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**ORDINARY MEETING  
OF  
STRATEGY AND POLICY COMMITTEE  
AGENDA**

**Time:** 9:30 am  
**Date:** Thursday, 12 November 2020  
**Venue:** Ngake (16.09)  
Level 16, Tahiwī  
113 The Terrace  
Wellington

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**MEMBERSHIP**

Mayor Foster  
Councillor Calvert (Deputy Chair)  
Councillor Condie  
Councillor Day (Chair)  
Councillor Fitzsimons  
Councillor Foon  
Deputy Mayor Free  
Councillor Matthews  
Councillor O'Neill  
Councillor Pannett  
Councillor Paul  
Councillor Rush  
Councillor Sparrow  
Councillor Woolf  
Councillor Young

**NON-VOTING MEMBERS**

Te Rūnanga o Toa Rangatira Incorporated  
Port Nicholson Block Settlement Trust

**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](mailto: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. All Council and committee meetings are livestreamed on our YouTube page. This includes any public participation at the meeting.*

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## **AREA OF FOCUS**

The role of the Strategy and Policy Committee is to set the broad vision and direction of the city, determine specific outcomes that need to be met to deliver on that vision, and set in place the strategies and policies, bylaws and regulations, and work programmes to achieve those goals.

In determining and shaping the strategies, policies, regulations, and work programme of the Council, the Committee takes a holistic approach to ensure there is strong alignment between the objectives and work programmes of the seven strategic areas covered in the Long-Term Plan (Governance, Environment, Economic Development, Cultural Wellbeing, Social and Recreation, Urban Development and Transport) with particular focus on the priority areas of Council.

The Strategy and Policy Committee works closely with the Annual Plan/Long-Term Plan Committee to achieve its objective.

To read the full delegations of this Committee, please visit [wellington.govt.nz/meetings](https://wellington.govt.nz/meetings).

**Quorum:** 8 members



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## 1. Meeting Conduct

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### 1.1 Karakia

The Chairperson will open the meeting with a karakia.

|                                      |  |
|--------------------------------------|--|
| <b>Whakataka te hau ki te uru,</b>   | Cease oh winds of the west               |
| <b>Whakataka te hau ki te tonga.</b> | and of the south                         |
| <b>Kia mākinakina ki uta,</b>        | Let the bracing breezes flow,            |
| <b>Kia mātaratara ki tai.</b>        | over the land and the sea.               |
| <b>E hī ake ana te atākura.</b>      | Let the red-tipped dawn come             |
| <b>He tio, he huka, he hauhū.</b>    | with a sharpened edge, a touch of frost, |
| <b>Tihei Mauri Ora!</b>              | a promise of a glorious day              |

At the appropriate time, the following karakia will be read to close the meeting.

|   |                                       |
|---|---------------------------------------|
| <b>Unuhia, unuhia, unuhia ki te uru tapu nui</b>  | Draw on, draw on                      |
| <b>Kia wātea, kia māmā, te ngākau, te tinana,</b> | Draw on the supreme sacredness        |
| <b>te wairua</b>                                  | To clear, to free the heart, the body |
| <b>I te ara takatū</b>                            | and the spirit of mankind             |
| <b>Koia rā e Rongo, whakairia ake ki runga</b>    | Oh Rongo, above (symbol of peace)     |
| <b>Kia wātea, kia wātea</b>                       | Let this all be done in unity         |
| <b>Āe rā, kua wātea!</b>                          |                                       |

### 1.2 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.

### 1.3 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.

### 1.4 Confirmation of Minutes

The minutes of the meeting held on 29 October 2020 and 4 November 2020 will be put to the Strategy and Policy Committee for confirmation.

### 1.5 Items not on the Agenda

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

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***Matters Requiring Urgent Attention as Determined by Resolution of the Strategy and Policy 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 Strategy and Policy Committee.

***Minor Matters relating to the General Business of the Strategy and Policy 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 Strategy and Policy Committee for further discussion.

## **1.6 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 31.2 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.

Requests for public participation can be sent by email to [public.participation@wcc.govt.nz](mailto: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.

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## 2. Petitions

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### E-PETITION: HALF-SIZED OPTION FOR COUNCIL RUBBISH BAGS

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#### Summary

**Primary Petitioner:** Darcy Mellsop  
**Total Signatures:** 46

**Presented by:** Darcy Mellsop

#### Recommendation

That the Strategy and Policy Committee:

1. Receive the information and thank the petitioner.

#### Background

1. Wellington City Council operates a system of e-petitions whereby people can conveniently and electronically petition the Council on matters related to Council business.
2. Darcy Mellsop opened an e-petition on the Wellington City Council website on 23 September 2020.
3. The e-petition details are as follows:
4. We need to offer half-sized council rubbish bags for sale, additional to the current full-sized rubbish bags. This will help us consciously reduce waste, good for reducing costs and weights of the bags which is especially for those on benefits or the elderly on Super, will help reduce the illegal dumping of rubbish, and helps ease the burden of those collecting the rubbish.
5. The background information provided for the e-petition was:
6. We need to produce less waste and throw out less rubbish, and half-sized rubbish bags will prove to be an important component in supporting that behaviour. The Southern landfill in Wellington is fast running out of space. We need to reduce the rubbish we send to our landfills.

7. The e-petition closed on 23 October with 46 authenticated signatures. The list of authenticated signatures is presented as Attachment 1.

### Officers' response

8. The proportion of Wellingtonians that use Council's yellow rubbish bags is estimated at 40% of the city, and only equates for 26% by weight of the city's waste to landfill. While smaller bags seem like a positive move towards reducing waste to landfill, in reality, it is not likely to make a significant impact on waste minimisation.
9. Smaller sized rubbish bags have been raised on previous occasions and have been considered before by the Waste Operations team.
10. The challenge is that the size of the bag is not the main driver of the cost of the rubbish bag. Collection costs, transport and internal staff support make up a significant portion of the sales price of the bag so halving the size does not mean halving the price, as many of these costs are fixed.
11. The below table shows indicative prices of different sizes of bags, based on current weights and costs:

|                                  | Current size | Half size | 3/4     |
|----------------------------------|--------------|-----------|---------|
| Collection cost                  | 0.90         | 0.90      | 0.90    |
| Bag                              | 0.12         | 0.12      | 0.12    |
| Disposal                         | 0.79         | 0.40      | 0.59    |
| Overheads/Internal Staff support | 0.26         | 0.26      | 0.26    |
| Subsidy for recycling            | 0.21         | 0.17      | 0.19    |
| RRP margin                       | 0.11         | 0.09      | 0.10    |
| GST                              | 0.36         | 0.29      | 0.32    |
| RRP cost per bag                 | \$ 2.75      | \$ 2.23   | \$ 2.48 |

*(note the RRP is a retailer increase, assumed at 5%, and is not controlled by Council)*

12. Council could potentially end up paying higher costs for manufacturing as it would be likely that smaller production runs would be required, and there may be additional costs of stocking more product lines for retailers.
13. Officers have always held the assumption that there would not be enough demand (due to very little price difference) to warrant different bag sizes. The Solid Waste Analysis Protocol, which looks at the composition of waste collected both from kerbside as well as the composition of waste at the Southern Landfill, was completed in November 2018. The results of this audit indicate that the average number of yellow bags placed on the kerbside by households using rubbish bags was 1.3 bags per household, and the average weight per bag was 6.68kg.

14. 55% of the contents of Council rubbish bags was determined to be organic, predominantly kitchen/food waste. Depending on the findings and outcomes of the Para Kai food scraps trial, which commenced in October 2020, it may be appropriate to revisit the provision of smaller bags sizes once the trial has concluded.
15. Officers' view is that the potential benefits from smaller bags are unlikely to be significant, and that effort would be better directed into other waste minimisation initiatives.

### **Attachments**

Attachment 1. Authenticated Signatures [↓](#)

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|            |   |
|------------|---|
| Author     | Emily Taylor-Hall, Waste Operations Manager   |
| Authoriser | Mike Mendonca, Chief Resilience Officer<br>Tom Williams, Chief Infrastructure Officer |

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

No consultation has been undertaken prior to preparing this report

### **Treaty of Waitangi considerations**

There are no Treaty considerations

### **Financial implications**

There are currently no financial implications. Implementation of smaller sized bags does have the potential to increase manufacturing costs of bags.

### **Policy and legislative implications**

There are none. However, the proposed Solid Waste bylaw allows amendment of the controls to restrict waste receptacle sizes should Council choose to do so.

### **Risks / legal**

There are no legal implications. There is a small risk that residents may purchase a smaller size of rubbish bag in error.

### **Climate Change impact and considerations**

Reducing the amount of wastet disposed of into landfill will in terun reduce the amount of landfill gas emitted from the landfill. Associated sales data of smaller size bags would be required in order to quantify the scope of any such greenhouse gas reduction.

### **Communications Plan**

There are no plans. Officers will thank the petitioner.

### **Health and Safety Impact considered**

We have not undertaken any analysis of health and safety impacts of different sizes. However, if implemented, there may be health and safety considerations for our collections contractors. The current rubbish bag has been ergonomically designed so as to minimise harm to the collectors. Any changes in size would need to consider the potential impact on manual handling processes.

Additionally, there is a growing trend amongst waste industry collectors to move away from manual handling, and it may be difficult in future to find suitable collectors who will be willing to collect rubbish bags, regardless of size.



## Signatory Details

| <b>Name</b>        | <b>Suburb</b>   | <b>City</b> |
|--------------------|-----------------|-------------|
| Echo Brooke-White  | Aro Valley      | Wellington  |
| Ginni Kaur         | Eastbourne      | Lower Hutt  |
| Megan Shepherd     | Wellington City | Wellington  |
| Julia Wilkie Smith | Roseneath       | Wellington  |
| Richard Boeve      | Roseneath       | Wellington  |
| Jacqueline d'Ath   | Ngaio           | Wellington  |
| Susan Bramley      | Karori          | Wellington  |
| Pinky Shah         | Ngaio           | Wellington  |
| Lisa Molloy        | Windsor Park    | Auckland    |
| David Goh          | Khandallah      | Wellington  |
| Kylee Horsfall     | Grenada Village | Wellington  |
| Andrew Hardwick    | Birchville      | Upper Hutt  |
| Nicola Davies      | Newtown         | Wellington  |
| Alex Bremner       | Paparangi       | Wellington  |
| Clare Stringer     | Island Bay      | Wellington  |
| Iain McKenzie      | Thorndon        | Wellington  |
| Selena Goh         | Porirua         | Porirua     |
| Nadja Carina Blank | Johnsonville    | Wellington  |
| Loralie Blyth      | Karori          | Wellington  |
| Brooke McLean      | Wellington      | Wellington  |
| Jasonne Grabher    | Te Aro          | Wellington  |
| Anna Krykunivsky   | Te Aro          | Wellington  |
| Astrid Brittenden  | Brooklyn        | Wellington  |
| Helen Miller       | Mt Victoria     | Wellington  |
| Erin Abernethy     | Wynyard Quarter | Auckland    |
| Alison Yeung       | Seatoun         | Wellington  |
| Natasha McLean     | Northland       | Wellington  |
| Kirsten Gove       | Glenholme       | Rotorua     |
| Michaela Stewart   | Thorndon        | Wellington  |
| Chanelle Rodeka    | Northland       | Wellington  |
| Sarah Kennerley    | Karori          | Wellington  |
| Cillin Hearn       | Wellington      | Wellington  |
| Louise Chan        | Wellington      | Wellington  |
| Anna Shipova       | Mt Cook         | Wellington  |
| Eliot Pryor        | Wellington      | Wellington  |
| Bernadette Staal   | Wellington      | Wellington  |
| Michelle Farrell   | Wellington      | Wellington  |
| Kathryn Inder      | Hataitai        | Wellington  |
| Jenny Bridgen      | Lyall Bay       | Wellington  |
| Rob Birnie         | Wellington      | Wellington  |
| Andrea Cramond     | Miramar         | Wellington  |
| Melanie McGrath    | Brooklyn        | Wellington  |

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|                |                 |              |
|----------------|-----------------|--------------|
| Marion Grant   | Wellington City | Wellington   |
| Martin Warr    | Petone          | Lower Hutt   |
| Navlene Singh  | Berhampore      | Wellington   |
| Malcolm Doidge | Brooklyn        | Wellington   |
| Mark Fox       | Redwood         | Christchurch |
| Darcy Mellsop  | Khandallah      | Wellington   |





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### **3. General Business**

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## **SOLID WASTE BYLAW ADOPTION**

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### **Purpose**

1. This report provides a summary of the submissions received on the Proposed Solid Waste Management and Minimisation (the Bylaw). In response to these issues it sets out a number of proposed amendments to the Bylaw for Council consideration.
2. This report also asks the Strategy and Policy Committee to recommend to the Council to adopt the new Solid Waste Management and Minimisation Bylaw 2020, and to revoke Part 9 of the existing Wellington City Council Consolidated Bylaw 2008 relating to Waste Management.
3. This paper is intended to be read in conjunction with the attached information:
  - i) The Report Summarising the Submissions on the Proposed Solid Waste Management and Minimisation Bylaw (October 2020) (Attachment 1)
  - ii) The (revised) proposed Solid Waste Management and Minimisation Bylaw 2020 (Attachment 2)
  - iii) The (revised) proposed Solid Waste Management and Minimisation Bylaw Controls (Attachment 3).
  - iv) The Solid Waste Management and Minimisation Bylaw Consultation Overview (Attachment 4).
  - v) The Wellington City Council Waste Survey Research Report (Attachment 5).

### **Summary**

4. Wellington City Council's existing Waste Management bylaw provisions became due for review on 19 December 2018. These bylaw provisions were to be automatically revoked in June 2021 unless renewed before this time.
5. On 18 June 2020, the Strategy and Policy Committee approved the new proposed Solid Waste Management and Minimisation Bylaw and the proposed Bylaw Controls for public consultation in accordance with the Local Government Act 2002.

6. The proposals consulted on included the introduction of a new Solid Waste Management and Minimisation Bylaw containing number of new waste management and minimisation standards and requirements aimed at better addressing key issues and problems associated with solid waste management in Wellington City.
7. The proposals included changes to introduce:
  - Standards to clarify and better manage waste and kerbside collections
  - Restrictions on the distribution of unaddressed and advertising mail
  - Event waste management and minimisation planning requirements for large events
  - Construction and demolition waste planning requirements for high-value building projects
  - Standards to ensure that new multi-unit dwellings, with 10 or more residential units have adequate provision for waste materials generated on-site
  - The establishment of waste operator and facility licensing and
  - Bylaw controls.
8. The consultation process is now complete, and in total the Council received 166 submissions on the proposed Bylaw.
9. Overall, the submissions signal that the proposed Bylaw and Bylaw controls generally received a high level of support. Nevertheless, the submissions in opposition to both the proposed Bylaw and Bylaw controls are acknowledged. A full summary of the submissions received on the proposal can be found in Attachment 1.
10. In response to the submissions received, officers have proposed a range of amendments to the proposed Bylaw and Bylaw controls, and additionally recommended a suite of bylaw implementation actions.
11. It is the opinion of officers that the (revised) proposed Bylaw and Bylaw controls provide a suite of standards that are considered necessary in response to a range of waste management and minimisation issues within Wellington City.
12. The Strategy and Policy Committee have now been asked to support these amendments and adopt the new Solid Waste Management and Minimisation Bylaw.

### **Recommendation/s**

That the Strategy and Policy Committee:

1. Receive the information.
2. Recommend to Council that it adopt the proposed Bylaw (as Attached) including the changes that have arisen following consultation, including amendments related to the

following:

- i. Multi-unit dwelling waste management and minimisation planning provisions and standards
  - ii. Event waste minimisation-related requirements and planning standards
  - iii. Construction and demolition waste management and minimisation requirements and planning standards
  - iv. Waste operator licensing-related provisions, and
  - v. Bylaw control provisions.
3. Note that the submission from Earthlink requesting the Council to exempt charity and not-for-profit groups from the future application of waste operator and facility licensing.
4. Note that the current liability to Council for carbon at Southern Landfill under the Emissions Trading Scheme sits at around \$1.5 – \$2 million per annum, and is expected to significantly increase. This bylaw, through the promotion of waste minimisation, will help mitigate the financial impacts of this liability for the Council and residents of Wellington City.
5. Note that as a part of the development of the Waste Operator Licensing system the following will be considered:
- i. the potential establishment of waste operator licensing standards requiring mandatory recycling with any commercial waste service provided to a household, including multi-unit dwellings, and
  - ii. The introduction of waste receptacle/wheelie bin size restrictions.
6. Note that officers will undertake an operational review of waste servicing on private roads within Wellington City in 2021/2022.
7. Note that a multi-unit dwelling service-level review is required for consideration as part of the Council's Long-term Plan deliberations in June 2021.
8. Note that as part of the review of the Bylaw controls in 2022, the following will be considered:
- i. The outcomes of the multi-unit dwelling service level review.
  - ii. The potential establishment of mandatory waste separation rules applicable to households and businesses using waste and recycling and, if applicable, organics kerbside collection services.
  - iii. The effectiveness and potential review of the \$2 million trigger relevant to the new construction and demolition waste planning standards.
9. Note that officers will work collaboratively with other territorial authorities in the Wellington region, with the goal of developing:
- i. Transparent best practice guidance for the purpose of providing clarity as to what

- 'adequate storage' means in context to multi-unit developments of varying size
- ii. A regional event waste minimisation plan template as support for event managers
  - iii. Additional regional-level event waste guidance to support and inform the use of reusable materials at events
  - iv. A post-event waste analysis report template as support for event managers
10. Note the inclusion of mandatory requirements for the separation of all electronic waste as a condition of use for domestic waste service users at the Southern Landfill, and the potential costs for respective waste service users.
  11. Note that when considering the officer recommendation to establish new mandatory requirements requiring the separation of all electronic waste as a condition of use for domestic waste service users at the Southern Landfill, the potential costs for respective waste service users are acknowledged.
  12. Note the resourcing implication estimates in Attachment 1 (see Attachment 3).
  13. Agree to delegate to the Chief Executive and Waste Minimisation Portfolio Leader the authority to amend the new Solid Waste Management and Minimisation Bylaw to include any amendments agreed by the Committee at this meeting, and any associated minor consequential edits, prior to the bylaw being presented to the Council.

## **Background**

13. On 18 June 2020, the Strategy and Policy Committee approved the proposed Solid Waste Management and Minimisation Bylaw and the proposed Bylaw Controls for public consultation in accordance with the Special Consultative Procedure under the Local Government Act 2002.
14. The bylaw consultation process ran for 7.5 weeks, between 4 August 2020 to 25 September 2020. See Attachment 4 for an overview of the scope and effectiveness of the consultation undertaken.
15. During the consultation period, the Council also commissioned an independent survey of waste-related servicing preferences in order to gain an enhanced understanding of waste servicing issues and concerns, and perceptions of waste servicing satisfaction within Wellington City.



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16. While this survey was undertaken at the same time as the Council's formal Bylaw consultation process, the waste survey was separately undertaken by Research First in order to avoid any confusion between the Council's bylaw consultation process.
17. The primary objectives of the waste survey were to:
- i. Develop an understanding of waste and recycling service user experiences, and any associated waste service concerns in Wellington City.
  - ii. Identify areas where Council has the potential to improve waste and recycling service experiences for ratepayers and residents.
  - iii. Establish residents' aspirations relating to kerbside servicing and provide a body of data available to support any future waste-related service reviews undertaken by the Council.
  - iv. To establish ratepayer willingness to pay information relating to different waste servicing scenarios.
18. The Research First Waste Survey findings are attached to this report as additional background information for Councillors (see Attachment 5).
19. As a background to the Proposed Bylaw, both the proposed Solid Waste Bylaw and supporting Bylaw Controls, were developed following the review of the existing Waste Management Bylaw regulation, being Part 9 of the Wellington City Council Consolidated Bylaw 2008. The review of Wellington City's existing waste management bylaw was undertaken as part of wider review of territorial authority waste bylaw standards undertaken across the Wellington Region.
20. Together, the proposed Bylaw and proposed Bylaw controls provides a regulatory response to an array of recognised waste management and minimisation issues present within Wellington City, including:
- The potential for inefficient & ineffective waste management operations;
  - The potential for inappropriate and unsafe management of the collection, transport and disposal of dangerous, hazardous and/or infectious waste;
  - Waste storage and collection activities that have the potential to create public nuisance issues and adverse impacts on amenity;
  - Inefficient and inappropriate waste management storage and servicing associated with multi-unit dwellings;
  - The high quantity of waste sent to landfills;

- 
- Lack of construction and demolition waste management and minimisation;
  - Littering, waste and public nuisance caused by the delivery of unaddressed mail (commonly referred to as junk mail);
  - The lack of waste management and minimisation planning associated with large events, and
  - The limited availability of regional waste data.
21. In response to these issues, the proposed bylaw includes a range of waste management-related provisions, including standards applicable to kerbside waste service operators and service users; waste management planning and service standards applicable to multi-unit developments; and standards relating to the use of the Southern Landfill.
22. The bylaw also contains new waste minimisation standards that are intended to align with other Wellington Region territorial authority bylaws. These standards include new event waste minimisation planning standards, construction and demolition waste management and minimisation planning requirements, rules applicable to the management of unaddressed mail and advertising material, and the establishment of a waste operator licensing.
23. It is noted, that while other territorial authority solid waste bylaws may not be identical to the proposed Wellington City Council Solid Waste Management and Minimisation Bylaw, the Bylaw will nevertheless promote the alignment of varying aspects of territorial authority waste management and minimisation regulation within the Wellington Region. The extent of this consistency will not be known until each respective territorial authority bylaw making process is complete.
24. The regional connectivity promoted through the proposed Bylaw reflects directives that were set by the Council within the Wellington Region Waste Management and Minimisation Plan (2017-2023) (WMMP). Within this regional-level plan, the eight councils agreed to investigate and if feasible develop, implement and oversee monitoring and enforcement of a regional bylaw, or a suite of regionally consistent bylaws.
25. In addition, Wellington City Council made a local commitment to “ensure systems and resources are available for implementing, monitoring and enforcing the Wellington Consolidated Bylaw Part 9: Waste Management, the future Regional Waste Bylaw and any other waste-related bylaws, e.g. the Collection and Transportation of Waste and Wellington Trade Waste Bylaws” (Action R.1).

26. Consistent with these bylaw-related WMMP actions, the Council also has a legal obligation to review their existing bylaws every 10 years. Wellington City Council's existing Waste Management bylaw provisions became due for review on 19 December 2018. Prior to the Covid-19 emergency, these bylaw provisions were to be automatically revoked in December 2020 unless renewed before this time. However, the Government has since temporarily suspended the revocation of any bylaws until 30<sup>th</sup> June 2021.

## **Discussion**

### ***The Role of the Proposed Bylaw***

27. Before canvassing the submission feedback and the changes recommended in response to the submissions, it is useful to consider the role of a bylaw and the related limits to the Council's regulatory bylaw-making powers.
28. Bylaws are rules or regulations made by the Council under national legislation for the general purpose of protecting the city and the public.
29. In terms of the legislative requirements and the purposes for which bylaws can be made, the Council is bound by sections 145-146 of the Local Government Act 2002, and in relation to waste issues, section 56 of the Waste Minimisation Act 2008. This legislation outlines the specific purposes for which bylaws can be made, including any bylaw made for waste management and minimisation purposes. Section 56 of the Waste Minimisation Act also states that a bylaw cannot be inconsistent with the territorial authority's waste management and minimisation plan.
30. National legislation additionally sets out legal tests for regulating an issue via a bylaw. Under section 155 of the Local Government Act, before making a bylaw, the Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem. The Council must also determine whether the proposed bylaw is the most appropriate form of bylaw, and whether the proposed Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. The proposed Bylaw is considered to have met these legal tests.
31. Accordingly, the powers of the Council to establish bylaw provisions to regulate in response to waste related issues or community concerns remains limited as a result of the legislative framework provided for making bylaws.
32. Relatedly, it is important to note that the proposed Bylaw is only one of the mechanisms available to Council to address waste management and minimisation issues. Other mechanisms for responding to issues include the Long-term Plan process

(e.g. to consider the provision/ funding of new levels of service and Council infrastructure investment), as well as utilising other Council policies, bylaws and regulations (e.g. other bylaws like the Trade Waste Bylaw 2016 and policies such as the Trade Waste Charges Policy), undertaking service level reviews, trialling new technology and systems, changing or adjusting operational practices, establishing partnerships with other parties, and providing information, advice, guidance and advocacy.

33. In summary, the proposed Bylaw enables and provides the ability for Council to take action on specific regulatory matters, but it cannot, for example, introduce a new level of waste servicing within the city that may have significant financial implications on the Council. Nor can it mandate Council investment into any new or existing waste or waste diversion related facility, or direct new funding allocations for other activities. Such issues must be addressed as part of the Council's Long Term Plan process.
34. In terms of waste servicing provision, the powers vested in Council under the proposed Bylaw will allow them to establish new controls or standards relating to any new or changed level of service (should such service level change be agreed by Council in the Long Term Plan). Subject to the proposed Bylaw provisions coming into effect, new requirements or standards (for example, for the separation of organic waste from waste containers, or standards relevant to new Council owned waste-infrastructure) could be readily put in place as part of new Bylaw controls (which are passed by way of a Council resolution and public notification).

### ***Submitter Snapshot***

35. A total of 166 submissions were received on the consultation proposals. This included 20 submissions received from organisations and 146 from individuals.
36. It is noted that a joint submission was made by the Sustainability Trust, The Rubbish Trip, Kaicycle and Wellington Waste Managers; Wellington Waste Managers also made a separate submission. Eight individual submitters<sup>1</sup> made submissions which directly endorsed the joint submission made by the Sustainability Trust et al. The Poly Palace also made a submission.
37. Several Wellington City residents associations made submissions on the proposals, including the Strathmore Park Residents Association, Onslow Residents Community Association, and Newtown Residents Association. The Tawa Community Board also made a submission. Submissions were also received from the Wellington City Youth Council, Wellington City Environmental Reference Group, Victoria University of Wellington Students Association (VUWSA), Generation Zero, Living Streets Aotearoa,

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<sup>1</sup> Eight individual submitters directly endorsed/supported the joint submission made by the Sustainability Trust et al. These were Submitters 87, 98, 127, 146, 149, 151, 158, 161.

Regional Public Health, Wellington Care of Aged and the Wellington Regional Stadium Trust.

38. Figure 1 (below) shows the connection submitters have to Wellington city. It is noted that in terms of this question, submitters could select more than one connection with the city, however not all submitters provided this information as part of their response. In terms of those submitters who did provide this information, 136 submitters said that they live in Wellington city and 93 said they work in the city. Sixty-one (61) submitters said they are ratepayers, and 26 said they study in the city. Eleven (11) submitters said that they own a business in the city.

**Connection to Wellington**

The connection submitters have to Wellington City. Submitters can select more than one connection, and not all submitters provided this information.

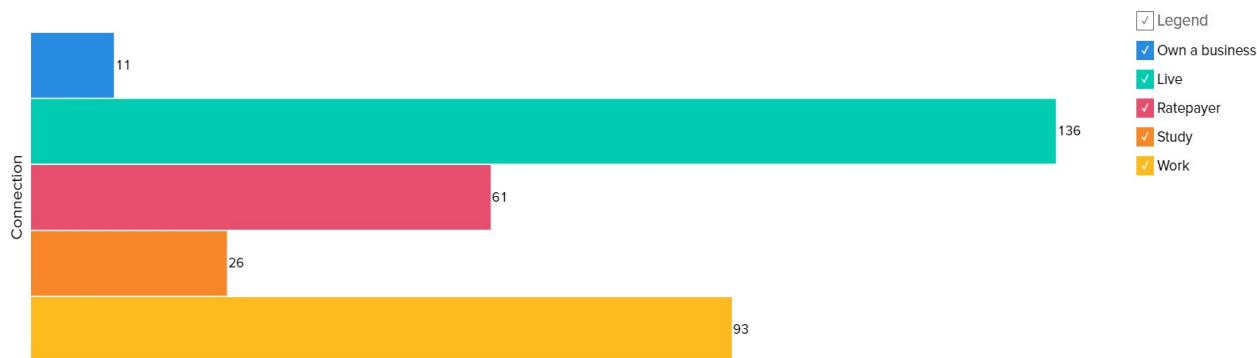


Figure 1: The connection submitters have to Wellington City

39. In terms of the location of submitters, the majority of submitters who provided their suburb location details were located within Wellington city. A further 5 submitters were from locations outside of Wellington city, with one response from overseas, one response from Palmerston, and 3 responses from the Porirua/ Whitby/Pauatahanui area. Twenty-five (25) submitters chose not to provide any location information.

**Submission Feedback and Proposed Responses**

40. Overall, there was a generally high level of support for the proposed Bylaw (and the associated Bylaw controls). However, there was also a lot of feedback suggesting that while it provides a good start, the proposals do not go far enough to reduce or eliminate waste being sent to landfill, and that they should be more ambitious. Relatedly, there were numerous requests for a Council-provided organic waste collection service, and requests for Council to invest in new infrastructure (such as plastic recycling and C&D waste diversion facilities).
41. Concerns and the requests for higher levels of service and calls for enhanced regulation at the national level are acknowledged as themes in the attached Report Summarising

the Submissions, but as noted above, these are matters go beyond the scope and ability of the proposed Bylaw to address and need to be addressed by other mechanisms. See Attachment 1 for a summary of submitter feedback relating to these out of scope issues

42. As canvased below, in response to the submission questions asked by the Council, submitter feedback primarily relates to the following proposals:

- Multi-unit dwellings
- Event waste management
- Construction and demolition (C&D) waste
- Unaddressed and advertising mail
- Waste operator licensing, and
- Bylaw controls

#### Multi-Unit Dwellings

43. In summary, the Council has proposed new Bylaw standards and associated Bylaw controls that will impact large multi-unit developments (10+ residential units/dwellings) in the following ways:

- i. Establish waste planning requirements for new multi-developments.
- ii. Establish general responsibilities applicable to all Council waste service users, including multi-unit dwellings occupants, and
- iii. Establish Council waste-related service level restrictions applicable to new multi-unit dwellings constructed after January 2023.

44. In response to the proposed introduction of new Bylaw standards requiring multi-unit developments to provide adequate space for the storage and collection of all waste generated within that development, and for the associated requirements for multi-unit dwelling waste management plans to be submitted to Council for approval for any new developments, 91 percent of submitters either 'definitely agreed' or 'somewhat agreed' with the proposed provisions.

45. Overall, 74 percent of submitters also either definitely agreed or somewhat supported the proposed controls. Nevertheless, a number of submitters questioned the Council's rationale for the proposed servicing restriction for multi-unit developments, and many submitters expressed opposition to the proposed servicing standard. See Attachment 1 for the full consideration of submission received relating to multi-unit dwellings.

46. In summary, in response to the multi-unit dwelling related submissions received, the following changes are recommended to the Proposed Bylaw:
- i. That Clause 12 be amended to recognise the importance of waste minimisation in the title of the respective plan. The amended plan would be referred to as a 'multi-unit development waste management and minimisation plan'.
  - ii. That when preparing a multi-unit dwelling waste management and minimisation plan, applicants are required to consider the waste hierarchy.
  - iii. That the multi-unit waste planning trigger of 10 or more multi-units be retained, and adopted by all territorial authorities across the region to establish a consistent regional-level waste management and minimisation planning standard.
  - iv. That the proposed standard requiring 'adequate provision' of waste storage areas where 10 or more units are proposed within a multi-unit development be retained, and be adopted by all territorial authorities across the region.
47. It is also recommended that officers work collaboratively with other territorial authorities in the Wellington region, to develop transparent best guidance for the purpose of providing clarity as to what 'adequate storage' means in context to multi-unit developments of varying size.

*Event waste management*

48. The Council has proposed new Bylaw standards to require waste management and minimisation planning for events with an expected attendance of 1,000 or more people (with some exclusions).
49. Under the proposals, an event includes 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. While indoor private functions, indoor performances and regularly occurring recreational activities such as sports events are proposed to be excluded from the requirements, other event organisers will be required to submit an event management plan to the Council for approval prior to the event.
50. In total, 94 percent of submitters either definitely supported or somewhat supported this proposal.
51. In terms of responses that were somewhat supportive of or had mixed opinions about the event waste management proposals, some submitters provided specific



suggestions for changes or improvements. The majority of requests/suggestions for change made by submissions related to three main issues as follows:

- The definition of 'event' and the types/scale of event included in the waste planning requirements
- The specific requirements in terms of event waste management plans and post-event waste analysis reports and
- Council implementation, enforcement, resourcing and support.

52. In summary, in response to the event waste related submissions received, the following changes are recommended to the proposed Bylaw and related Bylaw Controls:

- i. That the definition of an event is amended to include indoor events of 5,000 people or more, subject to exclusions.
- ii. That the Event Waste Management Plans required in accordance with the bylaw be renamed to be 'Event waste minimisation plans'.
- iii. That the timeframe requirements for the submittal of a waste plan for prior to an event be amended where more than 10,000 people are expected to attend, from 30 working days to 60 working days. The 30 working days requirement (approximately 6 weeks) as proposed is considered appropriate to retain for all other events of between 1,000 to 10,000 people.
- iv. That consideration of the waste hierarchy be required as part of the preparation of event waste management/minimisation plans.
- v. That amendments are made to place greater emphasis on waste prevention, waste avoidance, and the relevance of reusable systems at events.
- vi. That amendments are made to require the mandatory provision of an event waste analysis report back to Council after an event has been held, as a condition of event waste management/minimisation plan approval.
- vii. That amendments are made to the proposed Bylaw Controls, to require any disposal service wear products used during 'events' held on Council owned land comply with the Regional Event Packaging Guidelines.

53. In addition, the following actions are recommended:

- i) That the Council work to provide additional specific guidance on reusable materials at events.



- ii) That a post-event waste analysis report template is developed as a regional resource to make compliance with event waste analysis easier for event managers. The analysis requirements for this template will likely vary relative to the event scale (i.e. for events with less than 10,000 people and those with 10,000+ people).
- iii) That a regional event waste minimisation plan template to support event managers is prepared in conjunction with the region's other city/district councils.

54. Construction and demolition (C&D) waste

55. The proposed Bylaw and the associated Bylaw controls require all large construction projects (valued at \$2 million or over) to consider waste management and minimisation planning as part of their project planning and to submit an associated construction site and demolition waste management plan to the Council for approval. Amongst other things, this plan will need to set out:

- the proposed method of waste management for each type of waste (e.g. reuse, recovery, recycling, disposal); and
- the proposed method for minimising and capturing litter associated with the project and the building work.

56. As part of the consultation process, 75 percent of responses to this question) 'definitely' agreed with the proposals, and 19 percent of the responses 'somewhat' agreed with the proposed requirement to consider waste management and minimisation planning for high value building projects.

57. In summary, in response to construction and demolition waste related submissions received, the following amendments to the bylaw are recommended:

- Amendments to rename the plans required by the Bylaw provisions to be "Construction and demolition waste management and minimisation plans".
- Amendments to require consideration of the waste hierarchy when preparing a construction and demolition waste management and minimisation plan.
- Amendments to ensure principal contractors account for their waste minimisation efforts and provide feedback to the Council relating to the implementation of the C&D waste management and minimisation plan.

Waste operator licensing

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58. The Council (in conjunction with the other district and city councils in the Wellington region) have proposed the establishment of waste operator and waste collector licensing as part of the proposed Bylaw. The primary purpose of the proposed licensing system is for the Council to be able to collect relevant waste-related data from the private sector and to ensure private waste operators are operating in a manner that is consistent with the Council's waste-related objectives.
59. In accordance with the proposed Bylaw, a license would be required by any:
- (a) Waste collector who handles more than 20 tonnes of waste in any one twelve-month period in, around or out of the Wellington City district; or
  - (b) Waste operator with a waste management facility in the Wellington City district that handles more than 20 tonnes of waste in any one twelve-month period.
60. As part of the consultation process, 85 percent of people that either agreed or somewhat agreed with the establishment of waste operator and facility licensing. While there were no directly negative comments about this aspect of the bylaw, a number of submitters requested the refinement of the licensing proposal, and also sought clarity related to the implementation of licensing.
61. In summary, in response to the waste operator licensing related submissions received, the following amendment to the bylaw is recommended:
- i) An amendment of the definition of 'waste collector', for the purposes of limiting the scope of the licensing provisions will apply to people that collect 'and' transport waste, and not apply to people that collect 'or' transport waste.
62. Councillors are additionally asked to determine whether charity and non-for-profit organisations should be exempt from the future scope and application of waste operator licensing.

*Unaddressed mail and advertising mail*

63. The proposed Bylaw includes standards to restrict the deposit of unaddressed mail or advertising mail in letter boxes that are clearly marked with the words "no circulars", "no junk mail" or "addressed mail only" (or words to similar effect). There are proposed exceptions for public notices from the government agencies, political or election material, as well as for different types of information from community organisations and charities.

64. For clarity, these restrictions have been proposed as a means to reduce unnecessary waste and avoid littering issues associated with the distribution of unaddressed mail and unwanted advertising material.
65. As part of the bylaw consultation process, submitters were asked to what extent they agreed or disagreed with this new restriction proposed to restrict the deposit of unaddressed mail or advertising mail in letter boxes. In response, 91 percent of submitters indicated that they either 'definitely' agreed or 'somewhat' agreed with the provisions.
66. In terms of submissions that were neutral or generally unresponsive, the key issues raised for this position were:
- Opposition to the proposal on the basis that material in letter boxes has nothing to do with Council and its contents are not a waste product until it is disposed of into a bin.
  - Concern that these provisions were low hanging fruit and would not make a significant difference. Relatedly, the point was made that letterbox drops are paper, which is recyclable and generally more sustainable than plastic packaging.
  - Concern that proposed restrictions would prevent community-based organisations from distributing local newsletters to residents.
67. In response to the submissions received, it is noted the application of the proposed Bylaw provisions for unaddressed mail and advertising mail would only apply to:
- materials that are deposited in letter boxes that are clearly marked with "no circulars", "no junk mail", "addressed mail only" labels/stickers (or words of similar effect)
  - on any vehicle parked in a public space, or
  - in a letterbox that is already full of mail and/or advertising materials.
68. Furthermore, the following individuals and organisations have been excluded from the proposed restrictions:
- i. 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;
  - ii. communications or fundraising material from local community organisations, charities or charitable institutions;
  - iii. material from a political party, political candidate or elected member; or

- iv. a community newspaper or newsletter, unless the letterbox is clearly marked "no community newspapers" or with words of similar effect.

69. In recognition of exclusions provided above, and in acknowledgment of the high level of submitter support received on the proposal to restrict the unwanted deposit of unaddressed mail or advertising mail in letter boxes clearly marked to that effect, officers recommend that the proposed standards be retained in full, and included in the new Solid Waste Management and Minimisation Bylaw.

#### Bylaw controls

70. A new set of Bylaw controls has been proposed to give effect to various aspects of the proposed Bylaw. The proposed Bylaw controls are separate from the proposed Bylaw but were also publicly consulted on.
71. The proposed Bylaw Controls can be made and/or updated via Council resolution following Bylaw adoption. As they sit separately to the Bylaw provisions, this means that the controls can be amended as appropriate, rather than requiring a full review of the Bylaw. This gives Council the necessary flexibility to recognise that changes to procedures or other associated implementation matters may be required over time.
72. As proposed, the Bylaw controls specify further standards relating to how and when people can dispose of their waste and recycling. Amongst other things, the Bylaw controls have been proposed to:
- Regulate waste and recycling servicing and collection times
  - Restrict servicing access for new multi-unit developments (of 10 or more dwellings)
  - Restrict servicing access on private roads and on roads where there are operational limitations
  - Restrict the amount of green waste permitted within Council waste receptacles
  - Prohibit a range of dangerous or potentially hazardous material from being deposited into kerbside waste bags or containers, and
  - Specify new waste separation standards relevant to users of the Southern Landfill.
73. While there was a medium to high level of support for the proposed Bylaw controls, there were also many submissions expressing mixed opinions about the proposed controls, or submissions that were unsupportive of particular aspects of the proposed controls.
74. In summary, in response to the submissions received, the following actions and amendments to the proposed Bylaw controls are recommended:

*Collection servicing scope:*

75. In response to the submission requests to make recycling mandatory with any commercial waste service provided to a household, it is recommended that this matter be included for consideration during the establishment of waste operator licensing.

*Private roads:*

76. In response to submitter concerns, officers recommend that clause 2.5 be refined and limited in its application to apply to new private roads. Related amendments are also recommended to allow for waste-related service level restriction exemptions to be granted for new private roads.
77. Similarly, it is recommended that Bylaw control 2.6 be retained to apply to new roads. In effect, this clause will allow for any new private roads and access ways accommodating 10 or more properties to receive Council waste-related servicing from or on the adjoining or adjacent Council road reserve or berm, subject to appropriate servicing and collection areas being constructed at the time of roading development.
78. It is additionally recommended that a subsequent operational review of waste servicing on existing private roads be undertaken. Where specific issues relating to health and safety are found to exist, officers and contractors will subsequently undertake actions necessary to give effect to their operational responsibilities under the Health and Safety at Work Act (2015), and in accordance with traffic regulations (including the Council's Code of Practice for Working on the Road). However, where broader operational issues are found to exist, officers propose to report back to Council with the findings of the review and with details of any related consultation or engagement strategy proposed with directly affected stakeholders.

*Waste Separation:*

79. While the submissions generally supported the proposed controls requiring the separation of waste types, many sought that rules be included to set a maximum limit on recyclable materials placed in a Council waste receptacle at the kerbside. These concerns are acknowledged, and the introduction of recyclable material content restrictions within waste receptacles remains an option for the Council. However, such controls would likely be difficult to implement due to the uncertainty and ongoing fluctuations in the international recycling markets, and the limited scope of waste diversion infrastructure in New Zealand. Furthermore, the introduction of mandatory requirements for households to separate food waste from kerbside waste receptacles would not be appropriate unless an alternative food waste diversion option is provided to all households.

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80. However, should onshore diversion infrastructure capacity be significantly developed in the future and/or a food waste kerbside collection service be established, officers would recommend that the issue of mandatory diversion at the household (and potentially commercial level) be reconsidered by the Council.
81. It is therefore recommended that the Council reconsider the appropriateness of mandatory waste separation and mandatory requirements for kerbside waste receptacles in 12-18 months when reviewing the Bylaw controls

*Restrictions on materials:*

82. In response to submitter requests to amend the Bylaw provisions and Bylaw controls to further limit the scope of restricted and/or prohibited materials to include batteries and electronic waste, it is recommended that:
- i) Clause 2.20 of the Bylaw controls be amended to require the mandatory separation of all batteries from waste prior to entering the Southern Landfill, as well as Clause 2.15 to restrict the disposal of batteries within any kerbside waste receptacle.
  - ii) Officers additionally recommend that the Council consider the establishment of new mandatory requirements for the separation of all electronic waste as a condition of use at the Southern Landfill for domestic waste service users.
83. When considering the appropriateness of this electronic waste diversion standard, the Council should be aware that the Council currently offer a free e-waste diversion facility for most electronic waste, with the exception of televisions and monitors which currently cost \$30 per item to divert. However, due to New Zealand current reliance on offshore reprocessing facilities for electronic waste, diversion costs and prices for waste service users will likely fluctuate over time in response to changes in e-waste processing availability, capacity and changing market conditions.
84. As such, the introduction of mandatory landfill standards for electronic waste diversion may result in costs for respective waste service users.
85. It is also noted that the introduction of mandatory diversion standards for electronic waste will impact the staffing requirements at the Southern Landfill. An outline of the resourcing required to support the implementation of the Bylaw is appended to this report (see Attachment 3).

*Collection services for multi-unit developments:*

86. In response to submitter concerns relating to the proposed Bylaw control limiting Council-provided service collections for new multi-unit developments constructed after January 2023, it is noted that the Council has agreed to consider the Council provision of waste and recycling collection services from multi-unit developments as part of a review of service levels in the Long-term Plan deliberations. This matter is scheduled to be considered by the Council in June 2021. Accordingly, the outcome of the Council's Long-term Plan deliberation may further inform the Council's implementation of the service level restrictions proposed for new multi-unit dwellings in 2023.
87. For this reason, officers recommend that the proposed service level restriction for new multi-unit dwellings be retained for the purposes of transparency, but if necessary, revisited upon the following the completion of the 2021 Long-term Plan process.

*Construction and Demolition waste management plans:*

88. As noted above, in response to the submissions received relating to the proposed construction and demolition waste management planning requirements, minor amendments are recommended to the wording of the control to respond to the submission requests to change the name of the plans to more strongly reflect their waste minimisation purpose.
89. For clarity, to support the implementation of the construction and demolition planning requirements specified in the bylaw, the councils of the Wellington Region are intending to jointly promote the use the existing REBRI Waste Management Plan template.

*Southern Landfill*

90. As noted above under the discussion on the 'Restrictions on materials', officers recommend the establishment of new bylaw controls that require the mandatory diversion of electronic waste and batteries as a standard for use and entry requirement for the Southern Landfill.

***Discussion Summary***

91. The proposed Solid Waste Management and Minimisation Bylaw reflects the collaborative effort of all the territorial authorities of the Wellington Region to establish a new regionally consistent regulatory framework for solid waste management and minimisation to provide continuity for waste service users and operators. It also supports a regionally consistent approach towards the promotion of waste minimisation.

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92. Nevertheless, it is important to recognise that contextual differences do exist across the different cities and districts within our region, and that the views of submitters will vary across these communities. Therefore, it is necessary to acknowledge that differences between each resulting territorial authority bylaw should be expected, and that such differences may be appropriate in response to the varying needs and concerns held by each community.
93. The officer recommendations made within this report therefore aim to promote regional consistency as far as practicable.
94. As discussed within the Summary of Submission (see Attachment 1), overall, the proposed Bylaw and Bylaw controls have received a generally high-level of support from submitters. However, a number of bylaw amendments have been recommended by officers in response to submitter feedback. A range of additional actions have also been recommended for the Council's consideration.
95. In conclusion, the (revised) proposed Bylaw and proposed Bylaw controls provide a suite of standards that are considered necessary in response to a range of waste management and minimisation issues within Wellington City. The resourcing implications of the proposed Bylaw and Bylaw controls are additionally noted for Council consideration in Attachment 1 (Attachment 3).

## Options

96. As noted above, the Council's existing Waste Management bylaw provisions contained in Part 9 of the Consolidated Bylaw are now out of date and due for renewal.
97. As a result of the bylaw review process, the Council now has the ability to establish a new suite of bylaw standards and controls in response to the established waste management and minimisation issues facing Wellington city.
98. In summary, in accordance with s155(2) of the Local Government, the (revised) proposed Bylaw is considered by officers to be the most appropriate form of bylaw and a necessary in response to the City's waste management and minimisation-related issues.
99. If the Council decides not to advance the proposed Solid Waste Management and Minimisation Bylaw, the existing Waste Management bylaw provisions in place will be automatically revoked on 30 June 2021.
100. In such a scenario, the absence of a waste-related bylaw would limit the efficiency and effectiveness of the Council's waste management services and operations within the City, as it would reduce the Council's ability to influence waste stream content, and



would restrict the Council's ability to safeguard waste and recycling service standards for residents.

101. For this reason, officers consider it both necessary and appropriate to adopt the revised Solid Waste Management and Minimisation Bylaw provisions, and once adopted, approve the revised Bylaw controls by way of a publicly notified Council resolution.

### **Next Actions**

102. Following the approval of the Solid Waste Management and Minimisation Bylaw for adoption, the new bylaw would come into force on 25<sup>th</sup> January 2020.
103. Once in place, officers would seek to implement the range of bylaw-related workstreams identified within this report.
104. Subject to approval of the waste bylaw resource implications identified in Attachment 1 (Attachment 3), this work includes actions to support the implementation of: the proposed multi-unit dwelling standards; the event waste management provisions; the establishment of a waste operator licensing system; waste separation and recycling standards, and the effective and efficient management of waste servicing on private roads. This work includes:
- *Multi-unit dwellings*
    - i. Collaboratively working with officers from other territorial authorities in the Wellington region, to develop transparent best guidance for the purpose of providing clarity as to what 'adequate storage' means in context to multi-unit developments of varying size. If a regional waste storage calculator proves unfeasible at the regional level, then Wellington City Council will develop their own City specific calculator tool.
    - ii. Undertake multi-unit dwelling service-level review for consideration as part of the Council's Long-term Plan deliberations in June 2021.
  - *Event waste management*
    - iii. The development of a regional event waste minimisation plan template as support for event managers. Where possible this template/s should be collaboratively developed with other territorial authorities in the region.
    - iv. The development of additional regional-level event waste guidance to support and inform the use of reusable materials at events.
    - v. The development of a post-event waste analysis report template as support for event managers. Where possible this should be advanced as a regional-level resource.

- *Waste Operator Licensing:*
  - vi. The potential to make recycling mandatory with any commercial waste service provided to a household will be considered as part of the development of a waste operator licensing system.
  - vii. The introduction of waste receptacle/wheelie bin size restrictions.
- *Private roads*
  - viii. An operational review of waste servicing on existing private roads within Wellington City will be undertaken.
- *Review of kerbside waste separation standards*
  - ix. Officers will undertake work necessary to reconsider the appropriateness of mandatory waste separation and mandatory requirements for recycling for households and businesses at the kerbside when reviewing the Bylaw controls in 12-18 months' time.

## Attachments

|               |  |          |
|---------------|--|----------|
| Attachment 1. | Solid Waste Bylaw Submission Summary <a href="#">↓</a>                       | Page 40  |
| Attachment 2. | The Proposed Solid Waste Management and Minimisation Bylaw <a href="#">↓</a> | Page 140 |
| Attachment 3. | The Proposed Solid Waste Bylaw Controls <a href="#">↓</a>                    | Page 160 |
| Attachment 4. | Solid Waste Bylaw Consultation Overview <a href="#">↓</a>                    | Page 166 |
| Attachment 5. | Research First Waste Survey - Solid Waste Bylaw <a href="#">↓</a>            | Page 171 |

|            |  |
|------------|--|
| Author     | Emma Richardson, WMMP Regional Officer   |
| Authoriser | Emily Taylor-Hall, Waste Operations Manager<br>Mike Mendonca, Chief Resilience Officer<br>Tom Williams, Chief Infrastructure Officer |

## SUPPORTING INFORMATION

### Engagement and Consultation

Over the past 18 months officers from the Regional Waste Management and Minimisation Steering Group have worked collaboratively with the eight territorial authorities of the Wellington Region, to develop a regionally consistent set of waste-related bylaw provisions.

Subject to the adoption of the new Solid Waste Management and Minimisation Bylaw 2020, officers seek to advance the establishment of waste operator and facility licensing, which will involve ongoing engagement with the waste sector.

### Treaty of Waitangi considerations

The revised Solid Waste Management and Minimisation Bylaw is not inconsistent with the principles of the Treaty of Waitangi. However, the revocation of Part 9 of the Consolidated Bylaw 2008 (Waste Management) without the renewal of a relevant waste-related bylaw provision in some form has the potential to limit Council's ability to influence waste stream content. Such an action could, in turn, limit the Council's ability to honour the Treaty principle of protection as it relates to the protection of human health and environmental wellbeing connected to waste management.

### Financial implications

The financial implications of the proposed Bylaw and Bylaw Controls, include additional costs for resources associated with the assessment of waste minimisation plans, litter enforcement, and waste operator licensing. While the financial implications of the Bylaw and Bylaw controls are yet to be fully quantified, an estimated outline of the scope of financial implications is provided below for Council consideration:

- **Potential for lost landfill revenue associated with waste minimisation**

Any waste minimisation bylaw measures proposed by the Council resulting in a significant reduction in waste disposed of into the Southern Landfill will reduce landfill-based revenue for the Council.

- **Potential for reduced Emissions Trading Scheme Liability**

It is noted that the current liability to Council for carbon at Southern Landfill under the Emissions Trading Scheme sits at around \$1.5 – 2 million per annum, and is expected to significantly increase. This bylaw will help mitigate the financial impacts of this liability for the Council and residents of Wellington City.

- **Opportunities to reduce Council costs associated with littering within the Central Business Area**

In 2019 waste tonnage records indicated that approximately 1,215 tonnes of waste was being illegally deposited/dumped on the kerbside within the Central Area every year. This is estimated to be costing the Council approximately \$555,000 per annum. The Bylaw, and an associated review of waste bylaw enforcement could help reduce littering and reduce Council costs when supported by appropriate enforcement action.

- **Waste operator licensing cost implications**

The Bylaw enables the Council to require the payment of a fee when applying for a waste operator license. This fee could cover or help offset regional licensing processing and administration costs.

- **Event waste management cost implications**

In addition to the 1 FTE required for Event Waste Minimisation Plan assessment and processing, Event waste standards and controls will have additional financial cost implications for the delivery of Wellington City Council events from 2022. Further work will need to be done to quantify the financial implications of the new event waste minimisation standards for the management and delivery of Council run events.

- **Construction and demolition waste management and minimisation**

It is estimated that 0.2 FTE will be required for construction and demolition waste management and minimisation plan assessment and processing. Note that this resourcing estimate would increase relative to any decrease in the financial trigger for C&D waste plan lodgement.

- **Multi-unit dwelling waste management and minimisation**

It is estimated that 1 FTE will additionally be required for multi-unit dwelling waste management and minimisation plan assessment and processing, and for engagement with multi-unit dwelling residents to promote best practice.

An additional 0.5 FTE (fixed term) is estimated to be necessary in order to undertake the multi-unit dwelling service level review requested for consideration as part of LTP deliberations 2021.

- **Operations at the Southern Landfill**

The implementation of the proposed new landfill diversion/separation standards (including electronic waste, compostable waste, batteries, aluminium and steel cans, tyres, glass bottles and jars etc.) is estimated to require an additional 1.0 FTE.

- **Private Roads**

The operational review of waste servicing on private roads is estimated to require 0.5 FTE (fixed term) for 2021/2022.

### **Legislative implications**

In addition to the Local Government Act 2002 and the Waste Management Act 2008, the New Zealand Bill of Rights Act, the Litter Act and the Health Act are also relevant to the waste management and minimisation measures proposed.

- ***The New Zealand Bill of Rights Act 1990:***

Under section 155 of the Local Government Act, before making a bylaw, the Council must determine whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. No bylaw may be made which is inconsistent with the Bill of Rights Act. Section 5 of the Bill of Rights Act provides for justified limitations on rights, specifically that the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

In summary, the only rights or freedoms under the Bill of Rights Act potentially engaged by the proposed Bylaw are likely to be the rights to freedom of movement in relation to the transportation of waste, and freedom of expression in relation to unaddressed mail and advertising material. Limitations on these rights must be no more than is reasonably necessary to achieve the purpose of the Bylaw.

The Bylaw limits these rights only to the extent that they create a danger to health and safety or a nuisance to others or the public generally, or if they create the potential for environmental harm. Therefore, the Bylaw does not raise any implications under and is not inconsistent with the Bill of Rights because any limitations of rights are justified.

- **The Litter Act (1979):**

Under the Litter Act 1979 it is an offence for any person to deposit litter of any kind in a public place, or onto private land without the approval of the owner. The Litter Act is enforced by territorial authorities, who have the responsibility to monitor litter dumping, act of complaints, and deal with those responsible for litter dumping. Councils reserve the right to prosecute offenders via fines and infringement notices administered by a litter control warden or officer. The maximum fines for littering are \$7,500 for a person and \$30,000 for a corporation. Council powers under the Litter Act could be used to help address the illegal dumping issues recognised within the Wellington Region WMMP (2017-2023).

- **Health Act (1956):**

Subject to the provisions of this Act, it shall be the duty of every local authority to improve, promote, and protect public health within its district, and for that purpose every local authority is hereby empowered and directed (see s23) —

- to cause inspection of its district to be regularly made for the purpose of ascertaining if any nuisances, or any conditions likely to be injurious to health or offensive, exist in the district:
- if satisfied that any nuisance, or any condition likely to be injurious to health or offensive, exists in the district, to cause all proper steps to be taken to secure the abatement of the nuisance or the removal of the condition:
- to make bylaws under and for the purposes of this Act or any other Act authorising the making of bylaws for the protection of public health:
- to furnish from time to time to the medical officer of health such reports as to diseases, drinking water, and sanitary conditions within its district as the Director-General or the medical officer of health may require.

### **Policy Implications**

The Bylaw proposed aligns with the bylaw-related provisions contained in the Wellington Region Waste Management and Minimisation Plan (2017-2023).

### **Risks / legal**

The Bylaw proposed has been subject to a legal review to ensure it meets all necessary legal requirements. As such, there are no legal risks associated with the proposed Bylaw.

### **Climate Change impact and considerations**

The Bylaw proposes to promote waste minimisation through event waste management and minimisation planning, construction and demolition waste management planning, and restricting the deposit of unaddressed advertising mail. Reducing the amount of waste created, and disposed of into landfill will in turn, reduce the amount of landfill gas emitted from the landfill. Associated waste diversion data would be required in order to quantify the scope of any such greenhouse gas reduction.

### **Communications Plan**

N/A in relation to bylaw adoption.

### **Health and Safety Impact considered**

The proposed Bylaw promotes the health and safety of waste and recycling service operators, and the community, through restricting the disposal of dangerous and potentially hazardous material into receptacles placed in a public place. The Council further promotes the health and safety of both parties, through providing a Hazardous Waste Storage Facility at the Southern Landfill.



# **Proposed Solid Waste Management and Minimisation Bylaw 2020**

Report summarising public submissions

Report published October 2020



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**Appendix 1: Table of submitters**

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**Appendix 3: Outline of Bylaw resourcing requirements**

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## Introduction

This report presents a summary of the submissions received on the proposed Wellington City Council Solid Waste Management and Minimisation Bylaw 2020 and the supporting Bylaw controls.

The proposals consulted on included the introduction of a new Solid Waste Management and Minimisation Bylaw containing number of new waste management and minimisation standards and requirements aimed at better addressing key issues and problems associated with solid waste management in Wellington City. The proposals included changes to introduce:

- standards to clarify and better manage waste and kerbside collections
- restrictions on the distribution of unaddressed and advertising mail
- event waste management and minimisation planning requirements for large events
- construction and demolition waste planning requirements for high-value building projects,
- standards to ensure that new multi-unit dwellings, with 10 or more residential units, have adequate provision for waste materials generated on-site, and
- The establishment of waste operator and facility licensing.

The consultation period extended for a period of 7.5 weeks from the 4 August to 25 September 2020. In total, 166 submissions were received. An overview of the consultation undertaken on the Bylaw proposals is provided in a separate report (**See Attachment 1**).

This discussion analyses the level of submitter support and commentary provided in response to the specific proposals presented in the Statement of Proposal. It also considers submitter commentary and suggestions provided in relation to other aspects of the proposed Bylaw and Bylaw controls, and contains related officer recommendations for Council consideration in response to the submitter feedback.

The submission feedback and comments received covered a wide range of issues and inputs that did not necessarily relate to the bylaw consultation proposals or the proposed Bylaw controls. Out-of-scope topics or themes raised in submissions are nevertheless documented in this report if they have been raised by several submitters.

The analysis of submissions presented in this report generally reflects the structure of the submission form questions. We have quantified the level of support provided for each of the main consultation proposals. We have also indicated the general themes or topics of issues raised in the free-text comments provided by submitters in response to the last submission form question which asked for any other comments in relation to the proposed Bylaw and/or the proposed Bylaw controls.

### Part 1: Who were the submitters?

A total of 166 submissions were received on the consultation proposals. The majority of these submissions (157 responses or 95 percent of the total responses received) were made by people using the online submission form; nine responses were emailed or posted submissions that were subsequently entered into the online submission form by Council officers.

Submissions were received from 20 organisations and 146 individuals. A list of all submitters is provided in **Appendix 1** to this report.

It is noted that a joint submission was made by the Sustainability Trust, The Rubbish Trip, Kaicycle and Wellington Waste Managers (Submission 141); Wellington Waste Managers also made a separate submission (Submission 157). Eight individual submitters<sup>1</sup> made submissions which directly endorsed the joint submission made by the Sustainability Trust et al. The Poly Palace also made a submission.

Several Wellington city residents associations made submissions on the proposals, including the Strathmore Park Residents Association, Onslow Residents Community Association, and Newtown Residents Association. The Tawa Community Board also made a submission. Submissions were also received from the Wellington City Youth Council, Wellington City Environmental Reference Group, Victoria University of Wellington Students Association (VUWSA), Generation Zero, Living Streets Aotearoa, Regional Public Health, Wellington Care of Aged and the Wellington Regional Stadium Trust.

Figure 1 (below) shows the connection submitters have to Wellington city. It is noted that in terms of this question, submitters could select more than one connection with the city and not all submitters provided this information as part of their response. In terms of those submitters who did provide this information, 136 submitters said that they live in Wellington city and 93 said they work in the city. Sixty one (61) submitters said they are ratepayers, and 26 said they study in the city. Eleven (11) submitters said that they own a business in the city.

**Connection to Wellington**

The connection submitters have to Wellington City. Submitters can select more than one connection, and not all submitters provided this information.

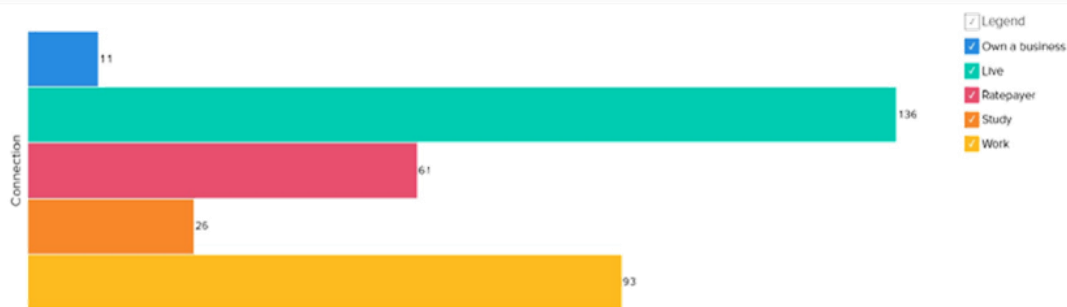


Figure 1: The connection submitters have to Wellington City

In terms of the location of submitters, the majority of submitters who provided their suburb location details were located within Wellington city (136 responses or 82 percent of the total responses received on the consultation proposals). A further 5 submitters were from locations outside of

<sup>1</sup> Eight individual submitters directly endorsed/supported the joint submission made by the Sustainability Trust et al. These were Submitters 87, 98, 127, 146, 149, 151, 158, 161.

Wellington city, with one response from overseas, one response from Palmerston, and 3 responses from the Porirua/ Whitby/Pauatahanui area. Twenty five (25) submitters chose not to provide any location information.

## Part 2: Analysis of the submissions

### 2.1 Introduction

The feedback and comments provided by submissions covered a wide range of issues and interests related to waste management and minimisation. This part of the report summarises the range of feedback provided and the level of support or otherwise for the Bylaw proposals consulted on.

The analysis of submissions is broken into three main sections (under separate headings) which reflect the nature and breadth of the feedback provided by submissions, as follows:

- Feedback on specific consultation questions (Section 2.2)
- General feedback on the proposals (i.e. matters not specifically attributable to the questions but within the scope of the Bylaw proposals) (Section 2.3)
- Out-of-scope feedback and requests. (Section 2.4)

#### 2.1.1 Scope of submission feedback and requests

As outlined in the following sections, a wide range of waste management-related issues were commented on by submissions. Overall, and as shown in the graphs summarising the responses to each consultation question in the following sections, the submissions show a high level of support for the Bylaw proposals.

While there was a high level of support for the proposed Bylaw (and the associated Bylaw controls), there was also feedback suggesting that while it provides a good start, the proposals do not go far enough to reduce or eliminate waste being sent to landfill and that they should be more ambitious. There were also numerous requests for a Council-provided organic waste collection service, and requests for Council to invest in new infrastructure (such as plastic recycling and C&D waste diversion facilities). These concerns and the requests for higher levels of service are acknowledged and commented on in more detail in section 2.4 of this report, but as explained below (see sections 2.1.3 and 2.1.4 in particular), they are matters that are beyond the scope and ability of the proposed Bylaw to address and need to be addressed by other mechanisms.

#### 2.1.2 Background context for making the proposed Bylaw

As part of the consideration and analysis of the range of submissions received on the proposed Bylaw, it has been necessary to reflect on the role and purpose of bylaws, including the legal requirements for making bylaws and their limitations/constraints, as well as the specific role and purpose of the proposed new Waste Management and Minimisation Bylaw.

Bylaws are rules or regulations made by the Council under national legislation for the general purpose of protecting the city and the public.

In terms of the legislative requirements and the purposes for which bylaws can be made, the Council is bound by sections 145-146 of the Local Government Act 2002, and in relation to waste issues, section 56 of the Waste Minimisation Act 2008. This legislation outlines the specific purposes for which bylaws can be made, including any bylaw made for waste management and minimisation purposes. Section 56 of the Waste Minimisation Act also states that a bylaw cannot be inconsistent with the territorial authority's waste management and minimisation plan.



National legislation sets out the legal tests for regulating an issue via a bylaw. Under section 155 of the Local Government Act, before making a bylaw, the Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem. If so, the Council must determine whether the proposed bylaw is the most appropriate form of bylaw, and whether the proposed Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 ("NZBORA").

The Statement of Proposal prepared for the proposed Bylaw identified the range of solid waste management and minimisation issues relevant to the city and the options considered to address these issues. Consistent with section 155 of the Local Government Act, consideration was then given to whether the proposed Bylaw was the most appropriate way to address the issue, and whether the proposed Bylaw was the most appropriate form. The proposed Bylaw was considered to be the most appropriate method for addressing the identified issues, but there was acknowledgement that the Bylaw and its implementation would need to be supported by other mechanisms, as appropriate to the issue. For example, the provision of information, advice and guidance, the use of clear messaging and communications used by Council including within publications and online, working with other parties and stakeholders etc. The purpose and limitations of the proposed Bylaw (i.e. what it can and cannot do) are discussed in the next section.

### 2.1.3 Purpose of the proposed Bylaw

Consistent with the regional actions agreed to within the Wellington Region Waste Management and Minimisation Plan (WMMP) 2017-2023, the eight territorial authorities of the Wellington region have worked together to develop and consult on a suite of regionally consistent solid waste bylaws. The proposed Wellington City Council Solid Waste Management and Minimisation Bylaw 2020 forms part of this suite of regionally consistent bylaws.

The purpose of the proposed Bylaw is outlined in clause 4 of the proposed Bylaw text. The aim of the new Bylaw is to better address the problems that arise in relation to solid waste management. A key overarching purpose is to promote and deliver effective and efficient waste management and minimisation in the city as required under the Waste Minimisation Act 2008 and to better respond to the Council's Waste Management and Minimisation Plan (2017-2023), the New Zealand Waste Strategy (2010), and contribute to supporting Council and community zero carbon goals.

The proposed Bylaw will enable the Council to meet its legal obligations and to more effectively manage and regulate the negative impacts of waste on the environment, as well as ensure the protection of the health and safety of the public and those involved in waste management. It will also assist the Council to improve its understanding of the waste collection services in the city and how waste is being disposed of.

While the proposed new Bylaw responds to a wider range of waste management and minimisation issues compared to the existing bylaw, it is still limited in terms of the issues it is able to address as a result of the legislative framework provided for making bylaws, and whether a bylaw is the most appropriate way of addressing the perceived problem.

It is important to note that the proposed Bylaw is also only one of the mechanisms available to Council to address waste management and minimisation issues, and it is a regulatory-focused tool. Other mechanisms for responding to issues include the Long Term Plan process (e.g. to consider the provision/ funding of new levels of service and Council infrastructure investment), as well as utilising other Council policies, bylaws and regulations (e.g. other bylaws like the Trade Waste Bylaw 2016 and policies like the Trade Waste Charges Policy), undertaking service reviews, trialling new

technology and systems, changing or adjusting operational practices, establishing partnerships with other parties, and providing information, advice, guidance and advocacy.

In summary, the proposed Bylaw enables and provides the ability for Council to take action on specific regulatory matters, but it cannot, for example, introduce a new level of waste servicing within the city that may have financial implications on ratepayers. Nor can it mandate Council investment into any new or existing waste or waste diversion related facility, or direct new funding allocations for other activities. Such issues must be addressed as part of the Council's Long Term Plan process. However, in terms of waste servicing provision, the powers vested in Council under the proposed Bylaw will allow it to establish new controls or standards relating to any new or changed level of service (should it be agreed by Council in the Long Term Plan). Subject to the proposed Bylaw provisions coming into effect, new requirements or standards (for example, for the separation of organic waste from waste containers, or standards relevant to new Council owned waste-infrastructure) could be put in place as part of new Bylaw controls (which are passed by way of a Council resolution and public notification).

#### 2.1.4 Out-of-scope submission feedback

As indicated, not all of the feedback provided by submissions related to the proposals in the Statement of Proposal for the proposed Bylaw or the associated Controls. Many of the free-text comments provided by submitters raised matters that are beyond the scope of the proposed Bylaw or the associated controls to deal with. For example, many comments related to broader waste management issues or planning in the city. Some comments concerned matters over which the Council does not have any remit to control or influence, e.g. central government work programmes.

Comments regarded as out-of-scope but still connected to the broad issue of waste management and minimisation are acknowledged and documented in section 2.4 of this report. In summary, some of the matters raised included for example:

- the inadequacy of the current Wellington Region Waste Management and Minimisation Plan (WMMP) 2017-23 and the need for its review and update
- requests for new Council provided waste management infrastructure, services (such as an organic waste collection service) and resource recovery facilities (such as for C&D waste)
- increased levels of service for existing services including recycling (and particularly in relation to plastics)
- better management of trade waste and liquid wastes
- incentives and funding to support the implementation of the Bylaw and/or to encourage behaviour change
- the resourcing requirements for regulating and enforcing the new bylaw proposals
- the national waste disposal levy and other central government work programmes like product stewardship and packaging, and
- Council's messaging and communications related to waste management and minimisation.

## 2.2 Submission feedback on specific consultation questions

The following sections summarise the submission feedback received on the specific consultation questions posed in the submission form.

In summary, these questions related to the Bylaw proposals for the following key issues:

- a. Multi-unit dwellings
- b. Event waste management
- c. Construction and demolition (C&D) waste
- d. Unaddressed and advertising mail
- e. Waste operator licensing
- f. Bylaw controls

### A note regarding 'free-text' comments

The last question on the submission form asked submitters to provide any other comments they may have in relation to the proposed Bylaw and/or the proposed Bylaw controls (see **Appendix 2**). Not all submitters answered this question but for the submitters that did, many provided further detail and explanation of the level of support provided in their response to the previous specific questions, and/or took the opportunity to comment more broadly on issues related to waste management and minimisation.

In terms of free-text comments made by submitters, where the comments were directly attributable to a specific question/topic area, they have been summarised as part of the responses to the specific question/topic area (e.g. multi-unit dwellings or event management). Where the comments were more general in nature and not specifically related to a consultation question/topic area, they have been documented and commented on in section 2.3 (general feedback and comments) or section 2.4 (out-of-scope feedback) of this report.

### 2.2.1 Consultation question #1: Multi-Unit Dwellings

#### ***What we proposed:***

The Council proposed new Bylaw standards and associated Bylaw controls that will impact large multi-unit developments (10+ residential units/dwellings) in the following ways:

#### **1. New waste planning requirements for multi-unit dwellings:**

Prior to the commencement of the construction of a new multi-unit development comprising of 10 or more units, a multi-unit development waste management plan is required to be submitted to Council for approval. Amongst other things, this plan will need to demonstrate the identification of an adequate area on the premises for the storage of receptacles that is readily accessible to the occupiers of units and the waste collector to enable separate collection and transportation of waste and recycling (refer to Clause 12.2(b)).

#### **2. New general responsibilities applicable to all Council waste service users, including multi-unit dwellings:**

Existing multi-unit developments will be required to comply with a new set of general responsibilities applicable to all owners or occupiers of any premises (refer to the proposed Bylaw Clauses 8 and 12.2). If multi-unit dwelling occupiers cannot dispose of or discard material as expressly allowed in Clause 8, then within three months of the date the owner or manager is notified by the Council of the requirement to obtain approval of a multi-unit



development waste management plan, a multi-unit development waste plan will need to be submitted to the Council for Council approval.

**3. New service level restrictions for new multi-unit dwellings constructed after January 2023:**

From early 2023, being two years from when the proposed Bylaw takes effect, any new large multi-unit development (comprising 10 or more residential units) will be responsible for the appropriate deposit and disposal of all waste, recycling and other diverted material generated from the premises. As such, no Council provided waste, recycling or other diverted material collection service will be available to any new multi-unit development of 10 or more residential units from this point in time.

**What we asked:**

As part of the consultation process, the Council asked two questions relating to these proposals, as follows:

1. 'To what extent do you agree or disagree with the proposed Bylaw requirements regulating waste management and minimisation planning for multi-unit dwellings?'
2. 'To what extent do you agree or disagree with the proposed bylaw controls?' [i.e. the controls relating specifically to multi-unit dwellings in proposed control 2.16]

**What submitters said:**

**1. New waste planning requirements for multi-unit dwellings**

There were a total of 156 responses received in response to the question: *'To what extent do you agree or disagree with the proposed bylaw requirements regulating waste management and minimisation planning for multi-unit dwellings?'*

Figure 2 shows that the majority of responses (143 responses, or 91% of responses to this question) either 'definitely agreed' or 'somewhat agreed' with the proposed introduction of new Bylaw standards requiring multi-unit developments to provide adequate space for the storage and collection of all waste generated within that development, and for the associated requirements for waste management plans to be submitted to Council for approval for any new multi-unit development comprising of 10 or more dwellings and for any existing multi-unit development where the occupiers cannot adequately dispose of or discard of waste material.

In terms of this support, 113 responses (or 72 percent of the responses to this question) 'definitely agree' with the proposals and 30 responses (or 19 percent of responses) 'somewhat agree' with the proposals. Only 6% of submission responses either 'definitely disagreed' or 'somewhat disagreed' with the proposals for regulating waste management and minimisation planning for multi-unit developments.

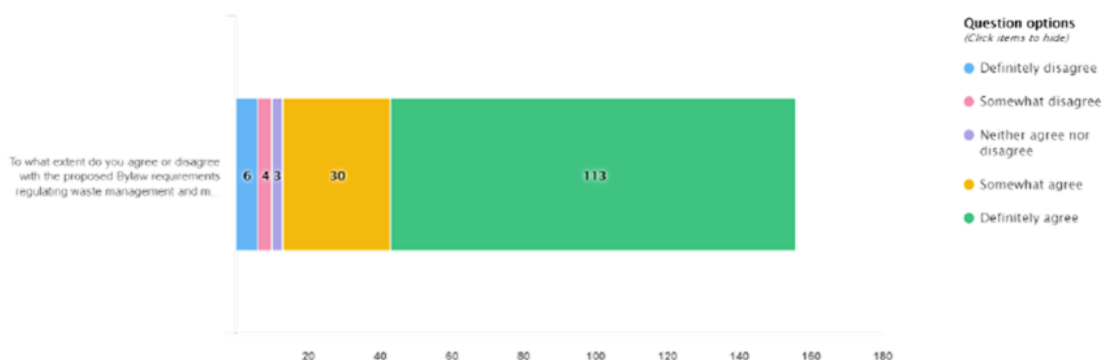


Figure 2: To what extent do you agree or disagree with the proposed Bylaw requirements regulating waste management and minimisation planning for multi-unit dwellings?

**Summary of related submitter commentary:**

As noted above, the proposed introduction of waste planning requirements for new multi-unit developments received a high level of support from submitters, with 91 percent of submitters either definitely supporting or somewhat supporting the proposals.

The tables (over page) identify some illustrative comments (supportive, mixed and unsupportive) received from individuals and organisations in regard to the multi-unit waste management proposals.

The following summarises some of the specific comments and requests made by submissions:

Multi-Unit Dwelling Waste Plans

It was recognised by the joint submission provided by the Rubbish Trip, Sustainability Trust, Wellington Waste Managers, and Kaicycle (and the eight submitters who directly endorsed this submission) that there is far greater potential to ensure systems maximise waste minimisation (rather than trying to retrofit systems after the fact) if the issue of waste is considered before construction. To recognise the importance of early waste minimisation planning for multi-unit developments, these submissions request refinement of the name of the required waste plan to provide greater recognition and emphasis of the importance of waste minimisation in addition to waste management. Specifically, the submissions suggest that the Council should rename the plans required to be ‘waste minimisation and management plans’ to more directly capture Council’s expectation that multi-unit developments will achieve waste minimisation outcomes [Submissions 107 and 141 et al].

The submissions also suggest that the Council should require the applicant to consider the waste hierarchy when preparing their plans. To provide context for this request, the waste hierarchy is a framework for establishing the order of preference for different waste management options, being to reduce, reuse, recycle, recover, and dispose of waste.

In some instances, submissions also asked the Council to establish additional controls applicable to new multi-unit developments, including:

- Standards requiring the setting aside areas for the diversion, storage and processing of organic waste on-site for composting/vermicomposting of organic material produced on site; and



- Broader application of the multi-unit dwelling planning requirements where there are less than 10 dwelling units (i.e. where there 2, 3, or 4 dwellings on a site).

The importance of connecting the Bylaw controls proposed for multi-unit developments with the Council's proposed Spatial Plan was also highlighted.

#### Provision of Waste Storage in Multi-Unit Dwellings

In response to the Council proposal to require the provision of adequate waste storage space in new multi-unit developments of 10 or more dwellings/residential units, there was a high level of support from submissions for this proposal. However, some submitters indicated that the Council should be more broadly applying these standards to any new multi-unit development, including developments with less than 10 dwellings/residential units.

An opposing view was also signalled within some submissions, with the Council receiving a request to raise the dwelling trigger on the basis that the trigger of 10 units may encourage developers to build fewer units than they otherwise would. Another submitter was of the view that any new apartment complex should be able to utilise its space for housing, not garbage storage.

Some submissions requested that the Council clarify what this proposed standard for multi-unit developments means by specifying what the 'adequate provision' of waste storage space looks like in practice.

#### **2. Bylaw controls for multi-unit developments**

Within the proposed Bylaw controls (proposed control 2.16), the Council proposed to restrict Council provided waste and recycling servicing available to any new multi-unit dwelling of 10 or more units constructed after January 2023.

#### **Summary of related submitter commentary:**

#### New service level restrictions for new multi-unit dwellings of 10 more units constructed after January 2023

Overall, 41 percent of people definitely agreed with the proposed Bylaw controls (including the proposed control restricting multi-unit development collection services), and a further 33 percent of submitters somewhat supported the controls. Only 14 percent of people either definitely disagreed or somewhat disagreed with the proposed controls.

Within the submission responses provided on the proposed Bylaw controls that were somewhat or definitely unresponsive, many submissions questioned the Council's rationale for the proposed servicing restriction (in control 2.16) for multi-unit developments, and many people expressed a clear opposition to this control.

Where direct opposition to this control was expressed, submitters generally did so for one or more of the following reasons:

- Concern that if Council does not collect kerbside waste from multi-unit developments, then it will be left on the footpath as litter and will cause public nuisance issues.
- Waste and recycling collection is a core Council service and therefore the Council has a duty to collect this material.
- That with increasing urban intensification in the future, and the establishment of more and higher density multi-unit developments in the city, the Council should be targeting waste and recycling collection associated with multi-unit developments.

- Concern that servicing level restrictions will not support waste minimisation.

In contrast to the number of submitters opposing the proposed service level restrictions for new multi-unit dwellings constructed after 2023, the Wellington City Youth Council expressed support for Council's proposal to manage waste to limit public nuisance and urban amenity issues, and supported the establishment of conditions for waste collection at new multi-unit dwellings. Within their submission, they advocated that issues created from multi-unit dwelling waste need to be addressed by the Council, including the issue of waste and recycling bins blocking footpath access and creating piles of waste and recycling outside multi-unit dwellings.

The Wellington City Youth Council submission nevertheless questions whether further distinction could be used to further inform the Council's approach to managing multi-unit dwelling waste and recycling. For example, in contrast to higher-density multi-unit developments, the Wellington Youth Council suggested that medium density townhouses could potentially be included in the Council waste and recycling collections without issue.

The following tables provide an illustration of the range of comments received from individuals and organisations on the multi-unit development Bylaw proposals for waste planning, and the proposed controls related to Council provided collection services for multi-unit developments.

**Submission Focus: Multi-Unit Dwelling waste planning requirements where there are 10 or more dwellings**

| Supportive   | Mixed Opinions or Neutral  | Unsupportive  |
|--|--|---|
| <p>“We strongly support the requirement that owners/managers of a planned multi-unit development submit a waste management plan before construction begins. If waste is considered before construction, there’s far greater potential to ensure systems maximise waste minimisation (rather than trying to retrofit systems after the fact).” [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> <p>“ORCA supports the requirement to plan for adequate waste management at the building design stage as a requirement of consent. This must include provision for recycling including for perishables/green waste.” [Submission 139 - Onslow Residents Community Association]</p> <p>“We recommend that the plans are called “waste minimisation and management plans” to capture Council’s expectation that multi-unit developments will achieve waste minimisation outcomes. We recommend that plans be required to consider the waste hierarchy. We note that the expectations for multi-unit developments are very focused on storage of waste and recycling for collection and removal, which limits the scope for waste minimising activity. One key area of opportunity for future multi-unit developments is organic waste. Given the growing concern to divert organic material from landfill towards beneficial use, and to</p> | <p>“Multi-unit dwellings of fewer than 10 (eg 4) should also have a waste management plan.” [Submission 124 - Ali Forrest]</p> <p>“Multi unit dwellings should start at 2 or 3 not 10. With the intensification of dwellings in urban area, recognizing that any multi unit dwelling that requires body corp or collaboration of rubbish disposal for the benefit of the environment and community is essential. Privatization of rubbish collection has resulted in more being dumped. Tightening this to reduce transfer pit content and tip face is critical.” [Submission 156 - Angela Wilson]</p> | <p>“The waste minimisation bylaws need to be drawn in conjunction with the spatial plan. It is no good stipulating no car parks and good design without outlining what good design is. Should individual apartments have a deck so a worm farm can be kept for food waste, so residents can grow their own food, to provide ‘nature’, does there need to be a green roof/community garden for each new high rise. Yes, a waste minimisation plan could be included but isn’t this one of the items in the resource consent process? Which the council is about to change drastically with the potential introduction of the spatial plan?” [Submission 138 - Catharine Underwood]</p> |

|   |  |  |
|---|--|--|
| <p>increase food security, it would be good to see an expectation that future multi-unit developments set aside space (outside or in basement area) to compost/vermicompost organic material produced on site. This could link in with the goal of increasing community compost hubs around the city and be incorporated into pre-construction waste management plans.” [Submission 107 - Michael Lowe]</p> |  |  |
|---|--|--|

**Submission Focus: Mandatory Requirement of Storage Areas in Multi-Unit Dwellings**

| Supportive  | Mixed Opinions  | Unsupportive  |
|---|---|---|
| <p>“The requirement for 10 + unit buildings to store waste should apply to all multi-unit buildings and not just new ones. The worst current examples are large buildings that dump many cubic metres on the street e.g. restaurants and the buildings up Eva Street.” [Submission 144 - Kevin Spacey]</p> <p>“We are not convinced that the limit of 10+ units requiring adequate waste facilities is sufficient. The very successful waste management programme in San Francisco City uses 6 units as the minimum measure, for example.” [Submission 163 - Wellington City Council Environmental Reference Group]</p> | <p>“We recommend that Council provide guidance, including best practice, so that managers and owners understand what “adequate provision” for management of waste, recycling and organic waste looks like. In this guidance, there could be potential to align with Homestar ratings.” [Submission 7 - Michael Lowe]</p> <p>“It’s important that the proposed bylaw is designed to minimise its impact on the construction of new housing. Setting a 10 dwelling limit may encourage developers to build less units than they otherwise would. I think this limit should be raised, and the council should support new developments in meeting the bylaw by providing an option by which on street parking spaces can be redeveloped for waste storage and collection.” [Submission 32 - Jonathan Coppard]</p> <p>“We strongly support the requirement for multi-use developments to make adequate provision for managing all waste, recycling and organic waste generated within the premises. We note that many students live in central city apartment blocks and other urban multi-unit dwellings which do not mandate separating of recyclables and rubbish. This causes distress for students who are concerned about their</p> | <p>“A new apartment complex or whatever should be able to utilise its space for housing, not garbage storage.” [Submission 1 - Peter Kelly]</p> |



|  |   |  |
|--|---|--|
|  | waste, and we do not accept the bylaw goes far enough in addressing the need for best practice waste minimisation and separation in multi-unit dwellings.” [Submission 145 - Victoria University of Wellington Students’ Association (VUWSA)] |  |
|--|---|--|

**Submission Focus: New Bylaw Control - service level restrictions for new multi-unit dwellings or 10 more constructed after 2023**

| Supportive  | Mixed Opinions   | Unsupportive   |
|---|--|--|
| <p>“Youth Council supports Council’s proposal to manage waste to limit public nuisance and urban amenity issues, and the focus on setting out conditions for waste collection at new multi-unit dwellings. Issues created from waste stopping Wellingtonians using public places and amenities need to be addressed, including waste and recycling bins stopping footpath access and piles of waste and recycling at multi-unit dwellings.</p> <p>Council’s focus on ensuring that there are rules in place for new multi-unit dwellings of 10 and above is important to ensure that denser housing Wellington has adequate waste and recycling facilities.</p> <p>However, we wonder if more of a distinction needs to be made over the types of multi-unit dwellings. High density apartments are likely to require a different waste and recycling approach and strategy compared to medium density townhouses, which may be able to be included in usual waste and recycling collections without issue.</p> <p>We note that the Bylaw is silent about existing multi-unit dwellings, which leaves many residents in an unknown position around their waste and recycling options. Some multi-unit dwellings which do not have waste and recycling facilities are also currently excluded from</p> | <p>“Overall very good and necessary law, but I’m not sure why the last section says recycling services will have limited access for multi-unit buildings, as it seems high-density housing would be a very time-efficient target for recycling collection.” [Submission 81 - Eleanor Tull].</p> <p>“We query the decision to limit future provision of Council-provided collection services for new multi-unit developments. We are unsure this will help Wellington achieve effective waste minimisation.” [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> <p>“We are disappointed in the decision to limit Council-provided collection services for new multi-unit developments. We urge greater discussion of food and organic waste in the controls and suggest greater support should be given to localised composting solutions.” [Submitter 145 - Victoria University of Wellington Students’ Association (VUWSA)]</p> <p>“We ‘somewhat disagree’ with 12. Multi Unit developments. This because of this statement “12.1 The owner and/or the manager of a multi-unit development must make adequate provision for the management of all waste, recycling and organic waste generated within the premises. This includes</p> | <p>“Why is the council considering withdrawing from the provision of waste and recycling collection for new multi-unit developments. This is an abdication of core services. What will the calculation for a rates rebate be? It is despicable that the council is looking at this. Either you provide core services or you don’t. You can’t choose – you have to take the easy/cheap with the difficult/costly. Beware the law of unintended consequences. Surely it is easier to manage with the one provider looking after the removal/collection of rubbish/recycling? I just don’t understand it. I can see the city getting dirtier and rubbishier.” [Submission 138 - Catharine Underwood]</p> <p>“WCC should not opt out of its responsibility for waste management especially at existing multi-unit developments and must maintain control in order to achieve waste minimisation. Community recycling centres near clusters of multi-unit developments should be considered.” [Submission 139 - Onslow Residents Community Association]</p> |

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| <p>Council services, meaning that creating more waste is inevitable.</p> <p>Although there may be significant challenges in forming and implementing solutions for multi-unit dwellings, we expect that this area is important to tackle, with the risk that waste volumes will continue expand if the status quo remains.” [Submitter 162 - Wellington City Youth Council]</p> | <p>arrangements for the regular collection of waste to the satisfaction of Council.... ” This implies that the Council contractors aren't going to collect the waste and recycling, a service which is available to other residents. We disagree with residents in multi-unit developments being disadvantaged like this. We also foresee complications when the multi units are in private ownership and there is no overall owner or manager to take responsibility.” [Submitter 154 – Newtown Residents Association]</p> | <p>“The ERG does not support Council no longer providing waste collection services to new multi-unit dwellings of 10+ units. Commercial waste providers have no more power than the Council to enforce proper sorting, placement, provision of waste facilities in these developments. There is a high risk of a commercial contractor withdrawing services due to hygiene and safety concerns, resulting in the Council having to step in regardless. Instead, it’s suggested WCC provides innovative methods for waste collection at these developments to solve this issue...It’s recommended that WCC maintains servicing at these existing and problematic sites in order to retain the greatest control ability to achieve waste minimisation.” [Submitter 163 - Wellington City Council Environmental Reference Group (ERG)]</p> |
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### Officers' response

The proposed introduction of waste planning requirements for new multi-unit developments received a high level of support from submitters, with 91 percent of submitters either definitely supporting or somewhat supporting the proposals. Despite this high level of support, it is acknowledged that a number of concerns were also expressed by submissions, particularly in regard to the new Bylaw control limiting Council-provided service collections for new multi-unit developments constructed after January 2023.

#### New waste planning requirements for multi-unit dwellings

As the Council will be aware, the eight city/district councils of the Wellington Region are currently working together to promote consistency across the Waste Management and Minimisation Planning bylaw standards around the region.

After collectively considering the submissions received by the city/district councils relating to multi-unit dwelling waste planning and waste storage areas, the following is recommended:

- a. That the Councils of the Wellington Region jointly amend the multi-unit dwelling waste management planning requirements contained in Clause 12, to recognise the importance of waste minimisation in the title of the respective plan. The amended plan would be referred to as a 'multi-unit development waste management and minimisation plan'.
- b. That when preparing a multi-unit dwelling waste management and minimisation plan, applicants are required to consider the waste hierarchy, as set out in the Waste Minimisation Act (2008).
- c. That the Councils of the Wellington Region collectively retain the multi-unit waste planning trigger where 10 or more multi-unit development units are constructed within a development. While reducing or increasing this unit trigger, as suggested by some submissions, remains an option for the Council, advancing a 10 unit trigger would set a consistent regional-level waste management and minimisation planning standard for the region and would enable the development of consistent regional-level information, advice, guidance and other support.

#### Provision of Waste Storage in Multi-Unit Dwellings

As the Council will be aware, the eight city/district councils of the Wellington region are currently working together to promote consistency across the Waste Management and Minimisation Planning bylaw standards around the region. After collectively considering the submissions received by the Councils relating to multi-unit dwelling waste storage areas, officers from Wellington City Council and the broader Waste Management and Minimisation Plan Steering Group recommend the following:

- a. That the proposed standard requiring 'adequate provision' of waste storage areas where 10 or more units are proposed within a multi-unit development be retained, and be adopted by all territorial authorities across the region.
- b. That the Councils of the Wellington region work together to develop transparent best guidance for the purpose of providing clarity as to what 'adequate storage' means in context to multi-unit developments of varying size. Currently Auckland Council provide a public-facing solid waste calculator tool for the purpose of offering guidance to designers, developers and others that need to know to help determine waste space provisions for multi-unit developments. If developed for the Councils of the Wellington

region, a similar tool could factor in different waste servicing scenarios to inform the adequate waste storage areas required. While officers do not recommend requiring the mandatory provision of waste storage areas in smaller multi-unit developments, potentially a waste space calculator tool may still provide useful guidance for smaller developments when deemed appropriate as part of future resource consent processes.

It is noted that several submissions question, or suggest, that there is a disconnect between the proposed multi-unit dwelling related bylaw standards and the Council's proposed Spatial Plan. To clarify, the proposed Spatial Plan exists as a non-statutory document, which is intended to provide a 30-year development blueprint for the City. As such, the review of the District Plan would be necessary to give effect to the Spatial Plan. While the review of the District Plan is currently underway, a new operative District Plan is not anticipated to be in place until 2024. Therefore, the proposed multi-unit development standards and supporting Bylaw controls will provide an essential regulatory framework for managing and addressing multi-unit dwelling waste storage and development planning for new multi-unit dwellings until such a time as a new District Plan becomes operative. It is further noted that Council officers are currently working together with the common goal of developing a consistent and compatible bylaw and District Plan-related regulatory framework that supports best-practice waste management outcomes for future multi-unit developments in the City.

#### Bylaw controls for multi-unit developments

As context for considering the submissions received on this issue, currently the Council provides a partial level of waste and recycling for existing multi-unit dwellings across the city. The existing levels of service are as follows:

- Where there is a group of 10+ multi-unit dwellings in the Central Area, residents are currently required to organise and pay for their own private waste service collection appropriate to the site, but they can purchase Council recycling bags and use the Council collection service (or place their waste in a clear plastic bag for collection).
- In suburban areas, residents in multi-unit dwellings currently have access the Council's user pays waste collection service, but where there are more than 10 units on a site, they are required to organise and pay for their own private recycling service if desired.

As detailed in the Waste Bylaw Review Background Information and Issues Report (refer Section 5.2 of that report)<sup>2</sup>, the mass deposit or piling of rubbish and recycling on the kerbside outside multi-unit dwellings is an existing issue that has the potential to reduce the level of amenity enjoyed within the urban environment and lead to public nuisance issues within the community. Where the mass piling of kerbside waste occurs, it also reduces the efficiency of the Council's service collection activities due to the additional time required to clear, sort and manage waste and recycling (and often litter) outside large multi-unit dwellings. At the same time, the large piles of multi-unit dwelling kerbside waste can lead to traffic delays and safety risks for pedestrians (including pram and wheelchair users) that need to cross onto the road in order to bypass kerbside waste material.

<sup>2</sup> See report on website: <https://www.letstalk.wellington.govt.nz/59074/widgets/300581/documents/176196>





*Photos left and above: Examples of Multi-unit dwelling waste and recycling collection challenges, Wellington City.*

In response to this issue, the proposed Bylaw controls restrict the provision of Council waste and recycling collection servicing for any new multi-unit dwelling of 10 or more units constructed two-years following Bylaw implementation. This proposed service level restriction is intended to work in conjunction with other Bylaw-related proposals, including the establishment of multi-unit dwelling waste planning and storage area provision in new developments, and the establishment of waste operator licensing. The establishment of waste operator licensing is particularly significant, as it will enable the Council to set waste operator licensing standards applicable to multi-unit dwelling servicing.

Subject to Council approval of the waste operator licensing proposal, officers intend to work with other territorial authorities in the Wellington region to develop a regionally coordinated waste operator (and facility) licensing framework over the next two-years. As part of this work programme, the goal of promoting on-site multi-unit waste servicing, and requiring the mandatory provision of recycling with multi-unit dwelling waste collection could be considered as a potential licensing standard.

A number of submitters have nevertheless opposed the proposed service level restrictions for new multi-unit dwellings in the future on the basis that waste and recycling should be considered a core service for the Council. In response, officers agree that facilitating the effective and efficient waste servicing is an essential matter for consideration for the Council. Officers also acknowledge that many households within Wellington City have become accustomed to the provision of Council user-pays waste service and the provision of a fully-funded recycling collection service. However, notwithstanding the current Council servicing levels for waste and recycling, the provision of a Council provided waste and recycling service is not a mandatory requirement for any territorial authority. This is evident through the partial levels of service already available to multi-unit dwellings in Wellington City, and the range of other types of waste models and servicing available across New Zealand.

Other submissions also question appropriateness of future service level restrictions applicable to new multi-unit dwellings out of concern that they will not support waste minimisation. As context for this concern, it is important to acknowledge that in addition to encouraging waste minimisation, the Council additionally has a responsibility to encourage efficient and effective waste management. As discussed above, the provision of Council waste and recycling multi-unit dwelling servicing is already restricted, and the servicing of these existing developments creates challenges and limitations in terms of operational efficiency. It also creates negative amenity impacts that are experienced by surrounding communities.

While the proposed standards seek to improve waste management efficiency through setting Council waste-related servicing restrictions applicable to new (10+) multi-unit dwellings, the Council are, nevertheless, continuing to encourage waste minimisation within these developments through proposing waste-related storage space requirements, and setting new waste management and minimisation planning standards for new developments. The introduction of waste operator licensing also has the potential to further promote waste minimisation and provide enhanced servicing outcomes for multi-unit developments residents.

It is officers' opinion that the suite of proposed multi-unit development related Bylaw standards and controls work together to create a transparent regulatory framework that promotes both the effective and efficient management of waste management, and minimisation, related to new multi-unit developments. It is also noted that the proposed standards and requirements will become increasingly important as urban density increases within Wellington City. It is therefore recommended that the proposed waste-related service level restrictions applicable to new (10+) multi-unit dwellings be adopted by the Council.

## 2.2.2 Consultation question #2: Event Waste Management

### **What we proposed:**

The Council proposed new Bylaw standards to require waste management and minimisation planning for events with an expected attendance of 1,000 or more people (with some exclusions).

Under the proposals, an event includes 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. While indoor private functions, indoor performances and regularly occurring recreational activities such as sports events are proposed to be excluded from the requirements, other event organisers will be required to submit an event management plan to the Council for approval prior to the event.

Under proposed clause 13.2, the plan submitted to Council for approval is required to set out:

- (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 use of reusable systems, the collection and use of recyclables and other recoverable and 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 diverted 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 be used;
- (g) The timing and frequency of the collection of waste, during or after the event; and
- (h) Any other matters relating to event waste management and minimisation that may be specified by the Council.

The manager of an event will be required to comply with the event waste management plan approved by the Council. On completion of the event, if requested by the Council, the event manager must provide the Council with a waste analysis report, which at a minimum, will include a breakdown of:

- The types of waste generated by the event;
- The amounts of waste (by type) generated by the event;
- The amount of waste diverted; and
- The waste management facilities used to recover, recycle, treat or dispose of this waste.

The proposed one year delay in the commencement of these Bylaw requirements is to allow the Council to work in partnership with the other Wellington city/district councils to establish appropriate guidance and resourcing to support event managers, as well as to establish the resourcing and systems to support the collection and analysis of the waste data provided by the plans.

### **What we asked:**

As part of the consultation process, the Council asked the following question:

1. 'To what extent do you agree or disagree with the proposed event waste management and minimisation standards for large public events?'

### **What submitters said:**

There were a total of 156 submission responses to this question. Figure 3 shows that the majority of responses received (147 responses or 94 percent) were supportive of the event waste management proposals.

In terms of supporting responses, 103 responses (or 66 percent of the responses to this question) 'definitely' agreed with the proposals and 44 responses (or 28 percent of the responses) 'somewhat' agreed. Three responses were neutral ('neither agree or disagree') in terms of the proposals and 6 submissions were generally unsupportive (either 'somewhat disagree' or 'definitely disagree').

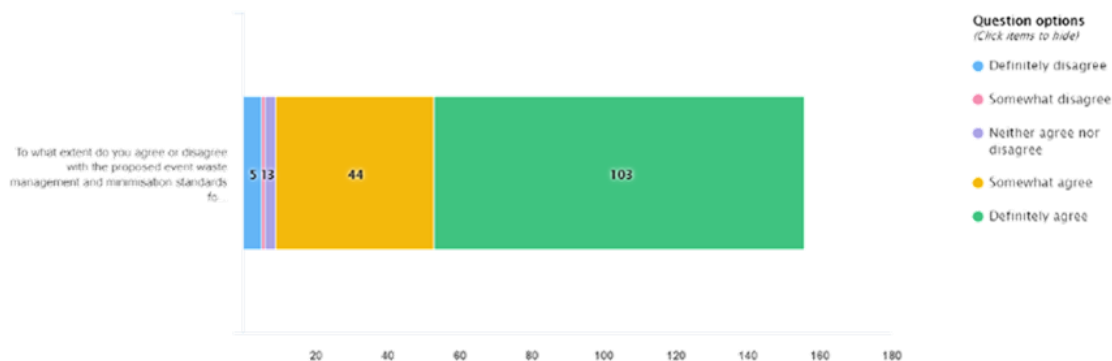


Figure 3: To what extent do you agree or disagree with the proposed event waste management and minimisation standards for large public events?

#### **Summary of related submitter commentary:**

As noted above, the proposed introduction of waste planning requirements for events of a significant scale received a high level of support from submitters, with 94 percent of submitters either definitely supporting or somewhat supporting the proposals.

The table over page identifies some of the comments (supportive, mixed and unsupportive) received from individuals and organisations in regard to the event waste management proposals.

In terms of responses that were somewhat supportive of or had mixed opinions about the event waste management proposals, some submitters provided specific suggestions for changes or improvements. The majority of requests/suggestions for change made by submissions related to three main issues as follows:

- The definition of 'event' and the types/scale of event included in the waste planning requirements
- The specific requirements in terms of event waste management plans and post-event waste analysis reports
- Council implementation and enforcement resourcing and support.

The following summarises the specific comments and requests made by submitters to the proposals:

#### Types of event included/excluded from waste plan requirements

- All commercial/paid events should be zero waste and this should include banning non-recyclable and non-compostable utensils and plates; banning drinks sold in single use plastic and instead ensuring reusable cups for drinks.



- All events - existing, indoor and sporting events - should have to submit a waste management plan.
- Sporting events and indoor events should be included as well (i.e. do not support blanket exclusion of these event types from the waste planning requirements).
- Amend the definition of “event” to be focused on defining an event rather than defining the types of events that are or are not regulated. For example, an event should not be defined by its size or by exclusions such as whether it is indoors or outdoors, and rather than shifting these elements to cl 13 of the Bylaw, shift them into the Controls. This will allow flexibility to expand the scope of events in the future through a Council resolution rather than having to amend the Bylaw.

Scale of events the waste plan requirements apply to

- The restrictions/requirements should also relate to events smaller than 1,000 people.
- The threshold should be lowered to 500 people.
- Smaller events (between 100-1000 attendees) should be required to submit a zero waste plan, even if this plan doesn’t require Council approval. This will ensure all event organisers receive the same message that waste planning and minimisation is important, and give the Council the opportunity to share and communicate the resources available in Wellington to help event organisers minimise waste.
- Events of any scale (except for the exclusions as per the definition) should be expected to implement waste minimisation measures.
- The requirements for a waste plan should be imposed on the basis of event budget as the cost of developing a waste plan and its application can be a huge percentage of the budget for smaller events.

Event waste management plans

- The submittal of a plan 10 working days ahead of the event (or 30 days ahead) is not enough time - event managers should be required to submit waste management plans 90 days out for events of 10,000+ attendees, and 60 days out for events of 1000+ people. This would allow sufficient time to ensure appropriate planning has taken place ahead of the event.
- The 30 day time-frame is appropriate for small and/or recurring events but new and large events which have not had waste plans sighted by Council previously should be more like 60 days in advance.
- Plans should be required to consider the waste hierarchy, so that waste prevention and reduction, and reuse of resources is prioritised over recycling.
- Rename the plans required - an “event waste management plan” sends a non-aspirational message that systems geared towards the bottom of the waste hierarchy (recycling and reducing litter) are sufficient. More exciting names that would better communicate what the Council is trying to achieve would be “Zero Waste Event Plan” or “Event waste minimisation plan”.
- Recommend greater emphasis is placed on establishing and prioritising reusable systems and composting facilities at events. Amend cl 13(d) to include reference to the equipment needed to operate effective waste prevention and reduction systems at events, such as reuse systems that require sterilising/ washing facilities.
- Event organisers should be encouraged to include reusable service wear as part of their event waste minimisation plan. Incentives or rewards for event organisers could be considered where reusable service wear is prioritised over single use packaging that is

recyclable or compostable. Councils with funding pools may offer subsidies on certain products or reuse systems.

Event waste analysis report

- Providing an event waste analysis report to Council post-event should be mandatory. This process should also include a feedback mechanism to the event organiser so they can continue to improve upon their waste minimisation efforts.
- Clause 14 should be amended to specify that waste analysis reports include an evaluative breakdown of what worked well, what didn't, and notes on what improvements will be implemented the next time the event occurs. The use of the phrase "diverted" in clause 13.4 is outdated and restrictive in light of the rapid growth of event-based waste prevention and reduction systems (such as reuse systems). Alongside accounting for diverted waste, event managers should be required to account for any practices adopted that prevented or reduced waste.

Council implementation support

- Who will receive and check plans at Council and what will the criteria be for approval? Who will monitor that the plans are being delivered? Under what circumstances will the Council require an event manager to provide a waste analysis report?
- Council needs to make this a straightforward process, especially for events runs by non-profits, e.g. by providing guidance and a template plan with various options to consider.
- Council should work with those experienced in delivering reuse systems to create best practice guidance on implementing reusables at events in order to support event managers to consider these systems when creating their event waste management plan. plan.
- Council has a vital role in supporting and investing in the infrastructure necessary for scalable reuse systems, including washing and sterilisation equipment and reverse logistics.
- Rather than delay for 12 months, WCC could immediately alert all event organisers that any forthcoming events are expected to include high quality waste management systems, together with some interim guidelines that could be trialled.
- It is essential WCC champions the rules for its own events.
- Supporting material should be consistent across the Wellington region (e.g. signage colours and collection separation types, in order to simplify messaging and waste diversion).

In terms of the six submission responses that were generally unsupportive of the proposals (i.e. either somewhat or definitely disagree), the key reasons provided for this position were that introducing more restrictions will make things more difficult and will limit people from disposing of all types of waste.

The tables below provide a summary of the range of comments received from individuals and organisations on the event waste management proposals.

**Submission Focus: Definition of ‘event’ and types/scale of event included in the waste planning requirements**

| Supportive   | Mixed Opinions or Neutral  | Unsupportive   |
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| <p>“We agree that, as a controlled environment, events are a good opportunity to maximise waste segregation and diversion, while offering an opportunity to introduce a wide audience to waste reducing behaviours...”<br/>                     [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> <p>“Waste management for events - This measure is fully supported for the following reasons:</p> <ul style="list-style-type: none"> <li>• Waste infrastructure is readily available to divert various event waste stream from landfill</li> <li>• This fits in with current requirements for a health and safety risk assessment so is ‘best practice’.</li> </ul> <p>It’s recommended to provide typical event waste volumes per person, and encourage targets for waste reduction for the applied event and future events in line with regional minimisation targets.” [Submission 163 - Wellington City Council Environmental Reference Group (ERG)]</p> | <p>“How was the 1,000 attendees figure arrived at? When I think of events I have been to with 500 people or less a significant amount of rubbish can still easily be created, especially when outside and subject to weather conditions. I would encourage the Council to set out clearly how this figure was selected. Care should be taken to not rely solely on the regulatory tools like bylaws and enforcement to achieve the waste minimisation and diversion goals. Non-regulatory tools like guidance, communications and incentives cannot be forgotten - one needs both the stick and the carrot to be effective.” [Submission 49 - William Townsend]</p> <p>“I encourage Council to be more ambitious to minimise waste. For example, bring sporting events and indoor events into the regime, lower the threshold to 500 people.” [Submission 50 - Carl Howarth]</p> <p>“All events whether they be inside or outside should have a waste minimisation plan. As long as it doesn’t add a huge cost to the event. Since the introduction of traffic management plans many community street fairs have been discontinued due to the huge cost of traffic management. To the detriment of community spirit and involvement.” [Submission 138 - Catharine Underwood]</p> <p>“...I suggest that events of any scale (except exclusions as per the definition) be expected to implement waste minimisation measures, rather than expecting only events of a “significant scale” with attendees in excess of 1,000 to do so. Every event creates waste, not just large events, therefore I see no</p> | <p>“The more waste is removed the better, without restrictions. Restrictions will prevent high waste efficiency! Restrictions will limit people from disposing of all types of waste. This will have a more negative impact on the environment.” [Submission 79 - Jessica Brian]</p> <p>“We do not support the blanket exclusion of indoor events from regulation. Council should be pushing indoor events to be more ambitious in their waste minimisation. Many of these indoor venues receive Council funding or are Council operated and have greater access than outdoor venues to the kinds of facilities that support waste minimisation. They should be demonstrating best practice.” [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> |

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|  | <p>rationale to exclude events attracting less than 1,000 people from the bylaw..." [Submission 83 - Joany Grima]</p> <p>"Events - 1000 people is not a large event (I'd break it at maybe 5000), and I think the requirements should be imposed on the basis of event budget. The Waste plan and its application can be a huge percentage of the budget for smaller events. Costs have been anywhere from \$3000 to \$5000 in cases that I'm familiar with. When your total budget is \$20,000 that is significant, when its \$100,000 then its a lot noticeable. Events that are substantially funded by WCC will need increased funding to enable this new requirement to be met... The regulation should cover ALL events too - indoor as well as outdoor. There is no clear differentiation for many events anyway as they may have things happening both inside and outside. And what should you consider a large marquee covered area with a stage on the water-front to be – the Homegrown approach for instance." [Submission 148 - Scott Johnston]</p> |  |
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**Submission Focus: Event waste management plans and post-event waste analysis reports**

| Supportive  | Mixed Opinions or Neutral   | Unsupportive |
|---|---|--------------|
| <p>"We support the requirement that event managers produce waste management plans (or, better yet, 'zero waste plans') before an event, for Council approval, and that event managers be required to follow these plans during the event. We also support events being encouraged to undertake a post-event waste analysis report." [Submission 107 – Michael Lowe, Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers, and submissions supporting the joint Sustainability Trust submission]</p> | <p>"We recommend that event managers be required to submit waste management plans 90 days out for events of 10,000+ attendees, and 60 days out for events of 1000+ people. We recommend that plans be required to consider the waste hierarchy, so that waste prevention and reduction, and reuse of resources is prioritised over recycling." [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> <p>"Event organisers should be expected to submit an event waste minimisation plan much earlier than 10 working days prior to the event. 10 working days sends a message that</p> |              |



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|  | <p>minimising waste can be left to the last minute, which we know is not possible if an event waste minimisation plan is to be effective. This timeframe also leaves little time for council to provide feedback on the plan, and for event organisers to act on any council feedback in a meaningful way. The event waste minimisation plan should instead be required as part of the resource consent or other permits event managers will be submitting to council for things such as temporary structures, liquor licences, and road closures.” [Submission 83 - Joany Grima]</p> <p>“The 30 day time-frame - I agree with that for small and/or recurring events. New and large events which have not had waste plans sighted by Council previously should be more like 60 days in advance. Recurring events should largely be a rubber stamping exercise unless there have been significant changes to plans that have been used previously.” [Submission 148 - Scott Johnston]</p> <p>“We recommend that the bylaw strengthens the provisions around enforcement and clarifies the criteria against which plans will be approved or evaluations of plans will be required.” [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> |  |
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**Submission Focus: Council implementation support**

| Supportive   | Mixed Opinions or Neutral  | Unsupportive |
|--|--|--------------|
| <p>“In terms of the plans that this bylaw would require for events &gt;1000 people, the Council needs to make this a smooth, easy and straightforward process, especially for events runs by non-profits, e.g. by providing a template plan with various options to consider.” [Submitter 57 - Holly Carrington]</p> | <p>“Rather than delay for 12 months, WCC could immediately alert all event organisers that any forthcoming events are expected to include high quality waste management systems, together with some interim guidelines that could be trialled.” [Submission 163 - Wellington City Council Environmental Reference Group (ERG)]</p> |              |

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| <p>“We agree with the proposed one year delay before the provisions commence to allow for regional collaboration to establish guidance and resourcing to support event managers to deliver zero waste events, and support the collection and analysis of the waste data provided...”<br/>[Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> <p>“Youth Council agrees with better event waste management as large events are a major source of waste. Young people often make up a disproportionate number of attendees, and it is clear from our experience and talking to others that many are frustrated at the level of waste and single use items which litter such events. Having a plan to manage this waste is an excellent move. Youth Council hopes that Council will assist and guide event organisers to create more sustainable events.”<br/>[Submission 162 - Wellington City Youth Council]</p> <p>“As the Operations Manager of the Wellington Regional Stadium Trust I strongly support new waste minimisation measures being developed and put in place for the events sector in Wellington. Having a Bylaw which specifies the necessary steps an event needs to consider, and put in place to help reduce their waste, will assist us in providing guidance to the hirers around what their responsibilities are specific to product procurement, waste generation, waste reduction and waste sorting. Being from a venue, rather than an event planner, we would be interested in knowing what our requirements are and how we would feed into any event specific waste management plan. Or if as a venue we would be able to work with our event partners to develop a venue specific plan which our hirers would be able to customise to their event? If there is an</p> | <p>“We recommend WCC work with those experienced in delivering reuse systems to create best practice guidance on implementing reusables at events in order to support event managers to consider these systems when creating their event waste management plan...” [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> <p>“We note that enforcement will be critical to success. Who will receive and check plans at Council and what will the criteria be for approval? Who will monitor that the plans are being delivered? Under what circumstances will the Council require an event manager to provide a waste analysis report?” [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> <p>“We would underline the importance of providing an ambitious message from Council to encourage waste prevention and reduction. We recommend greater emphasis on establishing and prioritising reusable systems and composting facilities at these events.” [Submission 145 - Victoria University of Wellington Students’ Association (VUWSA)]</p> |  |
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| opportunity to be part of a working group to help develop the framework for the Event Sector section of the Bylaw I would be interested in being part of it." [Submission 73 - Wellington Regional Stadium Trust] |  |  |
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### Officers' response

The high level of support provided by submitters for waste planning requirements for events of a significant scale is acknowledged, as are the large number of suggestions and requests for changes to some aspects of the proposals.

The proposed Bylaw requirements for events of a significant scale are to provide Council a better understanding and an improved ability to manage waste generated at events, and to ensure adequate consideration and provision for waste management and minimisation is made by event organisers.

As acknowledged by many of the submissions, events have the potential to generate a significant amount of waste, particularly events with a high number of people in attendance. However, at present, the amount of waste being generated at events typically remains unreported, and the total volume of event waste generated within the city and across the region remains unknown.

The Council currently encourages event waste organisers to consider waste minimisation, and promotes this through the provision of advice and regionally consistent guidance. However, as event organisers may be able to save time and money by disregarding voluntary event waste reduction guidelines and techniques, and by sending all their accumulated event waste to landfill, voluntary approaches to event waste minimisation are limited in their capacity to reduce waste. One of the purposes of the new Bylaw provisions is therefore to require better waste minimisation and management practices at events and reduce the amount of waste going to landfill; the other key purpose is to help improve Council's event waste data and understanding of issues.

#### Definition of an 'event' / threshold for requiring a waste plan

Many submitters commented that the Bylaw requirements for events were a good start but that they needed to go further. As outlined above, some submitters suggested that the requirements for waste plans should apply to a broader range of event types; some suggested that all events regardless of their size or type should be required to submit a waste plan to Council for approval; others suggested that sporting events and indoor events should be included within the requirements (rather than being specifically excluded under the definition of 'event'); some suggested that all commercial/paid for events should be required to be zero waste. Submission 141 (the Joint Submission by the Sustainability Trust et al) suggested that the definition of 'event' should focus on defining an event rather than defining the types of events that are or are not regulated. Several other submissions questioned the 'significant event' threshold of 1,000 people and suggested that this should be removed or lowered to include smaller events. Some suggested the threshold should be 500 people; others suggested it should be 100 people; some suggested all sizes of event should be required to prepare a waste plan, even if Council is not required to approve it; one submission suggested that the requirement to prepare a waste plan should be tied to the event budget and targeted at events with larger budgets.

The proposed Bylaw proposals for events were informed by a review of provisions adopted by other recent solid waste bylaw examples from across New Zealand. The review showed that a number of local authorities have established specific bylaw provisions to enable the regulation of waste management and minimisation at events. Whilst there is no one single agreed definition of 'event' that is used across the various bylaw examples, they commonly set parameters around the type and scale of events that are captured by the waste plan requirements to provide increased clarity and certainty for event organisers/managers. Many councils have set the threshold at which an event becomes significant (and requires preparation of a waste plan for approval by Council) at 1,000 or



more people in order to provide a level of certainty in terms of the bylaw requirements and when they apply/do not apply. Event thresholds are helpful from an event organising perspective and also provides the Council with clarity in terms of Bylaw implementation and enforcement.

It is acknowledged that all events will likely generate some level of waste and ideally all events (regardless of size or type) should take steps to minimise the amount of waste produced and maximise diversion of waste away from landfill. However, the Council is limited in terms of its ability to support/resource and enforce the Bylaw requirements. Requiring waste plans for all events regardless of their size or type would require significantly increased levels of Council administration and resourcing/funding; it would also add to the costs faced by event organisers (and participants) of complying with the Bylaw requirements, and could make small events unviable. It is also considered that requiring the organisers of small events to submit a plan to Council, even if Council is not required to approve it, would be unreasonable/over-regulating (particularly in terms of the increased compliance costs for smaller events) and would have limited benefits.

To ensure clarity and to support the Council's ability to regulate and enforce the Bylaw requirements, it is considered appropriate to retain a specific event size threshold for the waste plan requirement, and for this threshold to be set so that it is focused on public outdoor events with larger numbers of attendees (which will generate more waste). It is also considered important to establish regional consistency in terms of the event size threshold for the waste plan requirement in order to ensure clarity of requirements for events across the region and to enable the development of consistent regional-level information, advice, guidance and other support.

Lowering the threshold level to events with an expected attendance of 500 people or more (or 100 people) would capture significantly more events across the city (and region) and would in turn increase the administration and resourcing requirements for Council (and all other city/district councils across the region). It is considered that smaller scale events are more appropriately addressed through other measures and incentives such as the provision of best practice guidance and support for small event holders, rather than using Bylaw regulation. Council has a suite of information on its website aimed at event managers and reducing waste at events, including event packaging guidelines, and the provision of free bins for waste, recycling and organics etc (see <https://wellington.govt.nz/services/environment-and-waste/rubbish-and-recycling/reducing-your-waste/reducing-waste-at-events-and-in-your-community/reducing-waste-at-events>). It is therefore considered appropriate to retain the '1,000 or more' person attendance as the threshold level for the preparation of an event waste plan.

As outlined above, many submissions sought that the exclusions from the definition of 'event' be removed or reduced. Some specifically sought for regular sporting events and indoor events to be included within the requirements for waste plans (rather than being specifically excluded under the definition of 'event'); some suggested that all events, or all commercial/paid for events, should be subject to the requirements, or that all events should be required to be zero waste. Some submitters requested that all Council run or funded events be required to champion the new requirements.

The concerns of submitters are acknowledged, however it is considered appropriate to retain the exclusion for regularly occurring recreational activities such as weekly sports events as these are typically small events and it would be impractical to require a waste plan for each event. It is however considered appropriate to delete the reference to protests within the definition of 'event' as these tend to be spontaneous, with very short planning horizons, and not conducive to a Bylaw regulation.

In response to numerous submitter requests requesting that indoor events also be incorporated within the definition of an event, officers recommend that the definition of an event be amended to incorporate indoor events of 5000 people or more. Furthermore, in response to suggestions that Council organised events and events held on land, it is recommended that any disposal service wear products used during events held on Council owned land with an expected attendance of over 1,000 people will be required to comply with the Regional Event Packaging Guidelines<sup>3</sup>. As such, organic food waste diversion at events held on Wellington City Council land will generally be expected. It is noted that the processing of event waste management plans, and expectation that organic waste diversion be provided at events held on Council owned land, will have resourcing and financial implications for the Council (see Appendix 3).

#### Event waste management plans

Many submissions requested that the name of the event waste management plans required be renamed so it sends a more aspirational message that better communicates what the Council is trying to achieve through the requirements to prepare such a plan. The concerns are acknowledged and an amendment is recommended to rename the plans required by the Bylaw provisions to be "Event waste minimisation plans".

Many submissions made suggestions in terms of the timeframe required to submit an event waste plan to Council for approval ahead of the event. Many suggested the proposed 30 day working timeframe does not allow sufficient time to ensure appropriate planning has taken place ahead of the event, particularly for large events. Some suggested that event managers should be required to submit waste management plans 90 days out for events of 10,000+ attendees, and 60 days out for events of 1000+ people; others suggested that a 30 working day requirement would be appropriate for regularly occurring events, but for larger events, a minimum of 60 working days should be the requirement. It is also noted that several submissions made reference to the Bylaw requiring submittal of a plan 10 working days ahead of the event taking place. However, for clarity, the proposed Wellington City Council Bylaw refers to a 30 working day requirement (not 10 days). The 10 day requirement was the timeframe proposed by several other councils in the region consulting on their proposed solid waste bylaw.

The submission requests for timeframe amendments are acknowledged, and in particular that for very large events, more time to consider and approve a plan could be beneficial and would ensure sufficient time is allowed for Council to work with the event manager to confirm that appropriate planning has been considered and measures put in place. Larger events tend to be more complex and require longer timeframes for planning and organising, and the waste management and minimisation measures for such events need to be a key consideration (particularly given the larger numbers of people and corresponding waste generation). It is therefore considered appropriate for the timeframe for the submittal of a waste plan for events with an expected attendance of more than 10,000 people to be amended from 30 working days to 60 working days. The 30 working day requirement (approximately 6 weeks) as proposed is considered appropriate to retain for all other events of between 1,000 to 10,000 people.

The submission requests for the event waste plans to be required to consider the waste hierarchy, so that waste prevention and reduction, and reuse of resources is prioritised over recycling, is acknowledged. To provide context for these requests, the waste hierarchy is a framework set by the

<sup>3</sup> See <https://wellington.govt.nz/-/media/services/environment-and-waste/rubbish-and-recycling/files/event-packaging-guidelines.pdf?la=en&hash=3C5296C87103680B9F22C5FA9A8ED59D6C0E03A3>



Waste Minimisation Act 2008 for establishing the order of preference for different waste management options, being to reduce, reuse, recycle, recover, and dispose of waste. Recognition of the waste hierarchy as part of the preparation of event waste plans is considered appropriate, therefore an amendment to the wording of clause 13.2 is recommended in response to these requests.

Several submissions requested placing greater emphasis on establishing and prioritising reusable systems and composting facilities at events, and event organisers should be encouraged to include reusable service wear as part of their event waste minimisation plan. There were specific requests to amend cl 13(d) to include reference to the equipment needed to operate effective waste prevention and reduction systems at events, such as reuse systems that require sterilising/washing facilities. An amendment is recommended to cl 13(d) in response to the submissions seeking a reference to include waste prevention, reduction and reusable systems at events. In terms of the submissions seeking that event organisers be encouraged to include reusable service wear as part of their event waste minimisation plan, the concern is acknowledged and an amendment is recommended to add an additional Bylaw control to require service wear products used at events held on Council owned land (that are anticipated to have over 1,000 people in attendance) to comply with the Regional Event Packaging Guidelines. Organic waste diversion would then generally be expected for these events.

#### Event waste analysis report

Many submissions requested that the provision of an event waste analysis report to Council after an event has been held should be mandatory. These submission requests are acknowledged. The requirement to provide Council with an event waste analysis report after an event has been held, even though it will add to administration and resourcing requirements, is considered to be a reasonable and appropriate mandatory requirement for events that are required to prepare a waste management and minimisation plan. An amendment to delete the words "if requested by the Council" from clause 13.4 is therefore recommended. This will ensure event organisers account for their waste minimisation efforts and provides the ability for Council to provide feedback and suggestions for any improvements etc. To support event managers, it is recommended that a post-event waste analysis report template is developed as a regional resource to make compliance with this mandatory requirement easier. The analysis requirements for this template will likely vary relative to the event scale (i.e. for events with less than 10,000 people and those with 10,000+ people).

Some submission commented that the use of the phrase "diverted" in clause 13.4 is outdated and restrictive in light of the rapid growth of event-based waste prevention and reduction systems (such as reuse systems) and event managers should be required to account for any practices adopted that prevented or reduced waste. The term 'diverted' as used in the Bylaw means any material that is diverted away from landfill so would theoretically include any waste material that is reduced or prevented from going to landfill. It is also noted that the waste analysis requirements listed in clause 13.4 of the Bylaw are a minimum and further breakdowns could be required by Council to be specified. This is something which could be appropriately addressed as part of the development of the event waste analysis report template (recommended in the above paragraph) and the reporting requirements/level of detail tailored to correspond to the size and nature of an event. However, to increase clarity, an amendment is recommended to clause 13.4, as well as to clause 13.2(c) to add reference to providing an estimate of the avoidance of waste (as well as diversion) as part of the event waste plan.

#### Council implementation support

Several submitters made comments and suggestions related to the need for increased Council support for ensuring the successful implementation of the new Bylaw requirements. The suggestions included developing a template waste plan for event managers, working with experienced parties to develop best practice guidance on using reusables at events, and developing consistent supporting materials across the Wellington region. These suggestions are acknowledged and are generally supported. An outline of the resourcing required to support the implementation of the Bylaw is appended to this report (see Appendix 3).

It is also agreed that to be effective, the Bylaw must be supported by other measures such as information, guidance and incentives that facilitate and encourage better practices. The development of a template plan is supported and it is recommended that a regional event waste management and minimisation plan template is prepared in conjunction with the region's other city/district councils to ensure a consistent approach is adopted. Best practice regional-level event waste management guidance has recently been developed as a collaborative project amongst the region's councils<sup>4</sup>. However it is recommended that the Council work to provide additional specific guidance on reusable materials at events. It is also recommended that the city/district council Waste Educators from the Wellington region seek to promote regional alignment and consistency for council-organised or sponsored event signage and recycling bins whenever possible. However, it is recognised that the councils will each have different resourcing levels and requirements which will inform the scope and branding of available event resources.

#### One year delay of the requirements

Some submitters commented on the proposed one year delay for the event waste management planning requirements to come into force. Some submissions supported the delay, others suggested that the requirements be introduced immediately. It is considered appropriate to retain the one year delay for the implementation of the event waste management plans to enable the relevant sectors and the region's city/district councils to have time to prepare for the changes and to develop appropriate systems and resourcing to support implementation. The Council will also work with the other city/district councils across the region to develop further guidance, waste plan templates and examples to aid implementation of the new requirements and to reduce compliance costs for events and event managers.

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<sup>4</sup> See <https://wellington.govt.nz/services/environment-and-waste/rubbish-and-recycling/reducing-your-waste/reducing-waste-at-events-and-in-your-community/reducing-waste-at-events>

**2.2.3 Consultation question #3: Construction & Demolition (C&D) Waste**

**What we proposed:**

The proposed Bylaw and the associated Bylaw controls require all large construction projects (valued at \$2 million or over) to consider waste management and minimisation planning as part of their project planning and to submit an associated construction site and demolition waste management plan to the Council for approval. Amongst other things, this plan will need to set out:

- (1) the proposed method of waste management for each type of waste (e.g. reuse, recovery, recycling, disposal); and
- (2) the proposed method for minimising and capturing litter associated with the project and the building work.

**What we asked:**

As part of the consultation process, the Council asked two questions relating to these proposals, as follows:

1. 'To what extent do you agree or disagree with the proposed requirement to consider waste management and minimisation planning for high value building projects?'
2. 'To what extent do you agree or disagree with the proposed bylaw controls?' [i.e. the controls relating specifically to C&D waste in proposed control 2.17]

**What submitters said:**

**1. New waste planning requirements for C&D waste**

There were a total of 155 submission responses to this question. Figure 4 above shows that the majority of submissions received were very supportive of the C&D waste management proposals. In terms of supporting submissions, 117 responses (or 75 percent of responses to this question) 'definitely' agreed with the proposals, and 29 responses (or 19 percent of the responses) 'somewhat' agreed. Four responses were neutral ('neither agree or disagree') in terms of the proposals and 5 submissions were unsupportive (either 'somewhat disagree' or 'definitely disagree').

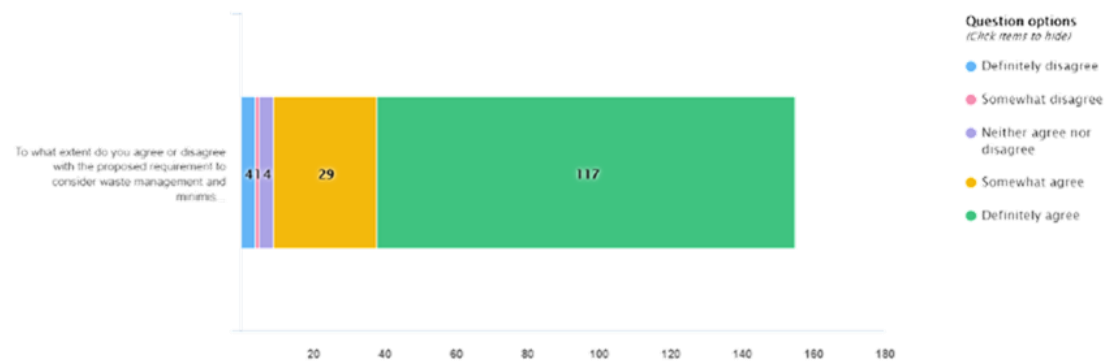


Figure 4: To what extent do you agree or disagree with the proposed requirement to consider waste management and minimisation planning for high value building projects?

**Summary of related submitter commentary:**



As noted above, the proposed introduction of waste planning requirements for high value C&D building projects received a high level of support from submitters, with 94 percent of submitters either definitely supporting or somewhat supporting the proposals.

Many submission responses supported the proposed changes to both the Bylaw (and the supporting Bylaw controls) to better manage C&D waste issues, with some specifically stating that the proposals will complement Central Government's decision to increase and expand the landfill levy, which will make landfilling C&D waste more expensive. The Youth Council submission commented that having clear outlines of the quantity and type of waste created and what can and cannot be recovered is an excellent step with having the data it will allow the WCC to target its approach in the future.

The table over page identifies some of the comments (supportive, mixed and unsupportive) received from individuals and organisations in regard to the C&D waste management proposals.

In terms of responses that were somewhat supportive of or had mixed opinions about the C&D waste management proposals, some submitters provided specific suggestions for changes or improvements. The following summarises the specific comments and requests made by submitters to the proposals:

#### C&D waste management plans

- Rename the plans required to be "waste minimisation and management plans" or "site waste minimisation plans" to better capture the Council's goal of minimising C&D waste to landfill, not simply managing it differently.
- The plans should be required to consider the waste hierarchy, so that waste prevention and reduction and reuse of resources is prioritised over recycling. With recycling opportunities in the city currently limited, reuse is a real opportunity in relation to refurbishment projects.
- Consider an exemption for owner-occupier building work from the need to prepare and carry out a waste management plan. Consider a variation in the requirements for residential and commercial construction.
- Support the requirement for any person applying for building work consent to submit a construction site and demolition waste management plan for approval by Council before the building work can start.
- Make it clear within clause 14 that 'building work' includes refurbishment projects.
- Clarify the circumstances under which Council would require principal contractors to undertake the activities required in clauses 14.4 and 14.5. These activities should be compulsory for all building work that requires a waste management plan to be submitted for Council approval.

#### Other issues including implementation support and enforcement

- Council enforcement will be critical to success. Who will receive and check plans at Council and what will the criteria be for approval? Who will monitor that the plans are being delivered?
- Deal with the issue of wrapping building projects in metres of white plastic.
- Council must make plans to divert funding from its allocation of the waste disposal levy revenue towards infrastructure to support resource recovery and waste minimisation in the C&D sector.
- Requiring a waste management plan is only part of the solution; specific reduction and reuse targets also need to be included.

- To achieve the WMMP waste reduction goals, industry and councils should increase availability and access to material recovery infrastructure.

## 2. Bylaw controls for C&D Waste

Within the proposed Bylaw controls (proposed control 2.17), the Council proposed to require the submittal of a construction site and demolition waste management plan to Council for approval for any person applying for a building consent for building work with an estimated value of \$2 million or higher.

### ***Summary of related submitter commentary:***

Overall, 41 percent of people definitely agreed with the proposed Bylaw controls (including the proposed control 2.17 specifying a \$2m+ dollar value for the preparation of a C&D waste plan), and an additional 33 percent of submitters somewhat supported the controls. Only 14 percent of people either definitely disagreed or somewhat disagreed with the proposed controls.

Many submission responses supported the proposed changes to both the Bylaw and the Bylaw controls to better manage C&D waste issues, with some specifically stating that the proposals will complement Central Government's decision to increase and expand the landfill levy, which will make landfilling C&D waste more expensive.

Within the submission responses provided on the proposed controls that were somewhat or definitely unresponsive, some submitters questioned the Council's rationale for the proposed \$2m dollar value trigger and suggested that it be amended to lower the dollar value amount so that more C&D projects are required to prepare waste plans.

The following summarises key comments and requests made by submitters to the proposed Bylaw control (control 2.17):

### *Dollar value threshold for requiring C&D waste plans*

- The requirements for C&D waste management should also relate to construction projects under \$2m in value.
- The requirements should apply to projects with an estimated value of \$1 million or more
- How was the \$2m figure decided? Smaller projects should be required to submit a plan, even if this plan doesn't require Council approval.
- The \$2m threshold to require plans is too high – the bylaw should cover all building work requiring consent. A phased or graduated approach that requires change over time might be feasible, for example, a simpler plan could be required for work under \$250k and a more detailed plan for works over this level.
- Smaller projects should be required to submit a plan, even if this plan doesn't require Council approval. This will ensure all contractors are receiving the same message from Council that waste planning and minimisation is important.

The tables below provide a summary of the range of comments received from individuals and organisations on the C&D waste management proposals.

**Submission Focus: C&D waste management planning**

| Supportive   | Mixed Opinions or Neutral   | Unsupportive |
|--|---|--------------|
| <p>“I love the changes, having more regulations of construction especially, their sites are a mess.”<br/>[Submission 9 – Jacob Jolley]</p> <p>“We agree that a massive opportunity exists to divert construction and demolition (C&amp;D) waste from landfill and that regulation is needed to achieve this. We agree that the proposed changes to the bylaw and the proposed Controls will complement Central Government’s decision to increase and expand the landfill levy, which will make landfilling C&amp;D waste more expensive. We support requiring any person applying for building work consent to submit a construction site and demolition waste management plan for approval by Council before the building work can start. We recommend that the plans should be called “waste minimisation and management plans” to better capture the Council’s goal of minimising C&amp;D waste to landfill, not simply managing it differently.”<br/>[Submitter 107 - Michael Lowe]</p> <p>“We support requiring any person applying for building work consent to submit a construction site and demolition waste management plan for approval by Council before the building work can start.” [Submitter 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> | <p>“Construction and demolition waste management - is there variation in this for residential vs commercial construction?”<br/>[Submitter 67 - Rachel McConnel]</p> <p>“...I suggest consideration be given to an exemption for owner-occupier building work from the need to prepare and carry out a waste management plan.” [Submitter 49 - William Townsend]</p> <p>“Good that a waste management plan is required, but there is nothing to say they must recycle as far as possible, to save the landfill. This should include using cleanfill, broken up concrete and brick as infill for new developments. I do not know the regulations around plastic wrap for building work, but I think they need reconsideration as it is extremely damaging environmentally - it is thrown into the landfill. There needs to be much more incentive for construction companies to be greener.” [Submitter 124 - Ali Forrest]</p> <p>“The cost of demolition materials being dumped at the landfill should be factored into any demolition project vs renovation. There has to be a ‘sustainability’ element to any planned project where renovation is an option.” [Submitter 138 - Catharine Underwood]</p> <p>“Construction and demolition projects should span all building works and not just those of value above \$2m. Construction and demolition represent a significant amount of traffic and content and stronger effort to have innovative reduction, recycling, recovery needs to occur. All building</p> |              |



|  |   |  |
|--|---|--|
|  | <p>waste should be included, not just the high value projects.”<br/>                 [Submitter 156 - Angela Wilson]</p> <p>“Construction and demolition waste management - is there variation in this for residential vs commercial construction?”<br/>                 [Submitter 67 - Rachel McConnel]</p> <p>“The cost of demolition materials being dumped at the landfill should be factored into any demolition project vs renovation. There has to be a ‘sustainability’ element to any planned project where renovation is an option.” [Submitter 138 - Catharine Underwood]</p> |  |
|--|---|--|

**Submission Focus: Dollar value threshold for requiring C&D waste plans**

| Supportive   | Mixed Opinions or Neutral   | Unsupportive |
|--|---|--------------|
| <p>“We agree that the proposed changes to the bylaw and the proposed Controls will complement Central Government’s decision to increase and expand the landfill levy, which will make landfilling C&amp;D waste more expensive.” [Submitter 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> | <p>“We agree with the requirement for the preparation of a waste management plan that is approved by Council but feel that it should apply to projects with an estimated value of \$1 million or more. Regional recovery of common construction and demolition waste like concrete needs to also start immediately.” [Submitter 139 – Onslow Residents Community Association]</p> <p>“How was this \$2 million figure identified and ultimately selected? A residential build/construction project could well exceed this \$2 million figure at times when length of time is taken into account. There are already a plethora of compliance and consenting processes required for property owners to improve/ upgrade their properties. The cost of compliance would be unduly burdensome for residential building/ construction on a owner-occupier property/ piece of land even where this value exceeded \$2 million and this cost would be passed down to the consumer/ resident.... I suggest consideration be given to an exemption for owner-occupier building work from the need to prepare and carry</p> |              |

|  |   |  |
|--|---|--|
|  | <p>out a waste management plan.” [Submitter 49 - William Townsend]</p> <p>“Construction and demolition projects should span all building works and not just those of value above \$2m. Construction and demolition represent a significant amount of traffic and content and stronger effort to have innovative reduction, recycling, recovery needs to occur. All building waste should be included, not just the high value projects.” [Submitter 156 - Angela Wilson]</p> <p>“The proposed bylaw provisions require that any building or demolition work above a certain value to have a waste management plan. Youth Council sees this as an important step forward as it is clear from the data that C&amp;D waste is a major contributor to the city’s waste profile. Having clear outlines of the quantity and type of waste created and what can and cannot be recovered is an excellent step with having the data it will allow the WCC to target its approach in the future. Although the Youth Council sees this as a valuable step, ideally, we would like to see some form of a target to reduce waste from construction and demolition, or a regulatory enforcement mechanism. One such approach is reduced consenting cost to incentive construction firms to reduce the amount of waste and increase the amount of recovered materials. We would also like to see a waste management plan become a part of all construction and demolition jobs in future, with the number of residential developments expected to increase in coming years we believe that they should be included at all levels.” [Submitter 162 - Wellington City Youth Council]</p> |  |
|--|---|--|

#### Officers' response

The high level of support provided by submitters for waste planning requirements for high value C&D projects is acknowledged, as are the suggestions and requests for changes to some aspects of the proposals.

The proposed Bylaw requirements for high value C&D projects are to provide Council with a better understanding and an improved ability to manage waste generated by construction and demolition projects, and to ensure adequate consideration and provision for waste management and minimisation is made by building owners and construction managers.

As acknowledged by many of the submissions, construction and demolition activities can generate substantial quantities of waste material, much of which is potentially recoverable, such as brick and concrete, timber, plasterboard and metal.

The Statement of Proposal for the proposed Bylaw recognised that there are a number of options for better managing C&D waste however not all of these are within the scope of Council's role. For example, increasing the waste levy to incentivise diversion of C&D waste is a Central Government role rather than Council. However, the Bylaw proposals can complement Central Government's decisions such as the increase and expansion of the landfill levy, which will make landfilling C&D waste more expensive and act as an incentive for industry to divert and recycle C&D waste.

The establishment of Bylaw provisions that require the consideration of C&D waste minimisation associated with larger value building projects exists as a starting point for C&D waste minimisation. Bylaw provisions have the potential to require the consideration of C&D waste minimisation design, planning, materials recovery and reuse. Council required 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.

#### C&D waste management planning

Many submissions requested that the name of the C&D waste management plans required be renamed so it sends a more aspirational message that better communicates what the Council is trying to achieve through the requirements to prepare such a plan. The concerns are acknowledged and an amendment is recommended to rename the plans required by the Bylaw provisions to be "Construction and demolition waste management and minimisation plans".

Some submissions requested that the C&D waste plans should be required to consider the waste hierarchy, so that waste prevention and reduction and reuse of resources is prioritised over recycling. To provide context for these requests, the waste hierarchy is a framework set by the Waste Minimisation Act 2008 for establishing the order of preference for different waste management options, being to reduce, reuse, recycle, recover, and dispose of waste. Recognition of the waste hierarchy as part of the preparation of C&D waste plans is considered appropriate, therefore an amendment to the wording of clause 14.2 is recommended in response to these requests.

Some submissions requested consideration of an exemption for owner-occupier building work from the need to prepare and carry out a waste management plan and/or that there be a variation in the requirements for waste plans for residential and commercial construction. This was contrasted by the submissions that supported the requirement for any person applying for building work consent to submit a construction site and demolition waste management plan for approval by Council before

the building work can start, as well as the requests to lower the proposed \$2m dollar value threshold to capture all building projects or buildings projects of a lower value (e.g. \$1m, \$250k etc). These contrasting requests are acknowledged. The purpose of the proposed new Bylaw provisions is to focus on larger value building work projects to provide a starting point for C&D waste minimisation. The Bylaw proposals for C&D waste were informed by a review of provisions adopted by other recent solid waste bylaw examples from across New Zealand; the work undertaken by Tonkin and Taylor Ltd in 2018 for the councils in the Wellington region analysing the waste minimisation issues and challenges associated with C&D waste in the region, and to identify the range of options available to councils in response to these issues; and Central Government's work programme, including the waste disposal levy.

The intention of the Bylaw proposals is to require high value builds that generate a lot of waste to prepare a waste management plan to reduce waste and to encourage the consideration of waste issues early in the building/construction process. It also supports the WMMP objectives for C&D waste. The requirements are intended to apply to all high value dollar builds, whether they be residential or commercial or owner-occupier builds. The requirements will help improve local and regional data on the management of construction and demolition waste, encourage reuse and recycling, and help ensure residual materials are taken to an appropriate disposal or recovery facility. Better data will support increased understanding of construction and demolition waste issues and will inform and support the development of appropriate tools to help manage the issues.

It is also noted that the Council has requested (via Council resolution) that a review of the new Bylaw controls is undertaken 12 months following the adoption of the Bylaw. This would be an appropriate time to review the effectiveness of the C&D waste control and potentially consider amendment of the threshold level or other changes to the application of the C&D waste plan requirement. On this basis, no amendments are suggested at this time to the proposed Bylaw requirements (or the controls) for C&D waste planning. This also maintains a level of regional consistency in relation to new Bylaw controls for C&D waste (particularly with Hutt City Council who have also adopted a \$2m+ dollar value threshold for C&D waste plans).

A few submissions requested that clause 14 be clarified to ensure that the term 'building work' includes refurbishment projects. In order to promote clarity and consistency, the Bylaw uses the definition of 'building work' as provided by the Building Act 2004. Section 6 of the proposed Bylaw provides the following definition:

*"As defined in the Building Act 2004 and includes 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."*

This term is considered to be clear in its meaning and commonly used/understood. On this basis, no amendments are considered necessary to clause 14 (or to the definition of 'building work' in clause 6).

Several submissions requested that the circumstances under which Council would require principal contractors to undertake the activities required in clauses 14.4 and 14.5 be clarified, and that these activities should be compulsory for all building work that requires a waste management plan to be submitted for Council approval. It is noted that clauses 14.4 and 14.5 (as proposed) include reference to "the Council may require" (rather than more directive wording such as "will require"). Clause 14.4 relates to a potential requirement for the principal contractor to review the Council-approved C&D waste plan and report to Council on specific information; Clause 14.5 relates to a



potential requirement for the principal contractor to add to the C&D waste plan within three months of the completion of the building work confirmation that the plan has been monitored and a post-construction waste-analysis type assessment has been completed. These requirements, even though it will add to administration and resourcing requirements, are considered to be reasonable and appropriate mandatory requirements for projects that are required to prepare a C&D waste management and minimisation plan. This will ensure principal contractors account for their waste minimisation efforts and it provides the ability for Council to provide feedback and suggestions for improvements etc. Amendments are therefore recommended to the wording of clauses 14.4 and 14.5 to make these requirements mandatory.

Other issues including implementation support and enforcement

Several submitters made comments and suggestions related to the need for Council support and resourcing to ensure the successful implementation of the new Bylaw requirements. It is acknowledged that Council enforcement of the Bylaw provisions will be important to its success. An outline of the resourcing required to support the implementation of the Bylaw is appended to this report (see **Appendix 3**).

Several submissions stated that requiring a waste management plan is only part of the solution and sought for specific reduction and reuse targets to be included. These submission requests are noted however the establishment of a mandatory waste diversion requirement is matter that is beyond the scope of the Bylaw to address and requires addressing at the Central Government level.

Some submissions also commented that to achieve the WMMP waste reduction goals, industry and councils should increase availability and access to material recovery infrastructure; others specifically commented that Council must make plans to divert funding from its allocation of the waste disposal levy revenue towards infrastructure to support resource recovery and waste minimisation in the C&D sector. These matters are beyond the scope of the Bylaw to address, but these concerns are acknowledged.

Dollar value threshold for requiring C&D waste plans – Bylaw control 2.17

As outlined above, to support the implementation of the new Bylaw requirements for C&D waste plans in clause 14 of the Bylaw, a new control was proposed (control 2.17) setting the threshold limit for the preparation of a waste plan to building projects with a dollar value of \$2m or above.

The proposed Bylaw proposal relating to C&D waste planning were informed by a review of provisions adopted by other recent solid waste bylaw examples from across New Zealand. While a number of local authorities have established specific bylaw provisions to enable the regulation of C&D waste management and minimisation, there is no one single agreed dollar value threshold for the requirement for a waste plan. Dollar values typically range between \$500,000 to \$1m and up to \$2m. Where Councils have adopted a specific threshold value, it is set at a level that corresponds to the nature and scale of C&D building work in their city/district area, and with recognition of the Council administration and resourcing required to implement the requirement. It has not been possible to set a regionally consistent C&D dollar value threshold across the region's councils because of the significantly different building contexts of each area. Notwithstanding this, Wellington City Council and Hutt City Council have agreed that a \$2m+ dollar value as the most appropriate starting point for the new requirements.

While it is acknowledged that smaller C&D building projects could also generate large amounts of waste and that ideally all C&D activities (regardless of size or dollar value) should take steps to

minimise the amount of waste produced and maximise diversion of waste away from landfill, a lower threshold level would significantly increase resourcing requirements for Council and would increase compliance costs for building owners/contractors of smaller value projects. The Council is limited in terms of its ability to support/resource and enforce the Bylaw requirements. Requiring waste plans for all C&D projects across the city regardless of their size/value would require significantly increased levels of Council administration and resourcing/funding; and it would also add to the costs faced by building owners of complying with the Bylaw requirements. It is also considered that requiring all building projects or smaller value builds to submit a plan to Council, even if Council is not required to approve it, would currently be unreasonable/over-regulating (particularly in terms of the increased compliance costs) and would have limited benefits.

To ensure clarity and to support the Council's ability to regulate and enforce the Bylaw requirements, it is considered appropriate to retain a specific dollar value threshold for the C&D waste plan requirement, and for this threshold to be set so that it is focused on higher value building projects (which will generate more waste). It is also considered important to maintain consistency with Hutt City Council in terms of the waste plan requirement as this will support greater clarity of requirements for C&D waste across the Wellington city and Hutt city area and will support the development of consistent information, advice, guidance and other support. As signalled above, it is also noted that the Council has requested (via Council resolution) that a review of the new Bylaw controls be undertaken 12 months following the adoption of the Bylaw. This would be an appropriate time to review the effectiveness of the C&D waste control and potentially consider amendment of the threshold level or other changes to the application of the C&D waste plan requirement. On this basis, no amendments are suggested at this time to the proposed Bylaw control requiring C&D waste plans for projects with a dollar value of \$2m+.



### 2.2.4 Consultation question #4: Restricting Unaddressed & Advertising Mail

**What we proposed:**

The Bylaw proposes to formally restrict the deposit of unaddressed mail or advertising mail in letter boxes that are clearly marked with the words “no circulars”, “no junk mail” or “addressed mail only” (or words to similar effect). There are exceptions for public notices from the government agencies, political or election material, as well as for different types of information from community organisations and charities.

**What we asked:**

1. To what extent do you agree or disagree with this new restriction for the deposit of unaddressed mail or advertising mail in letter boxes?

**What submitters said:**

There were a total of 154 submission responses to this question. Figure 5 above shows that the majority of submissions received were very supportive of the proposed restrictions to limit the deposit of unaddressed mail or advertising mail in marked letter boxes. In terms of supporting submissions, 127 responses (or 82 percent of responses to this question) ‘definitely’ agreed with the proposals, and 15 responses (or 9 percent of the responses) ‘somewhat’ agreed. Five responses were neutral (‘neither agree or disagree’) in terms of the proposals and 7 submissions were generally unsupportive (either ‘somewhat disagree’ or ‘definitely disagree’).

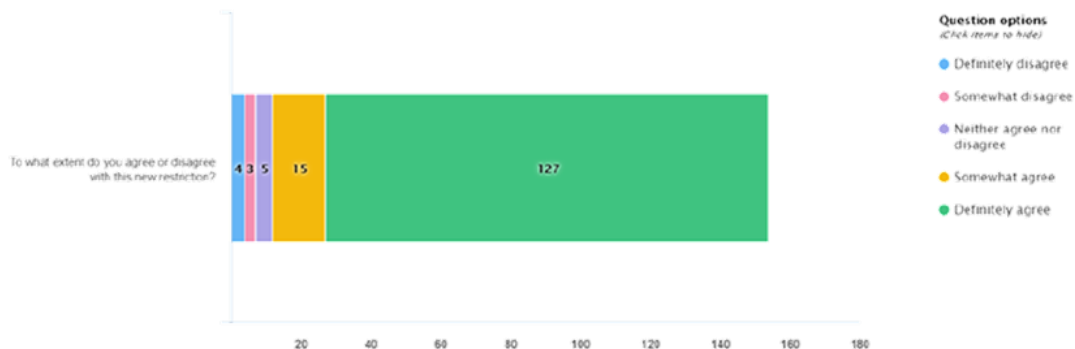


Figure 5: To what extent do you agree or disagree with this new restriction for the deposit of unaddressed mail or advertising mail in letter boxes?

**Summary of related submitter commentary:**

As noted above, the proposed introduction restrictions to limit the deposit of unaddressed mail or advertising mail in marked letter boxes received a very high level of support from submitters, with 92 percent of submitters either definitely supporting or somewhat supporting the proposals (82 percent of responses ‘definitely agreed’ with the proposals).

The table over page identifies some of the comments (supportive, mixed and unsupportive) received from individuals and organisations in regard to the proposals restricting unaddressed mail and advertising in marked letter boxes.

In terms of supportive submissions, most responses said that they definitely agreed with the proposals and had no specific comments or suggestions for change to the proposals. Several

responses supported the proposals stating that waste needs to be minimised as much as possible. One submitter pointed out that the provisions made in the proposals for excluding material related to elections and/or political parties was consistent with the Electoral Act.

In terms of submissions that were neutral (5 submissions) or generally unsupportive (7 submissions), the key issues raised for this position were:

- The material in letter boxes has nothing to do with Council and its contents are not a waste product until it is disposed of into a bin.
- This is real low hanging fruit. Given all the other items that the Council could pick that would make more of a difference this is small fry. Most letterbox drops are paper which is recyclable and way more sustainable than some plastic packaging...Council should have an instant fine for littering and cigarette butts – that is a better outcome.
- As a community based organisation, oppose being restricted in distributing local newsletter to all of our residents in Strathmore Park once per year, particularly since there is no longer the free newspaper, WCC APW or other vehicles available to us. The uptake of web based communication is low within our suburb & paper base communication works for us.

The table below provides a summary of the range of comments received from individuals and organisations on the proposals restricting unaddressed mail and advertising in marked letter boxes.

**Submission Focus: Restricting Unaddressed & Advertising Mail**

| Supportive   | Mixed Opinions or Neutral  | Unsupportive  |
|--|--|---|
| <p>“Waste needs to be minimised as much as possible. Reusing and recycling only go so far e.g. unaddressed mail has no place in this digital age - stop producing it altogether, it’s literally just rubbish/ recycling!”<br/>                     [Submitter 76 - Page Thompson]</p> <p>“RE: management of unaddressed mail and advertising material - ORCA fully supports this bylaw. It should be a requirement that all advertising materials should be recyclable in the Wellington region.” [Submitter 139 – Onslow Residents Community Association]</p> <p>“This bylaw places a lot of focus on diverting waste, and the provision for junk mail is the only aspect that seeks to actually reduce waste at its source. The focus needs to shift from ‘managing’ waste to ‘minimising’ waste.”<br/>                     [Submitter 158 – Generation Zero]</p> <p>“Better management of unaddressed mail and advertising material is an excellent move that Youth Council believes is long overdue. After conducting a quick poll of Youth Council, it was discovered that no one had actually used any form of advertising mail in the last five years.”<br/>                     [Submitter 162 - Wellington City Youth Council]</p> <p>“This bylaw is fully supported by the ERG. Guidance should be readily available on the WCC website for advertisers to choose materials fit for recycling infrastructure across the Wellington region.” [Submitter</p> | <p>“Unaddressed mail - the main junk mail offenders are Real Estate agents who send addressed mail. The proposal will do nothing to stop that.” [Submitter 148 - Scott Johnston]</p> <p>“Let’s not reduce things like advertising circulars, just ban them. They’re a useless expense. Digital advertising is far more appropriate today. Just ban it.” [Submitter 58 – John Cunningham]</p> | <p>“The post box has nothing to do with the council and nothing in it is a waste product until it is disposed into a BIN. No amount of bye law writing can make it part of the purview of the Council. The post box even when it is full to the top is still not a waste product for the Council to regulate UNTIL someone dumps the lot into a bin. The council do not collect trash from the post box currently. I object to anyone classifying post box contents as TRASH until it is in a waste bin. Owners can take it and return to New World, Countdown, etc for someone else to use. There is no need to deal with contents as waste.” [Submitter 117 - Yew Ho]</p> <p>“This is real low hanging fruit. Given all the other items that the council could pick that would make more of a difference this is small fry. Most letterbox drops are paper which is recyclable and way more sustainable than some plastic packaging. Come on Council – get real. It seems to me that there is a personal agenda in here. How is the council going to regulate/monitor/enforce/audit this proposed bylaw? What is the cost vs the reward – I am presuming the council is looking for hefty fines to pay for all this. Where is the cost benefit analysis? The council should have an instant</p> |

|   |  |   |
|---|--|---|
| <p>163 - Wellington City Council Environmental Reference Group (ERG)]</p> |  | <p>fine for littering and cigarette butts – that is a better outcome.” [Submitter 138 - Catharine Underwood]</p> <p>“As a community based organisation we distribute a local newsletter to all of our residents in Strathmore Park once per year. We have taken the view that we place this in every letterbox &amp; have not had adverse reaction in the past. We would oppose being restricted in doing this, particularly since there is no longer the free newspaper, WCC APW or other vehicles available to us. The uptake of web based communication is low within our suburb &amp; paper base communication works for us.” [Submitter 121 – Strathmore Park Residents Association Inc]</p> <p>“Formal banning of flyers is in my opinion overregulating and would waste resources enforcing it. Other strategies should be considered to minimise the impact of it.” [Submission 19 – Christoph Martens]</p> |
|---|--|---|

### Officers' response

The high level of support provided by submitters for the proposals restricting the deposit of unaddressed mail and advertising in marked letter boxes is acknowledged, as are the concerns expressed by a few submitters regarding the relative importance of such proposals and suggestions that the proposals are over-regulation.

As outlined in the Statement of Proposal, unaddressed mail and advertising material can generate significant amounts of waste and can create litter issues. The introduction of a new Bylaw provision restricting the deposit of unaddressed mail and advertising in marked letter boxes clause supports and enables Council to regulate and take action on waste and litter issues that are caused by such materials. When waste is deposited in a public place, 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. The new Bylaw provisions therefore enable Council to supplement voluntary codes of practice (such as the Marketing Association Code of Practice) and community education/promotional strategies with regulation, and the regulation has universal application and will apply to all advertisers (including real estate agents, as was raised by one submission).

In terms of the submission concerns related to the application of the proposed Bylaw provisions for unaddressed mail and advertising, the Bylaw restrictions (as stated in clause 17.1) will only apply to:

- materials that are deposited in letter boxes that are clearly marked with "no circulars", "no junk mail", "addressed mail only" labels/stickers (or words of similar effect)
- on any vehicle parked in a public space, or
- in a letterbox that is already full of mail and/or advertising materials.

There are also specific exclusions from the restrictions for specific material and publications including election material and community newspapers and newsletters – the exclusions mean that the restrictions do not apply to the distribution of these types of publications/materials. For clarity, the proposed exclusions from the restrictions are outlined in clause 17.2 and include:

*"(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;*

*(b) communications or fund raising material from local community organisations, charities or charitable institutions;*

*(c) material from a political party, political candidate or elected member; or*

*(d) a community newspaper or newsletter, unless the letterbox is clearly marked "no community newspapers" or with words of similar effect."*

One submission also pointed out that the exclusions in the proposals for material related to elections and/or political candidates and parties is consistent with the Electoral Act.

In terms of submission concerns regarding the enforceability of the Bylaw restrictions, at this stage, the Council's preferred enforcement approach is to work with the two key advertising companies that produce the majority of advertising mail for local distribution to promote good practice. Litter fines will also be issued by the Council where necessary/appropriate.

Even though Bylaw enforcement relating to this issue may be challenging, a regulatory Bylaw approach has the ability to be effective in reducing littering associated with unaddressed advertising mail and materials (particularly when used in conjunction with other methods such as promoting good practice). This has been evident in Auckland, where they have had similar controls in place for a number of years now, and have found them to be effective and beneficial.

On this basis, no amendments are recommended to the Bylaw proposals related to unaddressed mail and advertising materials.



### 2.2.5 Consultation question #5: Waste Operator Licensing

**What we proposed:**

The Council (in conjunction with the other district and city councils in the Wellington region) has proposed the establishment of mandatory waste operator and waste collector licensing as part of the proposed Bylaw. The primary purpose of the proposed licensing system is for the Council to be able to collect relevant waste-related data from the private sector and to ensure private waste operators are operating in a manner that is consistent with the Council's waste-related objectives.

In accordance with the proposed Bylaw, a license would be required by any:

- (a) Waste collector who handles more than 20 tonnes of waste in any one twelve month period in, around or out of the Wellington City district; or
- (b) Waste operator with a waste management facility in the Wellington City district that handles more than 20 tonnes of waste in any one twelve month period.

Relevant waste collectors and operators would be required to have a current licence that has been issued by the Council, and would not be permitted to collect waste or operate a waste management facility (as the case may be) without such a licence. This licence would be granted or refused at the discretion of the Council, and if granted, may be on such terms and conditions as the Council considers fit. Licensing would not apply to individuals who collect or transport waste for personal reasons.

When considering a licence application, it is proposed that the Council could take into account a range of factors, including but not limited to, the following:

- The nature of the activity for which a licence is sought;
- The extent to which the licensed 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;
- The extent to which the licensed activities will adopt best practice waste management and minimisation;
- The quantity and type of waste to be handled;
- The methods employed for the handling, disposing and recycling of the waste and the minimisation of litter, including (but not limited to):
  - the identity of the waste management facility at which it is proposed that recycling, recovery, sorting, storage, treatment, or disposal will occur; and
  - adherence to health and safety standards and any other relevant industry standards;
- The frequency and location of the waste collection, removal, storage and transportation services;
- 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
- 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.

A licensed waste collector or waste operator would also be required to comply with all terms and conditions of the licence. The terms and conditions may include, but are not limited to, the following matters:

- Term – a licence may be granted for a term of up to five 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 by the Council to ensure compliance with the terms and conditions of the licence;
- Licence fee – the licensee must pay an annual licence fee in the amount determined by the Council;
- Performance bond – the Council may require a licence holder to post a bank-guaranteed bond or a security;
- Compliance – the licence holder must comply with any relevant controls, standards or policies the Council has set for waste handling such as (but not limited to):
  - Provision of waste collection services within reasonable collection times and to meet any minimum collection frequencies specified by Council;
  - Provision of appropriate approved receptacles for waste collection which clearly identify the waste collector's name and contact details; and
  - 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.
- 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 (but not limited to):
  - 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
  - Weighbridge receipts, gate records of waste tonnages per waste type as specified in the licence.

As proposed, the Council would be able to 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.

**What we asked:**

As part of the Bylaw consultation, the Council asked submitters to indicate:

2. To what extent do you agree or disagree with the establishment of waste operator and facility licensing?

As explained in the consultation questions, the introduction of mandatory licensing was proposed to apply to any person or entity that collected or transported more than 20 tonnes of waste per year within the Wellington City District. It was also noted that licensing was not proposed to apply to individuals who collected or transported waste for personal reasons, and that the primary purpose of licensing was:

- 1) For the Council collect relevant waste-related data from the private sector, and;

- 2) To ensure operators are operating in a manner that is consistent with the Council’s waste-related objectives.

To ensure potentially affected waste operators were aware of the proposal to establish waste operator and facility licensing, over 190 people were directly notified about this proposal prior to the commencement of consultation.

**What submitters said:**

There were a total of 155 responses to this question. Figure 6 shows that the majority of responses received (132 responses or 85 percent) were generally supportive of the proposed establishment of waste operator and facility licensing.

In terms of this support, 93 submissions (or 60 percent of responses to this question) ‘definitely’ agreed with the proposals, and 39 responses (or 25 percent of the responses) ‘somewhat’ agreed with the proposals. Thirteen responses (8 percent of the responses) were neutral, and only 6 percent (10 responses) were unsupportive and either definitely disagreed or somewhat disagreed with the proposal.

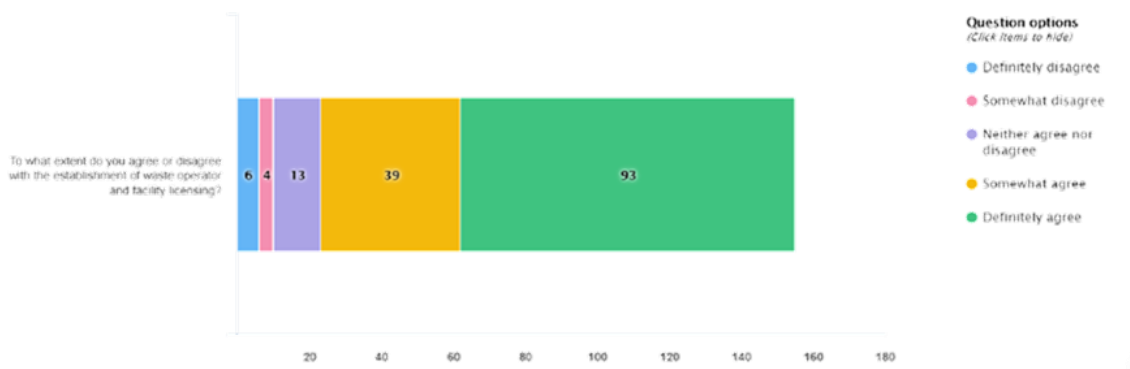


Figure 6: To what extent do you agree or disagree with the establishment of waste operator and facility licensing?

**Summary of related submitter commentary:**

Submitter commentary provides additional insight into understanding the preferences of 85 percent of people that either agreed or somewhat agreed with the establishment of waste operator and facility licensing. While there were no directly negative comments about this aspect of the bylaw, a number of submitters have requested the refinement of the licensing proposal, and also sought clarity related to the implementation of licensing, as follows:

Exemption Request for Not for Profit Organisations/Charities

The not for profit charity, Earthlink, has requested an exemption for NGO’s from the proposed licensing standards. This submitter has expressed concern that the proposed licensing requirements would require additional work associated with the tracking and tracing material, and that this would introduce a cost in time and personnel resource that the charity organisation is in no position to manage, either financially or administratively. They advocate that the work they do is important for our community and the environment, and adding costs like this would not help them on a path to continuity of purpose and financial stability. In turn, they request that Earthlink, and other NGO’s, be exempt from the proposed licensing requirement due to their standing as a charity, and in recognition of their community role in re-purposing all types of waste materials, while proving

training, work experience and jobs for those in our community in need help [Submitter 78 - Earthlink].

*Clarity related to the implementation of licensing*

Several submitters acknowledged that the establishment of waste operator licensing may have the potential to impact on smaller operators. The following specific requests were made related to this point:

- That the Council adopt a flexible licensing approach for community-based waste organisations and smaller providers.
- That the Council consider the options available to incentivise diversion through licensing, potentially through minimal licensing fees for waste operators and collectors who achieve goals in reduction, diversion and reuse to divert waste away from landfill.
- That the Council consider the introduction of a feebate scheme for waste disposal operators to instigate circular economy principals where they can demonstrably show the difference in outcomes.
- That the Council carefully consider the definition of “waste collector” and “waste operator”, and provide clarity on what organisations would be included under these categories.

While the proposed 20 tonne weight trigger relevant to waste operator and facility licensing was generally supported by submitters, the joint submission from the Rubbish Trip, Sustainability Trust, Wellington Waste Manager and Kaicycle, recommended that the Council adopt a ‘light-touch’ process for waste collectors and operators handling fewer than 20 tonnes per year, such as an exemption process, to avoid loopholes and the loss of important data.

A number of submitters agreed with the Council’s intent to secure relevant waste data through waste operator licensing, but the Wellington City Environmental Reference Group [Submitter 163] indicated their concern about the proposed two year time frame for engaging with the waste sector prior to the establishment of licensing, and requested a revised 12 month timeframe.



The table below provides an illustration of the range of comments received from individuals and organisations on the waste operator licensing proposals.

**Submission Focus: Waste operator licensing**

| Supportive   | Mixed Opinions or Neutral   | Unsupportive |
|--|---|--------------|
| <p>“The requirement to license waste management operators is good but it does not state what the operators need to do, such as not spilling liquid waste all over the street.” [Submitter 10 - Kevin Jones].</p> <p>“We support the cohesion across Wellington by ensuring collectors and operators adhere to high standards, and giving the Council greater oversight over waste collection. - We support the threshold of 20 tonnes of waste a year and emphasise the need for flexibility regarding community-based waste organisations and smaller providers.” [Submitter 145 - Victoria University of Wellington Students' Association (VUWSA)]</p> <p>“The region is currently not on track to achieve the goals of the WMMP. The ERG urges councils to establish and resource this new system within 12 months rather than two years. This still only leaves four years to achieve the WMMP regional waste reduction targets by 2026.</p> <ul style="list-style-type: none"> <li>• Collection of objective data is critical, and should not only rely on waste collectors and operators to do the reporting. The reporting system should ensure consistency across all waste streams for a range of indicators, including methane, and carbon emissions.</li> <li>• Annual reporting should require a minimisation plan in line with regional targets.</li> <li>• Early stakeholder engagement and collaboration with operators in designing the reporting system is critical.</li> </ul> | <p>“As an NGO, a not for profit charity that struggles to maintain resources, the adoption of this bylaw, requiring the additional work of tracking and tracing material is going to introduce a cost in time and personnel resource that our organisation are in no position to manage. Financially and administratively, this is going to be an onerous set of tasks that we’re not equipped to handle. The work we do is important for our community and the environment - Adding costs like this is not going to help us on the path to continuity of purpose and financial stability. I propose then, that NGO’s are exempted from the proposed Bylaw on the basis of our charity work and our not-for-profit status. We have a great reputation for re-purposing all types of waste materials, while proving training, work experience and jobs for those in our community in need of our help.” [Submitter 78 - Earthlink Incorporated]</p> <p>“We agree that licensing is required to ensure that collectors and operators operate to basic standards that uphold public and environmental health and wellbeing. We note that:</p> <ul style="list-style-type: none"> <li>• Getting a good and consistent data reporting system is time consuming and resource intensive - ideally a reporting standard would be developed nationally and implemented regionally.</li> <li>• We recommend careful consideration of the definition of “waste collector” and “waste operator”. Would organisations that act as consolidation points for various waste streams (such as Sustainability Trust), fall under the licensing requirements if we were to take more than 20 tonnes a year?</li> </ul> |              |



|   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>• Consideration of incentivisation is needed. It's important that collectors are incentivised to achieve goals in reduction, diversion and reuse.</li> <li>• How can collectors be positively incentivised to achieve the WMMP goals?" [Submitter 163 - Wellington City Environmental Reference Group].</li> </ul> | <ul style="list-style-type: none"> <li>• We note that there may be an impact on smaller providers if licensing fees are set too high.</li> <li>• We support the decision to choose 20 tonnes of waste a year as the cut off point for a waste collector or waste operator needing a license.</li> <li>• We recommend that a 'light-touch' process still exist for waste collectors and operators handling fewer than 20 tonnes per year, such as an exemption process, to avoid loopholes and the loss of important data." [Submitter 141 - joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</li> </ul> |  |
|---|---|--|

#### Officers' response

As discussed above, the submission received reflect a high level of support for the proposed establishment of waste operator licensing. Nevertheless, clarification has been requested regarding the definition of a 'waste operator' and the related scope of waste operator licensing. Several submitters have also made suggestions and/or requests relating to: the process of licensing; the Council's licensing approach; and the development of the future waste operator and facility licensing fees and charges policy. Within the submissions Earthlink has specifically asked that charities and not-for-profit groups be exempt from any future waste operator licensing requirements. The joint submission from the Rubbish Trip, Sustainability Trust, Wellington Waste Managers and Kaicycle, has further requested clarity on the scope and application of the proposed licensing standards for community based organisations.

As context, the proposed Bylaw definition of a 'waste collector' is as follows:

*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).*

Following the consideration of the submissions, further refinement of the definition is recommended to limit the scope of the licensing provisions to apply to people that collect 'and' transport waste, and not apply to people that collector 'or' transport waste. If the current definition is retained to require the licensing for all entities that either collect or transport waste, it will require the large-scale licensing of approximately 100 individuals and groups, including plumbers, gas fitters, landscape and gardening companies, irrigation companies, earth works companies, embassies, and charities. In turn, this will create a resource intensive licensing demands for the Council. Instead it recommended that waste operator licensing be focused companies that collect and transport different waste types, including (but not limited to) household, commercial, industrial waste and hazard waste, as follows:

*'Any person or entity that collects and ~~or~~ transports waste and includes commercial and non-commercial collectors and transporters of waste transport 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).*

Relatedly, Councillors are additionally asked to determine whether charity and non-for-profit organisations should be included within the scope of waste operator licensing. Officers recognise that charities and not-for-profit groups (i.e. Earthlink, the Salvation Army and the Wellington City Mission) have an important role in community, by supporting community wellbeing, helping individuals in need, and by promoting the diversion of material away from landfill. Notwithstanding the significance of these groups, the Council would potentially benefit through the licensing of these charitable organisations, by securing relevant waste and resource diversion data. However, as noted by Earthlink, the additional work associated with tracking and reporting on this material to the Council may introduce a cost in time and personnel resource that charity organisations are unable

to manage, either financially or administratively. When making this decision, Councillors should note that any decision from Wellington City Council to exclude charitable organisations and not-for-profit organisations from the proposed licensing provisions has the potential to result in an inconsistency for application of waste operator licensing for the region, with other territorial authorities having the potential to include these groups within their licensing standards.

In response to the submissions received requesting the Council to consider the establishment of financial diversion incentives when developing the fees and charges policy associated with operator licensing, in principle, Wellington City Council officers support the establishment of incentives to promote waste diversion. Officers further recommend that the consideration of waste licensing be jointly encouraged by other territorial authorities within the Wellington Region and will refer this matter on for regional consideration. It is noted that the Councils of the Wellington region propose to collectively work together to establish an efficient waste operator licensing system for the Wellington Region. Ongoing work, and associated engagement with the waste industry, is intended to take to advance the establishment of waste operator licensing over the next two years. While one submitter has requested that mandatory waste operator licensing be fast-tracked to be in place within the next 12 months, the proposed two-year timeframe will allow for the proposed regional-level consultation and engagement with affected operators and waste facilities. This timeframe will also allow time for the eight Councils of the region to consult on and establish respective territorial authority licensing standards, develop a strategy for securing managing waste data and establish the associated waste data database, and establish an associated performance bond licensing policy.

In response to submitter comments noting the importance of waste data reporting consistency across the region, it is noted that the Councils of the Wellington Region intend to align waste operator licensing reporting requirements with the National Waste Data Framework. As context, the National Waste Data Framework was developed by the Waste Management Institute of NZ (WasteMINZ) with funding from the Ministry for the Environment. It provides a set of protocols that, if followed, will enable councils to generate consistent, compatible waste data. Implementing the Waste Data Framework will mean easier and more accurate compiling of regional, as well as benchmarking and aggregated data sharing. It will also help provide a clearer picture of how waste is managed locally and regionally. Several submissions also note the need to align any local waste operator licensing standards with any future waste data reporting requirements set by central government. In response, officers can confirm that this matter has been considered by officers from the territorial authorities across the region and discussed with Ministry for the Environment staff. While the Ministry for the Environment have additionally signalled their intent to collect better data about the waste we are creating, and how we are disposing of it, during discussions Ministry for the Environment staff acknowledged the potential significance and role of waste operator licensing and associated data collection for territorial authority monitoring and decision making purposes. On this basis, advance of the proposed establishment of waste operator licensing over the next two years is recommended.

2.2.6 Consultation question #6: Bylaw Controls

**What we proposed:**

A new set of Bylaw controls to support the implementation of the new solid waste Bylaw is proposed to provide further rules and regulations for how and when people can dispose of their waste and recycling. Amongst other things, the controls regulate waste and recycling servicing and collection times, restrict servicing access for new multi-unit developments (of 10 or more dwellings), restrict servicing access on private roads and on roads where there are operational limitations, restrict the amount of green waste permitted within Council waste receptacles, and prohibit a range of dangerous or potentially hazardous material from being deposited into kerbside waste bags or containers. The controls also introduce a new set of waste separation standards for users of the Southern Landfill.

**What we asked:**

1. To what extent do you agree or disagree with the proposed bylaw controls?

**What submitters said:**

There were a total of 155 submission responses to this question. Figure 7 above shows that the majority of submissions received were generally supportive of the proposed bylaw controls to some degree. In terms of supporting submissions, 64 responses (or 41 percent of responses to this question) 'definitely' agreed with the proposals, and 52 responses (or 33 percent of the responses) 'somewhat' agreed. Eighteen responses were neutral ('neither agree or disagree') in terms of the proposals and 21 submissions were generally unsupportive (either 'somewhat disagree' or 'definitely disagree').

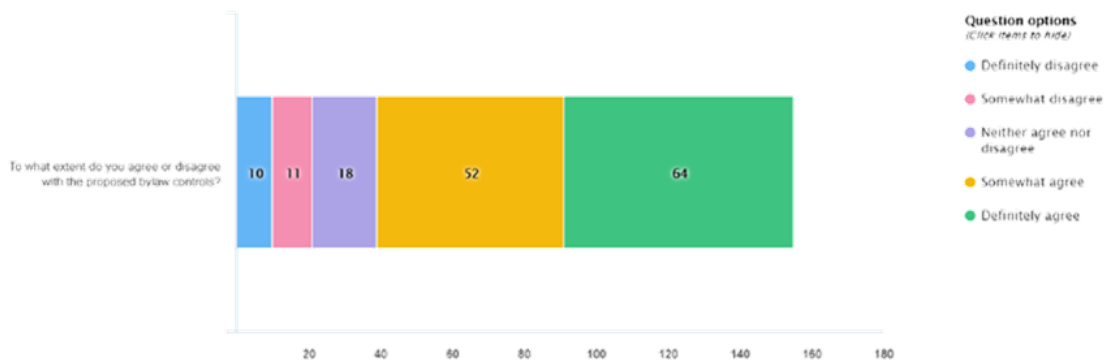


Figure 7: To what extent do you agree or disagree with the proposed bylaw controls?

**Summary of related submitter commentary:**

As Figure 7 shows, while the majority of submissions received were supportive of the proposed controls (either definitely or somewhat supportive) that there were a larger number of submissions made in relation to this question (in comparison to the other submission form questions) that were either neutral or generally unsupportive of the proposed controls.

The table over page identifies some of the comments (supportive, mixed and unsupportive) received from individuals and organisations in regard to the proposed new Bylaw controls.



In terms of supportive submissions, the majority of responses said that they either definitely or somewhat agreed with the proposals and had no specific comments or suggestions for change.

The proposed Bylaw controls and issues that received the most submission responses and requests for changes included:

- The proposals to amend the waste collection timeframes for some locations/streets across the city
- The proposal to limit Council-provided waste collection services for new multi-unit developments
- Support waste separation requirements but request greater controls for food and organic waste in the controls, and include mandatory requirements for premises, including commercial sites, to sort their waste for recycling
- The proposal to limit Council-provided waste collection services for private driveways and accessways.

In terms of submissions that were somewhat supportive of or had mixed opinions about the proposed Bylaw controls, some submitters provided specific suggestions for changes or improvements.

The following summarises some of the specific comments and requests made by submitters to the proposals:

#### Waste Collection Services

- Control 2.1a and b, which set a blanket prohibition on all Waste Collection Services between the hours of 7:00am and 6:00pm in areas within the Central City, and between the hours of 7:00am–9:00am and 4:00pm–6:00pm on any Principle or Arterial road, would severely limit small operators and community-led waste initiatives (like Kaicycle Composting, a non-profit composting service provider that currently collects organic waste from 59 businesses, households and apartment complexes in the CBD during normal working hours, diverting 20–30 tonnes per year from landfill) and would reduce composting options currently available in central locations (where composting options are fewest). The controls should be amended to exclude these small operators.
- Control 2.1c - the current proposed process for approving a variation to the specified collection times, given the permitted reasons (being for health, safety or congestion) and the complicated decision-making process, will likely pose high and potentially insurmountable barriers to the operation of small, non-congestion-inducing operators, especially non-profits.
- Control 2.9a, which restricts the placement of any waste receptacle for collection between 7:00am and 5:00pm, should be amended to allow exceptions for waste collection services that are not provided by the Council, such as Kaicycle Composting, as appropriate.
- Include rules that require commercial waste collectors to provide a recycling collection service to householders as a criteria for licensing.

#### Private driveways/roads and operational efficiency issues

- Private residences on affected private driveways and roads across the city may not be sufficiently aware of the impact of the proposed controls to restrict Council provided servicing operations in such locations. If, for example, they are required to create an easement to allow waste and recycling services to continue, this comes at a not inconsiderable cost to them. Council should, at a minimum, provide adequate notice to the



specific affected properties that they have been impacted by the new bylaw before the cessation of the service so that they have time to implement alternative disposal plans.

#### Placement and Retrieval of Waste Receptacles

- Require households to place rubbish and recycling for collection on the roadside kerb - so that our narrow footpaths remain clear for pedestrians. Central area rubbish collection needs more control in placement and management of rubbish, i.e. off the footpaths and tied up so it does not blow everywhere.
- There should only be one day per week per suburb for rubbish collection so that bins are not constantly present on the footpath.

#### Waste Separation

- Include rules for waste collection services that could increase waste separation and recycling (e.g. require waste collectors and operators to shift to providing a weekly collection service but alternate waste and recycling each week so waste collections become fortnightly).
- Include clauses and rules that place a greater focus on services for organic waste. Services for organic waste may not necessarily look like collections and could also include local drop-off points and professionally-run, community-scale composts.
- Include a rule to limit the maximum amount of food waste that can be deposited in a waste receptacle (like the limit set in the controls for green waste).
- Include a rule to set a maximum limit on recyclable materials that can be placed in a Council waste receptacle.

#### Restrictions on materials

- Include an express statement in either the rules (controls) or Bylaw clause 6 (or both) that amends the scope of prohibited materials to include batteries and electronic waste containing batteries.

#### Collection services for multi-unit developments

- Query the decision to limit future provision of Council-provided collection services for new multi-unit developments - unsure this will help Wellington achieve effective waste minimisation. *Note – submissions made on the proposed controls for multi-unit developments are addressed in section 2.2.1 of this report.*

#### C&D waste management plans

- Query the \$2m and over dollar value trigger for building projects requiring a C&D waste management plan – it should also relate to construction projects under \$2m in value. *Note – submissions made on the proposed controls for C&D waste plans are addressed in section 2.2.3 of this report.*

#### Southern Landfill

- Support the standards requiring the mandatory diversion of recyclable material away from landfill when using the Southern Landfill but recommend that the list include electronic waste and all metal (given that the Southern Landfill offers recycling/diversion services for these items), and all batteries (not just Lead Acid batteries) given that batteries with other chemistries, including lithium-ion, can cause catastrophic fires.

Waste receptacles

- Require rules pertaining to the size or type of receptacles (e.g. limit waste receptacles to 120 litres like Taupo).

The table below provides a summary of the range of comments received from individuals and organisations in relation to the proposed Bylaw controls  
(Note: this excludes submission comments made on controls specific to multi-unit developments and C&D waste – there are dealt with in sections 2.2.1 and 2.2.3 of this report).

**Submission Focus: Proposed Bylaw Controls - General**

| Supportive  | Mixed Opinions and Neutral   | Unsupportive  |
|---|--|---|
| <p>“Having these controls means more flexibility for the Council and the ability to potentially review them over the years as needed.” [Submitter 146 - Tamina Beveridge]</p> <p>“We support the proposal to implement Controls to accompany the bylaw. Controls provide for good flexibility to respond to changing circumstances; controls can be amended as appropriate rather than requiring a full review of the bylaw.” [Submitter 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> | <p>“It’s good that this bylaw is being reviewed and its controls strengthened. However, I don’t think it goes far enough. There should be more controls to ensure that the waste hierarchy is followed. Rather than concentrating on waste collection and disposal there should be more about preventing, reducing and reusing waste. This should be reflected in plans for C&amp;D waste, requirements for household collections, plans for multi occupant buildings and so-on. There should be more control on the amount of recycling and compostable waste that go into kerbside rubbish collections. Citywide the use of kerbside recycling seems low. I’m amazed that waste operators haven’t been licensed so far.” [Submitter 147 - Tim Jenkins]</p> | <p>“The more waste is removed the better, without restrictions. Restrictions will prevent high waste efficiency! Restrictions will limit people from disposing of all types of waste. This will have a more negative impact on the environment” [Submitter 79 - Jessica Brian].</p> |

**Submission Focus: Proposed Bylaw Controls - Waste Collection Services**

| Supportive  | Mixed Opinions and Neutral  | Unsupportive  |
|---|---|---|
| <p>“We support rules restricting the deposit of specific waste material, including prohibited waste. We recommend an express statement in either the rules or cl 6 (or both) that the scope of materials prohibited includes batteries and electronic waste containing batteries . Many people are unaware of the dangers these items present for waste collection, sorting, recycling and disposal systems, including catastrophic fires that can destroy entire Material Recovery Facilities.” [Submitter 141 - Joint</p> | <p>“We recommend that the Council take advantage of the scope of the clause 7 Control-making powers and propose rules that cover a broader range of matters. For example: 1) Propose rules pertaining to the size or type of receptacles. We believe Council should consider restricting the capacity of household waste receptacles (as per Taupō that restricts household waste receptacles to 120 litres) to reduce waste to landfill and increase waste separation and recycling. We also seek clarity on whether Council will be amending the rules in the Controls to reflect the recent recommendations of the</p> | <p>“I do not support the limiting of collection times. This means that in the city, residents everywhere will be woken by trucks collecting rubbish from 6am. I notice that the street cleaners are noisy as the bottle collectors...limiting how businesses collect rubbish is just bad micro management... Will there be an exception for emergencies?... There may be a need for some roads but the proposed roads take it too far. Arthur St? Elice</p> |

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|--|--|--|
| <p>submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> <p>“We support standards requiring the mandatory diversion of recyclable material away from landfill when using the Southern Landfill. We recommend that the list include electronic waste and all metal (given that the Southern Landfill offers recycling/diversion services for these items), and all batteries (not just Lead Acid batteries) given that batteries with other chemistries, including lithium-ion, can cause catastrophic fires.” [Submitter 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> | <p>report by WasteMINZ around standardising kerbside rubbish and recycling collections 2) Propose rules for waste collection services that could increase waste separation and recycling (at present the rules in this area are very focused on mitigating public nuisance and litter). For example, Council could require waste collectors and operators to shift to providing a weekly collection service but alternate waste and recycling each week so waste collections become fortnightly. Furthermore, we would like to see rules that require commercial waste collectors to provide a recycling collection service to householders as a criteria for licensing. This is needed to ensure that those householders who do not have access to a Council-provided waste and recycling collection still have access to recycling collection services...” [Submitter 149 - Kate Walmsley]</p> <p>“I am pleased to see some progress made in waste management through these bylaws. In general I am strongly supportive of the measures proposed....Where I have indicated "support in part" rather than "strongly agree", I have concerns that the proposals have given inadequate consideration to Council responsibilities, particularly if owners' responsibilities are not fully discharged or if agreement cannot be reached on matters such as access to private roads for waste collection. No one wants to see perverse outcomes such as waste going uncollected if there is no resolution reached on matters such as access.” [Submitter 159 - Paul Blaschke]</p> <p>“A number of Tawa streets are proposed to have a 6am waste pickup time instead of 7am (including the Main Road, Kenepuru Drive, Takapu Road, Willowbank Road, Middleton Road and Jamaica Drive). While we support measures to ease traffic congestion on these roads, we request that monitoring be in place to ensure that greater amounts of rubbish do not end up in the Porirua Stream and around our roads. This may</p> | <p>Street? Some of the streets mentioned are so wide that there would be no trouble collecting rubbish from 7am....Work on rubbish reduction not limitations in collecting”. [Submitter 138 - Catharine Underwood]</p> <p>“We do not support Control 2.1a and b, which set a blanket prohibition on all Waste Collection Services between the hours of 7:00am and 6:00pm in areas within the Central City, and between the hours of 7:00am–9:00am and 4:00pm–6:00pm on any Principle or Arterial road. We recommend this Control be amended to include exceptions to allow small operators (i.e. that don’t use trucks, and instead use bikes/ebikes and trailers, electric cars/vans, or other light vehicles) to operate during these hours, as they do not cause congestion. An operational example is Kaicycle Composting, a non-profit composting service provider that currently collects organic waste from 59 businesses, households and apartment complexes in the CBD, during normal working hours, diverting 20–30 tonnes per year from landfill. Kaicycle is set to expand its capacity, including collections from the Central City and Principle/Arterial roads, but is only able to operate during daylight hours due to the nature of their low-carbon, rented ebike-based collection system. The currently proposed Bylaw Controls would severely limit Kaicycle Composting’s ability to operate and divert organic waste from landfill, and would reduce composting options currently available in central locations where—and for small-scale organic waste producers for whom—</p> |
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|  | <p>occur if a greater amount of waste bags are put out at night instead of in the morning, leaving them subject for longer to the possible scattering by wind and animals." [Submitter 152 – Tawa Community Board]</p> <p>To further reduce waste and prevent more from going to landfill, the Council should think about the collection services and amount of waste produced by households. If there were restrictions on a household's maximum output, or if the collection services became less frequent, and focussed more on recycling as well, this could reduce the amount of waste we produce. The biggest impact the council could have on the amount of waste Wellington sends to landfill would be through adding much more focus on composting in this bylaw. We need more systems in place, whether it be collection services, community composts, drop off areas and more. [Submitter 146 – Tamina Beveridge]</p> | <p>composting options are fewest. Kaicycle has received several WCC funding grants since its establishment in 2015." [Submitter 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> |
|--|--|--|

**Submission Focus: Proposed Bylaw Controls - Private driveways/roads and operational efficiency issues**

| Unsupportive  |
|---|
| <p>"While I understand the need for restricting the need for waste collection in shared driveways and private streets, I am opposed to this service being withdrawn which in some cases has existed for many decades, without adequate individual consultation prior to this consultation closing, without any financial compensation, and without alternative solutions being proposed. There is not even the suggestion that the owner living on a shared driveway or road may have his WCC waste servicing collected from the public accessible end of the shared driveway or road." [Submission 150 - Richard Herbert].</p> <p>"Where I have indicated "support in part" rather than "strongly agree", I have concerns that the proposals have given inadequate consideration to Council responsibilities, particularly if owners' responsibilities are not fully discharged or if agreement cannot be reached on matters such as access to private roads for waste collection. No one wants to see perverse outcomes such as waste going uncollected if there is no resolution reached on matters such as access." [Submission 159 - Paul Blaschke].</p> <p>"That the Council should confirm Tawa's unique situation in relation to 41 shared driveways that are maintained by the Council. An annual levy has been paid by the ratepayers on these driveways for the last 30 years. We submit that this maintenance arrangement and levy payment provides evidence of an existing service exemption being in place, and ask that Council confirm that the new proposed private road and shared driveway standards under this bylaw would not apply to these driveways. We are concerned that private residences on affected driveways and private roads across the city, may not have been made sufficiently aware of the impact of this bylaw on them. If, for example, they are required to create an easement to allow waste and recycling services to continue, this comes at a not inconsiderable cost to them. Individual</p> |



affected residences should have been contacted prior to this bylaw submission process in order for those most affected to have a suitable opportunity to have their say. At a minimum, we would expect that the Council would provide adequate notice to the specific affected properties that they have been impacted by the new bylaw before the cessation of the service so that they have time to implement alternative disposal plans.” [Submitter 152 -Tawa Community Board].

**Submission Focus: Proposed Bylaw Controls – Placement of receptacles**

| Supportive | Mixed Opinions and Neutral   | Unsupportive |
|------------|--|--------------|
|            | <p>“Please require households to place rubbish and recycling for collection on the roadside kerb - so that our narrow footpaths remain clear for pedestrians. This is a significant issue on rubbish collection day. Similarly there should only be one day per week per suburb for rubbish collection so that bins are not constantly present on the footpath. Central area rubbish collection needs more control in placement and management of rubbish - off the footpaths please and tied up so it does not blow everywhere.” [Submitter 135 - Marieka Curley]</p> |              |

**Submission Focus: Proposed Bylaw Controls – Waste Separation**

| Supportive   | Mixed Opinions and Neutral  | Unsupportive |
|--|---|--------------|
| <p>“We support controls to require a separation of waste types but believe this can go further to require premises, including commercial sites, to sort their waste for recycling.” [Submitter 145 - Victoria University of Wellington Students’ Association (VUWSA)]</p> <p>“We support Controls to require the separation of waste types. However, we recommend that a rule is included to set a maximum limit on recyclable materials placed in a Council waste receptacle. This would require all managers/owners of premises, including commercial premises, to separate waste and recycle. At present, many businesses do not sort their waste for recycling, and we have heard directly from some businesses that their</p> | <p>“We note the 10% maximum amount of green waste able to be placed within a Council waste receptacle for kerbside collection, proposed in this bylaw. This highlights the urgent need for better addressing the collection of green and other organic waste in our city. While we support minimising the amount of green waste going to landfill rather than being processed into useful compost, we are concerned that this measure may lead to residents dumping harmful green waste such as tradescantia and other noxious weeds, into bush reserves and streams. Some private waste collectors do offer an on-demand green waste collection service, but this is typically not clearly advertised on their websites and many residents do not have the quantity of waste or the funds to purchase a regular green waste removal service. We ask that</p> |              |

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|---|--|--|
| <p>building owner refuses to provide recycling services.”<br/> <b>[Submitter 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</b></p> | <p>the Council consider requiring waste service providers to promote their low-volume on-demand services for residents and to more urgently address the issue of providing a Council green waste and food scrap waste collection service.”<br/> <b>[Submitter 152 – Tawa Community Board]</b></p> <p>“We support the intention behind the rule to limit green waste placed in a Council waste receptacle for kerbside collection to 10 percent. However, we are disappointed that this rule is silent on food waste and we query why a limit on food waste in a waste receptacle has not also been set? If this is because there aren’t currently enough options for food waste diversion, then more ambition is required from Council to set the direction of travel for householders and increase investment in localised composting solutions, as this is one of the largest opportunities to reduce waste from landfill (alongside unlocking many other co-benefits, such as enhanced food security and urban resilience).” <b>[Submitter 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</b></p> |  |
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**Officers' response**

The proposed controls support the implementation of the Bylaw and are separate from the proposed Bylaw but were included in the consultation proposals for clarity and transparency.

Controls (rules) to support the implementation of the proposed Bylaw can be made by Council resolution following Bylaw adoption. This separation allows the controls to be amended as appropriate rather than requiring a full review of the Bylaw. This gives Council the necessary flexibility to recognise that changes may be needed to procedures or other associated implementation matters over time.

Bylaw controls are an essential regulatory mechanism for the maintenance and potential enhancement of efficient and effective waste management operations across the city.

As outlined above, while there was a medium to high level of overall support for the proposed Bylaw controls, there were also many submissions that had mixed opinions about the proposed controls or were generally unsupportive of particular aspects of the proposed controls.

Waste Collection Services*- Collection times*

The submissions opposing the proposed changes within the controls to existing waste collection timeframes for some locations/streets across the city are acknowledged. The purpose of the proposed changes to collection times in specific locations/streets was to minimise adverse impacts of waste collection services on traffic congestion at peak travel times and support the efficient functioning of Wellington City's transportation network.

In summary, the proposed collection service times for the Central Area, between 6pm and 7am, are consistent with the existing waste service collection times contained with the existing bylaw Terms and Conditions. For areas outside the Central Area, standard waste servicing collection times include a minor change to servicing hours, permitting waste servicing collection between 7am and 9pm, in contrast 7am and 10pm currently allowed in the existing bylaw. This restriction is recommended in support of the residential amenity of suburban areas.

The new standards proposed outside the Central Area allow for any necessary waste servicing necessary on any State Highway, Arterial and Principal route to commence from 6am. Additional servicing flexibility is proposed on these primary transport routes in response to the collection service restrictions being in place between 7am and 9am, and 4pm and 6pm, in accordance with the Council's Code of Practice for Working on the Roads. Furthermore, in accordance with the Code of Practice, vehicle and pedestrian traffic may not be disrupted at any time for more than 2 minutes without a Council-approved Temporary Traffic Management Plan. While exceptions to the proposed bylaw servicing times can be made by the Council, as proposed variations may only be made for the reasons of health, safety or (avoiding) congestion.

While officers acknowledge the receipt of submissions requesting additional exemptions for smaller operators to operate outside the specified service restrictions times, exemptions for smaller operators are not recommended due to the potential adverse impact that public place/kerbside collection activities may have on the functioning of Wellington City's transportation network, and potentially on urban amenity when collection is undertaken at inappropriate times. However, as provided within the bylaw controls, when waste, recycling and other divertable material collection service can be carried out entirely on private property, collection services are permitted any time

and on any day within the Central Area. It is also noted that it is beyond the scope of the bylaw to grant exemptions to the service level restrictions required in accordance with the Code of Practice for Working on Roads.

- *Collection servicing scope*

In response to the submission requests to make recycling mandatory with any commercial waste service provide to a household, it is recommended that this matter be included for consideration during the establishment of waste operator licensing.

In response to the submissions requesting the establishment of standards to require mandatory recycling by households, businesses and industry, due to current volatility of the recycling sector, New Zealand's current dependence on off-shore processing, and due to the current uncertainty regarding the public willingness to pay for recycling services, this is not currently recommended by officers. However, the proposed Bylaw will allow the Council to introduce or change the Bylaw controls at any time, subject to passing a Council resolution to that effect and publicly notifying the controls. For this reason, officers therefore recommend that this matter be reconsidered in 12 to 18 months' time, as part of a review of the Bylaw Controls. It is additionally recommended that the issue of enforcement also be considered in conjunction with any future proposal to introduce mandatory recycling standards within Wellington City.

Private roads and accessways

The three submissions received opposing the proposed waste servicing standards and restrictions applicable to private roads are acknowledged. As a background to this issue, waste-related servicing on private roads and access ways is an ongoing operational issue for the Council. Private roads and access ways often differ to public roads as they are not required to meet the same design and construction standards as public roads. In turn, private roads can be narrower, steeper and have smaller turning circles than public roads. This can restrict vehicular passing, and require trucks to reverse out of roads due to turning circles being unable accommodate the standard waste servicing vehicles.

Over the years private road design and accessibility issues have resulted in varying levels of waste servicing being established on private roads throughout Wellington City. While the Council's current practice is to restrict servicing on new private roads, of the 500 existing private roads located in Wellington City, the level of Council waste-related servicing available to households will vary across the following service levels:

- Full Council (user pays) waste and recycling servicing.
- Bespoke Council (user pays) waste/recycling servicing using smaller servicing vehicles.
- No direct Council waste or recycling servicing being available, but households located on private roads/access ways are able to access Council collection services through placing waste/recycling for collection on an adjoining public road.
- No waste or recycling servicing being available, either from a private road or adjoining public road.

In addition to the servicing inequity for households and increased risk of health and safety-related servicing issues that arise from constricted manoeuvrability on private roads, the Council also frequently receive waste servicing-related liability claims or challenges concerning waste servicing-related damages on private roads. Should the Council accept the liability for any such remedial work, the costs for such work will be borne by all rate payers. Together, these factors contribute to operational inefficiencies and risks with waste servicing delivery and management on private roads.



In response to these issues, new waste-related servicing standards have been proposed to improve operational efficiency by reducing the potential for traffic, health and safety servicing issues occurring on existing private roads, and by providing a transparent framework for managing potential waste-servicing related road damage liability claims.

The proposed standards applicable to Council waste servicing on new and existing private roads are as follows.

- Clause 2.5 No Council waste or recycling collection services will be provided to any property or premises where the servicing operation would be required to be undertaken on a private road or access way. Council may grant an exemption from this restriction if:*
- i) The owners and/or managers of all of the affected properties or premises located on the private road or access way can demonstrate to the satisfaction of Council that use for waste servicing purposes can meet Council's relevant traffic and health and safety requirements; and*
  - ii) The owners and/or managers of all of the affected properties or premises have been previously granted an exemption or waiver by the Council and can provide official documentation which confirms their exemption or waiver; or*
  - iii) An easement is created over the private road or access way providing the Council the legal authority to access private property for waste servicing purposes, subject to agreement that the Council, or any waste service-related operator acting on Council's behalf, will not be liable to any property owner or third party for any damages caused or perceived to have been caused for any direct or indirect damage to the road or access way.*
- Clause 2.6 Where 10 or more properties are located on any one private road or access way created after the [insert commencement date of this Council resolution], no Council provided waste or recycling collection services will be available from or on the adjoining or adjacent Council road reserve or berm for those properties, unless for the following standards are met:*
- i) A dedicated Council approved shared waste servicing/collection area is provided to serve the needs of the properties or premises that are accessed by the private road or access way; and*
  - ii) The waste servicing/collection area can be safely accessed by a service vehicle from a public place; and*
  - iii) The servicing collection area can meet the Council's relevant engineering, planning, traffic, and health and safety requirements.*

While the standards proposed to apply to existing private roads do not prevent households from continuing to access Council waste-related servicing from an adjoining public roadway, the standards proposed for new private roads are more restrictive, limiting access to Council waste-related servicing from an adjoining public road where there are 10 or more properties, unless servicing requirements are met.

While there was a medium to high-level of overall acceptance of the proposed Bylaw Controls, comments received by three submitters indicate community concern relating to the proposed



private road standards. In response to these concerns, officers recommend that clause 2.5 be refined and limited in its application to new private roads. It nevertheless recommended that a subsequent operational review of waste servicing on private roads be undertaken. Where specific issues relating to health and safety are found to exist, officers advise that Council staff and contractors will be required to undertake actions necessary to give effect to their operational responsibilities under the Health and Safety at Work Act 2015, and in accordance traffic regulations (including the Council's Code of Practice for Working on the Road). However, where broader operational issues are found to exist, officers proposed to report back to Council with the findings of the review and details of any related consultation or engagement strategy proposed with directly affected stakeholders.

Officers therefore recommend that proposed Bylaw control 2.5 be retained to apply to any new private roads created after the Bylaw controls come into effect. Minor amendments to this clause are also recommended to allow for waste-related service level restriction exemptions to be granted by the Council.

Similarly, it is recommended that Bylaw control 2.6 be retained to apply to new roads. In effect, this clause will allow for any new private roads and access ways accommodating 10 or more properties to receive Council waste-related servicing from or on the adjoining or adjacent Council road reserve or berm for those properties, subject to appropriate servicing and collection areas being constructed at the time of roading development.

#### Placement and Retrieval of Waste Receptacles

Submission concerns related to the placement of waste receptacles within public space and particularly on footpaths are acknowledged. It is noted that the proposed Bylaw includes specific provisions related to the placement of waste receptacles and ensuring pedestrian access and safety is preserved (for example, clause 8.3(e) and clause 9.3(d)). These provisions will enable the Council to take action if required.

#### Waste Separation

While the submissions generally supported the proposed controls requiring the separation of waste types, many sought that rules be included to set a maximum limit on recyclable materials placed in a Council waste receptacle at the kerbside. While these concerns are acknowledged, at this point in time, the introduction of recyclable material content restrictions within waste bin may be challenging to implement due to the uncertainty relating to recycling capacity, and the associated our limited capacity of available diversion infrastructure to process these materials. However, as onshore infrastructure is developed by Central Government, officers believe that the issue of mandatory diversion at the household (and potentially commercial level) should be considered. As noted above, it is therefore recommended that the Council consider the requirement of mandatory waste separation and mandatory requirements for recycling at the kerbside when reviewing the Bylaw controls in 12-18 months' time.

#### Restrictions on materials

Officers acknowledge the submission requesting an amendment to the Bylaw Controls, and/or Clause 6 of the Bylaw to further limited the scope of restricted and/or prohibited materials to include batteries, electronic waste and metals. In response, officers recommend the amendment of clause 2.20 of the Bylaw Controls to require the mandatory separation of all batteries from waste

prior to entering the Southern Landfill, as well as Clause 2.15 to restrict the disposal of batteries within any kerbside waste receptacle.

As context for these amendments, it is noted that while the exact combination and number of chemicals inside a battery vary with the type of battery, they have the potential to include cadmium, lead, mercury, nickel, lithium and electrolytes. When disposed of within household waste, these batteries will end up in landfills. As the battery casing corrodes within a landfill, chemicals will leach into the environment. Also, lithium in batteries reacts in a volatile way when exposed, being a potential cause of landfill fires that can burn underground for years. Landfill fires in turn release toxic chemicals into the air, which increases the potential for human exposure.

It is noted that the Council currently provide a free waste disposal service for all domestic batteries at the Southern Landfill, but an alternative commercial diversion service is required for the disposal or diversion of commercial batteries.

Officers additionally recommend that the Council consider the establishment of new mandatory requirements for the separation of all electronic waste as a condition for use at the Southern Landfill for domestic waste service users. The primary purposes of this separation standards is to promote the recovery of resources and promote waste diversion away from landfill. However, when considering the appropriateness of this waste diversion standards, the Council should be aware that the Council currently offer a free e-waste diversion facility for most electronic waste, with the exception of televisions and monitors which currently cost \$30 per item to divert. Due to New Zealand current reliance on off-shore reprocessing facilities for electronic waste, diversion costs and prices for waste service users will likely fluctuate over time in response to changes in e-waste processing availability, capacity and changing market conditions. As such, the introduction of mandatory standards for electronic waste and metal diversion may result in costs for respective waste service users. It is also noted that the introduction of mandatory diversion standards for electronic waste may impact the staffing requirements at the Southern Landfill. An outline of the resourcing required to support the implementation of the Bylaw is appended to this report (see Appendix 3).

Relatedly, the mandatory diversion of metals (domestic or commercial) of kerbside waste or at the Southern Landfill is not currently recommended by officers, due to limited scrap metal diversion services and facilities provided by the Council. However, should Council diversion capacity increase in the future, this issue could be reconsidered by the Council.

In response to submissions that expressed concern over the 10% maximum green waste limit that is proposed to apply to any Council provided waste receptacle, it is noted that the existing Waste Management Bylaw standards currently in place do not allow for any green waste to be placed in a Council waste receptacle. As such, the proposed standards provide a more flexible approach for Council waste service users. Where residents have larger amounts of green waste requiring disposal, they can either take it directly to the Southern Landfill site and dispose of it as green waste for the purpose of composting (which currently costs less than half the price of waste disposal). Alternatively, residents can home compost, or hire a green waste bin from a private waste operator. As noted elsewhere within this report, it is beyond the scope of the bylaw to mandate Council investment or update of any new waste service, such as green waste collection.

#### Collection services for multi-unit developments

In response to submitter concerns relating to the proposed Bylaw control limiting Council-provided service collections for new multi-unit developments constructed after January 2023, it is noted that the Council has agreed to consider the Council provision of waste and recycling collection services from multi-unit developments as part of a review of service levels in the Long Term Plan deliberations. As such, this matter is scheduled to be considered by the Council in June 2021.

C&D waste management plans

*Note: officer responses to the submission comments related to C&D waste management plan control (Bylaw control 2.17) are addressed in section 2.2.3 of this report. Minor amendments are recommended to the wording of the control to respond to the submission requests to change the name of the plans to more strongly reflect their waste minimisation purpose.*

Southern Landfill

*Note: officer responses to requests for the establishment of mandatory diversion electronic waste and all metals are considered (see discussion related to 'restrictions on materials').*

Waste receptacles

There were several submission requests for changes to Council provided waste or container receptacles, for example, four requests were made for bins as opposed to Council bags. These concerns are acknowledged; however this issue relates to the level of service provided by Council in terms of waste collections, and is therefore beyond the scope of the proposed Bylaw to address. Such issues need to be addressed through specific service reviews and would be subject to the Long Term Plan process as they have funding implications.

There were also some submission requests to include rules restricting the size and/or type of waste receptacle (for example, limiting bins to 120 litres like Taupo). These submission requests are acknowledged, however this issue is complex (and would have many flow-on considerations for Council) and it is considered more appropriate for it to be considered as part of a comprehensive review of the levels of service for waste. On this basis, it is not considered appropriate for the Bylaw to introduce specific rules at this stage, however the introduction of waste receptacle size restrictions could be considered as part of the establishment of waste operator licensing, or at any stage by the Council via the introduction of related Bylaw Controls, which can be passed by Council resolution.

### 2.3 Other submission feedback and comments

As identified in the introduction section to this report, there were a number of free-text comments provided within submission responses that were not directly attributable to specific consultation questions, but that were generally relevant to the Bylaw proposals.

These comments have been organised and summarised by key theme/topic area in the table below.

| Issue / topic   | Illustrative quotes from submitters  | Officers' response  |
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| <p><b>General comments related to the proposed Bylaw and controls</b></p>       | <p>"We welcome and support this review and update of the waste-related provisions of the bylaw. We recognise that bylaws are an important regulatory tool for WCC and that the current bylaw does not encourage waste minimisation and a decrease in waste disposal....We welcome that this review of the bylaw is regionally coordinated and that the proposals, once approved, will be replicated across the regions, which will enhance consistency." [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> <p>"This by-law revision goes a long way to modernise Section 9 of the Consolidated By-Law, and will support the Council to better meet its carbon targets and reduce the burden the Southern Landfill contributes to these. It is pleasing to see the Council better meet its legal and health &amp; safety obligations, better manage waste's negative impacts on our environment, and work to be an leader in best practice and innovation on waste managements." [Submitter 156 – Angela Wilson]</p> | <p>The support provided by many submissions for the proposal Bylaw provisions and the supporting Bylaw controls is acknowledged.</p> <p>It is also confirmed that Wellington City Council are working to promote consistency across territorial bylaw provisions where appropriate, however, due to contextual differences across the region, and as a result of individual territorial authority democratic decision making process, bylaw difference across the Councils should be expected.</p>  |
| <p><b>The proposals are a good start, but they are not ambitious enough</b></p> | <p>"Overall, it is great to see WCC reviewing this bylaw on waste management and minimisation and I agree with all aspects to an extent. Making sure that there is regulation and more control over how waste is managed is important, especially given the increasing population in Wellington as well as the horrific amounts of waste being sent to landfill each year. This review of the bylaw does not, however, outline a plan that will be ambitious enough to properly manage Wellington's waste in the coming years. Especially, given the need to reduce our waste and begin thinking in the most</p>   | <p>The support provided for the new Bylaw proposals is acknowledged. The submission comments suggesting that the proposals are not ambitious enough are also recognised; however, as explained in the Introductory section of this report, the proposed Bylaw is a regulatory-focused tool and is constrained by the legal framework within which bylaws can be developed. While the proposed new Bylaw responds to a wider range of waste management and minimisation issues compared to the existing bylaw, it is still limited in terms of the</p> |



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|  | <p>sustainable way by aiming for zero-waste Wellington and a circular economy. We are in a climate emergency, as declared by Wellington City Council and managing waste is not enough. There needs to be more focus on minimisation and diversion including reducing waste and diverting all food waste from landfill." [Submitter 146 – Tamina Beveridge]</p> <p>"We agree with the vibe of the bylaw that overall education as opposed to enforcement is the best approach, especially when combined with good planning. We see this bylaw as an important first step, however we believe that more will need to be done with incentives and targets to see the reduction in solid waste been created. It has become clear that recycling is not a silver bullet and that the minimisation of waste been created is the only effective solution to this." [Submitter 162 - Wellington City Youth Council]</p> <p>"We are disappointed by the lack of ambition in this bylaw and the associated controls as the aim should be for WCC to put no waste in the landfill. In the interim, landfills need to be safe for both people and biodiversity and must not contaminate water." [Submitter 139 - Onslow Residents Community Association]</p> | <p>issues it is able to address as a result of the legislative framework provided for making bylaws, and whether a bylaw is the most appropriate way of addressing the perceived problem. The proposed Bylaw is also only one of the mechanisms available to Council to address waste management and minimisation issues. Other mechanisms for responding to issues include the Long Term Plan process (e.g. to consider the provision/ funding of new levels of service and Council infrastructure investment), as well as utilising other Council policies, bylaws and regulations (e.g. other bylaws like the Trade Waste Bylaw 2016 and policies like the Trade Waste Charges Policy), undertaking service reviews, trialling new technology and systems, changing or adjusting operational practices, establishing partnerships with other parties, and providing information, advice, guidance and advocacy.</p> <p>The proposed Bylaw will enable the Council to meet its legal obligations and to more effectively manage and regulate the negative impacts of waste on the environment, as well as ensure the protection of the health and safety of the public and those involved in waste management. It will also assist the Council to improve its understanding of the waste collection services in the city and how waste is being disposed of. The proposed Bylaw also forms part of the suite of regionally consistent bylaws proposed by the eight territorial authorities of the Wellington region under the Wellington Region Waste Management and Minimisation Plan (WMMP) 2017-2023.</p> |
| <p><b>Clearly articulate a vision for a zero waste/waste-free Wellington (and work collaboratively for a zero waste/waste-free Greater Wellington region) and devise bylaws that help advance these goals.</b></p> | <p>"We strongly encourage the bylaws to have greater alignment and focus on Te Atakura, and the crucial role waste minimisation can have on lowering carbon emissions. We note this should be reflected in the messaging and language of the bylaw." [Submission 145 - Victoria University of Wellington Students' Association (VUWSA)]</p> <p>"Aim for a zero waste policy that supports the 5 "R"'s: Refuse, Reduce, Reuse, Recycle, Rot. The emphasis needs to be on</p>  | <p>The submission requests for the proposed Bylaw to more clearly articulate a vision for a zero waste/waste-free Wellington are recognised. However, it is also recognised that the proposed Bylaw is a regulatory-focused tool and is constrained by the legal framework within which bylaws can be developed. The proposed Bylaw also forms part of the suite of regionally consistent bylaws proposed by the eight territorial authorities of the Wellington region under the Wellington Region Waste Management and Minimisation Plan (WMMP)</p>  |



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|   | <p>prevention of waste at the beginning of the chain, not just the end of the waste cycle.” [Submitter 132 – Hugh Beveridge]</p> <p>“The language used within bylaw needs amending to be more directive/focused on minimisation not management, zero waste/waste free, waste prevention, waste reduction, etc.” [Submitter 146 - Tamina Beveridge, and other submissions]</p>  | <p>2017-2023. The current priority of all the councils is therefore focused on delivering on the actions of the existing WMMP, including the development of new solid waste bylaw provisions.</p> <p>Councillors may recommend that Zero Waste inform the review of the next WMMP which is programmed to commence in 2022.</p> <p>However, in response to the submission feedback, several amendments have been recommended to the wording of the Bylaw to increase the emphasis on waste minimisation (including amending the names of the waste plans required for events, multi-unit developments and large C&amp;D building projects to include specific reference to minimisation as well as waste management). Amendments have also been recommended to the Bylaw provisions for events, C&amp;D waste and multi-unit developments to require consideration of the waste hierarchy in the waste plans required by the new Bylaw provisions.</p> |
| <p><b>Consider how the bylaw and controls could impact on small-scale waste operations (including community-led and non-profit operations).</b></p> | <p>“I urge WCC to ensure that local waste policy will support, rather than increase the barriers experienced by, small-scale and community-led waste initiatives. These kinds of initiatives employ more people and have a broad range of social and environmental co-benefits, and thus can contribute greatly to our COVID-19 recovery, helping us to build back better and lay the foundations for a shift to a zero-waste, zero carbon city, with high wellbeing and resilience of our communities and local ecosystem....We urge Council to keep in mind how the bylaw and controls could impact on small-scale waste operations (including community-led and non-profit operations), and ensure the bylaw and controls support these small scale operations and their constant improvement of practices, instead of making it more difficult for them to function. Smallscale, community-based waste operations have a multitude of positive outcomes, including reduced transport emissions and more jobs created.” [Submission 149 – Kate Walmsley, and other submissions]</p> | <p>The submission concerns in relation to the Bylaw’s impact on small-scale waste operations (including community-led and non-profit operations) is acknowledged. It is not Council’s intention to disadvantage small-scale waste operations (particularly community-led and non-profit operations) and it supports the valuable work such operations are doing across the city. The Council has been asked to consider this issue related to submitter request for an exemption for charities and non-profit operations from the waste operator licensing standards.</p> <p>The consideration of incentives when developing the fees and charges structure relevant to the proposed regional waste operator licensing system is supported, but this work needs to be undertaken collaboratively with all city/district councils in the Wellington region. It is recommended that opportunities</p>   |

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|   | <p>“As an NGO, a not for profit charity that struggles to maintain resources, the adoption of this bylaw, requiring the additional work of tracking and tracing material is going to introduce a cost in time and personnel resource that our organisation are in no position to manage. Financially and administratively, this is going to be an onerous set of tasks that we’re not equipped to handle. The work we do is important for our community and the environment - Adding costs like this is not going to help us on the path to continuity of purpose and financial stability. I propose then, that NGO’s are exempted from the proposed Bylaw on the basis of our charity work and our not-for-profit status. We have a great reputation for re-purposing all types of waste materials, while providing training, work experience and jobs for those in our community in need of our help.” [Submission 78 – Chris Ellis]</p>   | <p>for introducing incentives be considered when developing the regional licensing fees and charges structure.</p>   |
| <p><b>The management of organic material a major omission in the proposed bylaws.</b></p> | <p>“VUWSA is disappointed the proposed bylaw do not mandate the separation and separation collection of recyclables for all premises, and urge the Council to go further in addressing organic waste. Organic waste constitutes the single biggest proportion of the average Wellingtonian’s household rubbish bin, and students especially lack access to home composting solutions.” [Submission 145 – VUWSA]</p> <p>“More should be done to separate waste at source/collection. E.g. in addition to the separate glass collection, cardboard, tins and food should also be collected separately.” [Submission 138 – Catharine Underwood]</p> <p>“The council should also develop a plan to implement roadside collection of organic waste for composting. Organic waste currently takes up significant space in landfill and is producing methane. We need to do our bit to reduce waste both to protect and conserve our local natural environment, and to reduce carbon emissions.” [Submission 22 – Marion Grant]</p> | <p>The Council has recently proposed a 1-year food waste diversion trial on the Miramar Peninsula. This trial will encompass 450 households to try composting their food waste in either a compost bin, worm farm, or a bokashi system. This trial will coincide with a kerbside collection of binned food scraps from 500 households in the area. The results and feedback of this trial will be used to further inform the Council’s next steps relating to the promotion or regulation of food waste diversion within the City.</p> <p>Should a Council decide to establish a food waste collection service in the future, this matter would be determined as part of the Council’s Long Term Plan making process.</p> <p>If a food waste collection service was to become available in the future, the proposed bylaw would readily allow the Council to specify any additional operational performance standards related to the implementation of a new food waste kerbside collection service.</p> |

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|   | <p>“We ask that the Council consider requiring waste service providers to promote their low-volume on-demand services for residents and to more urgently address the issue of providing a Council green waste and food scrap waste collection service. [Submission 152 – Tawa Community Board]</p> <p>“We recommend adding clauses and rules that place a greater focus on services for organic waste. We acknowledge the proposals’ attention to increasing waste separation and recycling collections. However, we don’t understand the lack of attention to organic waste, which constitutes the single biggest proportion of the average Wellingtonian’s household rubbish bin.” [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p> |  |
| <p><b>The Bylaw should more clearly distinguish obligations for residential and commercial premises. Insufficient attention is given to commercial waste in the city.</b></p> | <p>“We recommend that cl 8 more clearly distinguishes obligations for residential and commercial premises. We believe insufficient attention is given to commercial waste in the city. We note the sector-based clauses for events and C&amp;D and we recommend that a new clause is inserted that focuses on the hospitality industry. Hospitality offers a key opportunity for waste reduction as well as introducing waste reducing behaviours to a wider audience. If done well, this could offer cost savings for the hospitality industry.” [Submission 141- Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p>   | <p>The submission concerns in regard to commercial waste are acknowledged. The proposed Bylaw applies to commercial businesses as well as residential premises. The general responsibilities in clause 8 of the Bylaw outline minimum responsibilities for all parties in relation to solid waste. Prior to consultation, the Council made an amendment to the wording of clause 8 to ensure (and make it clearer) that the Bylaw applies to solid waste generated by residential, commercial or industrial premises and that controls can be established by Council to support the implementation of specific requirements. These provisions mean that Council can regulate any of those waste types using the public space; they can also be considered in any level of service review undertaken by Council in the future (and appropriate controls could be developed).</p> <p>In terms of the submitter requests to regulate the hospitality industry and establish mandatory recycling requirements for hospitality businesses, it is noted that the provision of the Council’s recycling service is limited to households, and does not extend to commercial entities. As the hospitality industry has not been consulted on any such proposal, and the</p> |

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|  |  | <p>industry's 'willingness to pay' for recycling remains untested, targeted industry regulation is not recommended by officers. It is also noted that the current volatility of the recycling sector, our associated dependence on off-shore processing would further impact the effectiveness of such regulations.</p> <p>Another related issue for the Council would be determining the appropriate form of regulation relevant to the industry. Given the size and complexity of the hospitality industry, it would also potentially have significant implementation (funding and resourcing) implications. The proposed Bylaw does however introduce specific requirements for event waste management and minimisation planning. This will go some way to addressing waste issues. Council can also use other approaches and tools to encourage better waste management practices within the hospitality industry including information, guidance, advice and free support, and can consider introducing specific Bylaw controls in the future to manage particular issues if required/deemed appropriate by Council.</p> |
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#### 2.4 Out-of-scope feedback

As already indicated, many comments were received in the submissions that did not directly relate to a proposal within the Statement of Proposal for the proposed Bylaw or the associated Bylaw Controls. Many of the comments related to broader waste management issues or planning in the city. Some comments concerned matters over which the Council does not have any remit to control or influence, e.g. central government work programmes.

Comments regarded as out-of-scope but still connected to the broad issue of management and minimisation of waste are summarised in the below table.

| Issue / topic  | Illustrative quotes from submitters   | Officers' response   |
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| <p><b>The current WMMP (2017) is inadequate and requires review and updating / the WMMP is not being implemented fast enough</b></p> | <p><i>"The current Waste Management and Minimisation Plan (from 2017) is inadequate and needs to be revisited and updated..."</i><br/>[Submission 149 – Paul Blaschke]</p> <p><i>"The WMMP project started in 2017, with the target to reduce waste across the region by a third by 2026. The region is not on track to achieve the WMMP goals. Therefore, the actions from this bylaw should be implemented across the region within 12 months to give the best chance of achieving the WMMP targets by 2026. Urge WCC along with other councils to resolve all region-wide regulations for licensing, waste plan requirements, and resourcing requirements to launch the new WMMP package as a whole within 12 months. Be bolder - Public attitudes to waste have changed significantly since 2017, there is now significantly greater demand for serious waste reduction. [Submitter 163 - Wellington City Council Environmental Reference Group (ERG)]"</i></p> | <p>In 2017, all eight territorial authorities in the Wellington region adopted the Wellington Region Waste Management and Minimisation Plan (2017-2023). The plan outlines a number of actions for the councils to achieve effective waste management and minimisation, including working collaboratively to advance solutions to regional waste issues. One of the key actions is to develop, implement and oversee monitoring and enforcement of a regional bylaw or a suite of regionally consistent bylaws. The current priority of all the councils is therefore focused on delivering on the actions of the existing WMMP, including the development of new solid waste bylaw provisions. Councillors consider, and potentially recommend, that Zero Waste inform the review of the next WMMP which is programmed to commence in 2022.</p> |
| <p><b>Council enforcement and resourcing the implementation of the new Bylaw proposals</b></p>                                       | <p><i>"I think that the proposal is great. My reservation is that we already have rules regarding the disposal of rubbish but close to no enforcement. According to Councillor Laurie Foon illegal rubbish collecting is costing the rate payer around half a million dollars."</i><br/>[Submission 28 – Neville Waisbrod]</p> <p><i>"We recommend that the bylaw strengthens the provisions around enforcement..."</i> [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</p>  | <p>It is acknowledged that Council enforcement of the Bylaw provisions will be important to its success. An outline of the resourcing required to support the implementation of the Bylaw is appended to this report (see Appendix 3). To ensure appropriate support and resourcing is provided for the new Bylaw, it is recommended that a separate Wellington City Council bylaw enforcement review be undertaken over the next 12-18 months.</p>  |



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|   | <p><i>"As usual, the WCC policies state nothing about how compliance and enforcement will be ensured." [Submission 10 – Kevin Jones]</i></p>   |   |
| <p><b>New waste infrastructure/ expansion of existing infrastructure, e.g. Council investment in new C&amp;D resource recovery infrastructure</b></p> | <p><i>"I think the measures proposed make sense and are deserving of support. However, these measures in themselves don't address the issue of what we do with our waste. I would like the Council to look into what Singapore does with its waste i.e. burns sorted waste (including plastics) to generate electricity - while filtering the smoke fumes to remove the toxins." [Submission 48 – Hoki-mai Chong]</i></p> <p><i>"facilities should be upgraded and up to standard to recycle all recyclable plastics." [Submission 51 – Molly Schuler]</i></p> <p><i>"I would like to see local authorities investigate ways to have soft plastics recycled, perhaps by collaborating with areas that do have the required facility." [Submission 126 – Vanessa Ward]</i></p> <p><i>"The proposal talks about the aim of reducing waste and increasing resource recovery rates. One of the best ways of achieving these aims is community recycling centres (as shown throughout the country in places like Auckland and Christchurch). It would be good for the council to consider this as part of its thinking around by-laws, and in the next update to its Waste Management and Minimisation Plan." [Submission 139 – Shirley Morrison]</i></p> <p><i>"Consider alternatives to landfills! In all European countries, waste is incinerated and electricity or heating is produced. It took millions of dollars to dig up old landfills and restore ground water quality and the environment. So, don't wait any longer - every day we dump more rubbish it will cost us so much more in the long run - not just financially." [Submitter 125 – Tobisa Schmit]</i></p> <p><i>"We note that alongside a lack of clear rules and regulations, there is an ongoing need for investment in activities and infrastructure for resource processing and waste minimisation, including initiatives led by communities and small businesses. We see a clear opportunity for</i></p> | <p>The proposed Bylaw enables and provides the ability for Council to take action on specific regulatory matters, but it cannot, for example, introduce or mandate Council investment into any new or existing waste infrastructure for example, a new resource recovery facility or alternate waste disposal infrastructure (waste to energy plants). Because of the funding implications of such proposals on ratepayers, they must be addressed as part of the Council's Long Term Plan process.</p> <p>It is noted that the Council intends to undertake background work to investigate the feasibility of additional resource recovery waste facilities in Wellington City in 2021/22.</p> |

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|   | <i>investment in systems geared around reuse, such as resource recovery centres, washing and sterilisation infrastructure and reverse logistics.” [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</i>  |  |
| <b>Investment in a commercial composting facility and operational service level changes to enable the delivery of a Council provided organic food waste and/or green waste collection service</b> | <p><i>“Harnessing the potential of organic ‘waste’ in Wellington could set us apart as a visionary model for other urban areas to follow. We note that services for organic waste may not necessarily look like collections and could also include local drop-off points and professionally-run, community-scale composts.” [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</i></p> <p><i>“We need kerbside composting” [Submission 2 – Sophie Speer]</i></p> <p><i>“In line with many other councils throughout the country will green waste collection be introduced to kerbside collection? This is an obvious area to redirect waste away from landfill and into composting for the betterment of the environment.” [Submission 11 – Elspeth McMillan]</i></p> <p><i>“Have curbside wheelie bins/compostable bags for (1) rubbish and (2) specified compostables.” [Submission 133 – Barbara Sloane-Leonard]</i></p> | <p>As outlined above, the proposed Bylaw enables and provides the ability for Council to take action on specific regulatory matters, but it cannot, for example, introduce or mandate Council investment into any new or existing waste infrastructure. This issue is therefore out of scope of the Bylaw proposals and would need to be considered through the LTP process.</p> <p>As already noted, the Council commenced an organic composting trial collection in October 2020. The results and feedback of this trial will be used to further inform the Council’s next steps relating to the promotion or regulation of food waste diversion within the City. Should a Council provided food waste collection service become available in the future, the proposed Bylaw would readily allow the Council to specify any additional operational performance standards related to the implementation of a new food waste kerbside collection service via the introduction of new controls.</p> <p>In addition, a fee incentives for organics collection could be considered as part of the introduction of the proposed regional waste licencing system.</p> |
| <b>Recycling level of service (especially for plastics)</b>   | <p><i>“Facilities should be upgraded and up to standard to recycle all recyclable plastics” [Submission 52 – Natasha Frewin]</i></p> <p><i>“I would like to see local authorities investigate ways to have soft plastics recycled, perhaps by collaborating with areas that do have the required facility.” [Submission 126 – Vanessa Ward]</i></p> <p><i>“Please introduce plastic recycling capability within NZ for recycling codes 1, 2, 5 and soft plastics - and/or allow access from all regions</i></p>   | <p>As outlined above, the proposed Bylaw enables and provides the ability for Council to take action on specific regulatory matters, but it cannot, for example, introduce a new level of waste servicing within the city that may have financial implications on ratepayers. Such issues must be addressed as part of the Council’s Long Term Plan process. However, in terms of waste servicing provision, the powers vested in Council under the proposed Bylaw will allow it to establish new controls or standards relating to any new or changed level of service (should it be agreed by Council in the Long Term</p>   |

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|  | <i>(e.g., Wellington soft plastic to Auckland facility). [Submission 133 – Barbara Sloane-Leonard]</i>   | Plan). Subject to the proposed Bylaw provisions coming into effect, new requirements or standards could be put in place as part of new Bylaw controls (which are passed by way of a Council resolution and public notification).  |
| <b>Public place waste and recycling facilities</b>   | <i>"...manage litter and nuisance relating to waste in public places..." [Submission 163 – Wellington City Environmental Reference Group]</i>  | The Council is currently trialling a network of public place recycling stations. Once trial data has been analysed the findings will be reported to Council for consideration. This is currently scheduled for early 2021.  |
| <b>National-level issues concerning the establishment of regulations or setting restrictions, standards or regulatory guidance relating to the waste disposal levy, packaging, beverage containers and any associated container labelling etc.</b> | <p><i>"All products sold in supermarkets or equivalent should clearly state if the packaging is recyclable." [Submission 51 – Molly Schuler]</i></p> <p><i>"There needs to be more emphasis on business ownership of packaging waste. I know stewardship is a national issue but the council could say that all vendors must provide secure space for the recycling of packaging materials. This is no more onerous than the multi-unit dwelling proposal." [Submission 60 – Kenneth Munro]</i></p> <p><i>"We note that Council must make plans to divert funding from its allocation of the waste disposal levy revenue towards infrastructure to support resource recovery and waste minimisation in the C&amp;D sector." [Submission 107 – Michael Lowe]</i></p> <p><i>"I think generators of waste should have some WCC regulation as well, not just consumers and waste companies. I know this will ultimately require national standards, however I do think the city could require, say, supermarkets and other large stores like the Warehouse and Briscoes to dispose of soft plastics from their stores." [Submission 17 – Ana Qilson]</i></p> | These matters are acknowledged but they relate to issues which the Council does not have any remit to control or influence, and which lie outside the scope of the proposed Bylaw to address. Rather they are Central Government issues and relate to matters currently identified on Central Government's work programme for waste. Refer to the summary of the current Ministry for the Environment waste work programme provided in Appendix 4 to this report.           |
| <b>Level of integration of the Bylaw proposals with Central Government work</b>  | <p><i>What level of integration/coordination is there with the consultation the Ministry of the Environment is doing on waste minimisation (given the bylaw is coming prior to the MfE consultation)? [Submitter 138 – Catharine Underwood]</i></p> <p><i>"The proposals within the by-law do not reference the likely impacts of major upcoming legislative and regulatory changes (e.g. updates to the WMA 2008 and new regulations to increase and expand the</i></p>   | The work programme of Central Government in relation to waste has been a consideration in the development and drafting of the proposal Bylaw to the extent that has been possible given this work programme is an evolving programme of work. Council has also taken the opportunity to make submissions on Central Government proposals as appropriate in order to raise local issues and advocate for appropriate recognition/provision and support etc. A summary of the |

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|   | <p>waste disposal levy). The by-law should assess the opportunities that these changes present (e.g. increase revenue from the levy) as well as the challenges (e.g. the potential for increased fly-tipping, and potential solutions such as one-off large item collections for things such as mattresses - which would particularly benefit those people most likely to be impacted by an increase to the waste disposal levy). [Submitter 139 – Shirley Morrison]</p>  | <p>current Ministry for the Environment waste work programme provided in Appendix 4 to this report. However, as explained in the Introductory section to this report, the Bylaw is also limited/constrained in terms of the legal framework within which bylaws can be developed; there are also many waste-related issues which the Council does not have any remit to control or influence, and which lie outside the scope of the proposed Bylaw to address.</p> <p>While the proposed new Bylaw responds to a wider range of waste management and minimisation issues compared to the existing bylaw, it is still limited in terms of the issues it is able to address as a result of the legislative framework provided for making bylaws, and whether a bylaw is the most appropriate way of addressing the perceived problem.</p>   |
| <p><b>Incentives to support implementation or change behaviours</b></p> | <p><i>“Positive incentives for collectors to work towards the WMMP targets are lacking and need consideration. It’s important that collectors are incentivised to achieve goals in reduction, diversion and reuse. Positive incentives for residents to reduce, divert, and reuse ‘waste’ should be incorporated. Incentives for construction companies to ‘do the right thing’ is lacking.” [Submitter 163 - Wellington City Council Environmental Reference Group (ERG)]</i></p> <p><i>“Provide incentives/mandates for local compostable packaging.” [Submission 133 – Barbara Sloane-Leonard]</i></p> <p><i>“Positive incentives for collectors to work towards the WMMP targets are lacking and need consideration. Positive incentives for residents to reduce, divert, and reuse ‘waste’ should be incorporated.” [Submission 163 - Wellington City Council Environmental Reference Group (ERG)]</i></p> | <p>The importance of having a mix of regulation and incentive-based approaches to waste management and minimisation, including to support the Bylaw’s implementation, is acknowledged. In order to be effective, Bylaw provisions (and any associated controls) need to be supported by community education encouraging best practice behaviour, and the availability of relevant services.</p> <p>The Council already provides a number of incentives to support better waste practices (including for example, free bins for events) and further incentives could be introduced via mechanisms such as the proposed regional waste licensing system. The Council will continue to work at a regional level with the other city/district councils of the Wellington region to investigate opportunities for further incentive based approaches that could help promote waste diversion.</p> |
| <p><b>Resourcing and funding to support Bylaw implementation</b></p>    | <p><i>“We note that enforcement will be critical to success. Who will receive and check plans at Council and what will the criteria be for approval? Who will monitor that the plans are being delivered? Under what circumstances will the Council require an event manager</i></p>  | <p>An outline of the resourcing required to support the implementation of the Bylaw is appended to this report (see Appendix 3). To ensure appropriate support and resourcing is provided for the new Bylaw, a separate waste bylaw</p>  |



|   |  |  |
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|   | <i>to provide a waste analysis report?" [Submission 141 - Joint submission by Sustainability Trust, The Rubbish Trip, Kaicycle, and Wellington Waste Managers]</i>   | enforcement review is proposed to be undertaken over the next 12-18 months. The review would identify the key implementation and enforcement issues and challenges, and identify resourcing options for Council's consideration. The review would include funding considerations.  |
| <b>Insinkerators</b>                                | <i>"We encourage WCC to request necessary changes to building rules in order to achieve WMMP targets. For example; regulation of insinkerators." (Submitter 163 - Wellington City Council Environmental Reference Group (ERG))</i>   | The proposed Bylaw is not considered to be an appropriate means to regulate insinkerators. This issue was not considered within the proposed Bylaw's Statement of Proposal and was not publicly consulted on. A related question could be whether it is appropriate to establish a new (separate) bylaw prohibiting the installation of insinkerators in new dwellings as a means to reduce the amount of food waste sent to landfill? However, such a bylaw would also currently be inappropriate, as it would not be effective in addressing the issue of food waste going to landfill. Unless a commercial composting facility and an associated food waste collection service was provided to households, food waste would continue to be sent to landfill via Council and commercial kerbside waste collection services. In contrast, the potential establishment of a related bylaw for the purposes of protecting the capacity of the Council's waste water plant treatment is acknowledged, but further work would be required to determine the appropriateness of a bylaw response to this issue. |
| <b>Council's waste messaging and communications</b> | <i>"There also needs to be clearer and more consistent messaging and systems regarding household waste separation, collection and recycling. Financial penalties should be developed to maximise recycling rather than landfill."</i><br><br><i>"We strongly encourage the bylaws to have greater alignment and focus on Te Atakura, and the crucial role waste minimisation can have on lowering carbon emissions. We note this should be reflected in the messaging and language of the bylaw. [Submission 145 - Victoria University of Wellington Students' Association (VUWSA)]"</i> | The importance of having clear messaging and communications around waste management and minimisation is acknowledged, including in terms of supporting the Bylaw's implementation. Council will continue to work at a regional level with the other city/district councils of the Wellington region to ensure consistent, clear messaging and communications for waste management and minimisation issues. For example, this could include the development of consistent content control messaging on all kerbside waste and recycling containers, or other potential opportunities around events, C&D waste, unaddressed mail etc.  |



|                         |   |  |
|-------------------------|---|--|
|                         |   | Several amendments have also been recommended to the wording of the Bylaw to increase the emphasis on waste minimisation (including amending the names of the waste plans required for events, multi-unit developments and large C&D building projects to include specific reference to minimisation as well as waste management).   |
| <b>Liquid waste</b>     | <i>"It is unclear if this by-law includes liquid waste and the elephant in the room - the sewage residue. Is biowaste consider organic or hazardous substance/waste?" [Submitter 156 – Angela Wilson]</i> | Liquid waste lies outside the scope of the proposed solid waste Bylaw and is addressed under other bylaws including the Trade Waste Bylaw 2016 and policies like the Trade Waste Charges Policy.   |
| <b>HBCD Polystyrene</b> | <i>"Ban non HBCB EPS from landfill. Ban resale of HBCD Polystyrene that cannot be reused or recycled and must go to class1 landfill. [Submitter 160 – Richard Moore]</i>                                  | The submission concern is acknowledged, however the banning of the resale of hexabromocyclododecane polystyrene goes beyond the scope proposed Bylaw to be able to effectively address. Furthermore, banning other forms of polystyrene from disposal from the landfill is not recommended by officers as the Council do not provide an alternative polystyrene diversion service option. Should polystyrene recovery and/or diversion service be established in the future, the Council will have the ability to update the Bylaw Controls to establish appropriate disposal and/or standards by way of passing a Council Resolution. It is also noted that the Government is currently publicly consulting on a proposal to move away from hard-to-recycle plastics, starting with a phase-out of some polyvinyl chloride (PVC) and polystyrene packaging. This Central Government work reflects the long-term Central Government shift toward a more circular economy for plastics where packaging materials are made of higher value materials that are easier to recycle. |

## Appendix 1: Table of submitters

### Submitters on the proposed Wellington City Council Solid Waste Management and Minimisation Bylaw 2020

| SUBMISSION NUMBER | NAME               | SUBURB             | ON BEHALF OF  |
|-------------------|--------------------|--------------------|---------------|
| 1                 | Peter Kelly        | Karori             | An individual |
| 2                 | Sophie Speer       | Hataitai           | An individual |
| 3                 | Daniel Webster     | Mount Cook         | An individual |
| 4                 | Gary Bowering      | Wadestown          | An individual |
| 5                 | Meegan Walker      | Te Aro             | An individual |
| 6                 | Glenn Chadderton   | Te Aro             | An individual |
| 7                 | Celia Mcalpine     | Not Stated         | An individual |
| 8                 | Christine Davies   | Not Stated         | An individual |
| 9                 | Jacob Jolley       | Newtown            | An individual |
| 10                | Kevin Jones        | Te Aro             | An individual |
| 11                | Elsbeth McMillan   | Khandallah         | An individual |
| 12                | Kathrin Strati     | Mount Victoria     | An individual |
| 13                | Julie Ward         | Khandallah         | An individual |
| 14                | Kirill Kirichai    | Churton Park       | An individual |
| 15                | Jill Ford          | Newtown            | An individual |
| 16                | Karien Mallee      | Hataitai           | An individual |
| 17                | Ana Qilson         | Not Stated         | An individual |
| 18                | Wayne Wedderspoon  | Northland          | An individual |
| 19                | Christoph Martens  | Wellington Central | An individual |
| 20                | Daniel OConnell    | Island Block       | An individual |
| 21                | Megan Hinge        | Strathmore Park    | An individual |
| 22                | Marion Grant       | Wellington Central | An individual |
| 23                | Nicky Muir         | Hataitai           | An individual |
| 24                | Lyn Eden           | Not Stated         | An individual |
| 25                | Denise Rivera      | Thorndon           | An individual |
| 26                | Juan Van Den Anker | Khandallah         | An individual |
| 27                | Yin Jie Hor        | Te Aro             | An individual |
| 28                | Neville Waisbrod   | Te Aro             | An individual |
| 29                | Joanna Langford    | Tawa               | An individual |
| 30                | Hamish Glendinning | Island Bay         | An individual |
| 31                | Curtis Nixon       | Berhampore         | An individual |
| 32                | Jonathan Coppard   | Island Bay         | An individual |
| 33                | Wade Martelletti   | Churton Park       | An individual |
| 34                | Bonnie Phillips    | Owhiro Bay         | An individual |
| 35                | Sandra Clark       | Not Stated         | An individual |
| 36                | Daniel             | Highbury           | An individual |
| 37                | Cyrus Frear        | Crofton Downs      | An individual |
| 38                | Lyndal Honeyman    | Island Bay         | An individual |
| 39                | Abi Kibble         | Maupuia            | An individual |
| 40                | Bryony Wood        | Wellington Central | An individual |

|    |                         |                    |   |
|----|-------------------------|--------------------|---|
| 41 | Shaun Johnston          | Roseneath          | An individual   |
| 42 | Damian                  | Kilbirnie          | An individual   |
| 43 | Lesley Gledhill         | Paremata           | An individual   |
| 44 | Sophie Elstone-Sara     | Mount Victoria     | An individual   |
| 45 | Danielle Kabbaz         | Oriental Bay       | An individual   |
| 46 | Bird Dovahkiin          | Te Aro             | An individual   |
| 47 | Madel Rigonan-Quayle    | Wilton             | An individual   |
| 48 | Hoki-mai Chong          | Northland          | An individual   |
| 49 | William Townsend        | Mount Cook         | An individual   |
| 50 | Carl Howarth            | Newtown            | An individual   |
| 51 | Molly Schuler           | Northland          | An individual   |
| 52 | Natasha Frewin          | Te Aro             | An individual   |
| 53 | Jo and David Ricquish   | Not Applicable     | Radio Heritage Foundation   |
| 54 | Ellard Clout            | Strathmore Park    | An individual   |
| 55 | Zofia Skrzynski         | Karori             | An individual   |
| 56 | Faye Goggin             | Ngaio              | An individual   |
| 57 | Holly Carrington        | Tawa               | An individual   |
| 58 | John Cunningham         | Elsdon             | An individual   |
| 59 | David Stevens           | Khandallah         | An individual   |
| 60 | Kenneth Munro           | Melrose            | An individual   |
| 61 | Sam Mason               | Newlands           | An individual   |
| 62 | Tania Woolf-Ben-Avraham | Newlands           | An individual   |
| 63 | Margaret Wallace        | Karori             | An individual   |
| 64 | Jeanie Moore            | Khandallah         | An individual   |
| 65 | Geraint Scott           | Kaiwharawhara      | An individual   |
| 66 | Pippi Sargent           | Aro Valley         | An individual   |
| 67 | Rachel McConnel         | Johnsonville       | An individual   |
| 68 | Simone Borgstede        | Mount Victoria     | An individual   |
| 69 | Nicte Lopez             | Tawa               | An individual   |
| 70 | Yam                     | Wadestown          | An individual   |
| 71 | Annie Collins           | Wadestown          | An individual   |
| 72 | Alison Robins           | Mount Cook         | An individual   |
| 73 | Hamish Allen            | Not Applicable     | Wellington Regional Stadium Trust   |
| 74 | Rachel Healy            | Strathmore Park    | An individual   |
| 75 | Viktor Vegar            | Island Bay         | An individual   |
| 76 | Page Thompson           | Island Bay         | An individual   |
| 77 | Katy Jordan             | Not in New Zealand | An individual   |
| 78 | Chris Ellis             | Not Applicable     | Earthlink Incorporated  |
| 79 | Jessica Brian           | Kilbirnie          | An individual   |
| 80 | E Rothman               | Not Stated         | Wellington Care of Aged   |
| 81 | Eleanor Tull            | Tawa               | An individual   |
| 82 | Megan Bibby             | Brooklyn           | An individual (Management of Body Corporate and owner of multi-unit property) |
| 83 | Joany Grima             | Not Stated         | An individual   |
| 84 | Claire Thurlow          | Not Stated         | An individual   |
| 85 | James Hammond           | Kelburn            | An individual   |

|     |                           |                                |  |
|-----|---------------------------|--------------------------------|--|
| 86  | Claire Mason              | Newlands                       | An individual                                      |
| 87  | Inka Vogt                 | Whitby, Porirua                | An individual                                      |
| 88  | Liam McGovern             | Aro Valley                     | An individual                                      |
| 89  | Simran Rughani            | Kelvin Grove, Palmerston North | An individual                                      |
| 90  | Shanea Walford            | Tawa                           | An individual                                      |
| 91  | Isaac Harper              | Brooklyn                       | An individual                                      |
| 92  | Courtney McDonald         | Karori                         | An individual                                      |
| 93  | Amin Harrington-Lines     | Karori                         | An individual                                      |
| 94  | Cadence Chung             | Lyall Bay                      | An individual                                      |
| 95  | Tania Austin              | Kilbirnie                      | An individual                                      |
| 96  | Tania Martin              | Lyall Bay                      | An individual                                      |
| 97  | Jonathan Moulds           | Karori                         | An individual                                      |
| 98  | Fabian Beveridge          | Highbury                       | An individual                                      |
| 99  | Joanne Davidson           | Karori                         | An individual                                      |
| 100 | Elle Olive                | Berhampore                     | An individual                                      |
| 101 | Trace Higgins             | Highbury                       | An individual                                      |
| 102 | Melissa Wharakura         | Churton Park                   | An individual                                      |
| 103 | Sofia Robinson            | Berhampore                     | An individual                                      |
| 104 | Bridget Lissaman          | Not Stated                     | An individual                                      |
| 105 | Mark Pretori              | Whitby, Porirua                | An individual                                      |
| 106 | Cathy Trewby              | Berhampore                     | An individual                                      |
| 107 | Michael Lowe              | Mount Victoria                 | An individual                                      |
| 108 | Kasia Spence              | Miramar                        | An individual                                      |
| 109 | Rebecca Downes            | Houghton Bay                   | An individual                                      |
| 110 | Flavia Figueiredo Machado | Not Stated                     | An individual                                      |
| 111 | Eleanor Laban             | Mount Cook                     | An individual                                      |
| 112 | Melissa Lieser            | Karori                         | An individual                                      |
| 113 | Donna Martin              | Karaka Bay                     | An individual                                      |
| 114 | Kain Glensor              | Mount Victoria                 | An individual                                      |
| 115 | Ali Kirkpatrick           | Karori                         | An individual                                      |
| 116 | Jennifer Ross             | Khandallah                     | An individual                                      |
| 117 | Yew Ho                    | Karori                         | An individual                                      |
| 118 | David Cunningham          | Ngaio                          | An individual                                      |
| 119 | Jonathan Swan             | Ngaio                          | An individual                                      |
| 120 | Ellen Cox                 | Northland                      | An individual                                      |
| 121 | Glenn Kingston            | Strathmore Park                | Strathmore Park Residents Association Incorporated |
| 122 | Irina                     | Kelburn                        | An individual                                      |
| 123 | Craig Eades               | Brooklyn                       | An individual                                      |
| 124 | Ali Forrest               | Not Stated                     | An individual                                      |
| 125 | Tobias Schmidt            | Paparangi                      | An individual                                      |
| 126 | Vanessa Ward              | Highbury                       | An individual                                      |
| 127 | Christian Williams        | Mount Cook                     | An individual                                      |
| 128 | Gregory Smith             | Newlands                       | An individual                                      |
| 129 | Michael Clarke            | Mount Cook                     | An individual                                      |
| 130 | Helen Davey               | Woodridge                      | An individual                                      |
| 131 | Alice Orchard             | Brooklyn                       | An individual                                      |

|     |  |   |   |
|-----|--|---|---|
| 132 | Hugh Beveridge   | Highbury                                    | An individual   |
| 133 | Barbara Sloane-Leonard   | Newtown                                     | An individual   |
| 134 | Ellen Blake  |   | Living Streets Aotearoa   |
| 135 | Marieka Curley   | Mount Victoria                              | An individual   |
| 136 | Ivy Willmott   | Pauatahanui                                 | An individual   |
| 137 | Sky  | Brooklyn                                    | An individual   |
| 138 | Catharine Underwood  | Not Stated                                  | An individual   |
| 139 | Shirley Morrison   | Khandallah<br>Broadmeadows<br>Kaiwharawhara | Onslow Residents Community Association  |
| 140 | Russell Silverwood   | Brooklyn                                    | An individual   |
| 141 | Hannah Blumhardt   | Kelburn                                     | The Rubbish Trip, Sustainability Trust, Wellington Waste Managers, and Kaicycle |
| 142 | Blake Steel  | Te Aro                                      | An individual   |
| 143 | Clare Cunningham   | Hataitai                                    | An individual   |
| 144 | Kevin Spacey   | Melrose                                     | Float Well  |
| 145 | Hannah Fleming   | Not Applicable                              | Victoria University of Wellington Students' Association (VUWSA)                 |
| 146 | Tamina Beveridge   | Highbury                                    | An individual   |
| 147 | Tim Jenkins  | Karori                                      | An individual   |
| 148 | Scott Johnston   | Island Bay                                  | An individual   |
| 149 | Kate Walmsley  | Karori                                      | An individual   |
| 150 | Richard Herbert  | Tawa  | An individual   |
| 151 | Anna Kivi  | Northland                                   | An individual   |
| 152 | Robyn Parkinson  | Tawa  | Tawa Community Board  |
| 153 | Steve Cosgrove   | Newtown                                     | An individual   |
| 154 | Rhona Carson   | Newtown                                     | Newtown Residents' Association  |
| 155 | Tim Rutherford   | Not Stated                                  | An individual   |
| 156 | Angela Wilson  | Owhiro Bay                                  | An individual   |
| 157 | Vanessa Rushton  | Not Applicable                              | Wellington Waste Managers   |
| 158 | Generation Zero  | Not Applicable                              | Generation Zero   |
| 159 | Paul Blaschke  | Vogeltown                                   | An individual   |
| 160 | Richard Moore  | Not Applicable                              | Poly Palace   |
| 161 | Ismene Gemsjaeger  | Highbury                                    | An individual   |
| 162 | Ella Flavell<br>Chairperson Wellington City Youth Council      | Not Applicable                              | Wellington City Youth Council   |
| 163 | Steven Almond<br>Waste Portfolio Lead for ERG                  | Not Applicable                              | Wellington City Environmental Reference Group                                   |
| 164 | Demelza O'Brien<br>Technical Officer<br>Regional Public Health | Not Applicable                              | Regional Public Health  |
| 165 | Antony Paltridge<br>Chairperson Herbert Gardens Ltd            | Not Applicable                              | Herbert Gardens   |
| 166 | Bernard O'Shaugnessy   | Not Stated                                  | An individual   |



Appendix 2: Copy of Submission form

**Proposed Solid Waste Management and Minimisation Bylaw 2020 submission form**

Absolutely Positively  
**Wellington City Council**  
Me Heke Ki Pōneke

We want to hear your views on the Proposed Solid Waste Management and Minimisation Bylaw 2020. You can answer these questions online at [wellington.govt.nz/waste-bylaw](http://wellington.govt.nz/waste-bylaw), email your thoughts to [policy.submissions@wcc.govt.nz](mailto:policy.submissions@wcc.govt.nz) or post this form to us (no stamp needed). Have your say before **5pm, Friday 25 September 2020**.

**Privacy statement - what we do with your personal information**

All submissions (including names but not contact details) are provided in their entirety to elected members, and will be made available to the public at our office and on our website. Your personal information will also be used for the administration of the consultation process, including informing you of the outcome of the consultation.

All information collected will be held by Wellington City Council, 113 The Terrace, Wellington. Submitters have the right to access and correct their personal information.

**Section 1 - your details**

|  |
|--|
| Your name*:  |
| Your email or postal address*:   |
| You are making this submission:<br><input type="checkbox"/> as an individual<br><input type="checkbox"/> on behalf of an organisation. Your organisation's name:   |
| Would you like to make an oral submission to the Councillors?<br>(Oral submissions will be held on Thursday, 22 October 2020.)<br><input type="checkbox"/> Yes<br><input type="checkbox"/> No<br>If yes, please give your phone number so that a submission time can be arranged*:<br>*mandatory field |

**Section 2 - questions about the Proposed Solid Waste Management and Minimisation Bylaw 2020**

|  |                          |                          |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1. Multi-unit dwellings</b>   |                          |                          |                          |                          |                          |                          |
| The Council is proposing that all new large multi-unit developments (comprising of 10 or more dwellings), provide adequate space for the storage and collection of all waste generated within that development. The Bylaw also requires a related waste management plan to be submitted to the Council prior to building construction. This plan will need to demonstrate, amongst other things, how waste material generated on site will be minimised. |                          |                          |                          |                          |                          |                          |
|  | Strongly disagree        | Disagree                 | Neutral                  | Agree                    | Strongly agree           | Don't know               |
| To what extent do you agree or disagree with the proposed Bylaw requirements regulating waste management and minimisation planning for multi-unit dwellings?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

|  |                          |                          |                          |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>2. Event waste management</b>   |                          |                          |                          |                          |                          |                          |
| <p>The Bylaw seeks to regulate waste management and minimisation when planning a large event of 1000+ people. An event is proposed to include 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. While indoor private functions, indoor performances and regularly occurring recreational activities such as sports events are excluded from this standard, other event organisers will be required to submit an event management plan to the Council for approval prior to the event. The plan would need to demonstrate: (1) how waste generated by the event is to be minimised; (2) the steps that will be taken to maximise the use of reusable systems, recycling and composting; and (3) the proposed method for minimising and capturing litter associated with the event.</p> |                          |                          |                          |                          |                          |                          |
|  | Strongly disagree        | Disagree                 | Neutral                  | Agree                    | Strongly agree           | Don't know               |
| To what extent do you agree or disagree with the proposed event waste management and minimisation standards for large events?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>3. Construction and demolition waste management</b>   |                          |                          |                          |                          |                          |                          |
| <p>The proposed Bylaw and associated Bylaw controls requires all large construction projects (valued at \$2 million+) to consider waste management and minimisation planning as part of their project planning and submit an associated construction site and demolition waste management plan to the Council for approval. Amongst other things, this plan will need to set out: (1) the proposed method of waste management for each type of waste (e.g. reuse, recovery, recycling, disposal); and (2) the proposed method for minimising and capturing litter associated with the project and the building work.</p>   |                          |                          |                          |                          |                          |                          |
|  | Strongly disagree        | Disagree                 | Neutral                  | Agree                    | Strongly agree           | Don't know               |
| To what extent do you agree or disagree with the proposed requirement to consider waste management and minimisation planning for high value building projects?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>4. Restricting unaddressed and advertising mail</b>   |                          |                          |                          |                          |                          |                          |
| <p>The Bylaw proposes to formally restrict the deposit of unaddressed mail or advertising mail in letter boxes that are clearly marked with the words "no circulars", "no junk mail" or "addressed mail only". There are exceptions for public notices from the government, as well as for different types of information from community organisations and charities.</p>  |                          |                          |                          |                          |                          |                          |
|  | Strongly disagree        | Disagree                 | Neutral                  | Agree                    | Strongly agree           | Don't know               |
| To what extent do you agree or disagree with this new restriction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>5. Waste Operator licensing</b>   |                          |                          |                          |                          |                          |                          |
| <p>The Council has proposed to establish Waste Operator licensing. This would involve mandatory licensing for any person or entity that collects or transports more than 20 tonnes of waste per year within the Wellington City District. Licensing would not apply to individuals who collect or transport waste for personal reasons. The primary purpose of this proposed licensing system is for the Council to collect relevant waste-related data from the private sector and to ensure private waste operators are operating in a manner that is consistent with the Council's waste-related objectives.</p>  |                          |                          |                          |                          |                          |                          |
|  | Strongly disagree        | Disagree                 | Neutral                  | Agree                    | Strongly agree           | Don't know               |
| To what extent do you agree or disagree with the establishment of waste operator and facility licensing?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |



## Appendix 3: Outline of Bylaw resourcing requirements

| Proposed Bylaw Change  | Project Requirements  | Staff Resource Implications (estimates)  | Other Considerations  |
|--|---|--|---|
| Event Waste Management and Minimisation Planning                                     | <ul style="list-style-type: none"> <li>Event Waste Minimisation Plan Assessment &amp; Processing</li> <li>Development of best practice guidance (as required).</li> </ul>   | 1 FTE                                    | Event waste standards and controls will have additional financial implications for the Events Team associated with the delivery of Council events from 2022.. |
| Construction and Demolition Waste Management and Minimisation Planning               | <ul style="list-style-type: none"> <li>Construction and demolition waste management and minimisation plan assessment and processes.</li> </ul>  | 0.2 FTE                                  | Current estimates suggest that the Council will receive approximately 15 plans  |
| Multi-Unit Dwelling Waste Management and Minimisation Plan Assessment and Processing | <ul style="list-style-type: none"> <li>Multi-unit dwelling service level review for consideration as part of LTP deliberations.</li> <li>Multi-unit dwelling waste management and minimisation plan assessment and processing.</li> <li>Engagement with multi-unit dwelling residents to promote best practice.</li> </ul>                                | 1 FTE<br>[fixed for 2021]<br><br>0.5 FTE |   |
| Southern Landfill  | <ul style="list-style-type: none"> <li>Implementation of new landfill diversion separation standards (including electronic waste, compostable waste, batteries, aluminium and steel cans, tyres, glass bottles and jars etc.).</li> </ul>   | 1.0 FTE                                  |   |
| Waste Operator Licensing   | <ul style="list-style-type: none"> <li>Waste operator consultation and engagement.</li> <li>Establish respective territorial authority licensing standards.</li> <li>Develop a strategy for securing managing waste data and establish the associated waste data database.</li> <li>Establish an associated performance bond licensing policy.</li> </ul> | N/A                                      | This work will be supported by the Regional WMMP Advisor, which is an existing resource.  |
| Private Roads  | <ul style="list-style-type: none"> <li>The operational review of waste servicing on private roads.</li> </ul>   | 0.5 FTE<br>[Fixed term position]         | For 2021/22   |

|                      |   |     |   |
|----------------------|---|-----|---|
| Bylaw Control Review | <ul style="list-style-type: none"> <li>Undertake a review, and potential update of the Bylaw Controls in 12-18 months.</li> </ul> | N/A | This work is proposed to be undertaken by existing staff.   |
| Bylaw Enforcement    | <ul style="list-style-type: none"> <li>A review of bylaw enforcement effectiveness has been proposed for 2021/2022.</li> </ul>    | N/A | This work is proposed to be undertaken by existing staff.<br><br>Illegal dumping within the Central Areas is currently estimated to be costing the Council approximately \$555,000 per annum. |



## Appendix 4: Summary of Central Government's current work programme for waste (as at October 2020)

### Waste and Government

The Government's work programme for waste is aimed at accelerating New Zealand's transition towards a circular economy.

The current (as at October 2020) Central Government Waste Work programme is outlined below.

This information is summarised from the Ministry for the Environment's website, see <https://www.mfe.govt.nz/waste/waste-and-government>

- a. Expansion of the landfill levy
- b. Develop an investment strategy for levy funds, including for infrastructure development and transition into the circular economy.
- c. A comprehensive work programme on National Resource Recovery issues
- d. Regulated product stewardship for 6 priority products including packaging (beverage containers and plastic packaging)
- e. Development of a container deposit scheme-refund scheme
- f. A comprehensive work programme on National Resource Recovery issues
- g. The standardisation of kerbside collection systems
- h. The standardisation of consumer package labelling, to make recycling easier.

Additional information on these items (sourced from the Ministry website) is provided below:

#### Plan to increase and expand the national waste disposal levy

The Government has confirmed its plans to increase and expand the national waste disposal levy to divert more material from landfill. It will use the revenue gathered from the waste disposal levy for resource recovery and waste minimisation.

The plan includes the following.

- Progressively increasing over four years the levy rate for landfills that take household waste from the current \$10 per tonne – set in 2009 – to \$60 per tonne.
- Expanding the waste levy to cover additional landfill types, including construction and demolition fills. At present the waste levy only applies to municipal landfills that take household waste, with no levy on the remaining almost 90 percent of landfills throughout the country.
- Collecting better data about the waste we are creating, and how we are disposing of it, so our waste can be better managed.
- Investing the additional revenue from the waste levy in initiatives that support waste reduction, such as building New Zealand-based recycling infrastructure. This includes helping businesses such as Green Gorilla, which takes construction, commercial and industrial waste materials and re-purposes them so they are not thrown away.

The current plan is to phase in the changes over four years as outlined in the table below. The dates will be confirmed later this year.

| LANDFILL CLASS                             | 1 JULY 2021 | 1 JULY 2022 | 1 JULY 2023 | 1 JULY 2024 |
|--|-------------|-------------|-------------|-------------|
| Municipal landfill (class 1)               | \$20        | \$30        | \$50        | \$60        |
| Construction and demolition fill (class 2) |             | \$20        | \$20        | \$30        |
| Managed fill (class 3)                     |             |             | \$10        | \$10        |
| Controlled fill (class 4)                  |             |             | \$10        | \$10        |

Increasing and expanding the levy will help recognise the real costs of waste, make it fairer for everyone and incentivise materials reuse and recycling rather than just ‘taking it to the tip’.

The proposed levy increases are likely to have a minimal impact on a family’s weekly budget. The Ministry for the Environment estimates that when fully implemented, the new levy could increase the cost of the weekly council kerbside rubbish bag by about 25c, depending on individual council decisions.

Despite the relatively low impact on households, the Government is mindful that many families are facing difficult economic circumstances at present. Economic conditions will be considered again before implementation timelines are confirmed later this year.

**Expansion of waste levy part of wider plan**

The expansion of the national waste levy is key to the Government’s wider plan of reducing the ever-increasing amount of rubbish ending up in landfill. Two previous reviews of the levy have recommended expanding and increasing the levy.

A public consultation was held in November 2019 to February 2020 on the proposed expansion of the levy. More than 80 percent of submitters agreed the status quo needed to change. Most were broadly in support of increasing and expanding the levy.

**Investment in recycling infrastructure**

The Government is investing \$124 million in a number of recycling infrastructure initiatives across the country. This is part of the Covid-19 Response and Recovery Fund infrastructure focus announced on 1 July 2020 (see media release below). The funding is to speed up progress in filling major gaps in waste recycling infrastructure.

The initiatives include plastic recycling plants and community resource recovery facilities. Further details of these projects will be published on our website when funding arrangements are confirmed.

**Accredited product stewardship schemes required for six priority products**

As part of the wider plan to reduce the amount of rubbish ending up in landfills or polluting the environment, the Government has declared six priority products for regulated product stewardship under the Waste Minimisation Act (WMA).

They are:

- plastic packaging
- tyres
- electrical and electronic products (e-waste)
- agrichemicals and their containers
- refrigerants
- farm plastics.

Regulated product stewardship helps put the responsibility for a product's life-cycle and waste management on manufacturers, importers, retailers and users, rather than on communities, councils, neighbourhoods and nature.

The Ministry is working with stakeholders to co-design product stewardship schemes for each priority product group and will consult on any regulations under the WMA that may be required to implement those schemes. Co-design of the schemes for tyres and refrigerants is currently underway.

### Actions underway in response to the Rethinking plastics report

In December 2019, the Office of the Prime Minister's Chief Science Advisor released a report - Rethinking Plastics in Aotearoa New Zealand. The report laid out an aspirational vision for Aotearoa in 2030 whereby New Zealanders are innovative world leaders in reducing plastic use and in limiting the amount of plastic found in our environment. The report makes 51 specific recommendations.

The Government has agreed to take additional actions including the following.

- Lead the development of a national plastics action plan and develop guidelines to inform the sustainable use of plastic in Government procurement.
- Improve the depth and accessibility of data on plastics, fill knowledge gaps and encourage innovation.
- Support action on plastics through education, engagement with sectors, support for innovative business, development of standards and guidelines, and by considering positive incentives for change.
- Better co-ordinate and leverage international connections and mechanisms to support our plastics agenda.

MfE, with support from other agencies, will work with partners and stakeholders from September 2020 to finalise an action plan.

### Other initiatives underway

Other initiatives in the Government's work programme to reduce waste include the following.

- Investigating a container return scheme for beverage bottles and cans. The aim is to increase the recovery of drink bottles and cans so that the materials they are made of, such as aluminium and plastic, can be recycled, reducing litter and waste.
- Together with councils and industry the government is working to standardise kerbside collection systems and consumer package labelling across the country, to make it easier for households and businesses to recycle.



## Proposed Wellington City Council Solid Waste Management and Minimisation Bylaw 2020

| PART A: INTRODUCTION |                              |   |       |        |               |                             |
|----------------------|------------------------------|---|-------|--------|---------------|-----------------------------|
| 1                    | <b>Title and Application</b> | <p>±</p> <p>1.1 The title of this Bylaw is the “Wellington City Council Solid Waste Management and Minimisation Bylaw 2020”.</p> <p>1.2 This Bylaw applies within the boundaries of the Wellington City district.</p>   |       |        |               |                             |
| 2                    | <b>Commencement</b>          | <p>2.1 This Bylaw comes into force on 25<sup>th</sup> January 2021 except for the following exceptions which come into force on the date specified:</p> <p>(a) The licensing provisions in clause 11 come into force two years after the commencement date of this bylaw; and</p> <p>(b) The event waste management <u>and minimisation</u> plan provisions under clause 13 come into force one year after the commencement date of this bylaw.</p>   |       |        |               |                             |
| 3                    | <b>Revocation</b>            | <p>3.1 This Bylaw repeals and replaces Part 9 (Waste Management) of the Wellington City Council Consolidated Bylaw 2008.</p>  |       |        |               |                             |
| 4                    | <b>Purpose</b>               | <p>4.1 The purpose of this Bylaw is to support:</p> <p>(a) The promotion and delivery of effective and efficient waste management and minimisation in Wellington City as required under the Waste Minimisation Act 2008;</p> <p>(b) The implementation of the Wellington Region Waste Management and Minimisation Plan;</p> <p>(c) The purpose of the Waste Minimisation Act 2008 and the goals in the New Zealand Waste Strategy 2010, 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;</p> <p>(d) The regulation of waste collection, transport and disposal, including recycling, waste storage and management;</p> <p>(e) Controls regarding the responsibilities of customers who use approved solid waste services, and the licensing of waste collectors and waste operators;</p> <p>(f) The protection of the health and safety of waste collectors, waste operators and the public; and</p> <p>(g) The management of litter and nuisance relating to waste in public places.</p> <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> |       |        |               |                             |
| 5                    | <b>Compliance with Bylaw</b> | <p>5.1 No person may deposit, collect, transport, sort, process, treat or dispose of waste other than in accordance with this Bylaw.</p> <p>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.</p>  |       |        |               |                             |
| 6                    | <b>Interpretation</b>        | <p>6.1 For this Bylaw, unless the context otherwise requires, the following term definitions apply<sup>1</sup>:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Term:</th> <th style="text-align: left;">Means:</th> </tr> </thead> <tbody> <tr> <td>Act (the Act)</td> <td>Waste Minimisation Act 2008</td> </tr> </tbody> </table>  | Term: | Means: | Act (the Act) | Waste Minimisation Act 2008 |
| Term:                | Means:                       |   |       |        |               |                             |
| Act (the Act)        | Waste Minimisation Act 2008  |   |       |        |               |                             |

<sup>1</sup> 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.



|                                     |   |
|-------------------------------------|---|
| <b>Advertising material</b>         | Any message which:<br>(a) Has printed content controlled directly or indirectly by the advertiser; and<br>(b) Is expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of a person.  |
| <b>Approved</b>                     | Authorised in writing by the Council.   |
| <b>Approved collection point(s)</b> | Council approved places, facilities or receptacle where approved receptacles may be left for collection or waste may be deposited.  |
| <b>Approved receptacle</b>          | 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.  |
| <b>Authorised officer</b>           | 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.   |
| <b>Building work</b>                | As defined in the Building Act 2004 and includes 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.  |
| <b>Bylaw</b>                        | This Wellington City Council Solid Waste Management and Minimisation Bylaw 2020.  |
| <b>Cleanfill material</b>           | Waste that meets all of the following requirements:<br>(a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and<br>(b) includes virgin excavated natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:<br>(i) combustible, putrescible, degradable or leachable components;<br>(ii) hazardous waste, hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown;<br>(iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;<br>(iv) materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health or the environment; and |

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|  | (v) contaminated soil and other contaminated materials; and<br>(v) liquid waste; and<br>(c) has less than two per cent by volume by load of tree or vegetable matter.  |
| <b>Cleanfill</b>                         | Land used for the disposal of cleanfill material.  |
| <b>Commercial or industrial waste</b>    | Waste (excluding trade waste) that results from a commercial or industrial enterprise and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other activity or operation of a similar nature.   |
| <b>Construction and demolition waste</b> | Waste generated from any building work (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.  |
| <b>Council</b>                           | The Wellington City Council or any person delegated or authorised to act on its behalf.  |
| <b>Deposit</b>                           | To cast, place, throw or drop any waste or diverted material.  |
| <b>Dispose or Disposal</b>               | As defined in the Act.   |
| <b>Diverted material</b>                 | As defined in the Act.   |
| <b>Donation collection point</b>         | A place where approved types of waste may be deposited for the purposes of raising funds or the charitable reuse/recovery of the waste items.  |
| <b>Estimated value</b>                   | As defined in the Building Act 2004.   |
| <b>Event</b>                             | <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, <del>protest</del>, festival, concert or celebration.</p> <p><del>-Any outdoor event will be considered significant if it has an expected attendance of 1,000 or more people across the duration of the event, whether it be a single or multi-day event. For the purpose of this Bylaw an outdoor 'event' excludes:</del></p> <ul style="list-style-type: none"> <li><del>• open-aired events that are enclosed within a building or structure (e.g. an open-aired stadium)</del></li> <li><del>• indoor performances, markets, displays, exhibitions or conferences</del></li> <li><del>• indoor private functions</del></li> <li><del>• indoor tasting and sampling activities</del></li> <li><del>• any regularly occurring recreational activities such as weekly sports events.</del></li> </ul> <p><del>Any indoor event will be considered significant if it has an expected attendance of 5,000 or more people</del></p> |

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|                            |  | <p><u>across the duration of the event, whether it be a single or multi-day event. For the purpose of this Bylaw an indoor 'event' excludes:</u></p> <ul style="list-style-type: none"> <li>• <u>indoor private functions; and</u></li> <li>• <u>any regularly occurring recreational activities such as weekly sports events.</u></li> </ul>  |
| <b>Food waste</b>          |  | Waste that is derived from any item of food and is organic in origin and free of contamination and includes fruit and vegetable scraps, meat, fish, bone and shell discards, and any other similar food scraps.  |
| <b>Green waste</b>         |  | Organic plant material from gardening or arboriculture 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.   |
| <b>Handled or Handles</b>  |  | Includes removing, collecting, transporting, storing, sorting, treating, processing or disposing of waste.   |
| <b>Hazardous substance</b> |  | As defined in the Hazardous Substances and New Organisms Act 1996 and means, unless expressly provided otherwise by regulations, any substance —<br>(a) with 1 or more of the following intrinsic properties:<br>(i) explosiveness:<br>(ii) flammability:<br>(iii) a capacity to oxidise:<br>(iv) corrosiveness:<br>(v) toxicity (including chronic toxicity):<br>(vi) ecotoxicity, with or without bioaccumulation;<br>or<br>(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).   |
| <b>Hazardous waste</b>     |  | Waste that:<br>(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 Organisms Act 1996;<br>or<br>(b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 2007 – Transport of Dangerous Goods on Land; or<br>(c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.<br>Hazardous waste does not include household waste, inorganic waste, construction and demolition waste, or commercial or industrial waste. |

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| <b>Home composting</b>        | 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.   |
| <b>Household waste</b>        | Waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.   |
| <b>Inorganic waste</b>        | 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 approved receptacle, and that is specified by the Council as suitable for:<br>(a) collection from a public place by the Council or an approved waste collector; or<br>(b) collection from any premises by the Council or an approved waste collector; or<br>(c) delivery to a resource recovery facility. |
| <b>Landfill</b>               | As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand) <sup>2</sup> or by Government standards or regulation.  |
| <b>Licence</b>                | A licence, consent, permit or approval to do something under this Bylaw and includes any conditions to which the licence is subject.  |
| <b>Litter</b>                 | 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.              |
| <b>Litter receptacle</b>      | A receptacle provided for the collection of litter.   |
| <b>Manager</b>                | 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. For clarity, this includes the chairperson of a body corporate for a multi-unit development.  |
| <b>Multi-unit development</b> | A multiple tenancy property comprising of 10 or more separately occupied residential units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership. This includes a unit title development, a mixed-use premises with business activities, and any   |

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

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|                         |  | development with controlled or restricted access, such as a gated community.  |
| <b>Nuisance</b>         |  | As defined in section 29 of the Health Act 1956 and includes anything offensive or injurious to the health of the community or any member of it.  |
| <b>Occupier</b>         |  | 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.   |
| <b>Organic waste</b>    |  | Food waste and/or green waste that is specified by the Council under clause 7 of this Bylaw as organic waste.   |
| <b>Owner</b>            |  | In relation to any property or premises, means the person or persons 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.  |
| <b>Person</b>           |  | An individual, a corporation sole, a body corporate, and an unincorporated body.  |
| <b>Premises</b>         |  | Any separately occupied land, dwelling, building, or part of the same.  |
| <b>Prohibited waste</b> |  | Waste containing -<br>(a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;<br>(b) any material capable of causing damage to the approved receptacle or likely to shatter and cause injury in the course of collection unless the material is sufficiently contained to prevent damage to the approved receptacle or to prevent injury;<br>(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;<br>(d) any radioactive wastes, but excluding domestic smoke detectors;<br>(e) any used oil and lead-acid batteries;<br>(f) any hazardous waste;<br>(g) medical waste including wastes generated at health care facilities, such as hospitals, physicians' offices, dental practices, blood banks, pharmacies/chemists, and veterinary hospitals/clinics, as well as medical research facilities and laboratories;<br>(h) any asbestos containing material; and<br>(i) any material prohibited by the Council under clause 7 of this Bylaw. |
| <b>Public place</b>     |  | (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  |



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|   | (b) To avoid doubt this 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.          |
| <b>Recovery</b>                                       | As defined in the Act.  |
| <b>Recyclable material or Recyclables</b>             | 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.  |
| <b>Recycling</b>                                      | As defined in the Act.  |
| <b>Reuse</b>  | As defined in the Act.  |
| <b>Rural areas</b>                                    | Any areas zoned and/or defined in the Wellington City Council District Plan as rural.   |
| <b>Site</b>   | For the purposes of this Bylaw means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.  |
| <b>Specified intended life</b>                        | As defined in the Building Act 2004.  |
| <b>Treatment</b>                                      | As defined in the Act.  |
| <b>Unaddressed mail</b>                               | Any mail or material that does not display a full address and name of a person at that address.   |
| <b>Waste</b>  | As defined in the Act.  |
| <b>Waste collector</b>                                | Any person or entity that collects <del>and</del> 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). |
| <b>Waste management facility</b>                      | 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 facilities.                           |
| <b>Waste Management and Minimisation Plan or WMMP</b> | A waste management and minimisation plan adopted by the Council under section 43 of the Act.  |
| <b>Waste operator</b>                                 | Any person or entity that operates a waste management facility.   |

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|   |          | <p><b>Waste remediation and materials recovery services</b></p> <p>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.</p>  |
|   |          | <p><b>Waste treatment and disposal services</b></p> <p>The treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, composting, biodigesters and other treatment facilities (except sewage treatment facilities), and waste transfer stations.</p>   |
| 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 controls made by Council under clause 7.1 may relate to but are not limited to the following matters:</p> <ul style="list-style-type: none"> <li>(a) The type, size, capacity/volume, weight, number, colour and construction of approved receptacles that may be used for the disposal, storage and collection of waste and recyclable material;</li> <li>(b) The 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;</li> <li>(c) The types and categories of waste that may be deposited in approved receptacles;</li> <li>(d) The conditions applicable to any collection service from a public place, including the placement and retrieval of approved receptacles for collection, collection days and times, and restrictions on the number and weight of approved receptacles;</li> <li>(e) Requirements to ensure the correct separation of wastes into approved receptacles, including content control messaging and symbology on an approved receptacle that specifies the permitted and prohibited content;</li> <li>(f) Maximum allowable limits of a specified waste type that may be deposited, collected or transported from a public place in an approved receptacle;</li> <li>(g) Maximum allowable limits of a waste type that may be placed in a receptacle that is approved for another type of waste;</li> <li>(h) Types of waste that are prohibited;</li> <li>(i) The locations, access times and conditions of use of approved collection points;</li> <li>(j) Requirements relating to the safe and secure transportation of waste;</li> <li>(k) Requirements applicable to waste service users and/or to waste handling and collection if traffic or pedestrian safety have the potential to be adversely impacted by the deposit of material in a public place or by waste servicing operations; and</li> <li>(l) Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.</li> </ul> <p>7.3 The Council must, before making, amending or revoking any control under clause 7.1, comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002 .</p> <p>7.4 Any control made, amended or revoked under clause 7.1:</p> <ul style="list-style-type: none"> <li>(a) Must be made by a resolution of Council that is made publicly available; and</li> <li>(b) May: <ul style="list-style-type: none"> <li>i. Regulate, control or prohibit any matter or thing either generally, for any specified classes of case, or in a particular case;</li> <li>ii. Apply to all waste or to any specified category or type of waste;</li> </ul> </li> </ul> |

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|   |                                 | <ul style="list-style-type: none"> <li>iii. Apply to the Wellington City district or to a specified part of the district; and/or</li> <li>iv. Apply at all times or at any specified time or period of time.</li> </ul>  |
| <b>PART B: DEPOSIT, COLLECTION, TRANSPORTATION, STORAGE, PROCESSING AND DISPOSAL OF WASTE</b> |                                 |  |
| <b>8</b>  | <b>General responsibilities</b> | <p>8.1 The occupier and/or the manager of a premises must ensure that the household, commercial and/or industrial 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 in a receptacle any material that is not approved for that type of receptacle.</p> <p>8.2 The occupier and/or the manager of any premises must ensure that:</p> <ul style="list-style-type: none"> <li>(a) All waste receptacles are appropriately secured to deter scavenging and to prevent waste escaping;</li> <li>(b) Any waste receptacle is regularly emptied when it is full; and</li> <li>(c) The contents of any waste receptacle are protected from rain, dispersal by wind, or ingress or egress of flies, vermin and animals.</li> </ul> <p>8.3 The occupier and/or the manager of any premises must ensure that:</p> <ul style="list-style-type: none"> <li>(a) All approved receptacles are kept in a safe location, are hygienic, in good repair, and are without any modifications or alterations to their appearance;</li> <li>(b) The contents of any approved receptacle do not seep or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter;</li> <li>(c) 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;</li> <li>(d) The receptacle is placed upright either at an approved collection point or for collection in a position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible;</li> <li>(e) The receptacle is placed so that it does not disrupt or obstruct pedestrian, wheelchair or vehicular traffic, and so that access to the premises is preserved; and</li> <li>(f) The receptacle is placed for the collection of waste and is retrieved in accordance with any applicable control specified by the Council under this Bylaw.</li> </ul> <p>8.4 No person shall deposit waste in a manner where:</p> <ul style="list-style-type: none"> <li>(a) The receptacle is damaged or otherwise likely to cause injury to the collector;</li> <li>(b) In the opinion of the Council, or the waste collector or waste operator where applicable, the waste is in an unsanitary or in an offensive condition;</li> <li>(c) The waste includes waste prohibited under this Bylaw;</li> <li>(d) The container/receptacle is not an approved receptacle;</li> <li>(e) The receptacle is in a condition that allows spillage of waste or is not of a sufficient size to contain the waste;</li> <li>(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;</li> <li>(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</li> <li>(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.</li> </ul> <p>8.5 No person shall:</p> |

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|                 |   | <p>(a) Put waste into an approved receptacle allocated to any other person, without that other person’s consent;</p> <p>(b) Remove waste from, or interfere with any waste deposited in, an approved receptacle, except the Council, a waste collector, or the person who deposited the waste; or</p> <p>(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.</p> <p>8.6 The occupier and/or the manager of any premises is responsible for any waste generated on that premises until it has been collected.</p> <p>8.7 The occupier and/or the manager of any premises is responsible for any waste not collected because of non-compliance with this Bylaw. Any waste or recyclables not collected shall be removed from the roadside by the occupier and returned to the occupier’s premises by noon on the day following collection or within such other time period as specified by a control made under this Bylaw.</p> <p>8.8 To enable the occupier and/or the manager of a premises to be able to comply with clauses 8.1-8.5, an authorised officer may approve placement of approved receptacles in a location other than directly outside that premises.</p> <p>8.9 Where any breaches of the conditions in clauses 8.1-8.5 occur, the waste collector shall not be obligated to collect the waste.</p> <p>8.10 No waste shall be transported by vehicle through, over or upon any road or public place unless such waste is sufficiently and adequately covered to prevent any of the waste from falling or otherwise escaping on to any road or other public place.</p> <p>8.11 Any waste or diverted material deposited in or on a public place or disposed of in a manner that is in breach of this Bylaw, and/or any controls made under clause 7 of the Bylaw, shall be deemed to be litter under the Litter Act 1979 and will be subject to enforcement action under that Act.</p> |
| <p><b>9</b></p> | <p><b>Waste collections from a public place</b></p> | <p><del>9.</del></p> <p>9.1 Waste must not be placed on or in a public place for collection unless it is:</p> <p>(a) A type of waste specified and approved by the Council as able to be placed on or in a public place for collection; and</p> <p>(b) Placed in an approved receptacle for collection by a waste collector.</p> <p>9.2 Prohibited waste, diverted material, construction and demolition waste, or commercial or industrial waste must not be placed on or in a public place for collection unless authorised by the Council under this Bylaw or another Council Bylaw.</p> <p>9.3 Any waste collector who collects or transports waste from a public place must:</p> <p>(a) Make available to the occupier and/or manager of a premises the appropriate approved receptacles to enable separate collection of each of the waste types required to be separately collected from the premises;</p> <p>(b) Clearly identify their name and contact details on all approved receptacles;</p> <p>(c) Not collect any household waste which has not been separated into the waste types as required under this Bylaw and/or any controls made under clause 7 this Bylaw; and</p>  |



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|    |  | <p>(d) Following collection, ensure that any receptacle is placed so that it does not disrupt or obstruct pedestrian, wheelchair or vehicular traffic, and so that access to the premises is preserved.</p> <p>9.4 Any person providing or using a waste collection service in or from a public place must comply with all controls made under this Bylaw by the Council relating to that collection.</p>   |
| 10 | <b>Approved Collection Points</b>                        | <p>10.1 No person may deposit waste at an approved collection point other than in accordance with any applicable Council control.</p> <p>10.2 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>  |
| 11 | <b>Licensing of Waste Collectors and Waste Operators</b> | <p>11.1 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 Wellington City district; or</p> <p>(b) Waste operator with a waste management facility in the Wellington City district that handles more than 20 tonnes of waste in any one twelve month period; Must have a current licence that has been issued by the Council and may not collect waste or operate a waste management facility (as the case may be) without such a licence.</p> <p>11.2 An application for a licence must be made on the approved form available from the Council, and must be accompanied by the application fee and the supporting information required by the Council to process the application.</p> <p>11.3 The holder of an existing licence may apply to the Council for a renewal of that licence.</p> <p>11.4 A licence is personal to the holder and is not transferable.</p> <p>11.5 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 considers fit.</p> <p>11.6 When considering a licence application, the Council may take into account a range of factors including but not limited to the following:</p> <p>(a) The nature of the activity for which a licence is sought;</p> <p>(b) The extent to which the licensed 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 licensed activities will adopt best practice waste management and minimisation;</p> <p>(d) The quantity and type of waste to be handled;</p> <p>(e) The methods employed for the handling, disposing and recycling of the waste and the minimisation of litter, including (but not limited to):</p> <ol style="list-style-type: none"> <li>i. the identity of the waste management facility at which it is proposed that recycling, recovery, sorting, storage, treatment, or disposal will occur; and</li> <li>ii. adherence to health and safety standards and any other relevant industry standards;</li> </ol> <p>(f) The frequency and location of the waste collection, removal, storage and transportation services;</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
- (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.

11.7 When considering an application for a licence, the Council may inspect the premises or locations related to the application in relation to the purposes for which the licence is sought.

11.8 A licensed waste collector or waste operator must comply with all terms and conditions of the licence. The terms and conditions may include, but are not limited to, the following matters:

- (a) Term – a licence may be granted for a term of up to five 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 by the Council to ensure compliance with the terms and conditions of the licence;
- (b) Licence fee – the licensee must pay an annual licence fee in the amount determined by the Council;
- (c) Performance bond – the Council may require a licence holder to post a bank-guaranteed bond or a security;
- (d) Compliance – the licence holder must comply with any relevant controls, standards or policies the Council has set for waste handling such as (but not limited to):
  - 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 waste collector'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.
- (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 (but not limited to):
  - 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.

The minimum requirement will be an annual performance report due within one month of the completion of each year of the licence.

11.9 The 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.

11.10 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.



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|           | <p><b>Waste collection, transportation, storage and deposit controls</b></p> | <p>12.6 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> <ol style="list-style-type: none"> <li>The categories of recyclable material, organic waste and other residual waste that may be deposited at or collected from a multi-unit development;</li> <li>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;</li> <li>Requirements to ensure the correct separation of organic waste, recyclable materials and other residual waste into approved receptacles; and</li> <li>Any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.</li> </ol> <p>12.7 Any person who owns or 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 clause 7 of this Bylaw.</p>   |
| <p>13</p> | <p><b>Events</b></p>   | <p><del>13.</del></p> <p>13.1 <del>At least 30 working days prior</del> Prior to the commencement of an event, the event manager must submit to the Council for approval an event waste management <u>and minimisation</u> plan for the event. <u>For an event with an expected attendance of more than 10,000 people, the event waste management and minimisation plan must be submitted to the Council for approval at least 60 working days prior to the commencement of the event. For an event with an expected attendance of between 1,000 to 10,000 people, the event waste management and minimisation plan must be submitted to the Council for approval at least 30 working days prior to the commencement of the event.</u></p> <p>13.2 The event waste management <u>and minimisation</u> plan must set out:</p> <ol style="list-style-type: none"> <li>An estimate of the types and amounts of waste to be generated by the event;</li> <li><del>How</del> <u>Consideration of the Waste Hierarchy and how</u> waste generated by the event is to be minimised;</li> <li>The steps that will be taken to maximise the use of reusable systems, the collection and use of recyclables and other recoverable and compostable materials, and an estimate of the <u>avoidance and</u> diversion of waste;</li> <li>The equipment to be provided for <u>any reusable system and the equipment for</u> the storage, collection and transportation of waste and diverted material;</li> <li>The proposed method for minimising and capturing litter associated with the event;</li> <li>The person responsible for the collection and disposal of waste and the methods to be used;</li> <li>The timing and frequency of the collection of waste, during or after the event; and</li> <li>Any other matters relating to event waste management and minimisation that may be specified by the Council.</li> </ol> <p>13.3 The manager of an event must comply with the event waste management <u>and minimisation</u> plan approved by the Council for the event.</p> <p>13.4 On completion of the event, <del>if requested by the Council,</del> the event manager must provide the Council with a waste analysis report, which at a minimum, will include a breakdown of:</p> <ul style="list-style-type: none"> <li>The types of waste generated by the event;</li> <li>The amounts of waste (by type) generated by the event;</li> </ul> |

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|    |  | <ul style="list-style-type: none"> <li>• The amount of waste <del>avoided and</del> diverted; and</li> <li>• The waste management facilities used to recover, recycle, treat or dispose of this waste.</li> </ul>   |
| 14 | Construction Site and Demolition Waste | <p><del>14.</del></p> <p>14.1 The Council may make a control under this Bylaw to require any person that is applying for a building consent for building work of a certain estimated value or higher to submit a construction <del>site</del> and demolition waste management <del>and minimisation</del> plan to the Council for approval prior to the commencement of any building work.</p> <p>14.2 At a minimum, a construction <del>site</del> and demolition waste management <del>and minimisation</del> plan must set out:</p> <ol style="list-style-type: none"> <li>The name of the client, principal contractor, and person who prepared the waste management plan;</li> <li>The location of the site;</li> <li>The estimated total cost of the building work;</li> <li>A description of all types of waste expected to be produced;</li> <li><del>Consideration of the Waste Hierarchy and T</del>the proposed method of waste management for each type of waste (e.g. reuse, recovery, recycling, disposal); and</li> <li>The proposed method for minimising and capturing litter associated with the project and the building work.</li> </ol> <p>14.3 A construction <del>site</del> and demolition waste management <del>and minimisation</del> plan <del>may also be</del> required by Council to set out:</p> <ol style="list-style-type: none"> <li>An estimate of the quantity of each type of waste; and</li> <li>An estimate of the diversion of waste.</li> </ol> <p>14.4 While the building work is being carried out, the principal contractor <del>may be required by Council to</del> <del>must</del>:</p> <ol style="list-style-type: none"> <li>Review the construction <del>site</del> and demolition waste management <del>and minimisation</del> plan as necessary;</li> <li>Record quantities and types of waste produced; and</li> <li>Record the types and quantities of waste that have been: <ol style="list-style-type: none"> <li>Reused (on or off site);</li> <li>Recycled (on or off site);</li> <li>Sent to other forms of recovery (on or off site);</li> <li>Sent to landfill;</li> <li>Sent to cleanfill; or</li> <li>Otherwise disposed of.</li> </ol> </li> </ol> <p>14.5 Within three months of completion of the building work the Council <del>may require the principal contractor to</del> <del>must</del> add to the construction <del>site</del> and demolition waste management <del>and minimisation</del> plan:</p> <ol style="list-style-type: none"> <li>Confirmation that the plan has been monitored and updated;</li> <li>A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type;</li> <li>An explanation of any deviation from the plan; and</li> <li>An estimate of any cost savings that have been achieved by completing and implementing the plan.</li> </ol> <p>14.6 Where a construction <del>site</del> and demolition waste management <del>and minimisation</del> plan is required, the principal contractor must ensure that a copy of the construction site and demolition waste management plan is kept on site, and that every contractor</p> |



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|    |                     | knows where it can be found. It must be available to any contractor carrying out any work described in the plan.  |
| 15 | Inorganic waste     | <p><del>15.</del></p> <p>15.1 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"> <li>(a) the weight, size and nature of inorganic waste that may be deposited for collection;</li> <li>(b) the categories of inorganic waste that may be deposited for collection;</li> <li>(c) the times, locations and conditions applicable to the collection of inorganic waste from a public place;</li> <li>(d) the collection methods that cause health and safety risks;</li> <li>(e) any other operational matters required for the safe and efficient collection of inorganic waste from a public place.</li> </ul> <p>15.2 Any person who deposits inorganic waste for collection on, or collects and transports inorganic waste from, a public place must comply with any controls made by the Council under this Bylaw.</p>   |
| 16 | Nuisance and litter | <p><del>16.</del></p> <p>16.1 No person may:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) use an approved receptacle in a manner that creates a nuisance, is offensive or is likely to be injurious to health.</li> </ul> <p>16.2 Except as provided for under this Bylaw, no person may:</p> <ul style="list-style-type: none"> <li>(a) bury or allow to be buried any waste on any property they own, occupy or manage except: <ul style="list-style-type: none"> <li>i. organic waste, including dead farm animals in rural areas;</li> <li>ii. dead companion animals and nuisance pests; or</li> <li>iii. for the purposes of home composting;</li> <li>iv. waste deposited in a farm refuse dump or an offall pit that is consented or complies with the permitted activity conditions of the Wellington Region Natural Resources Plan;</li> </ul> </li> <li>(b) dispose of any waste on any premises except at – <ul style="list-style-type: none"> <li>i. a waste management facility, or</li> <li>ii. any premises they own, occupy or manage, for the purposes of home composting.</li> </ul> </li> </ul> <p>16.3 No person may:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) 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;</li> <li>(c) deposit or attempt to deposit any litter in any litter receptacle provided by the Council in any public place if: <ul style="list-style-type: none"> <li>i. the receptacle is full; or</li> <li>ii. the litter is likely to escape.</li> </ul> </li> <li>(d) 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</li> <li>(e) damage any litter receptacle provided by the Council in any public place.</li> </ul> <p>16.4 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</p> |



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|                              |   | 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.  |
| 17                           | <b>Unaddressed mail and advertising material</b>  | <p><del>17.</del></p> <p>17.1 No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) on any vehicle parked in a public place; or</li> <li>(c) in a letterbox that is already full of mail and/or advertising materials.</li> </ul> <p>17.2 Clause 17.1(a) does not apply to:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) communications or fund raising material from local community organisations, charities or charitable institutions;</li> <li>(c) material from a political party, political candidate or elected member; or</li> <li>(d) a community newspaper or newsletter, unless the letterbox is clearly marked "no community newspapers" or with words of similar effect.</li> </ul> <p>17.3 Any unaddressed mail or advertising mail deposited in a manner in breach of clauses 17.1 and 17.2 shall be deemed to be litter under the Litter Act 1979.</p> |
| 18                           | <b>Donation Collection Points</b>   | <p><del>18.</del></p> <p>18.1 Anyone intending to establish a donation collection point in or on a public place 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:</p> <ul style="list-style-type: none"> <li>(a) location;</li> <li>(b) vehicle access;</li> <li>(c) type of waste which may be deposited; and</li> <li>(d) use of approved receptacles.</li> </ul> <p>18.2 All donation collection points must ensure:</p> <ul style="list-style-type: none"> <li>(a) the removal of deposited material from the collection point;</li> <li>(b) the clean-up of any litter or illegal dumping; and</li> <li>(c) the clean-up or removal of any graffiti.</li> </ul>   |
| <b>PART 3: OTHER MATTERS</b> |   |  |
| 19                           | <b>General Offences and Penalties</b>   | <p><del>19.</del></p> <p>19.1 Any person who fails to comply with this Bylaw and the decisions and controls made under this Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable to a fine as specified in section 242 (4) of the Local Government Act 2002.</p> <p>19.2 A person who commits a breach of this Bylaw that is an offence under the Litter Act 1979, the Waste Minimisation Act 2008 or the Health Act 1956 is liable to a penalty (without limitation) under those Acts, as relevant.</p>  |
| 20                           | <b>Other Enforcement Powers -<br/><br/>Non-compliance with licence terms and conditions</b> | <p><del>20.</del></p> <p>20.1 Any control that is made or amended by Council under clause 7.1 shall be enforceable under this Bylaw.</p> <p>20.2 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>   |

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| <p><b>Non-compliance with general responsibilities and waste collection requirements</b></p> | <ul style="list-style-type: none"> <li>(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;</li> <li>(b) Review the licence, which may result in:             <ul style="list-style-type: none"> <li>i. amendment of the licence; or</li> <li>ii. suspension of the licence; or</li> <li>iii. withdrawal of the licence.</li> </ul> </li> <li>(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;</li> <li>(d) Review the amount and nature of the performance bond or security, which may result in:             <ul style="list-style-type: none"> <li>i. an increase of the amount of the performance bond or security;</li> <li>ii. a change to the nature of the security that has been provided.</li> </ul> </li> <li>(e) Enforce any offence that may have been committed under the Litter Act 1979; and</li> <li>(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.</li> </ul> <p>20.3 Where a person does not comply with the requirements of this Bylaw and/or any controls made under the Bylaw in relation to the waste and diverted materials collection service that applies to them, the Council (or a licensed waste collector where applicable) may take the following action(s) against the person:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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 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;</li> <li>(c) Withdraw or suspend the collection service being provided to that person;</li> <li>(d) Enforce any offence that may have been committed under the Litter Act 1979; and/or</li> <li>(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.</li> </ul> <p>20.4 Where action has been taken against a person under clause 20.3(c), the Council can authorise the reinstatement of the collection service once it is satisfied on reasonable grounds that the Bylaw will be complied with.</p> |
| <p><b>Non-compliance with approved collection point requirements</b></p>                     | <p>20.5 Where a person does not comply with a control made by the Council under clause 10 of this Bylaw the Council may:</p> <ul style="list-style-type: none"> <li>(a) Suspend that person's use of any service provided by the Council at any or every waste collection service;</li> <li>(b) Enforce any offence that may have been committed under the Litter Act 1979; or</li> <li>(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.</li> </ul>  |
| <p><b>Non-compliance with waste management and minimisation plan requirements</b></p>        | <p>20.6 Where a person does not comply with any of the requirements in clauses 12 (Multi-Unit Developments), 13 (Events) or 14 (Construction <del>Site</del> and Demolition <del>Waste Management Plans</del>) and/or any controls made under the Bylaw, the Council may take one or more of the following steps:</p>  |

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|    | <p><b>Non-compliance with inorganic material requirements</b></p> <p><b>Non-compliance with unaddressed mail requirements</b></p> | <p>(a) Enforce any offence that may have been committed under the Litter Act 1979; and/or</p> <p>(b) 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>20.7 Where a person does not comply with a control made by the Council under clause 15 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> <p>20.8 Where a person does not comply with any of the requirements in clause 17 of this Bylaw, the Council may use its enforcement powers under the Litter Act 1979.</p> |
| 21 | <b>Exceptions and Saving Provisions</b>   | <p><del>21.</del></p> <p>21.1 A person is not in breach of this Bylaw if that person proves that the act or omission was in compliance with the directions of an Authorised Officer.</p> <p>21.2 A product stewardship scheme accredited under the Act may be exempt from the requirements of this Bylaw.</p>   |
| 22 | <b>Fees</b>   | <p><del>22.</del></p> <p>22.1 The Council may in accordance with the provisions of section 150 of the Local Government Act 2002 set prescribed fees under this Bylaw.</p> <p>22.2 The Council may refund, remit or waive any fee prescribed by this Bylaw or charge payable for an authority, approval, licence, permit or consent from, or inspection by, the Council, for any reason it thinks fit.</p>   |
| 23 | <b>Forms and processes</b>  | <p><del>23.</del></p> <p>23.1 The Council may prescribe the form of, and process to be followed for, any application, approval, licence, or other document, which is required under this Bylaw (or any related controls made by Council). These forms and processes may be altered or amended at any time.</p>  |



**PROPOSED CONTROLS FOR THE WELLINGTON CITY COUNCIL SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW 2020**

In accordance with clause 7.1 of the Wellington City Council Solid Waste Management and Minimisation Bylaw 2020, the Council resolves the following controls in relation to solid waste management, collection and disposal and the use of the Southern Landfill.

**1. INTRODUCTION AND COMMENCEMENT**

1.1. These are Council resolutions made pursuant to clause 7.1 of the Wellington City Council Solid Waste Management and Minimisation Bylaw 2020 ("the Bylaw") and should be read and conjunction with it.

1.2. These resolutions come into force on [insert date].

**2. CONTROLS*****Waste Collection Services (applicable to any Council or privately provided collection service)***

- 2.1. The permitted times for waste, recycling or other diverted material collection services, whether the service is provided by Council or private waste collectors, are as follows:
- a) For areas within the Central Area (as defined by the Wellington City District Plan) collection services are permitted 7 days of the week between the hours of 6.00pm and 7.00am.
  - b) For areas outside of the Central Area, collection services are permitted from Monday to Saturday between the hours of 7.00am and 9.00pm, with the following exceptions:
    - I. On roads classified under the following categories (as defined by the Wellington City District Plan) collection services may commence from 6.00am:
      - State Highway
      - Arterial
      - Principal.
    - II. On any Principal or Arterial road, no collection services shall occur between the hours of 7.00am to 9.00am or 4.00pm to 6.00pm.
  - c) The Council may approve a variation to collection times for reasons of health, safety or congestion. Requests must be made to the relevant Council Director. Prior to the Council Director's consideration of the request, all affected parties must be notified by the Council and given the opportunity to have their views considered by the Council Director as part of the decision making process. If a variation to collection times is approved by the Council Director, the collection service provider must notify all affected customers in writing of the times for when waste and diverted material must be put out.
- 2.2. Where the operation of a waste, recycling or other diverted material collection service can be carried out entirely on private property, the permitted times are as follows:



- a) For the Central Area, collection services are permitted on any day and at any time.
  - b) For areas outside of the Central Area, collection services are permitted on any day at any time except for between the hours of 10.00pm and 6.00am, unless the conditions of a current resource consent for the property or an activity on the property provide otherwise.
- 2.3. The emptying of Council provided pedestrian waste or litter receptacles located in public places may occur on any day and at any time.
- 2.4. The Council may declare some streets or parts of streets where it is not possible to safely undertake the collection of approved receptacles as being unsafe for waste, recycling or other diverted material collection services. Where an area is deemed by Council to be unsafe for undertaking a waste collection service, the Council may limit, condition, or prohibit the deposit of waste, recycling or other diverted material for collection within that area.
- 2.5. No Council waste or recycling collection services will be provided to any property or premises where the servicing operation would be required to be undertaken on a new private road or new private access way created after [insert commencement date of this Council resolution]. Council may grant an exemption from this restriction if:
- a) The owners and/or managers of all of the affected properties or premises located on the private road or access way can demonstrate to the satisfaction of Council that use for waste servicing purposes can meet Council's relevant traffic and health and safety requirements; and
  - b) The owners and/or managers of all of the affected properties or premises have ~~previously~~ been granted an exemption or waiver by the Council ~~and can provide official documentation which confirms their exemption or waiver~~; or
  - c) An easement is created over the private road or access way providing the Council the legal authority to access private property for waste servicing purposes, subject to agreement that the Council, or any waste service-related operator acting on Council's behalf, will not be liable to any property owner or third party for any damages caused or perceived to have been caused for any direct or indirect damage to the road or access way.
- 2.6. Where 10 or more properties are located on any one private road or access way created after the [insert commencement date of this Council resolution], no Council provided waste or recycling collection services will be available from or on the adjoining or adjacent Council road reserve or berm for those properties, unless for the following standards are met:
- a) A dedicated Council approved shared waste servicing/collection area is provided to serve the needs of the properties or premises that are accessed by the private road or access way; and
  - b) The waste servicing/collection area can be safely accessed by a service vehicle from a public place; and
  - c) The servicing collection area can meet the Council's relevant engineering, planning, traffic, and health and safety requirements.

**Storage of Waste**

- 2.7. Waste, recycling or other diverted material must not be stored in or on a public place unless specifically approved by the Wellington City Council.

***Placement and Retrieval of Waste Receptacles***

- 2.8. Waste, recycling or other diverted material may only be placed in or on a public place for collection pursuant to the Bylaw or the controls made under the Bylaw unless otherwise approved by the Wellington City Council.
- 2.9. Approved receptacles must be placed in an appropriate location in or on a public place for the collection of waste, recycling or other diverted material during the following permitted times:
- For areas within the Central Area, no receptacle is permitted to be placed for collection between 7.00am and 5.00pm.
  - For all areas outside of the Central Area, receptacles may be placed for collection from 7.00pm on the day preceding collection, and must be placed for collection before 6.00am on the day of collection or by the latest time as notified by the collection service provider.
  - All receptacles and any uncollected waste, recycling or other diverted material must be removed from the public place by 7.00am on the day following collection day for areas within the Central Area, or by 12 noon on the day following collection day for areas outside of the Central Area.
- 2.10. Approved receptacles, and any uncollected waste, recycling or diverted material outside of an approved receptacle, intentionally or otherwise, remain the property and responsibility of the depositor and will be considered litter under the Litter Act 1979 if not removed from the public place and will be subject to enforcement action under that Act.
- 2.11. Any receptacle used for the disposal of waste, recycling or any other diverted material and placed in or on a public place for collection must be an approved receptacle and must have the name and contact details of the collection service provider clearly identified on the outside of the receptacle.

***Waste Separation***

- 2.12. No more than 10% green waste shall be deposited into any Council provided waste receptacle.
- 2.13. No waste, other than clean accepted recyclable materials, shall be deposited in any approved receptacle provided for recycling purposes.
- 2.14. No waste, other than accepted materials, shall be deposited at any resource recovery station or recycling centre.

Note: A list of accepted recyclable materials and materials accepted at resource recovery stations and recycling centres will be made available to service users by the applicable service provider.

***Restrictions on Materials***

- 2.15. No person shall deposit or cause or allow any of the following materials to be deposited in any approved receptacle placed for collection:
- a) Explosives, hot ashes, highly inflammable material or infectious material;
  - b) Liquids, acids, printer's ink, paint, or any other viscous fluid;
  - c) Any trade waste, offal or dead animals;
  - d) Any commercial or industrial waste except as allowed under clause 9.2 of the Bylaw;
  - e) Any pesticides, herbicides, fungicides or other toxic compounds or any containers that have been used to hold such materials;~~or~~
  - e)f) All batteries; or
  - f)g) Any other prohibited waste as identified under the definition of "prohibited waste" in clause 6 of the Bylaw.

Note: Household substances which are excluded from kerbside waste collection services under clause 2.15 (above) may be taken to the Hazardous Waste Storage Facility located at the Southern Landfill.

***Collection Services for Multi-Unit Developments***

- 2.16. Pursuant to clause 12.6 of the Bylaw, any new multi-unit development (comprising 10 or more residential units) shall be responsible for the appropriate deposit and disposal of all waste, recycling and other diverted material generated from the premises. This clause will become effective two years following the date on which the Wellington City Council Solid Waste Management and Minimisation Bylaw 2020 takes effect.

Note: For clarity, except as may be provided for by Council under clause 2.17 (below), no Council provided waste, recycling or other diverted material collection service will be available to any new multi-unit development of 10 or more residential units from two years following the commencement date of the Bylaw.

***Construction ~~Site~~ and Demolition Waste Management and Minimisation Plans***

- 2.17. In accordance with clause 14.1 of the Bylaw, the Council will require any person who is applying for building consent for building work with an estimated value of \$2 million or higher to submit a construction ~~site~~ and demolition waste management and minimisation plan to the Council for approval prior to the commencement of the building work. This clause will become effective one year following the date on which the Wellington City Council Solid Waste Management and Minimisation Bylaw 2020 takes effect.

***Southern Landfill***

- 2.18. The Council may refuse to accept for disposal to the Southern Landfill the types of waste material described in clause 2.15 (above).
- 2.19. Prior to entering the Southern Landfill, landfill users are required to separate green waste from general waste in accordance with landfill use and entry requirements.
- 2.20. Prior to entering the Southern Landfill, in accordance with landfill use and entry requirements landfill users are required to separate:

- Hazardous substances
- ~~All batteries~~Lead-acid-batteries
- Recyclable paper (as notified by the Council)
- Cardboard
- Glass bottles and jars
- Aluminium cans
- Compostable garden waste (as notified by the Council)
- Steel cans
- Tyres
- Electronic waste
- Materials as shall from time to time be notified by the Council.

- 2.21. In addition to the restrictions described in clauses 2.19 and 2.20 (above), the Council may also refuse to accept for disposal to the Southern Landfill any:
- a) Cleanfill.
  - b) Items or material it considers, at its sole discretion, can reasonably be expected to be diverted from the waste stream.
- 2.22. For any vehicle entering the Southern Landfill, it will be a condition of entry that the owner and operator of the vehicle may be subject to a random audit of the contents of their waste and/or waste containers whether carried in a vehicle, trailer, or by some other means. Such inspections, sampling, testing or monitoring of waste, to be undertaken by landfill staff, may be for the purpose of:
- a) Determining whether or not people are complying with the controls and any specified conditions of use of the landfill, with regard to the types of waste or diverted material they are carrying in for disposal or deposit; or
  - b) Monitoring the content of the waste stream for waste audit purposes.
- 2.23. Detection of any material that does not comply with the controls and/or any specified conditions made or set by Council for use of the Southern Landfill may result in:
- a) Refusal to accept that waste or load for disposal.
  - b) A notice being issued against that person by the Council to prevent them from using the landfill.
  - c) Any other steps that may be taken by the Council in law.
- 2.24. No person shall remove or disturb any deposit of waste or diverted material, or remove any article or material of any kind from the Southern Landfill, unless authorised to do so by the Council.
- 2.25. No person shall light any fire on the Southern Landfill or on land designated for the purposes of the landfill without the express permission of the Council.
- 2.26. Any Council officer authorised under the Bylaw is hereby empowered to:

- a) Ensure that anyone entering the Southern Landfill complies with the conditions of entry and any other conditions to ensure compliance with health and safety requirements, operational requirements and the laws governing the use of the landfill.
- b) Inspect waste and waste containers as provided for in clauses 2.22 and 2.23 (above).
- c) Prevent a particular person or organisation from entering the landfill for previous failure to comply with this part or any direction given under it, failure to pay landfill or waste collector/operator licensing fees, or failure to comply with operational requirements, the laws governing the use of the landfill, or health and safety requirements in relation to waste management.

**Event waste management and minimisation**

**2.27. Any disposal service wear products used during any significant indoor or outdoor event (as defined by this bylaw) held on Wellington City Council owned land must comply with the Regional Event Packaging Guidelines.**

**Note: Wellington City Council reserves the right to decline the approval of an Event Waste Minimisation Plan if food waste diversion cannot be provided.**



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## The Solid Waste Management & Minimisation Bylaw 2020: **Consultation Overview**

### **1. Background**

On the 18<sup>th</sup> June 2020 the Strategy and Policy Committee approved the proposed Solid Waste Management and Minimisation Bylaw, and the proposed Bylaw Controls, for public consultation in accordance with the Special Consultative Procedure, as set out by the Local Government Act 2002.

This public consultation process ran between 4 August 2020 to 25 September 2020.

This document provides an overview of the methods used to promote consultation and summary of the respective consultation response rates. For clarity, this report does not provide detail of the submissions or feedback received as a part of the consultation process. For a summary of the submissions received, see the Proposed Solid Waste Management and Minimisation Bylaw 2020 Report Summarising Public Submissions (October 2020).

### **2. Consultation Methods**

As noted above, public consultation on the proposed Bylaw ran from 7.5 weeks, from early August to late September 2020. This consultation period gave people and organisations an extended opportunity to make a submission, nearly doubling the minimum consultation period required under the Local Government Act.

Prior to, and early on in the consultation process, over 300 potentially interested stakeholders were individually notified about the proposed Bylaw. Notified stakeholder groups included: collectors and operators; commercial users of the Southern Landfill; developers; residents associations; event managers, environmental and/or social justice groups; and iwi.

In addition, print, social, digital, and audio platforms were used to promote awareness of the proposed Bylaw. These media platforms encouraged interested parties to visit and engage with Wellington City Council Kōrero Mai/Let's Talk community engagement website.

Bylaw-related information accessible through the website included:

- Summary of the Proposed Solid Waste Management and Minimisation Bylaw 2020
- Waste Management Bylaw Review Background Information
- The Proposed Solid Waste Management and Minimisation Bylaw 2020
- The Proposed Bylaw Controls






|  |                                  |  |  |
|--|----------------------------------|--|--|
|   | <p>4 August<br/>Facebook</p>     | <p>Likes:26<br/>Comments:2<br/>Shares:9</p>    | <p>Total:<br/>38.07K<br/>Organic:<br/>6.42K<br/>Paid:<br/>32.98K</p> |
|   | <p>25 August<br/>Facebook</p>    | <p>Likes: 17<br/>Comments: 6<br/>Shares: 4</p> | <p>Total: 6.8K<br/>Organic<br/>6.8K<br/>Paid: 0</p>                  |
|  | <p>23 September<br/>Facebook</p> | <p>Likes: 0<br/>Comments: 0<br/>Shares: 0</p>  | <p>Total:<br/>4.35K</p>  |

Figure 2. Breakdown of engagement on the individual Facebook posts

### 2.3 Audio

Between 30 August and 25 September, Audio advertising across a combination of Spotify and traditional radio stations (The Breeze, Magic, Newstalk & ZB) were used to direct listeners to the 'Let's Talk' landing page to "have their say". During the four week campaign, 33% of Wellingtonians heard the Waste Management ad once, and 15% heard it three times.

### 2.4 Digital

Digital advertising took place 30 August – 25 September. This included Display and Native across the Google Display Network. The digital layer resulted in 2.08m impressions (when an advertisement rendered on a user's screen) which resulted in 5,400 clicks.

Advertisements were published in eNewsletters including:

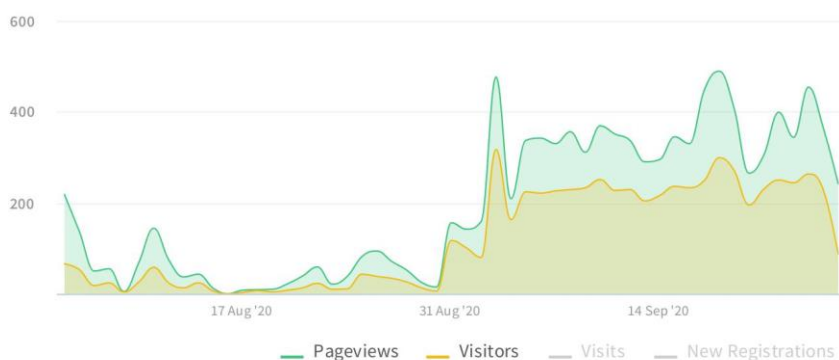
- *This week in our Wellington*: 3 x insertions throughout the campaign.
- *Let's Talk eNewsletter*: 2 x insertions on 1 Sept and 23 Sept.
- *Residents Wrap* (all WCC Residents Associations receive this): 2 x insertions on 21 Aug and 21 Sept)

## 3. Consultation Effectiveness

Over the course of the Campaign, there were approximately 7,000 total visits to the 'Let's Talk' page. Of these, 166 were 'engaged visitors', who made a submission or asked a question; 807 were 'informed visitors', who downloaded a document, clicked a link, viewed the FAQ etc; and 5,300 were 'aware visitors' who visited the page.

### Visitors Summary

Kōrero mai | Wellington City Council from 04 Aug '20 to 25 Sep '20



**Figure 3.** 'Let's Talk' page visitation over the course of the campaign.

From 31 August, there was a 958% increase in visitation, with the average time on the campaign also increasing by 31%. This steep increase in visitor engagement coincides with the launch of the campaign on digital and audio platforms (Figure 3). This shows that while the social media and print campaigns did garner activity on the 'Let's Talk' page, the digital

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and audio advertising was particularly effective in increasing community awareness about the proposed Bylaw. This resulted in significant engagement and feedback from the public.





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# Wellington City Council Waste Survey

Research Report | October 2020





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## Wellington City Council

### Waste Survey

Research Report | October 2020

Wellington City Council

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**Disclaimer:**

Research First notes that the views presented in the report do not necessarily represent the views of Wellington City Council. In addition, the information in this report is accurate to the best of the knowledge and belief of Research First Ltd. While Research First Ltd has exercised all reasonable skill and care in the preparation of information in this report, Research First Ltd accepts no liability in contract, tort, or otherwise for any loss, damage, injury or expense, whether direct, indirect, or consequential, arising out of the provision of information in this report.

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## Key Findings



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## 1.1 What is the bottom line?

Research First were commissioned by Wellington City Council to survey residents to gain a better understanding of waste-related servicing preferences, servicing issues and concerns, and perceptions of waste servicing satisfaction within Wellington City. This survey was delivered through an online panel of respondents' resident in Wellington City, and included a sample size of 1,000 people.

Overall, Wellington City area survey participants indicated that they are generally satisfied with the Council's existing waste and recycling collection service levels, although more could be done to improve the Council's net satisfaction and net promoter scores.

Satisfaction with the Council's waste-related collection services is grounded in Council providing a service that is:

- Positive, reliable and efficient
- Good value for money
- Easy to engage with

In contrast, key reasons for dissatisfaction with the Council's existing waste collection activities, include:

- The limited options and facilities available for waste collection and recycling
- Being unreliable, including late collection of waste
- Perceptions that services are expensive
- Perceptions of poor customer service

Going forward survey responses suggest that the main priorities for residents related to waste and recycling servicing include:

- Minimising the environmental and community impacts of waste and recycling.
- Enhancing access to kerbside services.
- Expanding the scope of recycling services provided while reducing cost of services.
- Ensuring timely and regular waste collection.
- Providing and effectively communicating' accurate information regarding servicing.



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## Research Context And Objectives



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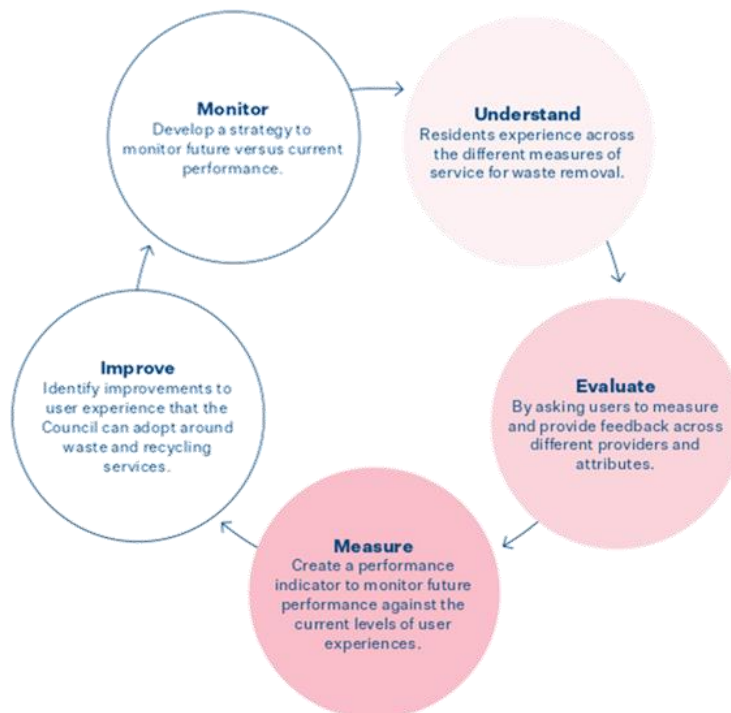
As part of a review of Part 9 of the existing Wellington City Council Consolidated Bylaw relating to Waste Management, the Council publicly notified and consulted on the Proposed Waste Management and Minimisation Bylaw, and associated suite of Bylaw Controls. In conjunction to this formal consultation process, Research First were commissioned to undertake a survey to establish supplemental information about resident waste servicing preferences, issues and levels of satisfaction within Wellington City.

The Research First Waste Survey ran in the month of September 2020. While this survey was undertaken at the same time as the Council's formal bylaw consultation process, the Research First Waste Survey was separately undertaken by Research First in order to avoid any confusion between the Council's bylaw consultation process.

As detailed by WCC, the primary objectives of this Research First Waste Survey were to:

1. Develop an understanding of waste and recycling service user experiences, and any associated waste service concerns in Wellington City.
2. Identify areas where Council has the potential to improve waste and recycling service experiences for ratepayers and residents.
3. Establish residents' aspirations relating to kerbside servicing and provide a body of data to support any future waste-related service reviews undertaken by the Council.
4. To establish ratepayer willingness to pay information relating to different waste servicing scenarios.

In view of the above, we mapped the user experience using the following cycle:



Commercial In Confidence

7

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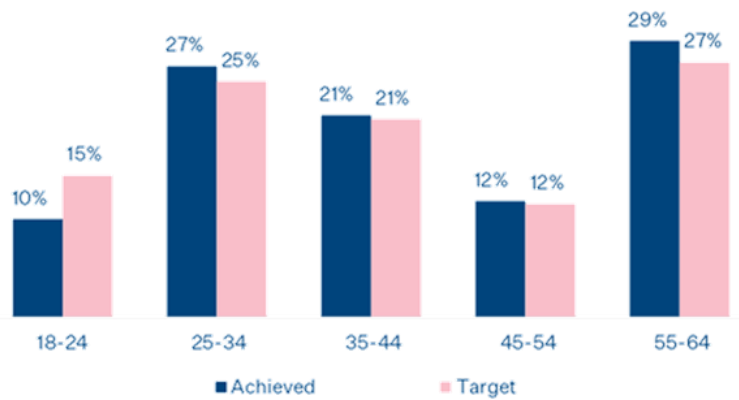
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### 2.1 How the Research was Conducted

Research First administered the survey on behalf of the Council using an online format whilst the formal by law consultation process was underway. The survey was delivered through an online panel of respondents' resident in Wellington City. The maximum number of completed surveys achieved was 1,000 yielding a margin of error of +/-3%. Figures 1 to 6 show our performance with respect to the delivery of the quotas outlined in our proposal to Council.

The arrows in the tables indicate statistically significant differences between the associated group and the remainder of the sample surveyed.

Figure 1 Residents by Age Spread

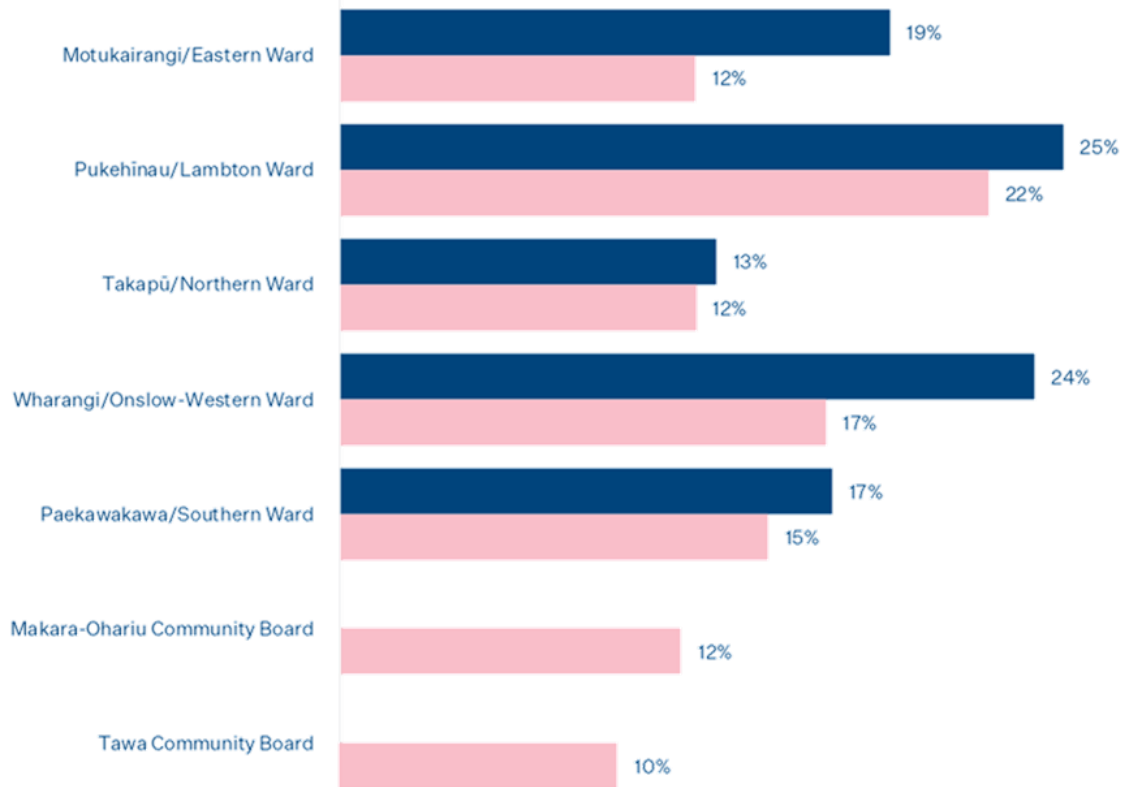


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Figure 2 Residents by Wards



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Figure 3 Gender Split

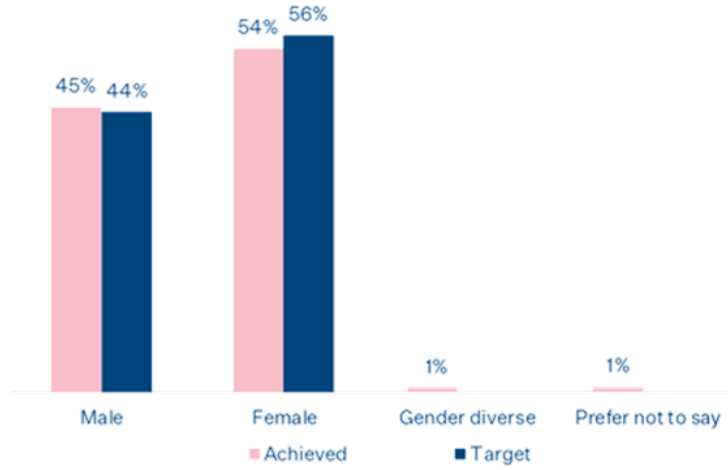
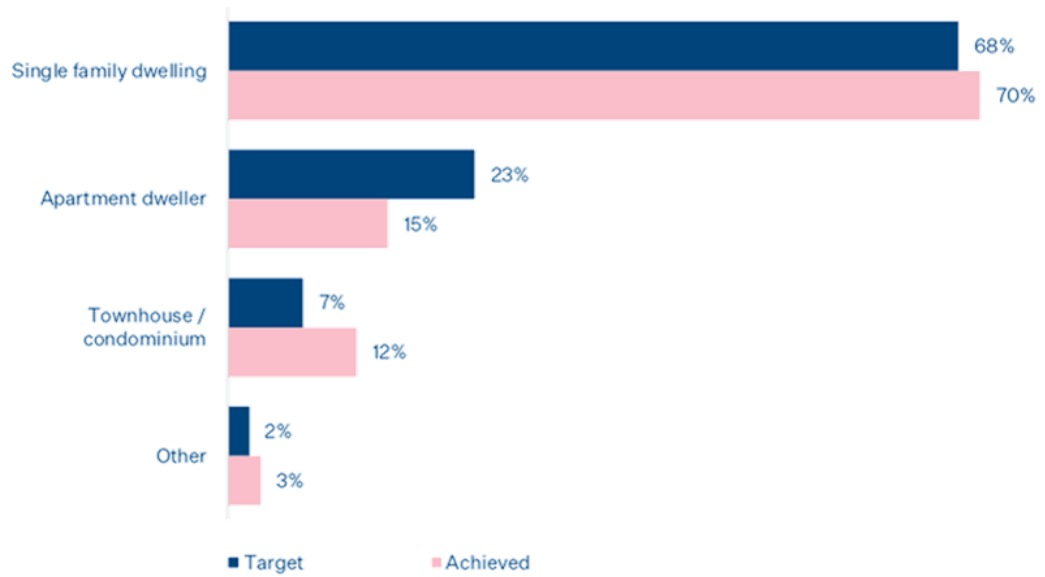


Figure 4 Respondents by Dwelling Type





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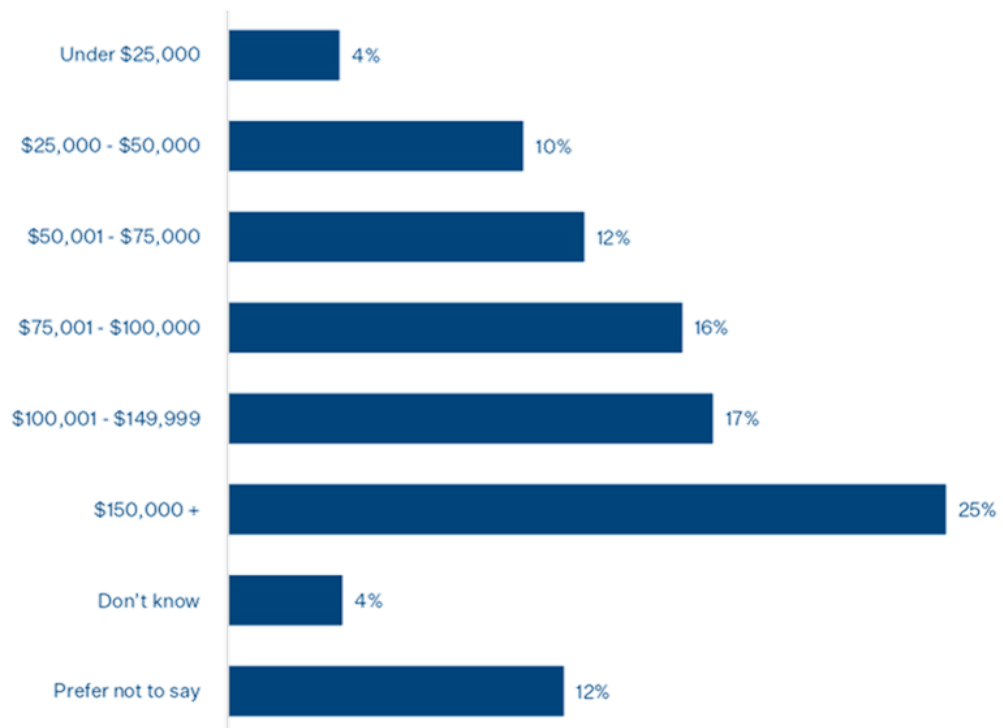
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Figure 5 Home Ownership Status



Figure 6 Income Spread



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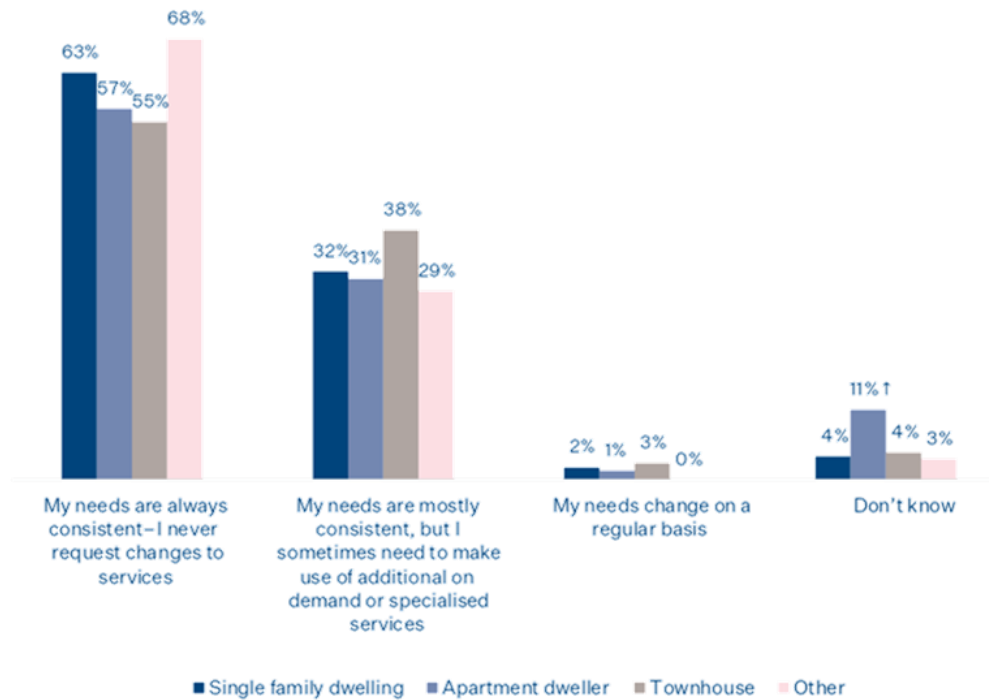
## Waste Removal Needs And Behaviours

A large, stylized number '3' in a light pink color, positioned in the lower-left quadrant of the blue background.

### 3.1 Waste Removal Needs

Wellington City area residents' waste servicing needs are generally consistent across dweller types. Of note, however, is the greater use of additional 'on-demand' or specialised services by residents of townhouses/condominiums (see Figure 7). Even across Wellington City area wards, we also find consistency among waste removal service users who report having mostly consistent service needs (see Figure 8). However, across income levels, residents earning under \$25,000 are significantly more likely to be unsure or not know the extent of their service needs (Figure 9).

Figure 7 Service Needs by Dwelling Type

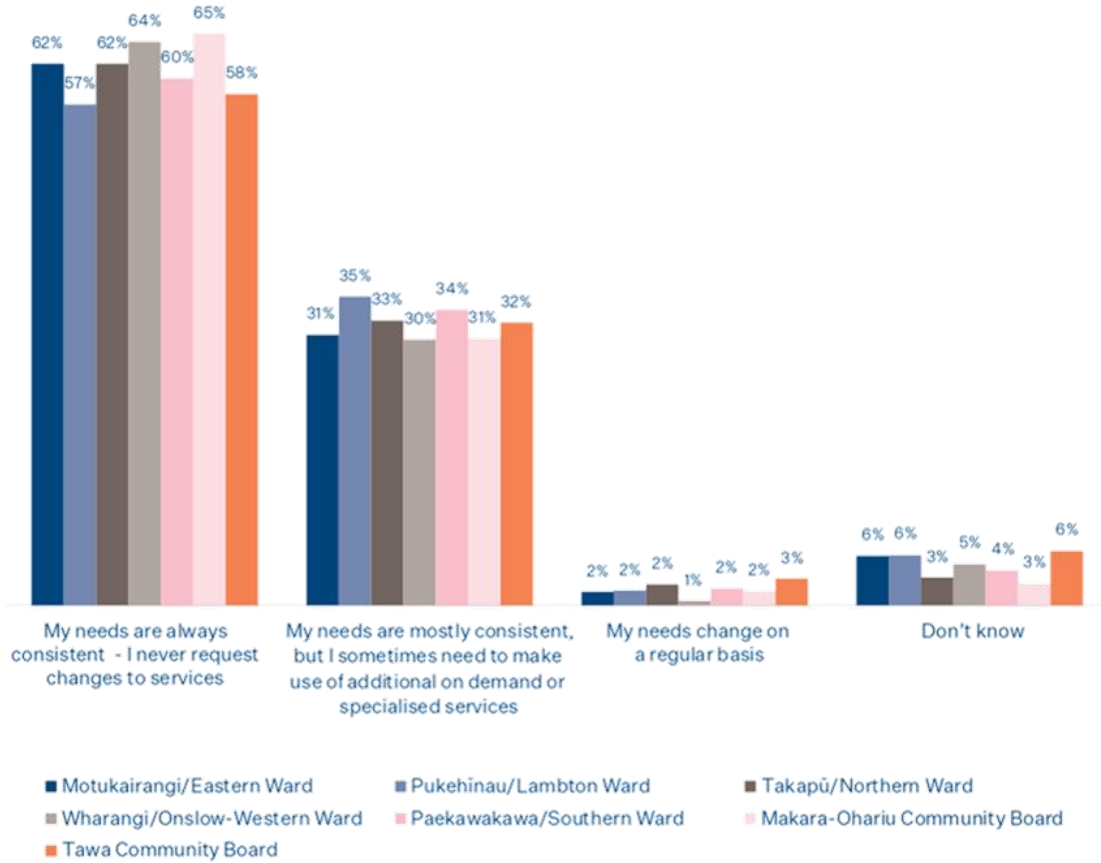


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Figure 8 Service Needs by Ward

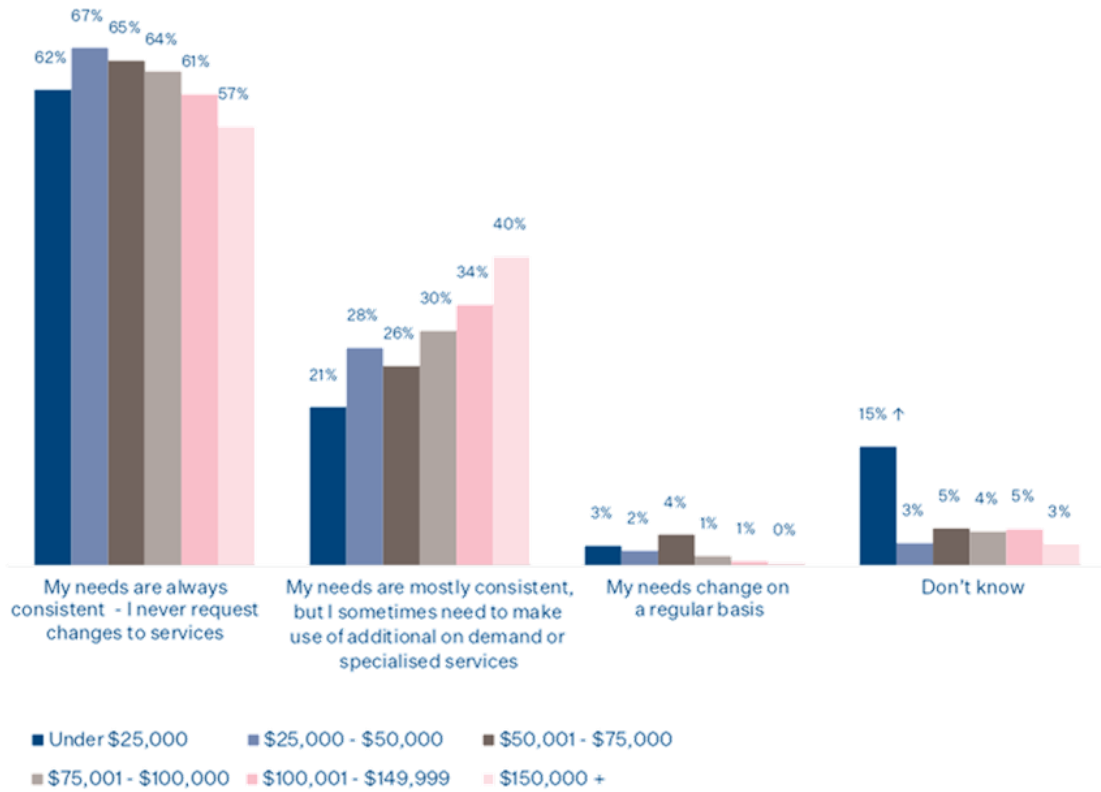


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Figure 9 Service Needs by Income Level





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### 3.2 Waste Removal Behaviour

Next, we asked residents to share their opinions regarding how they managed waste. We used a simple five-point Likert scale that ranges from strongly disagree to strongly agree. For ease of analysis, a 'more than agree' score was calculated; adding together those respondents who "agreed" or "strongly agreed" with the selected statement.

We wanted Wellington City residents share their behaviours regarding how they manage their own waste, how others around them manage waste, and what they expected from waste removal services. The results are shown in Figure 10 below. We find that a higher proportion of residents "more than agreed" around behavioural aspects that include:

- The respondent's own efforts to try to actively minimise the amount of waste that they create (75%).
- How they as individuals/family units make deliberate efforts to dispose of waste in environmentally sustainable ways (75%).
- How residents want the waste removal process to be an easy and simple process (83%).
- The resident's desire that the removal of waste from their properties be managed in a sustainable way (83%).

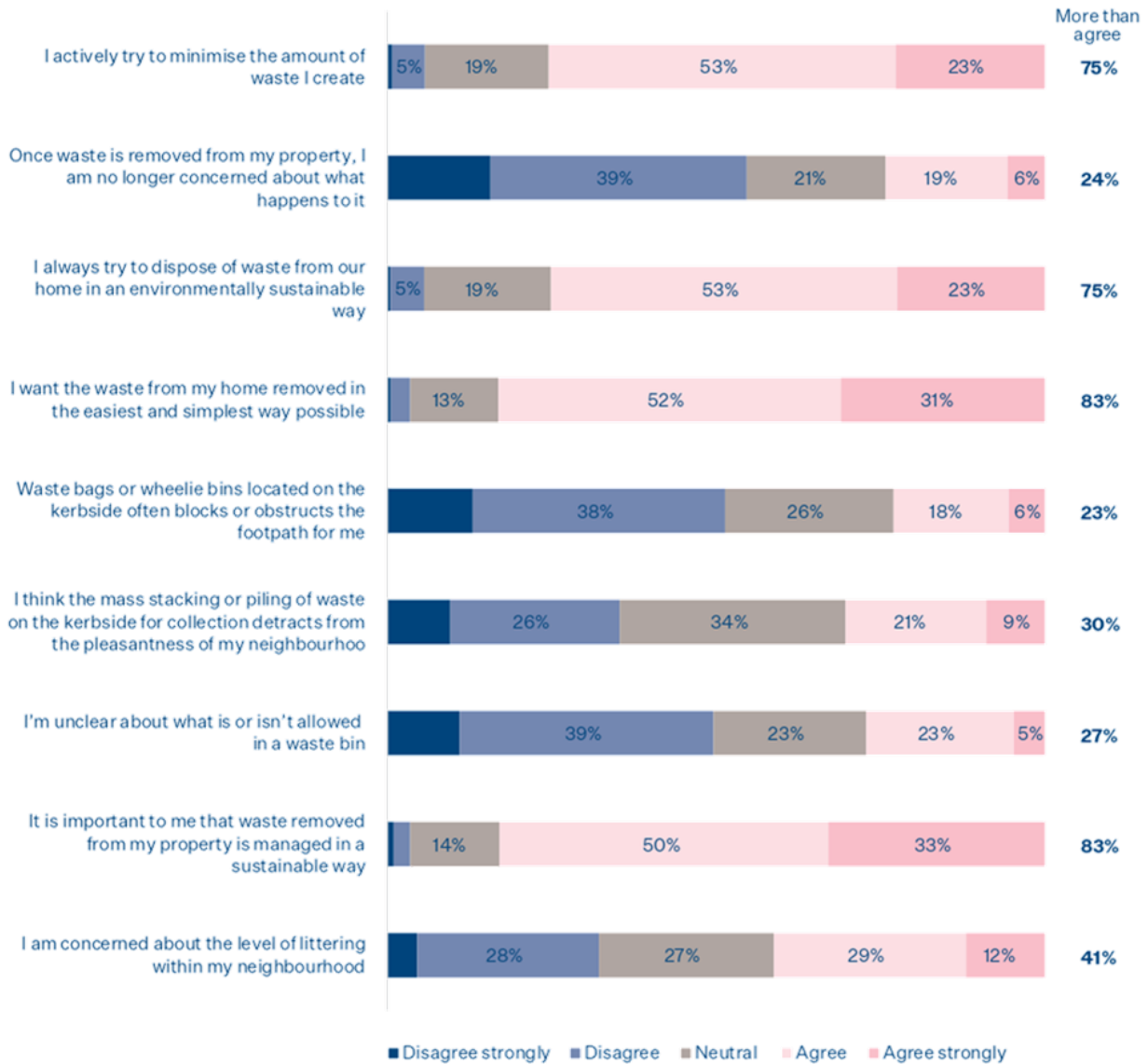
For the remainder of the statements, the ratio of those who 'more than agreed' declined to one in four respondents.

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Figure 10 Current Waste Removal Behaviour



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## Waste Removal Providers

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Part of the survey was devoted to asking residents about how they currently remove or dispose of waste from their residences. This involved asking them to choose a waste collection service provider for different categories of waste shown in the survey. Meanwhile, Figure 11 provides a summary of the split between waste collection providers for different categories of waste.

Of note is that Wellington City residents tend to use alternative means other than the Council or private waste collection providers to remove the following types of waste from their properties:

- Garden waste (lawn clippings, prunings etc.)
- Food waste through home composting, or an on-site worm farm or a bokashi system
- Building materials or other large items
- All other types of waste

Additionally, residents were asked to specify their top providers across all waste removal categories where they had picked a private provider. Other than WCC (previously identified), top providers include:

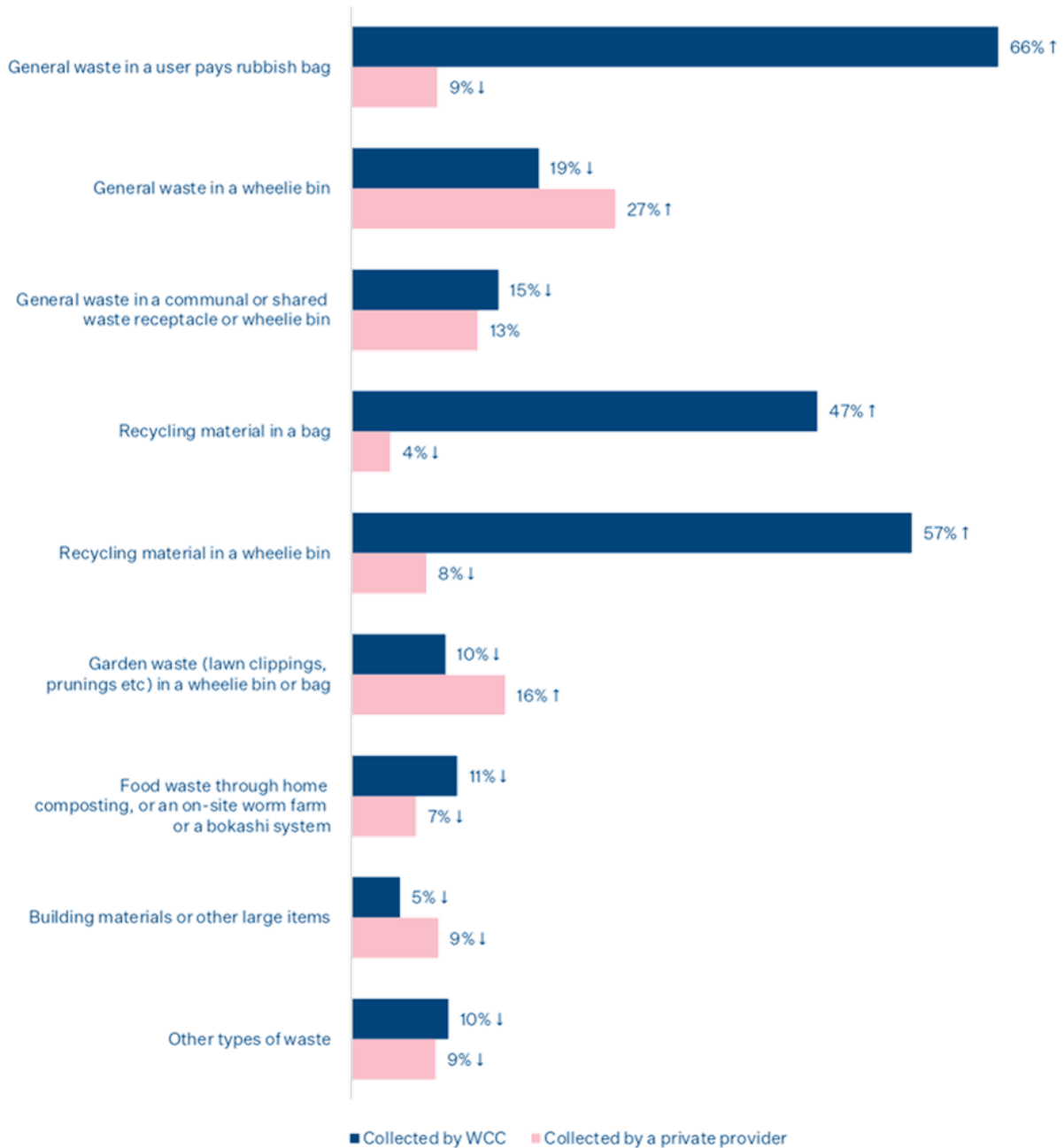
- Waste Management Ltd (17%)
- Low Cost Bins (6%)
- Daily Waste Ltd (4%)
- Enviro Waste Ltd (3%)
- Other (7%)

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Figure 11 Providers by Waste Type





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## Satisfaction With Waste And Recycling Services

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21

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After selecting their preferred providers, respondents were asked to rate the performance of up to two of their preferred waste and recycling collection providers on a scale of 0 to 10. It is worth noting that two in three residents in the Wellington City area are more likely to use a single provider for all their waste removal needs than they are to use multiple providers.

The ratings were used to calculate a net satisfaction/promoter score for each of the performance measures below (shown in Figures 12 to 15), based on the score from three distinct categories:

1. Promoters: These are residents who score a provider either 9 or 10. This group represents extremely satisfied users that serve as enthusiastic brand ambassadors.
2. Passives: These are residents who score a provider either 7 or 8. This group represents neutral users that might use a provider but not recommend it to others.
3. Detractors: These are residents who give a score between 0 and 6. This group represents extremely dissatisfied users who can potentially impact brands by sharing negative experiences with a particular provider.

Overall, while WCC ranked lower than other top providers identified across the different measures, Council's net satisfaction/promoter scores still sit in a positive and satisfactory range.

#### Satisfaction with the overall level of service

Wellington City Council and their current waste servicing contractors, Enviro Waste, received positive net satisfaction scores from their users, although these scores ranked lower compared to other top providers, on account of WCC having a higher proportion of passive customers.

For each of the two providers selected, we also asked users of each to share their reasons for the overall satisfaction rating provided. Table 1 shows a summary of those responses for the top three providers, including WCC.

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Table 1 Reasons for Satisfaction Ratings

| Service Provider                            | Wellington City Council | Waste Management | Low Cost Bins |
|---|-------------------------|------------------|---------------|
| <b>Positive Reasons</b>                     |                         |                  |               |
| Positive / Good Service                     | 27%                     | 32%              | 24%           |
| Reliable / Efficient                        | 23%                     | 24%              | 31%           |
| No Complaints                               | 16%                     | 6%               | 10%           |
| Good Value for Money                        | 2%                      | 7%               | 16%           |
| Easy to deal with                           | 4%                      | 9%               | 4%            |
| <b>Neutral/Non-committal</b>                |                         |                  |               |
| Other                                       | 5%                      | 5%               | 6%            |
| Don't Know                                  | 22%                     | 24%              | 24%           |
| <b>Negative Reasons</b>                     |                         |                  |               |
| Late Collection / Inconsistent / Unreliable | 6%                      | 6%               | 6%            |
| Expensive                                   | 4%                      | 6%               | 6%            |
| Bad Customer Service                        |                         | 9%               | 2%            |
| Messy Collection                            | 2%                      | 1%               | 4%            |
| Need a Wheelie Bin                          | 3%                      |                  |               |
| No collection during Lockdown               | 1%                      |                  |               |
| Need Green waste collection                 | 2%                      |                  |               |
| Clearer Symbols on Rubbish and Recycle      | 1%                      |                  |               |
| Bags are Expensive                          | 5%                      |                  |               |
| Need More Recycling                         | 5%                      |                  |               |

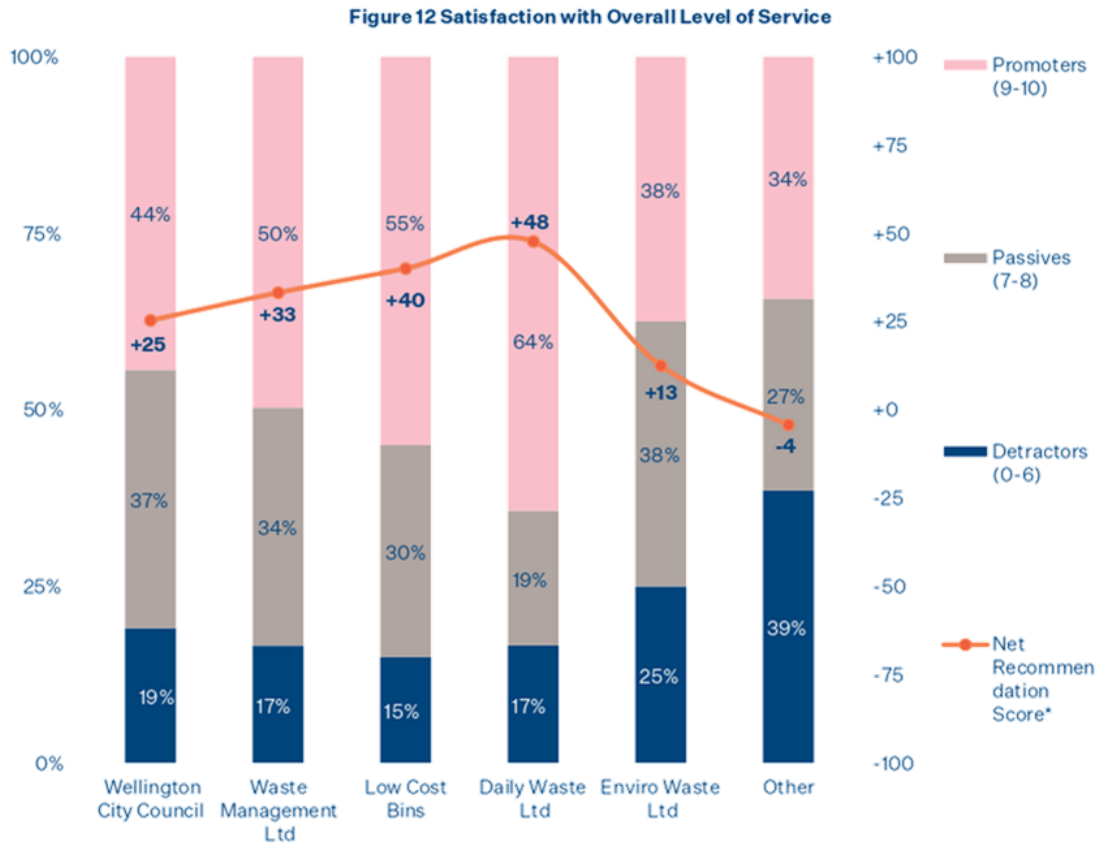
Residents dissatisfied with WCC waste collection services were specifically asked what would cause them to switch providers? This group was particularly price sensitive, and they were keen to have more free services or to have the cost of services reduced. Reasons that would cause dissatisfied customers to switch from the Council service provider to another provider are:

- How waste removal services/facilities are priced (43%).
- The limited waste, recycling and green waste options provided by the Council (18%).
- The Council service has issues with reliability and being convenient (10%).

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“ Never have any reason to complain. Service is 100% reliable and information (eg public holiday changes etc) easy to find on website.”  
USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

“ Wellington City Council is quick to respond to “fix it” The recycling & rubbish collection is always removed promptly in the am.”  
USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

“ I was very dissatisfied that there was no recycling collection during lockdown. I am dissatisfied that WCC doesn’t take all plastic materials - our city should be disposing of ALL the waste we generate. The Council should be investing in things like waste-to-energy plants. I am dissatisfied that general waste goes in plastic bags - there’s too much plastic in our world! I am dissatisfied that I have to have my rubbish and recycling before 6.30am - too early!! But I am very satisfied with the kerbside collection, the fact that the wheelie bins now have locks to keep the lids down, and being able to buy rubbish bags from the supermarket (even though they are expensive).”  
USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

Commercial In Confidence

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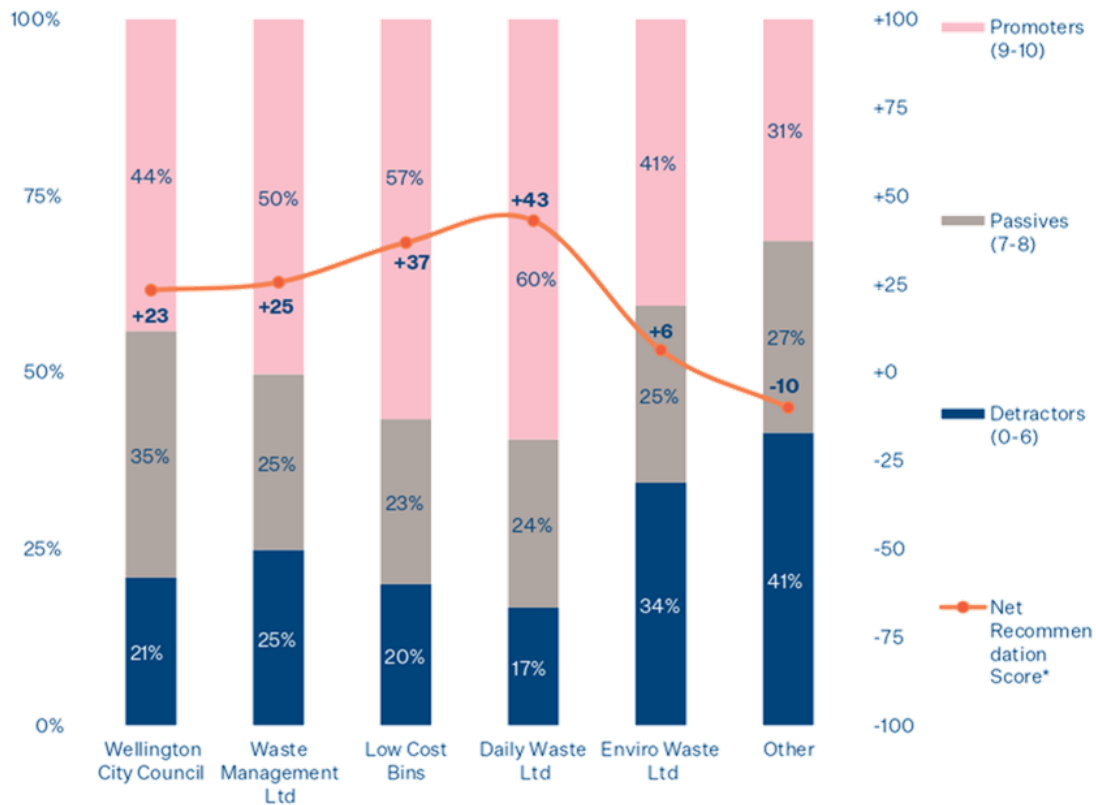
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### Ease of dealing with the provider

Both Wellington City Council and their contractor Enviro Waste, received positive net satisfaction scores from their users, although these scores generally ranked lower than scores given to other top providers. This net satisfaction score was again impacted by a high proportion of passive customers.

In our experience, Councils will tend to get mixed reviews around how easy the public finds it to deal with them, particularly given the variety and complexity of issues that residents may present to their Council. However, it appears from the user feedback that Council could improve the timeliness of their response to resident queries.

Figure 13 Ease of Dealing with them



“ I’ve had to have very few dealings with them (a good thing), and have had my query/issue resolved quickly. The only time I’ve had an issue was when complaining about a neighbours waste spilling onto the street - WCC never responded to the complaint made using their online form.

USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING



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“ The actual service is good and timely. However, have struggled dealing with the Council on getting recycling bags two years in a row when deliveries have been missed. Council ignored multiple emails so ended up spending money buying bags when we shouldn't have.

USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

“ Haven't had interactions per se- but haven't had a need to with regards to rubbish. all seems to run very smoothly.

USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

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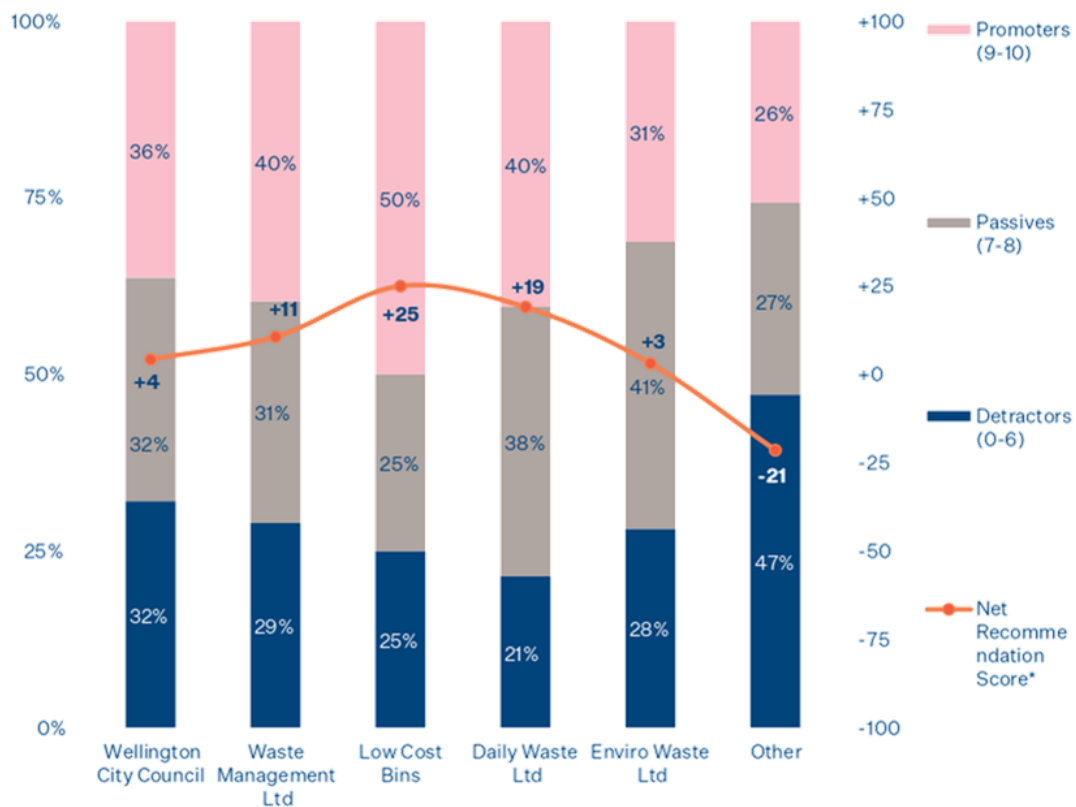
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**Value for money in the service that you receive**

Wellington City Council and Enviro Waste also received positive net satisfaction scores for in terms of value for money for the servicing being received, but these rankings emerged as being consistently lower than the value for money ranking provided for other top providers.

However, both WCC and Enviro Waste also had a slightly higher proportions of detractors, which we attribute to perceptions that Council waste removal services or products are relatively expensive compared to other providers in Wellington City. For example, Low Cost Bins is more likely to be perceived to offer the greatest value for money among its users than any other entity.

**Figure 14 Value for Money**



“ They do what we PAY for  
USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

“ Always collected on time. Bags are big enough and reasonable value for money if you pack them properly  
USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

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“ Not happy about the price of rubbish bags going up. Our rates have already gone up a bit even after Covid, (where we didn't get any recycling taken away during lockdown) yet paying more for less service.

USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

“ Good experience except for the rubbish bags being expensive

USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

“ It's expensive to dispose of rubbish with the council bins, and it is difficult to recycle and compost with only options for 1,2,5 recycling collection.

USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

“ It's easy and relatively cheap to get the Council to take your waste, but I don't know how it compares to private companies.

USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

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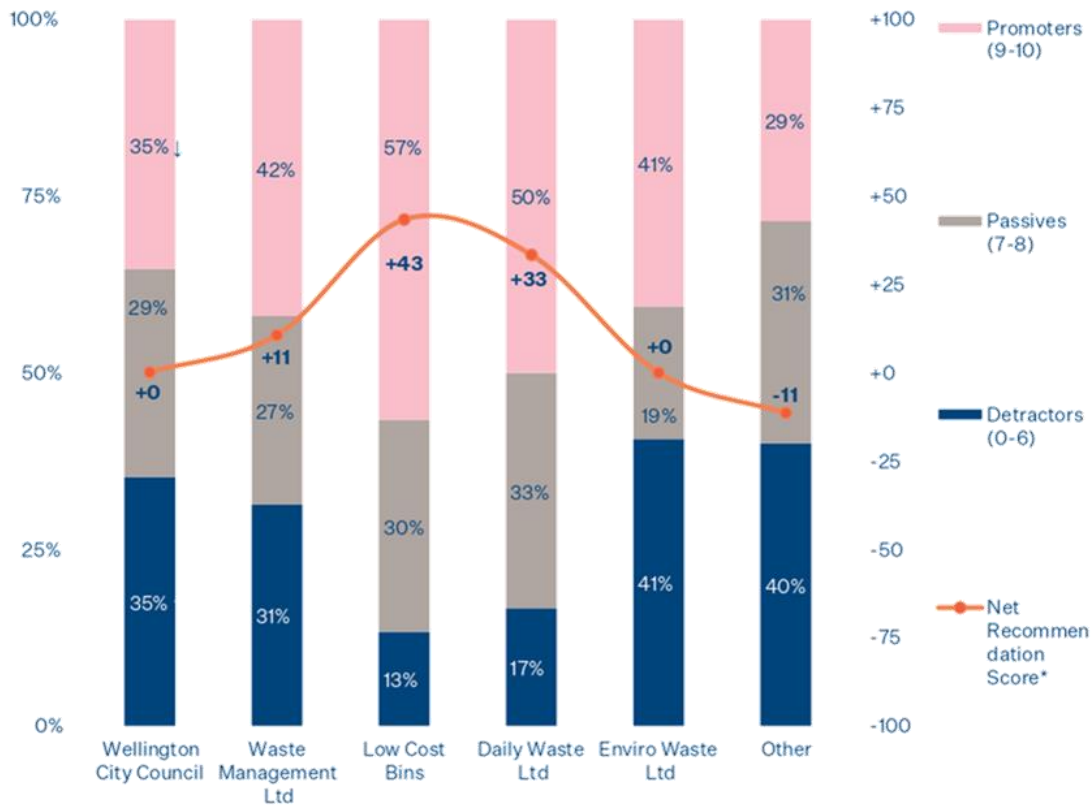
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**Likelihood that you will recommend them to friends/colleagues/family.**

WCC and Enviro Waste have a zero net promoter (NPS) score; compared to other top providers who have a positive NPS score. We found that there was a significantly higher than expected proportion of detractors among users of WCC waste removal services.

However, to contextualise these findings, it is worth noting from the respondent feedback that people typically expect to have Council services made available to them and take Council service provision as a given. Given this neutral position, people will typically not find it necessary to recommend a free Council service, for example.

**Figure 15 Likelihood to Recommend**



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“ In terms of recommending the Wellington City councils rubbish collection service, this would never come up in conversation. I think everyone I know uses this service so it's not applicable. I haven't had to deal with Wellington City Council personally about rubbish collection. The service is seamless in that I simply put my rubbish for collection outside my house and it gets collected. Nothing more I need to do from there really.

USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

“ I only use the Wellington City Council for recycling and I have no complaints. WCC service is automatic so no need to recommend to friends. All other waste etc are private rubbish collection private companies.

USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

“ I don't know what the cost is nor do we have any interaction with them. There was no option, so I don't know why I would recommend or not. It's just the service with which we were provided.

USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING

“ I have no real interactions with the rubbish collectors nor am I in the habit of recommending what is a service I have little say in the provision of - hence I gave what I thought was a neutral response.

USER OF WCC WASTE AND RECYCLING COLLECTION SERVICING



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## Key Issues For Residents

A large, stylized pink number '6' is centered on the slide. The number is thick and has a slight shadow effect, making it stand out against the dark blue background.

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Residents were asked to rate providers in the Wellington City area on the importance of aspects linked to the delivery of waste and recycling services, again using the five-point Likert scale. For consistency, a 'more than important' score has been calculated for each aspect.

Residents in the Wellington City area identify the following aspects of service provision as being 'more than important' (see shown in Figure 16):

- Minimising environmental and community impacts.
- Enhancing access to kerbside services.
- Improving reliability, i.e., ensuring there is timely and regular waste collection
- Providing and properly communicating accurate information.
- Increasing the scope of recycling services provided.
- Prioritising the health and safety of residents.
- Prioritising the health and safety of waste and recycling activities.

Conversely, residents were less likely to find the availability of flexible/on-demand services and the disposal of waste and recycling by residents living in apartment/multi-unit buildings as being important. Worth noting that apartment dwellers tend to be concerned by the disposal of waste by other apartment dwellers, whereas they would not care about access to kerbside services, because that service is not available to them.

Worth noting that Appendix 1 provides a breakdown of these key issues by dwelling type.

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## 7.1 Health and Safety of Waste and Recycling

Thirteen percent of residents are concerned about the health and/or safety of waste and recycling activities in the Wellington City area; with key issues of concern relating to:

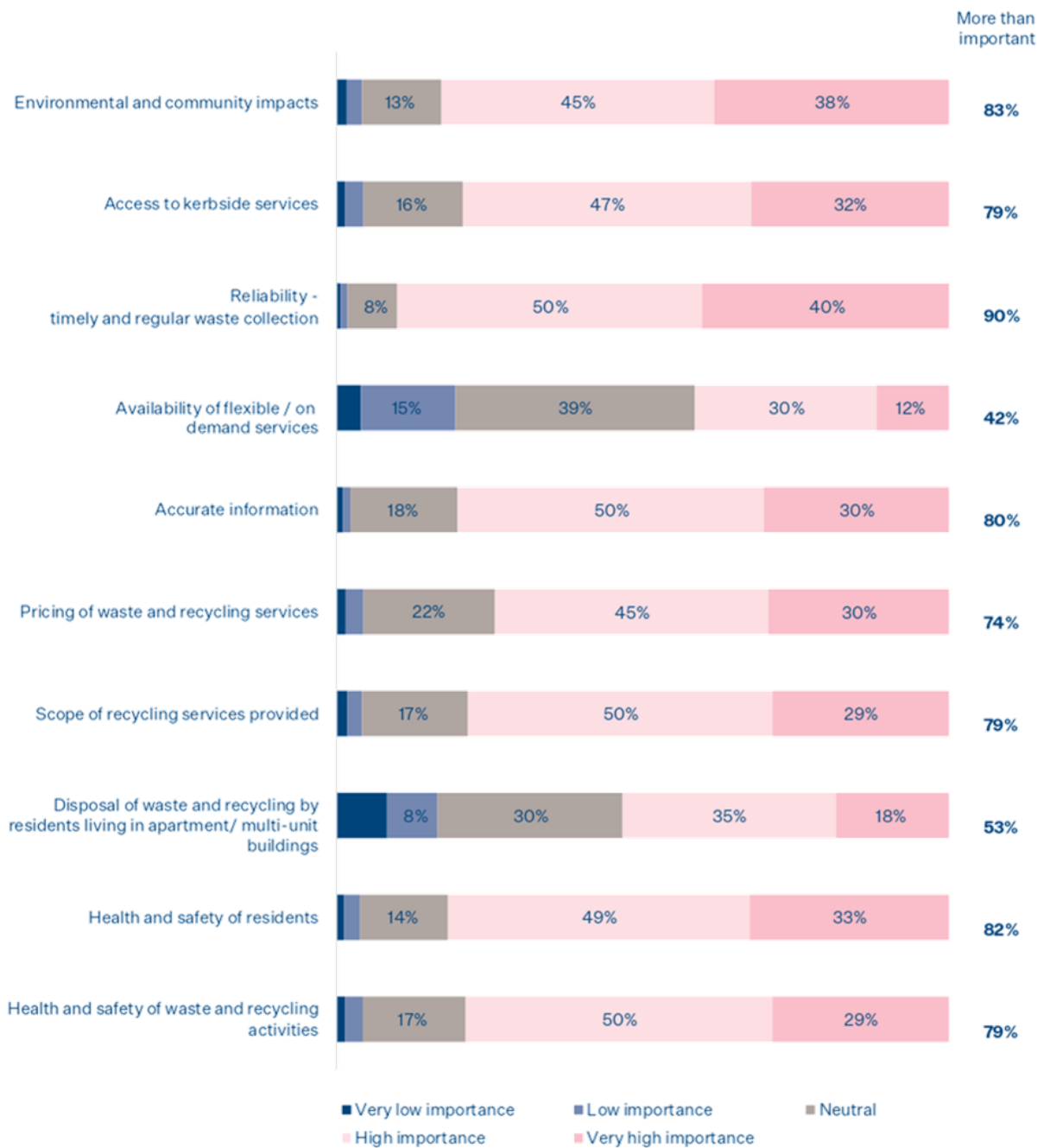
|  |            |
|--|------------|
| <b>Rubbish or bins on the streets or footpaths</b> | <b>28%</b> |
| Wind issues  | 16%        |
| Recycling concerns                                 | 16%        |
| Messy collection                                   | 9%         |
| Disposal of waste or organic waste or large waste  | 7%         |
| Irresponsible residents                            | 7%         |
| Tip or landfill issues                             | 6%         |
| Animal or bird intervention                        | 5%         |
| Waterways safety                                   | 5%         |
| Bins blocking the streets                          | 5%         |
| Other  | 21%        |

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Figure 16 Important Waste Removal Concerns to Resident



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## Recycling Behaviour



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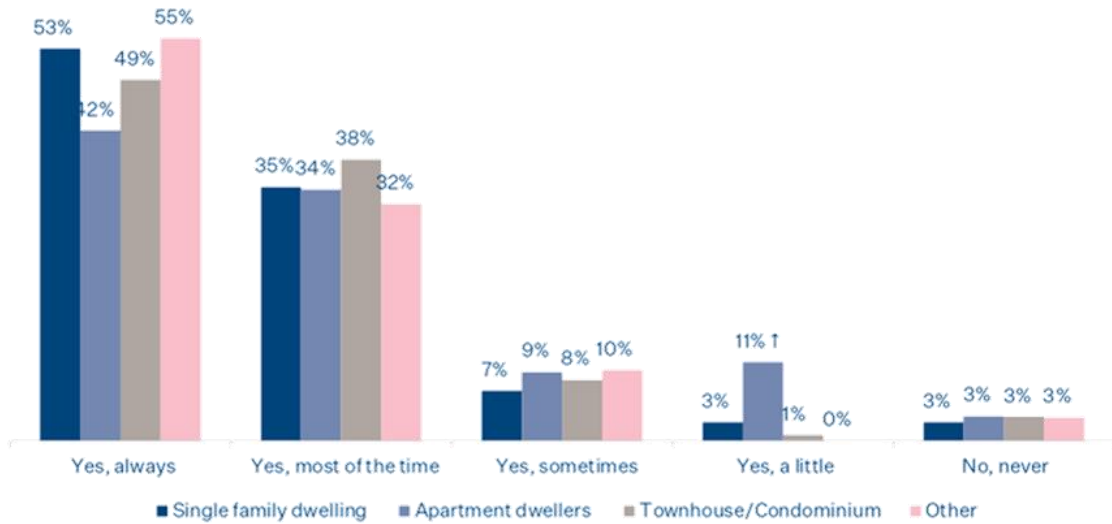
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Approximately 86% of residents in the Wellington City report that they 'always' or 'most of the time' recycle their waste, suggesting that recycling is viewed positively by residents (see Figures 17-18). Apartment dwellers indicate they are significantly more likely to recycle infrequently compared to residents living in other types of dwelling. Meanwhile, homeowners (either with or without a mortgage) tend to recycle more frequently, followed by renters.

**Figure 17 Recycling by Dwelling Type**

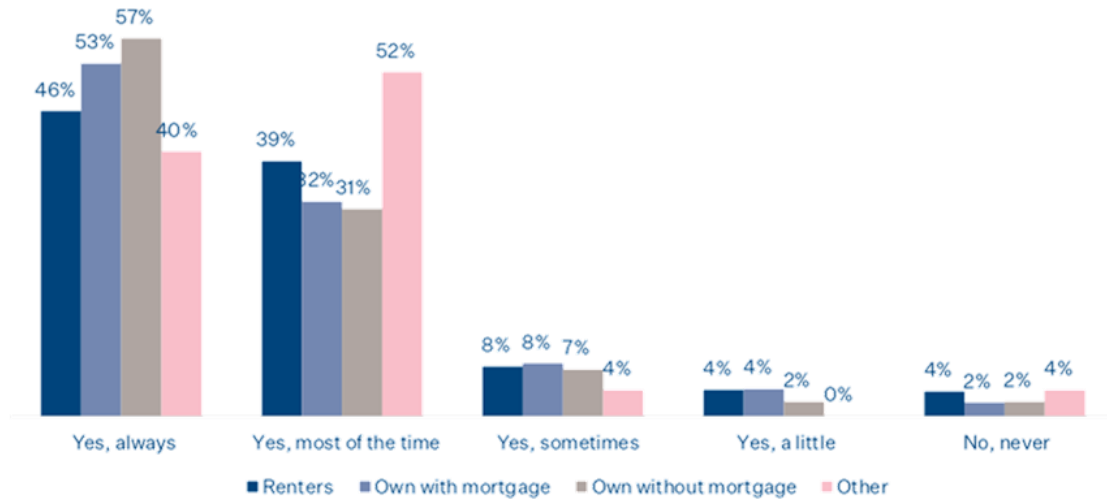


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Figure 18 Recycling by Homeownership Status



Among residents who recycle frequently (i.e., always and most of the time), single-families are significantly more likely to use a kerbside recycling service than apartment dwellers.

Table 2 Current Mode of Recycling by Dwelling Type

|                                  | Single-family dwelling | Apartment dweller | Townhouse | Other |
|----------------------------------|------------------------|-------------------|-----------|-------|
| Use a kerbside recycling service | 87% ↑                  | 56% ↓             | 88%       | 80%   |
| Recycle own rubbish at home      | 21% ↓                  | 39% ↑             | 18%       | 30%   |
| Recycling Centre                 | 3%                     | 3%                | 3%        | 0%    |
| Other                            | 4%                     | 13%               | 4%        | 7%    |

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Residents who don't recycle, or recycle infrequently, would recycle more often if they felt better informed about recycling and access to recycling services. Survey responses suggest enhanced education and communications related to recycling could increase awareness and interest in recycling where recycling rates are low.

**Table 3 Reasons for Not Recycling**

|  | Frequency |
|--|-----------|
| Not sure what items can be recycled                          | 30%       |
| Do not have recycling bins                                   | 28%       |
| Do not have space outside my home to store recycling bins    | 25%       |
| I don't have enough time / it's too much of a hassle         | 20%       |
| The process is inconvenient for me                           | 18%       |
| Don't produce enough recyclable items                        | 18%       |
| Don't believe that recycling is effective in reducing waste  | 9%        |
| Recycling rubbish a messy/dirty process                      | 9%        |
| Not interested in recycling my rubbish / it's not my problem | 5%        |
| Other  | 12%       |

Analysis of other responses suggests the key barrier to recycling, or recycling more frequently, is cost; thereafter greater accessibility to information around the end-to-end recycling process.

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**Table 4 Things to do to Encourage More Recycling**

|   | Frequency |
|---|-----------|
| Free or minimal costs to recycle                    | 52%       |
| More information about how to recycle               | 40%       |
| More information about recycling in general         | 32%       |
| More information about where to take my recycling   | 30%       |
| More information about what happens to my recycling | 29%       |
| Nothing would encourage me                          | 7%        |
| Other   | 14%       |

**Recycling Behaviours of Apartment Dwellers**

People living in apartment buildings in and outside the Wellington Central Business District were engaged with separately. Just half of apartment dwellers have access to communal or shared recycling facilities, which explains their higher likelihood to recycle less frequently. However, apartment dwellers living in the CBD were significantly more likely to access shared recycling facilities (61%). Of those who have recycling facilities available on-site, the most common recycling facility was a shared rubbish receptacle designated for recycling.

When survey respondents were questioned about the concept of developing a suite of local recycling stations to service apartment dwellings within the Central Area, the majority of apartment dwellers agreed that this was an appealing option that could boost their level of recycling. However, such stations should ideally be located within a 5-minute walk, or less, from their residences (as shown in Figure 19).

**Table 5 Preferred Recycling Method (All Apartment Dwellers)**

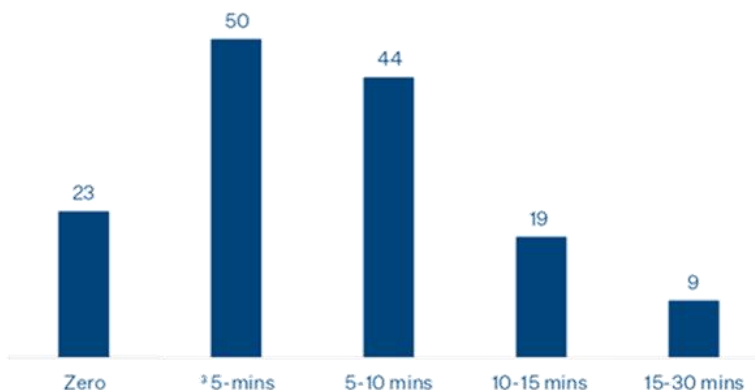
|  | Frequency |
|--|-----------|
| Access to a nearby recycling station from your apartment | 44%       |
| To pay for an on-site recycling collection service       | 32%       |
| Not sure   | 22%       |
| Other  | 6%        |

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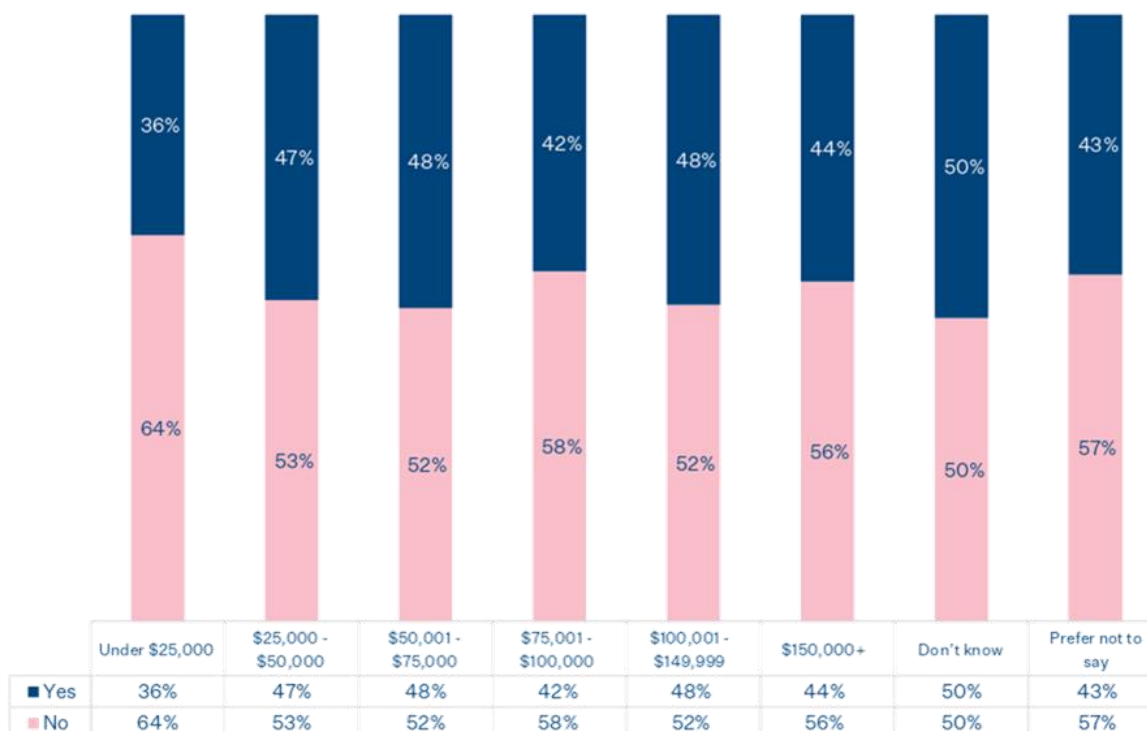
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Figure 19 Proximity of Recycling Station



Other apartment dwellers who preferred the idea of potentially paying for an on-site recycling collection service are still split in terms of their explicit propensity to pay for a local network of recycling stations. Except for apartment dwellers earning below \$25,000 p.a., the other income categories achieved a similar level of agreement around propensity to pay (as shown below in Figure 20).

Figure 20 Propensity to Pay for Local Recycling Stations by Income Level



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## Organics Servicing



41

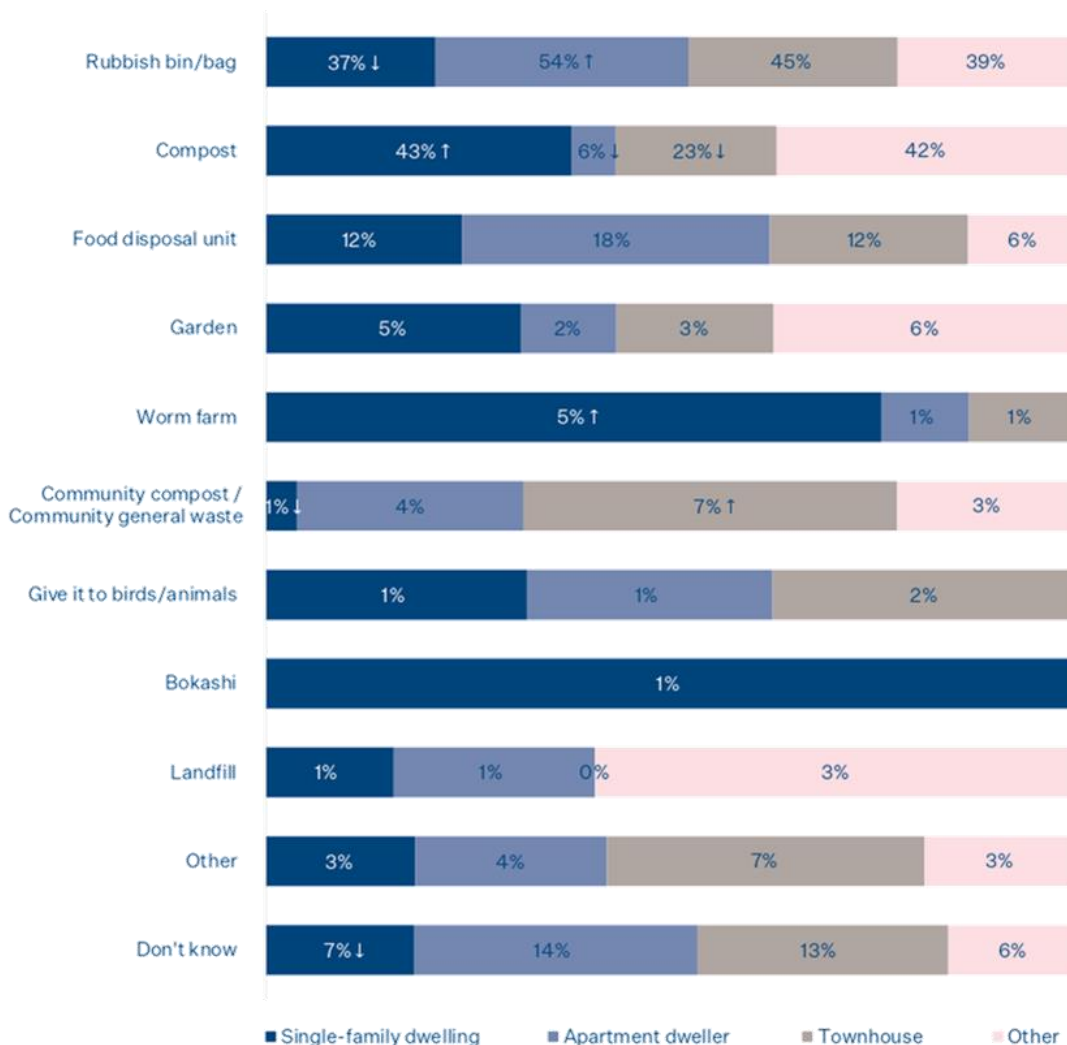
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With regards to current behaviours around the disposal of food/organic waste, single-family dwellings are significantly more likely to dispose of food/organic waste through composting, as shown below in Figure 21. Moreover, only single-family dwellings are currently using Bokashi systems for organics disposal.

Figure 21 Current Method for Organics Disposal



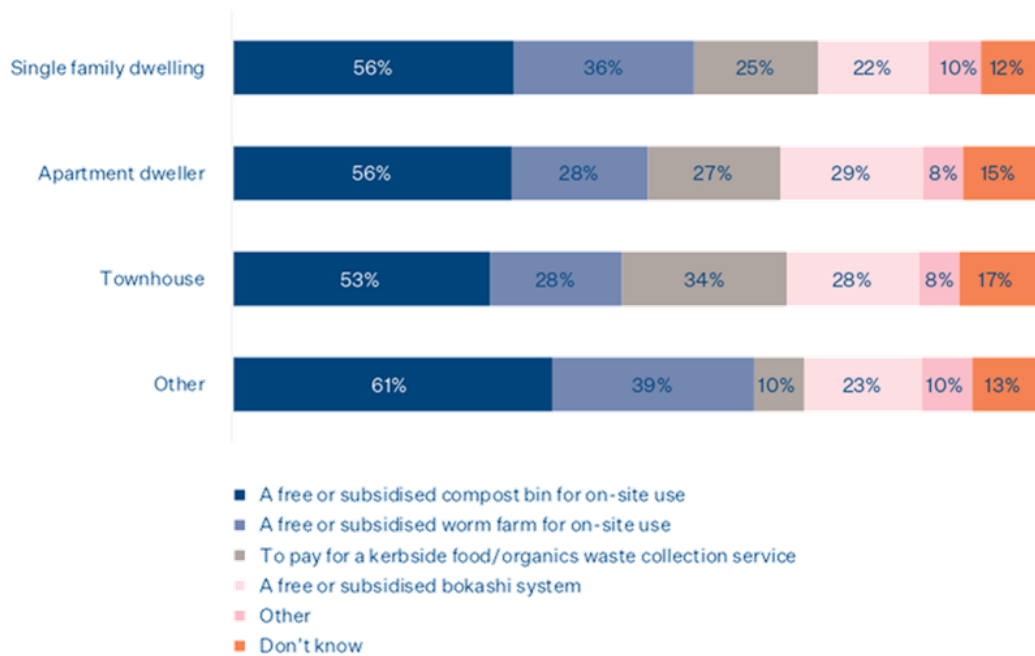
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With regards to disposal methods designed to prevent food/organic waste to the landfill in the future, residents show a clear preference for a free or subsidised compost bin for on-site. This is followed by preference for a free or subsidised worm farm for on-site use. Of note, around one in three Wellington City area residents would be willing to pay for a kerbside food/organics waste collection service. While the use of current Bokashi systems is low, around one in four residents would consider using a Bokashi system if it were free or subsidised (see Figure 22 below).

Figure 22 Organics Disposal by Dwelling Type



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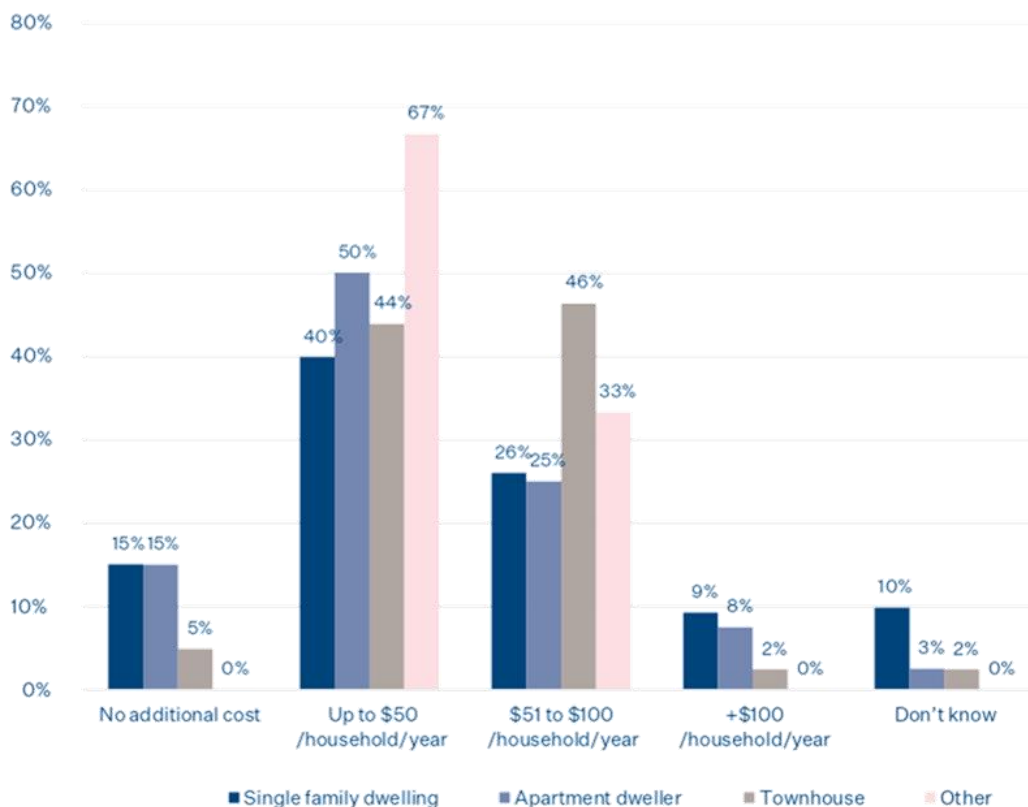
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Residents that indicated a willingness to pay for a kerbside food/organics waste collection service, were asked how much money they would be willing to pay from a range of options. It is important to note that respondents were notified that this payment was not referring to a rate increase, but rather on a user pays service.

Both income and dwelling type have an influence on willingness to pay for a kerbside service. Apartment dwellers and single-family dwellings are most likely to consider paying an annual fee of \$50, per household, for a kerbside food/organics waste collection service. Townhouse dwellers indicated a tolerance for paying an annual fee of up to \$100 (refer to in Figure 23).

Across all income levels, the majority are willing to pay up \$50 per household per year, while those residents earning in excess of \$150,000 p.a. are willing to pay up to \$100 for a kerbside collection service (refer shown in Figure 24).

Figure 23 Propensity to Pay for Kerbside Collection by Dwelling Type

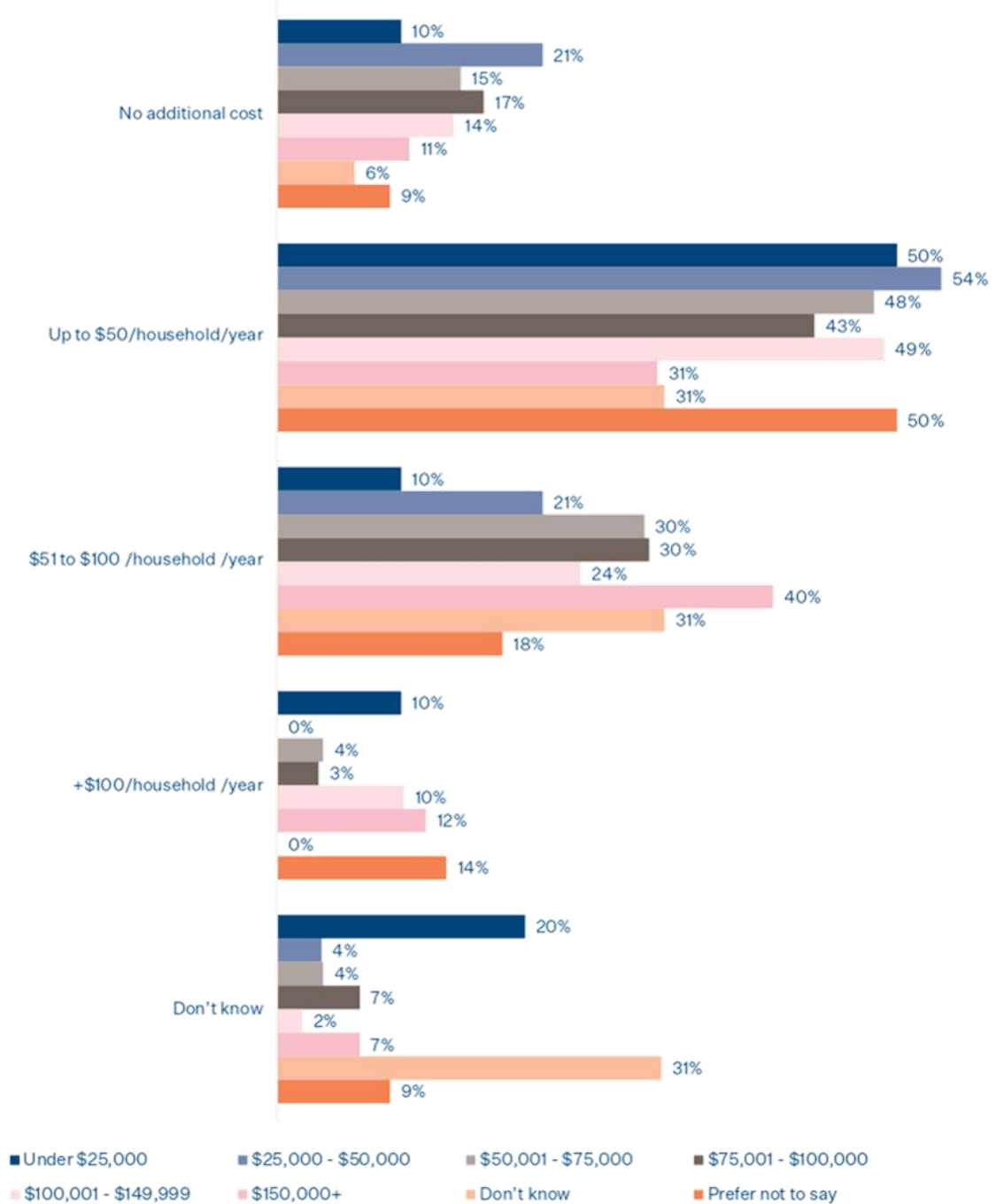


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Figure 24 Propensity to Pay for Kerbside Collection by Income Level



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## Information On Waste And Recycling



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The majority of residents rely on internet searches or searches on the provider or Council website to access information about waste and recycling services or activities. In terms of how residents prefer to communicate with their waste removal provider, most residents prefer a passive approach. There is limited justification for providers to expend resources on telephone or other forms of direct contact with residents around waste and recycling (as shown in Tables 6 to 9).

Table 6 Information Sources by Gender

|   | Male | Female | Gender diverse | Prefer not to say |
|---|------|--------|----------------|-------------------|
| Internet search                                   | 35%  | 38%    | 33%            | 38%               |
| Council / company website                         | 39%  | 37%    | 33%            | 25%               |
| Information provided in mailbox                   | 10%  | 12%    | 33%            | 13%               |
| Asking colleagues / friends / family / neighbours | 2%   | 5%     | 0%             | 25% ↑             |
| Seeing the bins on the street / around town       | 3%   | 4%     | 0%             | 0%                |
| Social media                                      | 3%   | 2%     | 0%             | 0%                |
| Calling the Council / company                     | 2% ↑ | 0% ↓   | 0%             | 0%                |
| Yellow pages                                      | 1%   | 0%     | 0%             | 0%                |
| Radio ads   | 1%   | 1%     | 0%             | 0%                |
| Other sources                                     | 2%   | 1%     | 0%             | 0%                |
| NET   | 100% | 100%   | 100%           | 100%              |

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Table 7 Information Sources by Dwelling Type

|   | Single family dwelling | Apartment dweller | Townhouse | Other |
|---|------------------------|-------------------|-----------|-------|
| Internet search                                   | 37%                    | 40%               | 37%       | 23%   |
| Council / company website                         | 39%                    | 30%               | 41%       | 42%   |
| Information provided in mailbox                   | 12%                    | 11%               | 7%        | 10%   |
| Asking colleagues / friends / family / neighbours | 3%                     | 3%                | 6%        | 19% ↑ |
| Seeing the bins on the street / around town       | 3%                     | 7%                | 3%        | 3%    |
| Yellow pages                                      | 1%                     | 1%                | 0%        | 0%    |
| Calling the Council / company                     | 1%                     | 1%                | 2%        | 0%    |
| Radio ads   | 1%                     | 2%                | 3%        | 0%    |
| Social media                                      | 3%                     | 2%                | 2%        | 3%    |
| Other source                                      | 1%                     | 3%                | 2%        | 0%    |
| NET   | 100%                   | 100%              | 100%      | 100%  |

Table 8 Preferred Way of Communicating with Provider by Gender

| Medium              | Male | Female | Gender diverse | Prefer not to say |
|---------------------|------|--------|----------------|-------------------|
| Phone               | 24%  | 21%    | 0%             | 50%               |
| Email               | 60%  | 59%    | 17%            | 50%               |
| Text message        | 3%   | 2%     | 17%            | 0%                |
| Letter              | 2%   | 3%     | 0%             | 0%                |
| Live web chat       | 2%   | 4%     | 17%            | 0%                |
| Social media        | 2%   | 3%     | 17%            | 0%                |
| App                 | 2%   | 1%     | 17%            | 0%                |
| Portal on a website | 4%   | 5%     | 0%             | 0%                |
| Other               | 1%   | 1%     | 17% ↑          | 0%                |
| NET                 | 100% | 100%   | 100%           | 100%              |

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**Table 9 Preferred Way of Communicating with Provider by Dwelling Type**

|                     | Single family dwelling | Apartment dweller | Townhouse | Other |
|---------------------|------------------------|-------------------|-----------|-------|
| Phone               | 23%                    | 20%               | 21%       | 26%   |
| Email               | 61%                    | 57%               | 58%       | 42%   |
| Text message        | 2%                     | 5%                | 2%        | 6%    |
| Letter              | 3%                     | 1%                | 4%        | 3%    |
| Live web chat       | 2%                     | 3%                | 4%        | 6%    |
| Social media        | 3%                     | 4%                | 1%        | 0%    |
| App                 | 2%                     | 3%                | 1%        | 0%    |
| Portal on a website | 4%                     | 3%                | 8%        | 10%   |
| Other               | 1%                     | 3%                | 1%        | 6%    |
| NET                 | 100%                   | 100%              | 100%      | 100%  |

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## Appendix 1: Topics of Concern by Dwelling Type

# 10



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| Topic   | Dwelling Type          | Very low importance | Low importance | Neutral | High importance | Very high importance | More than important |
|---|------------------------|---------------------|----------------|---------|-----------------|----------------------|---------------------|
| Environmental and community impacts               | Single-family dwelling | 2%                  | 2%             | 13%     | 45%             | 38%                  | 83%                 |
|   | Apartment dweller      | 1%                  | 1%             | 17%     | 45%             | 36%                  | 81%                 |
|   | Townhouse/condominium  | 3%                  | 3%             | 8%      | 43%             | 42%                  | 85%                 |
|   | Other                  | 0%                  | 6%             | 6%      | 32%             | 55%                  | 87%                 |
|   | NET                    | 2%                  | 3%             | 13%     | 45%             | 38%                  | 83%                 |
| Access to kerbside services                       | Single-family dwelling | 1%                  | 2%             | 13% ↓   | 48%             | 35% ↑                | 84% ↑               |
|   | Apartment dweller      | 3%                  | 7% ↑           | 32% ↑   | 40%             | 18% ↓                | 58% ↓               |
|   | Townhouse/condominium  | 1%                  | 2%             | 18%     | 49%             | 31%                  | 80%                 |
|   | Other                  | 0%                  | 6%             | 10%     | 45%             | 39%                  | 84%                 |
|   | NET                    | 1%                  | 3%             | 16%     | 47%             | 32%                  | 79%                 |
| Reliability – timely and regular waste collection | Single-family dwelling | 1%                  | 1%             | 7%      | 48%             | 43% ¶                | 91%                 |
|   | Apartment dweller      | 1%                  | 1%             | 14%     | 50%             | 34%                  | 84%                 |
|   | Townhouse/condominium  | 0%                  | 2%             | 8%      | 58%             | 33%                  | 91%                 |
|   | Other                  | 0%                  | 6%             | 6%      | 58%             | 29%                  | 87%                 |
|   | NET                    | 1%                  | 1%             | 8%      | 50%             | 40%                  | 90%                 |
| Availability of flexible / on demand services     | Single-family dwelling | 5%                  | 14%            | 41%     | 29%             | 11%                  | 40%                 |
|   | Apartment dweller      | 1%                  | 17%            | 35%     | 30%             | 17%                  | 48%                 |
|   | Townhouse/condominium  | 3%                  | 20%            | 32%     | 35%             | 11%                  | 46%                 |
|   | Other                  | 3%                  | 19%            | 45%     | 26%             | 6%                   | 32%                 |
|   | NET                    | 4%                  | 15%            | 39%     | 30%             | 12%                  | 42%                 |
| Accurate information                              | Single-family dwelling | 1%                  | 1%             | 17%     | 50%             | 31%                  | 81%                 |
|   | Apartment dweller      | 2%                  | 1%             | 25%     | 46%             | 27%                  | 72%                 |
|   | Townhouse/condominium  | 0%                  | 3%             | 14%     | 55%             | 28%                  | 83%                 |
|   | Other                  | 0%                  | 0%             | 13%     | 42%             | 45%                  | 87%                 |
|   | NET                    | 1%                  | 1%             | 18%     | 50%             | 30%                  | 80%                 |

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| Topic  | Dwelling Type          | Very low importance | Low importance | Neutral | High importance | Very high importance | More than important |
|--|------------------------|---------------------|----------------|---------|-----------------|----------------------|---------------------|
| Pricing of waste and recycling services  | Single-family dwelling | 2%                  | 2%             | 20%     | 47%             | 30%                  | 76%                 |
|  | Apartment dweller      | 1%                  | 6%             | 31%     | 34%             | 28%                  | 62% ↓               |
|  | Townhouse/condominium  | 0%                  | 3%             | 23%     | 43%             | 31%                  | 74%                 |
|  | Other                  | 0%                  | 3%             | 13%     | 55%             | 29%                  | 84%                 |
|  | NET                    | 2%                  | 3%             | 22%     | 45%             | 30%                  | 74%                 |
| Scope of recycling services provided   | Single-family dwelling | 2%                  | 2%             | 16%     | 51%             | 29%                  | 80%                 |
|  | Apartment dweller      | 1%                  | 3%             | 23%     | 46%             | 27%                  | 72%                 |
|  | Townhouse/condominium  | 2%                  | 3%             | 21%     | 47%             | 28%                  | 74%                 |
|  | Other                  | 0%                  | 3%             | 10%     | 45%             | 42%                  | 87%                 |
|  | NET                    | 2%                  | 2%             | 17%     | 50%             | 29%                  | 79%                 |
| Disposal of waste and recycling by residents living in apartment/ multi-unit buildings | Single-family dwelling | 11% ↑               | 9%             | 35% ↑   | 30% ↓           | 15% ↓                | 45% ↓               |
|  | Apartment dweller      | 1% ↓                | 4%             | 15% ↓   | 50% ↑           | 30% ↑                | 80% ↑               |
|  | Townhouse/condominium  | 4%                  | 8%             | 23%     | 43%             | 22%                  | 64%                 |
|  | Other                  | 6%                  | 3%             | 26%     | 32%             | 32%                  | 65%                 |
|  | NET                    | 8%                  | 8%             | 30%     | 35%             | 18%                  | 53%                 |
| Health and safety of residents   | Single-family dwelling | 1%                  | 2%             | 14%     | 49%             | 33%                  | 83%                 |
|  | Apartment dweller      | 1%                  | 5%             | 15%     | 48%             | 32%                  | 79%                 |
|  | Townhouse/condominium  | 2%                  | 4%             | 15%     | 53%             | 27%                  | 79%                 |
|  | Other                  | 0%                  | 0%             | 16%     | 45%             | 39%                  | 84%                 |
|  | NET                    | 1%                  | 3%             | 14%     | 49%             | 33%                  | 82%                 |
| Health and safety of waste and recycling activities                                    | Single-family dwelling | 1%                  | 2%             | 16%     | 50%             | 30%                  | 80%                 |
|  | Apartment dweller      | 1%                  | 5%             | 20%     | 48%             | 26%                  | 74%                 |
|  | Townhouse/condominium  | 2%                  | 5%             | 18%     | 53%             | 23%                  | 76%                 |
|  | Other                  | 0%                  | 0%             | 10%     | 42%             | 48%                  | 90%                 |
|  | NET                    | 1%                  | 3%             | 17%     | 50%             | 29%                  | 79%                 |

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## **E-SCOOTER LICENSING**

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### **Purpose**

1. This report asks the Strategy and Policy Committee to approve the issuing of up to two licences to operate shared e-scooter schemes in Wellington through a competitive tender process.
2. This report also asks the Strategy and Policy Committee to amend resolution 6 of the public hire electric scooter report, presented to the Strategy and Policy Committee on 21 May 2020. This amendment will allow officers to issue operating licences before the Trading in Public Places Policy (TPPP) review is complete.
3. This report also asks the Strategy and Policy Committee to note the fee structure to operate public hire electric scooters in Wellington for the next 3 years.
4. This report will also update the Committee on electric scooter share, including Covid-19 impacts, and the changes that saw a licence issued to a new operator in Wellington.

### **Summary**

5. In June 2019, following approval from the City Strategy Committee, two licences were issued to operate public hire e-scooter schemes in Wellington City.
6. The evaluation period for e-scooter share in Wellington City was from 18 June 2019 to 18 December 2019. The results of this evaluation period were reported to the Strategy and Policy Committee on 21 May 2020.
7. Through Strategy and Policy Committee resolutions, recommended by officers, the issuing of new licences to operate shared e-scooter schemes in Wellington City was tied with the TPPP review.
8. This TPPP review is now expected to take place in 2021, which means the timelines for the review and issuing new licences no longer align.
9. Officers are seeking approval to issue new licences before the review of the TPPP is complete to be able to charge new fees and allow for the ongoing operation of electric scooter share schemes in Wellington. Any licences issued will be contingent on micro-mobility being included as part of the upcoming TPPP review.
10. Through the licensing process, officers are proposing to implement a new fee structure that will allow more flexible investment in the operations of micro mobility as a whole in Wellington City.

### **Recommendation/s**

That the Strategy and Policy Committee:

1. Receive the information.

2. Agree to approve the issuing of up to two licences to operate shared e-scooter schemes.
3. Agree to alter resolution 6 of the public hire electric scooter report, presented to the Strategy and Policy Committee on 21 May 2020 from:  
"Agree that subject to adoption of the amended Trading in Public Places Policy the Council will call for expressions of interest to operate public share e-scooter schemes from 2021 and beyond, with favourable consideration given to using local or NZ-owned companies/operators."  
To:  
"Agree that the Council will call for expressions of interest to operate public share e-scooter schemes from 2021 and beyond, with favourable consideration given to using local or NZ-owned companies/operators. Note that the updated Trading in Public Places Policy, due to be consulted on in 2021, will include shared micromobility and this consultation will allow the community to provide additional feedback. The licences issued will allow for them to be modified based on any final changes agreed in the updated policy."
4. Agree to a per-trip fee structure, with the initial amount set at \$0.11 per trip taken in Wellington City.

## Background

11. In early 2019, the Council issued licences to two e-scooter share operators to operate in Wellington from June 2019 for a 6-month trial with an additional 12-month licence if the trial was successful.
12. The current licences to operate expire on 31 December 2020.
13. The fees paid to the Council by each operator to take part in the trial were \$23,615. A total of \$47,230. There was also a bond of \$10,000 per operator taken to cover any unforeseen operational costs incurred by the Council (eg operator leaving suddenly).
14. In May 2020, the Strategy and Policy Committee agreed to the continuation of public share electric scooter operations in Wellington and requested officers to progress work to implement this.
15. At the May 2020 meeting, the Committee also agreed to the original resolution 6:  
"Agree that subject to adoption of the amended Trading in Public Places Policy the Council will call for expressions of interest to operate public share e-scooter schemes from 2021 and beyond, with favourable consideration given to using local or NZ-owned companies/operators."
16. Due to circumstances outside officer control, the Trading in Public Places Policy review is no longer going to be completed before the end of 2020.

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## **Discussion**

17. Officers would like to decouple the e-scooter licensing process and the Trading in Public Places Policy to allow the Council to implement a new fee structure and allow for the ongoing operation of electric scooter share schemes in Wellington.
18. To do this, the Committee needs to amend a resolution passed at the 21 May 2020 meeting.
19. The proposed three-year licence will allow the operators to plan and provide for Wellington with a lot more confidence.
20. By completing the publicly competitive process, the Council can ensure that the best operators are selected, and costs incurred can be fully recouped.
21. It is recommended that a per-trip fee be attached to the licence to operate in Wellington.
22. This per-trip fee will allow officers to ensure that all costs related to management of e-scooter share in Wellington are able to be covered by having more flexible monthly reviews of the fee structure, rather than using estimates at the time of issuing the licence.
23. E-scooter operators have also indicated a preference for a fee structure tied to trips taken as it removes the need for large upfront payments and is directly connected to the revenue they take.
24. Modelling completed shows that the total fees collected by the Council from September 2019 to September 2020, using the \$0.11 per trip fee would have been \$84,429.
25. In a more normal Covid-19-free year, officers estimate that, using the \$0.11 fee, the total amount collected by the Council would be approximately \$114,000.
26. These fees will be used to cover the cost of staff time to manage the schemes, infrastructure installed to support the schemes and any safety or public messaging needed in relation to the schemes. This includes retrospective costs initially covered by the Council that facilitate operations under the new licences.

## **Operations update**

27. When New Zealand entered Covid-19 alert level 4 on 25 March 2020, all e-scooters were removed from the streets of Wellington.
28. Following guidance from the Ministry of Transport, it was decided that shared e-scooter companies could begin to operate again when New Zealand relaxed restrictions to Covid-19 alert level 2 on 13 May 2020.
29. This is when Flamingo relaunched operations in Wellington.

30. During the Covid-19 alert levels 3 and 4, JUMP's business was included in a global business deal that saw Lime take over JUMP operations.
31. As a result of this deal, officers worked with Lime to issue a new licence. Lime launched in Wellington on 11 August 2020.
32. All operators were very responsive during the Covid-19 process, coming together to work with territorial authorities and the Ministry of Transport to develop a robust management plan to respond to pandemic-related requirements.
33. Trips have been steadily increasing as more and more Wellingtonians return to the city. Trips taken have increased from 10,500 in May 2020 to 54,500 in September 2020. Any change in Covid-19 alert levels is reflected in the number of trips taken.
34. The September 2020 total for trips taken is just over half as much as September 2019 (100,004 trips).
35. Our on-street observations reflected this drop in numbers with a decrease in the amount of people seen using e-scooters (both shared and private).
36. Both operators were proactive in sending reports through on how they were conforming with Covid-19 alert level 2 operational requirements.
37. E-scooter parking racks were installed in October at 8 locations to help manage the footpath clutter. These were designed and manufactured in Wellington City.
38. Officers continue to monitor the use of the new racks. Initial observations have seen them being used well.

## Options

39. Approve officers continuing work to issue up to two licences through a competitive request for proposal process under the current Trading in Public Places Policy. This is the preferred option for recommendation two.
40. Do not approve officers continuing work to issue licences until the new Trading in Public Places Policy is implemented. If this option is chosen, officers will need to develop a plan for e-scooter share until the Trading in Public Places Policy review is complete.

## Next Actions

41. If the recommended option is agreed to then the following timeline will commence:
  - 16 November 2020** – Release public request for proposals to operate e-scooter share schemes in Wellington City. Extend current trial licences by two months to allow for proposal process.
  - 11 January 2021** – Opportunity to submit proposals closes.

**25 January 2021** – Evaluation panel meet to decide on up to two operators for 3-year licences.

**1 February 2021** – Companies notified of evaluation panel decision.

**1 March 2021** – New licences begin.

42. If the recommended option is not agreed to, officers will develop a plan for e-scooter share until the Trading in Public Places Policy review is complete.

### **Attachments**

Nil

|            |   |
|------------|---|
| Authors    | Hugh Wilson, Transport Project Engineer<br>Anna Blomquist, T/I Transport Safety Education |
| Authoriser | Liam Hodgetts, Chief Planning Officer   |

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## **SUPPORTING INFORMATION**

### **Engagement and Consultation**

A comprehensive engagement was undertaken for the trial of e-scooter share and was presented at the 21 May 2020 Strategy and Policy Committee meeting. Further consultation will be undertaken as part of the Trading in Public Places Policy review.

### **Treaty of Waitangi considerations**

There are no Treaty of Waitangi considerations for this report.

### **Financial implications**

Financial implications have been outlined in the body of the report.

### **Policy and legislative implications**

Policy and legislative implications have been outlined in the body of the report.

### **Risks / legal**

The Council legal representatives have been consulted in the development of operational documents to this point and will continue to be.

### **Climate Change impact and considerations**

There are no specific climate change considerations for this report.

### **Communications Plan**

N/A

### **Health and Safety Impact considered**

There are no specific health and safety concerns for this report.