not limited to waste transfer stations, resource recovery stations, recycling centres, composting facilities, landfills or clean fill sites, or hazardous waste</p>		

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ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		facilities.		
		Waste Management and Minimisation Plan (WMMP)	A waste management and minimisation plan adopted by the Council under section 43 of the Act.	
		Waste operator	Any person or entity that operates a waste management facility.	
		Waste remediation and materials recovery services	The remediation and clean-up of contaminated buildings and mine sites, mine reclamation activities, removal of hazardous material and abatement of asbestos, lead paint and other toxic material. This also includes recovery, sorting, and/or storage services in relation to waste.	<i>Relates to the definition of "Waste management facility". Consistent with NZ/Aus standards.</i>
		Waste treatment and disposal services	The treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, composting, biodigestors and other treatment facilities (except sewage treatment facilities), and waste transfer stations.	<i>Relates to the definition of "Waste management facility". Consistent with NZ/Aus standards.</i>
7	Controls	<p>7.1 The Council may make, amend or revoke controls to support the implementation of this Bylaw.</p> <p>7.2 The Council must, before making, amending or revoking controls in clause 7.1, comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002.</p> <p>7.3 Any control that is made, amended or revoked under clause 7.1:</p> <p>(a) Must be made by a resolution of Council that is made publicly available; and</p> <p>(b) May:</p> <p>i. Prohibit, restrict, or control any matter or thing generally, for any specific category or case, or in a particular case;</p> <p>ii. Apply to all waste or to any specified category or type of waste;</p>	<p><i>This section gives assurance to anyone affected by any specific controls developed under the Bylaw as to the process that will be undertaken and what opportunity there will be for consultation and feedback on a proposed control.</i></p> <p><i>Implies compliance with the Council's significance and engagement policy.</i></p> <p><i>Councils could insert specific</i></p>	

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		iii. Apply to [insert district/city name] or to a specified part of [insert district/city name]; and/or iv. Apply at all times or at any specified time or period of time.	<i>methods re: "publicly available" (e.g. at Council's offices, libraries and on its website) if needed.</i>	
PART B: COLLECTION, TRANSPORTATION, STORAGE, PROCESSING AND DISPOSAL OF WASTE				
8	General responsibilities for waste management	8.1 The occupier and/or manager of a premises must ensure that the household waste from the premises is separated into waste types as determined by the Council, and is deposited for collection in the correct approved receptacle. No person may deposit material in a receptacle that is not approved for that type of receptacle. 8.2 The occupier and/or manager of any premises must ensure that: (a) All waste receptacles are appropriately secured to deter scavenging and to prevent waste escaping; (b) Waste from the premises has no more than a minimal adverse effect on neighbouring occupiers; (c) Any waste receptacle is regularly emptied when it is full; and (d) The contents of any waste receptacle, excluding receptacle for green waste, are protected from rain, dispersal by wind, or ingress or egress of flies, vermin and animals. 8.3 The occupier and/or manager of any premises who is in control of an approved receptacle must ensure that: (a) The receptacle is kept in a safe location, is hygienic, in good repair, and without any modifications or alterations to its appearance; (b) The contents of any approved receptacle do not soak or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter; (c) If required, waste is deposited in the receptacle in a manner that allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied; (d) Unless the receptacle is placed at an approved collection point, the receptacle is placed for collection in an upright position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible;	<i>This section outlines the basic roles and responsibilities of various parties related to solid waste management and minimisation; intended to provide clarity as to who is responsible for what.</i>	

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		<ul style="list-style-type: none"> (e) The receptacle is placed so that it does not disrupt or obstruct pedestrian or vehicular traffic, and so that access to the premises is preserved; and (f) The receptacle is placed for the collection of waste and is retrieved in accordance with any applicable control specified by the Council. 		
		<p>8.4 For the avoidance of doubt, no person shall deposit waste in a manner where:</p> <ul style="list-style-type: none"> (a) The receptacle is damaged or otherwise likely to cause injury to the collector; (b) In the opinion of the Council, or the waste collector or operator, the waste is in an unsanitary or in an offensive condition; (c) The waste includes waste prohibited under this Bylaw; (d) The container/receptacle is not an approved receptacle; (e) The receptacle is in a condition that allows spillage of waste or is not of a sufficient size to contain the waste; (f) The receptacle or the waste does not comply with the rules under this Bylaw in terms of type, size, volume, weight, numbers, colour, placement or any other detail; (g) The number of approved receptacles placed out for collection is greater than the authorised number of receptacles for the property, unless approved by an authorised officer; or (h) Any other reason which the Council, or the waste collector or operator, deems would cause a health and safety concern to the waste collection operation. 		
		<p>8.5 No person shall:</p> <ul style="list-style-type: none"> (a) Put waste into an approved receptacle provided to any other person, without that other person's consent; (b) Remove waste from, or interfere with any waste deposited in, an approved receptacle, except the Council, a waste collector or operator, or the person who deposited the waste; (c) Remove a receptacle provided to the premises to which it has been allocated, except with the prior written approval of the Council or the waste collector or operator; or (d) Put their approved receptacle outside another person's property without the prior approval of an authorised officer or that other person's consent. 		

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		<p>8.6 The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected.</p> <p>8.7 To enable the occupier and/or manager of a premises to be able to comply with clauses 8.1-8.3 and 8.5, an authorised officer may approve placement of approved receptacles in a location other than directly outside the property of the premises.</p> <p>8.8 Where any breaches of the conditions in clauses 8.1-8.7 occur, the waste collector or waste operator shall not be obligated to collect the waste.</p>		
9	<p>Licensing of Waste Collectors and Waste Operators</p>	<p>9.1 Any:</p> <p>(a) Waste collector who handles more than 20 tonnes of waste in any one twelve month period in, around or out of the [insert District/City name]; and any</p> <p>(b) Waste operator with a facility in the [Insert District/City name] that handles more than 20 tonnes of waste in any one twelve month period, must have a licence issued by the Council, and may not collect waste or operate the waste management facility (as the case may be) without such a licence.</p> <p>9.2 An application for a licence must be made on the approved application form available from the Council, and must be accompanied by the application fee and the information required by Council to process the application.</p> <p>9.3 The holder of an existing licence may apply to the Council for a renewal of that licence.</p> <p>9.4 A licence is personal to the holder and is not transferable.</p> <p>9.5 A licence may be granted or refused at the discretion of the Council, and if granted, may be on such terms and conditions as the Council thinks fit.</p> <p>9.6 When considering a licence application, the Council may take into account the following non-exhaustive list of factors:</p>	<p><i>The purpose of this section is to introduce a regional waste licensing system. The proposed 2-year delayed effect (refer clause 2.1) would allow councils to establish an appropriate regional system (and resourcing) to manage the applications and data collected.</i></p> <p><i>There are two main reasons for licensing collectors and operators: 1) to support the requirement that waste is collected, transported, stored and disposed in a way that supports the WMMP; 2) enables data collection so councils can best fulfil their responsibilities to promote effective and efficient waste</i></p>	<p><i>KCDC already have a licensing system in place; KCDC currently uses a threshold of 10 tonnes/ annum.</i></p>

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		<p>(a) The nature of the activity for which a licence is sought;</p> <p>(b) The extent to which the licenced activities will promote public health and safety, and support achievement of the Council's WMMP, including the waste minimisation goals and initiatives within that plan;</p> <p>(c) The extent to which the licenced activities will adopt best practice waste management and minimisation technologies;</p> <p>(d) The quantity and type of waste to be handled;</p> <p>(e) The methods employed for the handling of the waste and the minimisation of litter, including (but not limited to):</p> <ol style="list-style-type: none"> i. the identity of the waste management facility at which it is proposed that recycling, recovery, sorting, storage, treatment, or disposal will occur; and ii. adherence to health and safety standards and any other relevant industry standards; <p>(f) The frequency and location of the waste collection, removal, storage and transportation services;</p> <p>(g) The applicant's experience, reputation, and track record in the waste and diverted material industry, including any known past operational issues which may affect the applicant's performance, and any breaches of previous licence conditions; and</p> <p>(h) The terms and conditions under which any disposal of waste is permitted and the existence of, or need for, any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposal.</p> <p>9.7 When considering an application for a licence, the Council may inspect the premises or locations related to the application for the purposes for which the licence is sought.</p> <p>9.8 A licenced waste collector or waste operator must comply with all terms and conditions of the licence. These conditions may include, but are not limited to, the following matters:</p> <ol style="list-style-type: none"> (a) Term – a licence may be granted for a term of up to 5 years from the date of Council approval, or for a shorter duration if specified in the terms and conditions of the licence, and will be reviewed every year upon compliance with the terms and conditions of the licence; (b) Licence fee – the licensee must pay an annual licence fee in the amount determined 	<p><i>management and minimisation within their districts. Data collection would be in line with the National Waste Data Framework.</i></p> <p><i>The licencing system could potentially include a requirement for mandatory recycling with kerbside waste collection services if desired.</i></p> <p><i>Clause 9.10 provides ability to take action if a licensee is not fulfilling their requirements.</i></p> <p><i>Re: clause 9.11- each Council will need to set applicable licence fees (as part of setting of all their other Council fees and charges).</i></p>	

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		<p>by the Council;</p> <p>(c) Performance bond – the Council may, from time to time and on a case by case basis, require a licence holder to post a bank-guaranteed bond or a security;</p> <p>(d) Compliance with standards – the licence holder must comply with any standards or policies the Council has set for waste handling such as (but not limited to):</p> <ul style="list-style-type: none"> i. Provision of waste collection services within reasonable collection times and to meet any minimum collection frequencies specified by Council; ii. Provision of appropriate approved receptacles for waste collection which clearly identify the owner’s name and contact details; and iii. The collection of any litter within a specified distance of an approved receptacle awaiting collection and any litter spillage from the licence holder’s vehicle during the collection, transportation, storage or disposal process. <p>(e) Provision of information – the licence holder must provide data relating to all waste they have handled to the Council during the term of their licence, in the form and at the times determined by the Council from time to time such as (but not limited to):</p> <ul style="list-style-type: none"> i. The quantities of various waste types that have been handled by the waste collector or waste operator during a specified period of time, including the source and destination of each waste type and the method of processing (recycling, recovery, treatment, disposal etc); and ii. Weighbridge receipts, gate records of waste tonnages per waste type as specified in the licence. <p>The minimum requirement will be an annual performance report due within one month of the completion of each year of the licence.</p> <p>9.9 The Council will take all reasonable steps to keep commercially sensitive information confidential, for example by aggregating such information for reporting purposes.</p> <p>9.10The Council may suspend or revoke a licence if the licence holder fails to comply with this Bylaw, any of the terms or conditions of the licence, any relevant controls made under this Bylaw, or acts in a manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for the holder of a licence.</p>		

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		9.11 Fees and charges for the issue of licences under this Bylaw are set out in Council's Schedule of Fees and Charges and may be amended from time to time in accordance with section 150 of the Local Government Act 2002.		
10	General controls on the collection, transportation, storage and disposal of waste	<p>10.1 The Council may specify controls for the following non-exhaustive list of matters in relation to the collection, transportation, storage or disposal of waste from any property:</p> <p>(a) Types of household waste that may be treated for all purposes (including deposit, collection, transportation, and disposal) as recyclable, organic waste or other residual waste;</p> <p>(b) Maximum allowable limits of a specified waste type that may be collected or transported from a public place in an approved receptacle for waste and that subsequently may be stored or disposed of;</p> <p>(c) Maximum allowable limits of a waste type that may be placed in an receptacle approved for another waste type;</p> <p>(d) Types of waste that may be handled at any Class 1–4 landfill and material that may be used as cover material at any such site;</p> <p>(e) Materials that may be used as natural or other hardfill material at a cleanfill site;</p> <p>(f) Types of waste that are prohibited.</p> <p><i>[Related information box: include a link to useful information, including information on the council website(s) specifying types of recyclable materials etc, to help support understanding, interpretation and compliance with the Bylaw].</i></p>	<p><i>This provision would enable 'material bans' to be implemented by councils if required. Enabling councils to set maximum levels for certain material types in residual waste streams is a tool to reduce the amount of certain material(s) disposed of to landfill. This could be used for example to control things like medical or hazardous waste in household waste, or limits for contamination in recycling, or limits for the amount of organic waste in household waste etc (subject to kerbside services being available).</i></p> <p><i>Controls could be made to apply to all collections if a council considers appropriate (to ensure all collectors are treated the same).</i></p>	
11	Requirements and controls on	<p>11.1 Waste must not be placed on a public place for collection unless it is:</p> <p>(a) Household waste;</p>	<p><i>These clauses set out/clarify the requirements for any</i></p>	<p><i>South Wairarapa currently do inorganic</i></p>

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	<p>collections from a public place</p>	<p>(b) Green waste; or (c) Any other type of waste specified and approved by the Council as able to be placed on a public place for collection.</p> <p>11.2 Prohibited waste, diverted material, construction and demolition waste, or commercial waste must not be placed in a public place for collection unless authorised by the Council under this Bylaw or another Council Bylaw.</p> <p>11.3 Any waste collector or waste operator who collects or transports waste from a public place must:</p> <p>(a) Make available to the occupier or manager of a premises one or more approved receptacles to enable separate collection of each of the waste types required to be separately collected from the premises; (b) Clearly identify their name and contact details on all approved receptacle; (c) Not collect any household waste which has not been separated into the waste types required to be separately collected from the premises. However this does not apply where the maximum allowable limits of a waste type that may be placed in an receptacle approved for another waste type specified by the Council under clause 10.1(c) are not exceeded; and (d) Not dispose to a Class 1–4 landfill any waste type that is capable of being reused or recycled.</p> <p>11.4 The Council may specify controls for the following non-exhaustive list of matters in relation to the collection, storage or transportation of waste from a public place:</p> <p>(a) The area to which the control applies; (b) The type, size, capacity/volume, weight, numbers, colour, and construction of approved receptacles that may be used for the storage and collection of waste; (c) The types of waste that may be collected in the various types of approved receptacle; (d) The types and categories of wastes that may be deposited at or collected from a public place; (e) The conditions applicable to any collection service from a public place, including the placement and retrieval of approved receptacles for collection, collection days and</p>	<p><i>person/entity using the public place to collect or transport waste from.</i></p> <p><i>Enables councils to ensure collection receptacles/containers are appropriate, fit for purpose and labelled appropriately etc.</i></p> <p><i>Enables councils to place controls on the type, size, capacity and weight of containers to be used in different types of collections, and to require the use of consistent wording, colour-coding, symbology systems etc.</i></p>	<p><i>collections therefore the Wairarapa bylaw version could have an additional clause for clarity (if needed) but this is not essential given 11.1 'c' covers any other waste approved by Council.</i></p>

Item 2.4

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		<p>times, and restrictions on the number and weight of approved receptacles;</p> <p>(f) Requirements to ensure the correct separation of categories of wastes into approved receptacles, including content control messaging and symbology on approved receptacle that specifies the permitted and prohibited receptacle content;</p> <p>(g) The locations, access times and conditions of use of approved collection points; and</p> <p>(h) Any other operational matter required for the safe and efficient operation of a collection service from a public place.</p> <p>11.5 Any person providing or using a waste collection service in or from a public place must comply with all controls made by the Council relating to that collection.</p>		
12	Approved Collection Points	<p>12.1 No person may deposit waste at an approved collection point other than in accordance with any applicable Council control.</p> <p>12.2 The Council may specify:</p> <p>(a) Any place, or receptacle in a public place or on a barge in a marine area, as an approved collection point for the collection of household waste; and</p> <p>(b) Controls relating to the deposit of waste at the collection point including the use of specified receptacles.</p>		
13	Multi-Unit Developments - Waste management plans	<p>13.1 The owner and/or the manager of a multi-unit development must make adequate provision for the management of all waste generated within the premises. This includes the provision of adequate areas for:</p> <p>(a) The storage of disposed of or discarded material on the premises from any activity on the same premises; and</p> <p>(b) The collection of disposed of or discarded material if collection occurs on the premises.</p> <p>13.2 Subject to clause 13.5, the owner and/or the manager of a multi-unit development must submit to the Council for approval a multi-unit development waste management plan for:</p> <p>(a) The management of an existing multi-unit development if any of the occupiers cannot dispose of or discard material as expressly allowed in clause 8; or</p> <p>(b) A planned multi-unit development, prior to the commencement of construction of</p>	<p><i>Multi-unit developments (MUDs) such as apartments, retirement villages, gated communities can be problematic in terms of waste management and minimisation, particularly in areas where space is at a premium. This section encourages consistency of management and support achievement of WMMP objectives, and clarifies waste management roles</i></p>	<p><i>The requirements for MUDs could be a part of the bylaw where there is a need for some differences across the councils, depending on the issues at play in each council area.</i></p> <p><i>The other tool/ additional tool for managing MUDs is the use of rules in the council's district plan requiring appropriate provision for waste</i></p>

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>the multi-unit development.</p> <p>13.3 A multi-unit development waste management plan must include (but is not limited to) the following information:</p> <ul style="list-style-type: none"> (a) The person or persons responsible for the management, collection and disposal of waste and the methods to be used; (b) Identification of an adequate area on the premises for the storage of receptacles that is readily accessible to the occupiers of units and to a licensed waste collector or waste operator to enable separate collection and transportation of waste as specified by the Council; (c) An estimate of the types and volumes of waste that will be generated; (d) How waste generated within the premises is to be minimised and the steps to maximise the collection and use of recyclables and reusable material; (e) The methods to be used to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations, and protected from theft and vandalism; (f) Identification of the means and route of access and egress to the waste storage area; and (g) Any other matter relating to waste management and minimisation that may be specified by the Council. <p>13.4 Any person who owns, manages or occupies a multi-unit development must comply with the approved multi-unit development waste management plan for that development and any conditions applied to the approval by the Council (except if an exemption is granted in accordance with clause 13.5).</p> <p>13.5 The Council may, on application, grant a written exemption from compliance with all or any the requirements of this clause if:</p> <ul style="list-style-type: none"> (a) In the opinion of the Council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or (b) The owner and/or manager demonstrates to the satisfaction of the Council that recyclable material, organic waste and other wastes are separately and regularly collected. 	<p><i>and responsibilities during planning, construction, and occupation.</i></p> <p><i>Existing MUDs are a big issue (particularly for WCC) as many don't have appropriate space or provision for waste management.</i></p> <p><i>Clauses 13.1 and 13.2 drawn from the 2019 Auckland bylaw which has a new MUD clause applying to certain existing MUDs (where occupiers can't dispose of material as expressly allowed in the general provisions) as well as new MUDs.</i></p> <p><i>Determining an "adequate area" links to having a solid waste calculator (like Auckland's example).</i></p> <p><i>Clause 13.5 provides an 'out' clause from the requirements if considered appropriate by the Council.</i></p>	<p><i>management. District Plans are likely to be more effective for setting specific MUD development/building controls (noting it is difficult for a bylaw to have effective influence over these).</i></p>

Item 2.4

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ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
	Waste collection, transportation, storage and deposit controls	<p>13.6 The Council may specify controls for the following matters in relation to the collection, transportation, storage or deposit of waste from multi-unit developments:</p> <ul style="list-style-type: none"> (a) The categories of recyclable material, organic waste and other residual waste that may be deposited at or collected from a multi-unit development; (b) The times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of receptacles for collection, collection times and restrictions on the number and weight of approved receptacles; (c) Requirements to ensure the correct separation of organic waste, recyclable materials and other residual waste into approved receptacles; and (d) Any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development. <p>13.7 Any person who manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation, storage and management of waste in the multi-unit development made by the Council under this Bylaw.</p> <p><i>[Related information box: include a link to any useful information and material/aids to assist people preparing these plans e.g. solid waste calculator etc]</i></p>		
14	Events	<p>14.1 Prior to the commencement of an event, any event organiser must submit to the Council for approval an event waste management plan for the event.</p> <p>14.2 The event waste management plan must set out:</p> <ul style="list-style-type: none"> (a) An estimate of the types and amounts of waste to be generated by the event; (b) How waste generated by the event is to be minimised; (c) The steps that will be taken to maximise the collection and use of recyclables and other recoverable, reusable or compostable materials, and an estimate of the diversion of waste; (d) The equipment to be provided for the storage, collection and transportation of waste and divertible material; (e) The proposed method for minimising and capturing litter associated with the event; (f) The person responsible for the collection and disposal of waste and the methods to 	<p><i>This section enables councils to set standards for event waste management and minimisation in order to help improve event outcomes and ensure consistency in the use of available support and tools.</i></p> <p><i>“Other matters” specified by council could include diverting organics if there is access to commercial organic processing facilities,</i></p>	

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		<p>be used;</p> <p>(g) The timing and frequency of the collection of waste, during or after the event; and</p> <p>(h) Any other matters relating to event waste management and minimisation that may be specified by the Council.</p> <p>14.3 The organiser of an event must comply with the event waste management plan approved by the Council for the event.</p> <p>14.4 On completion of the event, the event organiser may be required to provide the Council with a waste analysis report, which at a minimum, will include a breakdown of:</p> <ul style="list-style-type: none"> • The types of waste generated by the event; • The amounts of waste (by type) generated by the event; and • The waste management facilities used to recover, recycle, treat or dispose of this waste. <p><i>[Related information box: include a link to the event guidelines under development and any other useful materials/aids for people preparing these plans in order to assist event organisers]</i></p>	<p><i>or compliance with food vendor guidelines, etc.</i></p>	
	<p>Construction and Demolition Waste Management Plans</p>	<p>15.1 Any person that is:</p> <p>(a) applying for a building consent for building work with an estimated value of \$2,000,000 [TBC] or higher on any one site; or</p> <p>(b) demolishing a building over 200m² in size on any land owned, administered or managed by the Council;</p> <p>must submit a construction and demolition waste management plan to the Council for approval prior to commencing any building works.</p> <p>15.2 A construction and demolition waste management plan must set out:</p> <p>(a) The name of the client, principal contractor, and person who prepared the site waste management plan;</p> <p>(b) The location of the site;</p> <p>(c) The estimated total cost of the building work;</p> <p>(d) A description of all types of waste expected to be produced;</p>	<p><i>Construction and demolition waste can be a significant issue. The requirement for a waste management plan aims to reduce waste by encouraging consideration of waste issues early in the construction and/or demolition process, with the aim of supporting WMMP objectives. Requires a link with council building consent processes.</i></p> <p><i>The Bylaw provisions are</i></p>	<p><i>The dollar value threshold for preparation of a waste plan is a matter of discussion for the Joint Committee & each council. Councils may decide on different dollar values depending on local circumstances. E.g. for KCDC, \$800k or \$1m may be more appropriate for their smaller-scale building/ construction sector context (mainly</i></p>

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		<p>(e) The proposed method of waste management for each type of waste (e.g. reuse, recovery, recycling, disposal); and</p> <p>(f) The proposed method for minimising and capturing litter associated with the project and the building work.</p>	<p><i>intended to improve both improve local data on the management of C&D waste and help to ensure that residual materials are taken to an appropriate disposal facility.</i></p>	<p><i>residential builds of lower dollar value). Whatever value is chosen as the trigger point for preparing a waste plan, there should be justification provided.</i></p>
		<p>15.3 A construction and demolition site waste management plan may be required by Council to set out:</p> <p>(a) An estimate of the quantity of each type of waste; and</p> <p>(b) An estimate of the diversion of waste.</p>	<p><i>The suggested \$2m building work value is intended to capture big value builds generating lots of waste.</i></p>	
		<p>15.4 While the building work is being carried out, the principal contractor may be required by Council to:</p> <p>(a) Review the construction and demolition waste management plan as necessary;</p> <p>(b) Record quantities and types of waste produced; and</p> <p>(c) Record the types and quantities of waste that have been:</p> <ol style="list-style-type: none"> i. Reused (on or off site); ii. Recycled (on or off site); iii. Sent to other forms of recovery (on or off site); iv. Sent to landfill; v. Sent to cleanfill; or vi. Otherwise disposed of. 	<p><i>While the requirements outlined may sound onerous, they are relatively simple and straightforward to achieve. Free templates and support are available from a number of agencies such as BRANZ and the Green Building Council.</i></p>	
		<p>15.5 Within three months of completion of the building work the Council may require the principal contractor to add to the construction and demolition waste management plan:</p> <p>(a) Confirmation that the plan has been monitored and updated;</p> <p>(b) A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type;</p> <p>(c) An explanation of any deviation from the plan; and</p> <p>(d) An estimate of any cost savings that have been achieved by completing and implementing the plan.</p>		
		<p>15.6 The principal contractor must ensure that a copy of the construction and demolition waste management plan is kept on site, and that every contractor knows where it can be</p>		

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		<p>found. It must be available to any contractor carrying out any work described in the plan. [Related information box: include a link to any useful information and material/aids to assist people preparing these plans e.g. free templates and support available from agencies such as BRANZ and the Green Building Council]</p>		
16	Inorganic waste	<p>16.1 The Council may specify controls for the following matters in relation to the collection of inorganic waste from a public place:</p> <ul style="list-style-type: none"> (a) the weight, size and nature of inorganic waste that may be deposited for collection by the Council; (b) the categories of inorganic waste that may be deposited for collection by the Council; (c) the times, locations and conditions applicable to the collection by the Council of inorganic waste from a public place; (d) the collection methods that cause health and safety risks; (e) any other operational matters required for the safe and efficient collection by the Council of inorganic waste from a public place. <p>16.2 Any person who deposits inorganic waste for collection on, or collects and transports inorganic waste from, a public place must comply with the controls made by the Council under this Bylaw.</p>	<p><i>These provisions could be used by councils that have inorganic collections in place or who may in future introduce some kind of inorganic system (e.g. on-demand collections etc) to prevent issues like scavenging. South Wairarapa currently does inorganic collections and needs a bylaw to regulate.</i></p>	
17	Nuisance and litter	<p>17.1 No person may:</p> <ul style="list-style-type: none"> (a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or (b) use an approved receptacle in a manner that creates a nuisance, is offensive or is likely to be injurious to health. <p>17.2 Except as provided for under this Bylaw, no person may:</p> <ul style="list-style-type: none"> (a) burn or allow to be burnt any waste on any property they own, occupy or manage except for organic waste in rural areas; (b) bury or allow to be buried any waste on any property they own, occupy or manage except: <ul style="list-style-type: none"> i. organic waste, including dead farm animals in rural areas; ii. dead companion animals and nuisance pests; or 	<p><i>This would help councils take action on issues such as responsibility for waste accumulations, use of approved receptacles, burning and burying waste, disposal, scavenging etc.</i></p> <p><i>Re: Clause 17.2(a) – disposal as defined in WM Act includes “incineration” which means burning, however this bylaw clause</i></p>	

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		<p>iii. for the purposes of home composting;</p> <p>(c) dispose of any waste on any premises except at –</p> <p>i. a waste management facility, or</p> <p>ii. any premises they own, occupy or manage, for the purposes of home composting.</p> <p>17.3 No person may-</p> <p>(a) deposit any waste arising from that person's household or that person's business activities in any litter receptacle provided by the Council in any public place;</p> <p>(a) remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the litter receptacle, unless authorised by the Council to do so;</p> <p>(b) deposit or attempt to deposit any litter in any litter receptacle provided by the Council in any public place if:</p> <p>i. the receptacle is full; or</p> <p>ii. the litter is likely to escape.</p> <p>(c) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or</p> <p>(d) damage any litter receptacle provided by the Council in any public place.</p> <p>17.4 The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.</p>	<p><i>may not be required as Fire & Emergency (FENZ) now control the permitting of open fires in urban and rural areas, and people can generally burn green waste if they are not creating a smoke nuisance and there's no fire danger.</i></p> <p><i>The Proposed Natural Resources Plan (PNRP) controls outdoor burning and domestic fires in the Wellington region (re: discharges of contaminants to air) with the burning of any "specified materials" (as defined in the PNRP) being a prohibited activity. This excludes the burning of green waste.</i></p>	
18	Unaddressed mail and advertising material	<p>18.1 No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material:</p> <p>(a) in any letterbox which is clearly marked "no circulars", "no junk mail", "addressed mail only" or with words of similar effect, or around or near any such letterbox or associated vehicle accessway;</p> <p>(b) on any vehicle parked in a public place; or</p> <p>(c) in a letterbox that is already full of mail and/or advertising materials.</p> <p>18.2 Clause 18.1 does not apply to:</p>	<p><i>To support and enable councils to take action on waste and litter issues caused by unaddressed mail and advertising material.</i></p>	<p><i>Auckland have retained an unaddressed mail provision in their 2019 bylaw as it is an important and useful tool for managing the issues experienced. The bylaw includes much more detail around what is acceptable</i></p>

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		<p>(a) material or public notices from any government department or agency, crown entity, local authority, or material from a network utility relating to the maintenance, repair, servicing or administration of that network utility;</p> <p>(b) communications or fund raising material from local community organisations, charities or charitable institutions;</p> <p>(c) election material from a political party or political candidate during the period beginning two months before polling day and ending with the close of the day before polling day; or</p> <p>(d) any newspaper, community newspaper, newsletter or magazine, unless the letterbox is clearly marked “no community newspapers” or with words of similar effect.</p> <p><i>[Related information box: include a link to the national code of practice for distribution of unaddressed mail and any other helpful info]</i></p>		<p><i>and what’s not – this approach could be adapted by councils if useful to the context/issues.</i></p>
19	Donation Collection Points	<p>19.1 Anyone intending to establish a donation collection point must notify the Council in advance and must operate the donation collection point in compliance with any requirements the Council specifies including but not limited to: location, vehicle access, type of waste which may be deposited, use of approved receptacles, removal of deposited waste from the collection point, clean-up of any litter or illegal dumping, and clean-up or removal of any graffiti.</p>	<p><i>There can be a number of issues relating to donation collection points such as illegal dumping, littering and scavenging. This clause would give councils powers to manage and prevent such issues. This clause is to support councils that operate or allow donation collection points on public places by providing powers to manage and prevent such issues.</i></p>	
PART 3: OTHER MATTERS				
20	General Offences and Penalties	<p>20.1 Any person commits a breach of this Bylaw who fails to comply with the requirements of this Bylaw and the resolutions made under this Bylaw commits an offence and is liable to a penalty under (without limitation) the Waste Minimisation Act 2008, the Local</p>	<p><i>In some cases enforcement is easier and more effective through other mechanisms</i></p>	

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		Government Act 2002, the Health Act 1956 and/or the Litter Act 1979.	<i>such as the Litter Act; but in other cases specific provision needs to be made through this Bylaw.</i>	
21	<p>Other Enforcement Powers</p> <p>– Licensed waste collectors and operators</p> <p>– Collections from a public place</p>	<p>21.1 Where a licence holder does not comply with the requirements of this Bylaw and/or the terms and conditions of a licence, the Council may take one or more of the following steps:</p> <p>(a) Issue a written warning to the licence holder, which may be treated as evidence of a prior breach of a licence condition during any subsequent review of the licence;</p> <p>(b) Review the licence, which may result in:</p> <p>i. amendment of the licence; or</p> <p>ii. suspension of the licence; or</p> <p>iii. withdrawal of the licence.</p> <p>(c) Have recourse to any performance bond or security where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;</p> <p>(d) Review the amount and nature of the performance bond or security, which may result in:</p> <p>i. an increase of the amount of the performance bond or security;</p> <p>ii. a change to the nature of the security that has been provided.</p> <p>(e) Enforce any offence that may have been committed under the Litter Act 1979; and</p> <p>(f) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.</p> <p>21.2 Where a person does not comply with the requirements of clause 11 of this Bylaw the waste collector may:</p> <p>(a) Reject (i.e. not collect) the contents of any approved receptacle left out by that person for collection from a public place, if the contents or placement of the receptacle is non-compliant;</p> <p>(b) Remove the contents of any approved receptacle left out for collection from a public place, where the contents or placement of the receptacle is non-compliant, subject</p>	<p><i>Provides for additional enforcement action where the specific Bylaw provisions enable other actions, besides prosecution, to be taken.</i></p> <p><i>The detail relating to licensed waste collectors and operators has two purposes – to make it clear licensees what is expected of them, and to provide reassurance to the industry that there will be a level playing field with an appropriate standard of behaviour required.</i></p>	

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	<p>- Approved collection points</p> <p>- Waste management plans</p> <p>- Inorganic material</p>	<p>to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount payable for the collection of the largest available size of approved receptacle from that premises; or</p> <p>(c) Withdraw or suspend the collection service provided by the waste collector to that person.</p> <p>21.3 Where a person does not comply with a control made by the Council under clause 12 of this Bylaw the Council may:</p> <p>(a) Suspend that person's use of any service provided by the Council at any or every waste collection service;</p> <p>(b) Enforce any offence that may have been committed under the Litter Act 1979; or</p> <p>(c) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.</p> <p>21.5 Where a person does not comply with of the requirements in clauses 13 (Multi-Unit Developments), 14 (Events) or 15 (Construction and Demolition Waste Management Plans), the Council may take one or more of the following steps:</p> <p>(d) Enforce any offence that may have been committed under the Litter Act 1979; and/or</p> <p>(e) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.</p> <p>21.6 Where a person does not comply with a control made by the Council under clause 16 of this Bylaw, the Council (or a licensed waste collector or waste operator where applicable) may:</p> <p>a) Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;</p> <p>b) Remove the inorganic material, where the inorganic material or placement is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by the council;</p> <p>c) Enforce any offence that may have been committed under the Litter Act 1979; and/or</p> <p>d) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.</p>		
22	Exceptions and	22.1 A person is not in breach of this Bylaw if that person proves that the act or omission	For clarity	

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	Saving Provisions	was in compliance with the directions of an Authorised Officer. 22.2 A product stewardship scheme accredited under the Act may be exempted from the requirements of this Bylaw.		

SCHEDULE 1: CONTROLS FOR THE XXX COUNCIL WASTE MANAGEMENT AND MINIMISATION BYLAW (insert date)

[NOTE: to be developed and included as appropriate/required for each council]

CONDITIONS FOR

1. Collections from public places
 2. Approved receptacles

 3. Weights, types and contents of receptacles which will be collected

 4. Recycling

 5. Waste Separation

 6. Days and hours during which a council-owned and operated transfer station will be available for solid waste disposal and management

 7. Council landfill waste acceptance criteria
- Etc (as appropriate/required for the council)