



ASSETS AND SERVICES COMMITTEE

Agenda

NOTICE OF MEETING

An ordinary meeting will be held in the Council Chambers, 18 Kitchener Street, Martinborough on Wednesday 19 February 2020 at 9:00am. The meeting will be held in public (except for any items specifically noted in the agenda as being for public exclusion).

MEMBERSHIP OF THE COMMITTEE

Councillors Brian Jephson (Chair), Garrick Emms, Rebecca Fox, Pip Maynard, Alistair Plimmer, Ross Vickery and Mayor Alex Beijen.

Open Section

- A1.** Apologies
- A2.** Conflicts of interest
- A3.** Public participation
As per standing order 14.17 no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.
- A4.** Actions from public participation
- A5.** Extraordinary business
- A6.** Minutes for Confirmation: Pages 1-3
Assets and Services Committee Minutes of 11 December 2019
Proposed Resolution: *That the minutes of the Assets and Services Committee meeting held on 11 December 2019 are a true and correct record.*
- A7.** Minutes from Subcommittee for Receipt: Pages 4-6
Water Race Subcommittee Minutes of 12 December 2019
Proposed Resolution: *That the minutes of the Water Race Subcommittee meeting held on 12 December 2019 are received.*
- A8.** Notices of motion

B. Decision Reports from Chief Executive and Staff

- | | | |
|------------|--|-----------|
| B1. | Inorganic Refuse Collection | Pages 7-8 |
| B2. | Wellington Water Ruamahanga Findings Report (to be tabled) | |

C. Information and Verbal Reports from Chief Executive and Staff

- | | | |
|------------|---|-------------|
| C1. | Partnerships and Operations Report | Pages 9-24 |
| C2. | Action Items Report | Pages 25-29 |
| C3. | Wellington Region Waste Management and Minimisation
Draft Bylaw Template | Pages 30-74 |

D. Member and Appointment Reports

Proposed Resolution: To receive members' reports.



ASSETS AND SERVICES COMMITTEE

Minutes from 11 December 2019

Present: Councillors Brian Jephson (Chair), Garrick Emms, Rebecca Fox, Pip Maynard, Alistair Plimmer, Ross Vickery, and Mayor Alex Beijen.

In Attendance: Harry Wilson (Chief Executive), Bryce Neems (Amenities Manager), Anna O'Connell (Venues Coordinator), and Suzanne Clark (Committee Advisor).

Conduct of Business: The meeting was held in the Supper Room, Waihinga Centre, Martinborough and was conducted in public between 11:00am and 12:15pm.

Also in Attendance: David Beveridge and Helen Mitchell-Shand.

Open Section

A1. Apologies

There were no apologies.

A2. Conflicts of Interest

There were no conflicts of interest declared.

A3. Public Participation

Ms Mitchell-Shand expressed concern at the number of trucks that were using Fabians and Papawai Road as a result of a Greater Wellington Regional Council (GWRC) to remove river gravel. There was no communication with residents about the consent and road noise had increased. Ms Mitchell-Shand queried GWRC responsibilities, requested that Council repair potholes she believed were caused by the trucks, and asked Council to reduce the road speed limit so that it was safer for pedestrians and cyclists.

Mr Beveridge requested that the Waihinga Centre terms and conditions document be clarified to show when the terrace can be included in the hire and that it is not part of the licensed area, and that if the caterer has an alcohol license then a special license is not required. Mr Beveridge requested flexibility and a user-friendly approach for the Centre's use.

A4. Actions from Public Participation

Mr Wilson undertook to obtain a copy of the GWRC river consent and review the conditions to ensure all communications obligations had been met. Speed limits were subject to a national review and rollout by New Zealand Transport Authority (NZTA).

ASSETS AND SERVICES COMMITTEE NOTED:

1. Action 267: Identify whether GWRC or SWDC is responsible for fixing potholes on Fabians Road where their cause is due to trucks carrying river gravel under a GWRC consent and log a job to have them fixed; H Wilson
2. Action 268: Make clear on Council venue terms and conditions documents what is and is not available when hiring a venue; H Wilson

A5. Extraordinary Business

There was no extraordinary business.

A6. Notices of motion

There were no notices of motion.

B Decision Reports from Chief Executive and Staff

B1. Review of the Hire of Council Facilities Policy Report

Members discussed the policy and suggested amendments that would provide clarity on the division of responsibilities and what spaces would be included in any venue hire.

ASSETS AND SERVICES COMMITTEE RESOLVED (AS2019/17):

1. To receive the Hire of Council Facilities Policy E200 Report.
(Moved Cr Vickery/Seconded Cr Maynard) Carried
2. To recommend to Council to approve the amendments to the Hire of Council Facilities Policy E200 provided by officers and further amendments as agreed by the Committee.
(Moved Cr Fox/Seconded Cr Maynard) Carried
3. To recommend to Council that the Policy be reviewed annually.
(Moved Cr Plimmer/Seconded Cr Vickery) Carried
4. Action 269: Include reference in the Hire of Council Facilities Policy that alcohol permissions are the responsibility of the hirer and which areas of the venue exclude the serving of alcohol; H Wilson
5. Action 270: Attach to the Hire of Council Facilities Policy any forms that the hirer needs to complete and the venue terms and conditions; H Wilson
6. Action 271: Review the wording of clause 5.3 of the Hire of Council Facilities Policy Report to see if it can be strengthened; H Wilson

C Information and Verbal Reports from Chief Executive and Staff

C1. Infrastructure and Services Report

Mr Wilson noted a correction to the last paragraph on the second page of the report. Martinborough would be operating on 20% less than the full supply not half the usual summer supply.

Mr Wilson reported that Pirinoa water supply upgrades would be complete by the end of the year and updated members on the other water supply projects and recent faults.

Mr Wilson answered questions on the effectiveness of the water reduction programme, the water supply project budget, Greytown stormwater/water race system, the Lake Ferry pine tree removal, the roading programme underspend to date, and the Tora Bridge upgrade.

ASSETS AND SERVICES COMMITTEE RESOLVED (AS2019/18) to receive the Infrastructure and Services Report.

(Moved Cr Vickery/Seconded Cr Jephson)

Carried

Confirmed as a true and correct record

.....(Chair)

.....(Date)

WATER RACE SUBCOMMITTEE Minutes from 12 December 2019

Present:	Colin Olds (Chair), Paul Harvey, Jim Hedley, Frank van Steensel, Mayor Alex Beijen and Cr Rebecca Fox.
In Attendance:	Bill Sloan (Waters Project Officer) and Suzanne Clark (Committee Advisor).
Conduct of Business:	The meeting was held in the Supper Room, Waihinga Centre, Martinborough and was conducted in public between 4:00pm and 5:25pm.

Open Section

A1. Apologies

WATER RACE SUBCOMMITTEE RESOLVED (WR2019/01) to accept apologies from Justine Thorpe.

(Moved Mayor Beijen/Seconded Cr Fox)

Carried

A2. Conflicts of Interest

Outside of this Subcommittee, Mr van Steensel gave advice on land use and could potentially have a conflict of interest.

A3. Public Participation

There was no public participation.

A4. Actions from Public Participation

There were no actions from public participation.

A5. Extraordinary Business

There was no extraordinary business.

B Decision Reports from Chief Executive and Staff

B1. Adoption of Water Race Subcommittee Terms of Committee

Members noted that the Subcommittee had a Longwood Water Race member vacancy and discussed increasing representation for the Longwood Water Race to

three members. A change in membership was not moved forward as it was acknowledged that the Moroa Water Race covers a larger land area.

WATER RACE SUBCOMMITTEE RESOLVED (WRS2019/02):

1. To receive the Adoption of Water Race Subcommittee Terms of Reference Report.

(Moved Olds/Seconded Cr Fox)

Carried

2. To adopt the Water Race Subcommittee Terms of Reference.

(Moved Cr Fox/Seconded Harvey)

Carried

Mr Hedley voted against the motion.

C Information and Verbal Reports from Chief Executive and Staff

C1. Challenges Ahead

Mr Sloan tabled a water race presentation and discussed the challenges with regards to obtaining a Longwood Water Race consent renewal from Greater Wellington Regional Council (GWRC) by April 2020 (the consent for Moroa Water Race expired in 2025).

Council were aiming to lodge a status quo consent application with GWRC for Longwood Water Race by the end of the year with the expectation that consent conditions would start to be negotiated early 2020. It was anticipated that following a water race review, administration of the network would be taken over by Wellington Water. There was not expected to be an increase in cost associated with the change in administrators.

Mr Sloan answered members' questions on the high cost to service the Longwood Water Race, Wellington Water skill and experience with water races and availability of historical information on the water races.

Members agreed to undertake a field trip of the network in February 2020.

Members noted that water race maintenance costs were in addition to rates, that the water races provided aquifer recharge, that should the water races be shut down users would need time to provide other methods for stock watering, that there was a specific issue around the Greytown urban area with regards to the water race system being used as a stormwater system, and that water race flow rate information should be notified to users. Obtaining the names of all water race users was discussed.

WATER RACE SUBCOMMITTEE NOTED:

1. Action 279: Send out a regular water race newsletter to all water race ratepayers; H Wilson
2. Action 280: Send a link to the water race bylaws to Subcommittee members; H Wilson
3. Action 281: Update the Greytown Community Board at their next meeting on the status of the Moroa Water Race; H Wilson

Confirmed as a true and correct record

.....(Chair)

.....(Date)

ASSETS AND SERVICES COMMITTEE

19 FEBRUARY 2020

AGENDA ITEM B1

INORGANIC REFUSE COLLECTION

Purpose of report

To inform Council that Earthcare, South Wairarapa District Council's solid waste contractors, will no longer be providing an inorganic refuse collection service due to health and safety reasons.

Recommendations

Officers recommend that Council:

1. *Receives the Inorganic Refuse Collection Report.*
2. *Notes that Earthcare, SWDC's solid waste contractors, will no longer be providing an inorganic refuse collection service due to health and safety reasons.*
3. *Considers if officers should investigate a replacement inorganic refuse collection service for some or all of the community.*
4. *Note that if a replacement service is not suitable due to safety concerns, Council communicates that this service will cease.*

1. Background

South Wairarapa District Council (SWDC) are the only council in the Wairarapa region that has an inorganic refuse collection. The inorganic refuse collection takes place on the normal collection day twice a year. The collection is limited to one item per property and must be able to be lifted by one person (up to 15 kg). This does not include television sets, computer and stereo equipment and household/kitchen appliances which may be taken to the Martinborough Transfer Station for free under the e-waste initiative.

The inorganic refuse collection sits outside the main Earthcare contract and is classed as an extra cost to ratepayers. SWDC are charged, based on previous accounts, between \$1,800 to \$6,000 depending on the volume of refuse collected.

2. Discussion

Officers have been advised that Earthcare are continuously seeing hazardous material included in the inorganic and kerb side pickups and this is placing their staff at risk. Items found include:

- Asbestos
- Hazardous liquid / chemicals
- Broken glass
- Syringes

Because of this, Earthcare have notified officers that they will no longer provide the inorganic refuse collection service to SWDC.

Other kerbside collection services are not affected and the transfer stations remain available for the community to dispose of larger items. This may attract an upfront cost, depending on the nature and volume of refuse. Such a cost may have the benefit of reducing waste to landfill because an upfront “user pays” cost is more visible to the community than being included in the rates.

However, the removal of the service potentially leaves a gap for members of the community who are not able to access the refuse station due, for example, to mobility issues.

2.1. Options

Officers could investigate the availability of a replacement service for all or some members of the community. Another private contractor or a community-based service may be able provide this service or SWDC could arrange for collection on a case by case basis. Officers would need to undertake further work to determine the need for a replacement service and options to provide a service. Though it should be noted that this option would simply shift the same risk advised by Earthcare and any alternative would need to satisfy Council that this risk could be mitigated.

2.2. Consultation

Officers have considered the decision-making and consultation requirements under the Local Government Act 2002 (LGA) and do not consider that consultation is required or should be undertaken with respect to Earthcare’s decision to cease the inorganic collection service. However, further consideration should be given to community engagement, potentially through the annual plan process, should Council decide to explore options for a replacement service for all or some members of the community.

2.3. Legal implications

See paragraph 2.2 above.

2.4. Financial considerations

As noted in paragraph 1, above, SWDC are charged based on the volume of inorganic refuse that is collected. Two collections were budgeted for in the 2019/20 annual plan and only one collection carried out. The unspent budget will be deducted from the solid waste management budget for the 2020/21 year. The financial impact of any replacement inorganic collection service would be communicated through the annual plan process.

3. Conclusion

Officers recommend that Council considers if officers should investigate a replacement inorganic refuse collection service for some or all members of the community. If after this discussion Council does not support an alternative, Council supports communication that this services ceases.

Contact Officer: Bryce Neems, Amenities and Solid Waste Manager Officer

Reviewed By: Euan Stitt, Group Manager Partnerships and Operations

PARTNERSHIPS AND OPERATIONS REPORT

Purpose of Report

To update Councillors on the Partnerships and Operations Group activities.

Recommendations

Officers recommend that the Council:

1. *Receive the Partnerships and Operations Report.*

1. Group Manager Commentary

The first part of the new year has seen several issues occur that have affected SWDC assets and services.

The first, and most serious, were the overflows of partially treated wastewater at Martinborough Wastewater Treatment Plant. The Wellington Water Report (in draft form) was tabled and briefly discussed at the Council meeting on the 5th February. The full Report will be discussed in more detail at this meeting, including its recommendations for future actions at the plant and in wider business practices (Agenda item B2). Wellington Water are also currently developing a programme of work for SWDC that covers the wastewater treatment assets, similar to that already being undertaken for Drinking Water.

The programme of work being undertaken on Drinking Water projects continues apace. The UV plant has been installed at Pirinoa, with testing and commissioning due later this month. The Boil Water notice remains in place for this community and Wellington Water have been mitigating the impact this has with the return of students to the school (including the provision of bottled water). The Manganese Removal Plant project is on track, with physical works scheduled to begin in early March.

The outdoor water restrictions have also been an ongoing cause for public concern and increasingly for businesses that rely on supply for their operations. While handheld outdoor watering has now been allowed across the District, the supply situation remains under ongoing review on a weekly basis by Wellington Water and discussed with Council accordingly. Community response to water restrictions has been partially effective in reducing the impact of the dry conditions and allowing the partial lifting of outdoor watering restrictions, for now.

The Ruamahanga Roads team (shared service across South Wairarapa and Carterton) are coming together to increase cooperation and improve the delivery of value across the region. Realising and quantifying the efficiency gains of our collaborative approach and establishing a cohesive, customer-focused team are our key strategic focus areas.

With the time of year, the workload in our Amenities space has been significant. Resourcing is currently being engaged to support the delivery of key business improvement projects in this group (e.g. Property leases, Asset Management Plans).

The development and issuing of the SWDC/CDC Climate Change Strategy for joint discussion at a Councillor workshop on the 29th January was a significant milestone. The strategy is being tabled to this Committee meeting for approval to engage in a consultation process with the community. It is important to note that this strategy covers only Council and focuses on carbon reduction measures.

As a final note, the Committee will be asked to consider the content and format of this report, with a view to it being updated to reflect the Committee’s needs.

2. Land transport

SERVICE LEVEL – Roads are maintained to ensure they are safe and comfortable to travel on. Footpaths can be safely used to get around town.

2.1 Key Performance Indicators

LAND TRANSPORT KEY PERFORMANCE INDICATORS	TARGET 2019/20	COMPLAINTS		INCIDENTS	
		JANUARY	YTD	JANUARY	YTD
Using the RAMM measurement system, average smooth travel exposure on urban roads to be 85% and rural roads 95% with maximum variation of 5%	95%				
Ratepayers and residents fairly/very satisfied with the roads	80%			NRB Survey:	73%
5% of sealed roads are resealed each year subject to availability of NZTA subsidy	100%				
The pavement condition index as measured by the NZTA pavement integrity index	95%				
The number of crashes causing injuries is reduced	Group and control average				
The number of fatalities and serious injury crashes on the local road network	<7				
Ratepayers and residents are satisfied with footpaths in the district	70%			NRB Survey:	63%
Availability of footpaths on at least one side of the road down the whole street	88%				
Footpath Condition rating 95% compliant with SWDC AMP Standard	95%				
The % of customer service requests relating to roads and footpaths responded to within 48 hours	95%	20/20 (100%)	162/172 (94%)	20	172
Meet annual plan footpath targets	Yes				

Work is ongoing to enhance reporting on all KPIs for Land Transport.

2.2 Rooding Maintenance - Ruamahanga Roads

This report covers the physical work undertaken by Fulton Hogan on South Wairarapa Districts rooding network, under the shared service arrangement with Carterton District Council (Ruamahanga Roads).

Health & Safety

No major incidents were reported for the period Sept to Dec 2019.

Site audits were undertaken by Council and identified eight minor traffic management issues. Fulton Hogan completed ten safety or traffic management audits identifying the same issues.

The physical works programme, agreed in July 2019 and including CDC activities, is on track and includes the completion of the following works:

- Digout repairs in Western Lake, White Rock and Lake Ferry Road.
- Roadside furniture and open drain vegetation control.
- Mowing of road verges and major intersections.
- Footpath repairs in Featherston & Martinborough.
- Wearing course metalling Te Wharau Road.
- Cape Palliser Road storm damage repairs.
- Pavement reshaping White Rock Road at Whakapuni Hill.
- Kokatau Road culvert replacement.
- Widening Kiwi Lumber Road for 230 metres.
- Unsealed Road Grading
- Culvert, sign, carriageway and bridge inspections
- 73% of SWDC and 58% CDC Reseals
- The Tora Farm Settlement bridge had pile replacement and other strengthening work completed. This bridge works was done under a combined contract by Riverside Construction Ltd.

The forecast expenditure set in July 2019 and does not include additional budget for:

- Ruakokoputuna Road Seal Extension,
- Additional funding for Greytown,
- Featherston and Martinborough footpath maintenance, and
- Cape Palliser Road emergency works.

Ongoing Works

The following works are ongoing and will be completed by the end of Feb 2020:

- East Street Kerb & Channel

- High vegetation trimming

The following major items of work planned for February:

- Martinborough & Featherston footpath maintenance.
- Continuing with SPR Cape Palliser emergency works reinstatement.
- Completion of the SWDC reseals.
- Mangatarere Valley Road ford repairs.
- Ongoing asset inspections

Performance Monitoring

The Ruamāhunga Roads Network maintenance contract uses Performance and Contractor Evaluation (PACE) for monitoring this contract.

An initial PACE was performed for the months of September and October 2019. From the October PACE learnings for improvements were identified, will be implemented before the next PACE review in late February.

2.3 Cotter Street Update

The table below outlines the Council and Community Boards Actions and Resolutions regarding Cotter Street in Greytown.

The **outstanding actions** are:

- Traffic counts to be done mid 2020
- Speed review which will happen as part of the Wairarapa-wide roll out

70	Council	20-Feb-13	Resolution	Cotter Street, Greytown – Investigation of Proposal to Make One Way COUNCIL RESOLVED (DC2013/21): 1. To receive the information 2. That Cotter Street not be made a one-way street. 3. That access to the recycling depot be via West Street. (Moved Cr Jephson/Seconded Cr Napier) Carried
87	Council	20-Feb-13	Action	That officers look at ways to encourage traffic not to use Cotter Street when other routes are available
88	Council	20-Feb-13	Action	That signs be erected at the entrance to Cotter Street advising traffic that the entrance to the recycling centre was via West Street
89	Council	20-Feb-13	Action	That prior to any changes to Cotter Street access, the Greytown Community Board and the Greytown community (via the Grapevine) be advised

52	GCB	31-Jan-18	Action	Prepare a report for 4 April 18 Council meeting on Cotter Street options in line with the 17/18 Annual Plan submission and decision following consultation with affected user groups.
422	Council	27-Jun-18	Action	Make Cotter Street residents aware information Council is gathering on all narrow streets in Greytown in order to present a complete picture and recommendations to Council
603	A&S	19-Sep-18	Resolution	COUNCIL RESOLVED (DC2018/130): 1. To receive the Cotter Street Recommendation Report. (Moved Cr Jephson/Seconded Cr Wright) Carried 2. To keep the road as an existing two way through road in the meantime. 3. To reduce speeds to 30kms/hr as part of the new speed limit rollout. 4. To review traffic counts in two years to reassess traffic increases. Cr Carter voted against this motion. 5. To carryout preliminary design and cost a footpath on one side of the road for determination by March 2019. 6. That subject to discussion with residents and balancing of residents' views and alignment with national guidelines, further enhance safety by installing additional speed humps. (Moved Cr Wright/Seconded Cr Craig) Carried
226	A&S	1-May-19	Action	When available, forward the Cotter Street survey results to the Greytown Community Board

5.4 Street Light Infill

As part of the LED upgrade, approval has been given to include additional infill lighting. A brief audit of the network identified the following needs. Works are programmed for May 2020 and work will be done within NZTA approved budgets.

Greytown	
Street	Address
West Street	#26 to #24 West St
West Street	68 West St
West Street	#77/79 West St
West Street	#116A West St
West Street	T2144
Kuratawhiti Street	Opposite #22
Kuratawhiti Street	Opposite #32
Kuratawhiti Street	3B Kuritawhiti St
Kuratawhiti Street	30 Kuritawhiti St
Humphries St	20 Humphries St Bus Stop
Orchard Rd	Replace existing control gear with LED units

Westward Ave	Replace existing control gear with LED units
East Street	8 McMaster St
McMaster St	14 McMaster St
Wood Street	17 Wood St
Featherston	
Birdwood Street	Opposite 17 Birdwood St
Birdwood Street	Opposite St Tersea's School
Birdwood Street	4/6 Birdwood St
Daniell St	Opposite #3 Police Station
Daniell St	18/20 Daniell St
Daniell St	34 Daniell St Brandon Cnr
Underhill Rd	opposite 79 Underhill Rd
Kereru Grove	6 Kereru Grove
Revans St/Donald St Cnr	Remove existing B outreach Arm
Johnston St	Along walkway near rail line
William Benton St	#34 Wallace St / William Benton Cnr
Wallace St	Flag into McKerrow Place
Wallace St	82 Revans / Wallace St Cnr
Waite St	73 Waite St Cnr Woodward St
Martinborough	
Street	Address
Cologne Street	54/56 Cologne
Cologne Street	46/48 Cologne
Cologne Street	13 Cambridge Rd
Ohio Street	1 Ohio St
Sackville St	71 Dublin St Cnr
Sackville St	69 Naples st Cnr
Sackville St	62 Strassbourg St Cnr
Sackville St	35 Sackville St Cnr Cologne St
Sackville St	41 Sackville St
Regent Street	89 Venice St Cnr
Regent Street	107 Regent St
Grey Street	Opposite 14A/18 Grey St
Grey Street	Cnr Roberts St
Malcolm	Cnr Jellicoe St
Ferry Rd	opposite 23 Ferry Rd
Broadway St	30/32A Broadway St
Jellicoe St	71A Jellicoe St

3. Water

3.1 Wellington Water Performance Reporting

Work continues to refine the performance reporting from Wellington Water. SWDC LTP Performance measures require reporting of more detail than is required by the DIA and Wellington Water's other Client Councils. This therefore requires Wellington Water to undertake a manual process to retrieve the required information, which is proving challenging. This is a work in progress.

3.2 Water Restrictions

Water restrictions across the District have been eased to allow for handheld watering on alternate days. The situation remains under review by Wellington Water and in consultation with SWDC.

3.3 Key Projects update

Manganese Removal Plant - Martinborough

The project remains on track, with physical works expected to progress in the first week of March 2020. A resource consent application has been submitted to Council and is being processed appropriately. Works are expected to be complete by August 2020.

Pirinoa Upgrades

Pirinoa remain on boil water notice but final upgrades are in the process of being installed. Once the new equipment has been fully tested, and Regional Public Health are satisfied with the quality of water being produced by the plant, the boil water notice will be lifted. This is expected in the very near future.

Greytown and Featherston Upgrades

There are three operational bores at the Waiohine plant that limit supply capacity, however, work to install the fourth bore will commence shortly.

The safety of the water supplied from the Memorial Park bore has been improved through the temporary installation of a UV unit in December. Further filtration equipment is needed to achieve compliance with the drinking water standards, and we are working to install this as soon as possible. It was not possible to install this prior to Christmas along with the UV unit due to the lead time for the filtration equipment.

The improved reliability and performance of the Memorial Park bore has reduced Greytown's reliance on Waiohine treatment plant for additional water supply. This, combined with reduction in water demand within Greytown and Featherston, has reduced the stress on the Waiohine Water Treatment Plant, and reduced the amount of water we need to take from the bores.

3.4 Martinborough Wastewater Treatment Plant Report

The final investigation report into the overflows of partially treated wastewater in January 2020 will be discussed under item B2 of the Committee agenda.

4. Amenities

The Amenities team is responsible for the management of Council’s parks, reserves and other amenities. The team looks after:

- 12 parks,
- 31 reserves,
- 42 buildings,
- 11 public toilets
- five sports facilities,
- four cemeteries, and
- 22 other properties.

SERVICE LEVEL – *Parks and reserves enhance the quality of life in our communities. Our playgrounds are safe and enjoyed by the community. Clean safe public swimming pools can be accessed in the District. Provision of some low-cost housing for the elderly (or in line with Council policy) in each town. Well maintained hall facilities that are available for the public to book. Public toilets are convenient, clean and safe. There is a wide range of library stock including up to date material.*

4.1 Key Performance Indicators

AMENITIES KEY PERFORMANCE INDICATORS	TARGET 2018/19	COMPLAINTS		INCIDENTS	
		MONTH	YTD	MONTH	YTD
Users satisfied with parks and reserves	90%			NRB Survey:	94%
Ratepayers and residents are satisfied with Council playgrounds	80%			NRB Survey:	82%
Council playground equipment that meets national standards	100%				
Council pools comply with NZ swimming pool water testing standards	100%				
Ratepayers and residents’ satisfaction with Council swimming pools	67%				
Occupancy of pensioner housing	94%			Actual:	
Ratepayers and residents satisfied with town halls	76%			NRB Survey:	74%
Cycle strategy	Developed				
Ratepayers and residents satisfied with public toilet facilities	90%			NRB Survey:	85%
Taking programmes out into the community and providing a wide variety of programmes in the library	>3 per library				
% of ratepayers and residents satisfied with libraries	90%			NRB Survey:	91%

Further work will be undertaken to enhance the KPI reporting for amenities.

4.2 Housing for Seniors update

Background

There are four council properties for Housing for Seniors:

1. Burling flats/units, 59 Bell street, Featherston, built 1971.
2. Matthews flats/units, 53 Fox street, Featherston, built 1986.
3. Cicely Martin flats/units, 86 Naples street, Martinborough, built 1979 and 1981.
4. Westhaven flats/units, 190 West street, Greytown, built 1968.

The properties are all built on a concrete foundations, have concrete block walls and corrugated roofs. Flats had ceiling insulation installed 2012.

All properties comply with the Residential Tenancy Act for Insulation and smoke alarms.

Discussion

The SWDC Housing for Seniors, listed above, are in need of further enhancement.

While some flats have been upgraded (i.e. bathroom refurbishments and general maintenance) and other maintenance has been carried out (i.e. external residual insect spraying for pests/bugs/ants and exterior washing of buildings), they are at an age where the interior/exterior requires painting and further upgrades are required, as detailed below.

Healthy Homes Standards:

There must be fixed heating devices, capable of achieving a minimum temperature of at least 18°C in the living room. Quotes are currently being sought for the supply and installation of heat pumps for all properties.

Ventilation Standard

Ventilation standards require openable windows or doors in the living room, dining room, kitchen and bedrooms as well as appropriately sized extractor fan(s) in rooms with a bath or shower or indoor cooktop.

Heat/light/venting units have been installed in all bathrooms at Cicely Martin and three flats in Featherston that have had bathroom upgrades/repairs so far. Units have not been installed in Westhaven because of the roof-space cavity is unable to fit the fittings required and investigation work continues to resolve this issue.

There is a smaller number of flats that have extractor fans in the kitchen. It is a requirement to have an extractor fan in the bathroom and kitchen under the new Residential Tenancies Regulation. A schedule and plan will be developed by March to address this outstanding issue.

Other issues

The ongoing maintenance of ovens in the properties is becoming uneconomic and quotes for replacements are currently being sought. However, the standard oven sizes currently available on the market do not fit the spaces in the properties and options are being explored for these.

Tenants

There are currently 10 people on the waiting list for Housing for Seniors in the District.

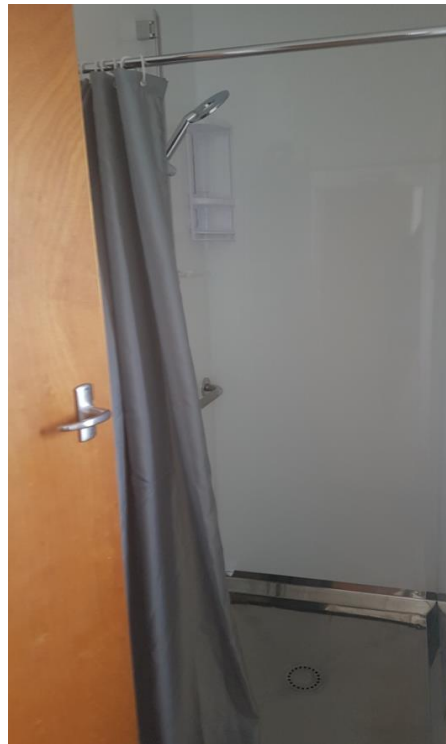
Property inspections are undertaken every six months, which includes property condition, maintenance checks (i.e. smoke detectors) and identify any issues for resolution. These inspections are next due to February. Resident wellbeing is also discussed and, as part of the senior housing policy, confirmation that the residents can continue to live independently.

Other works

The dux piping in Matthews flat 6 has been replaced and repairs were completed before Christmas. Please see photos below of the upgrade of flat 6.



Bathroom during upgrade/repairs



Bathroom after upgrade



Bathroom after upgrade



Laundry after upgrade



Kitchen



Lounge

4.3 Cemeteries

Purchases of burial plots/niches 5 November 2019 to 4 February 2020

	Greytown	Featherston	Martinborough
Niche	2	1	2
In-ground ashes Beam			
Burial plot	1	1	1
Services area			
Total	3	2	3

Ashes interments/burials 5 November 2019 to 4 February 2020

	Greytown	Featherston	Martinborough
Burial	1	2	
Ashes in-ground	4	1	
Ashes wall	5		
Services Area			1
Disinterment			
Total	10	3	1

Cemetery data project

The cemetery database project is now underway.

The first phase of the project is to check and correct the cemeteries database, comparing it to the information held in cemetery registers and other cemetery resources, then checking the registers back to the database. The reliability of legacy cemetery data is a current concern and it requires significant manual checking to progress the work.

Once this stage is completed the database and cemetery plan can be updated, after which the headstones can be photographed and obtain GIS co-ordinates.

4.4 Events

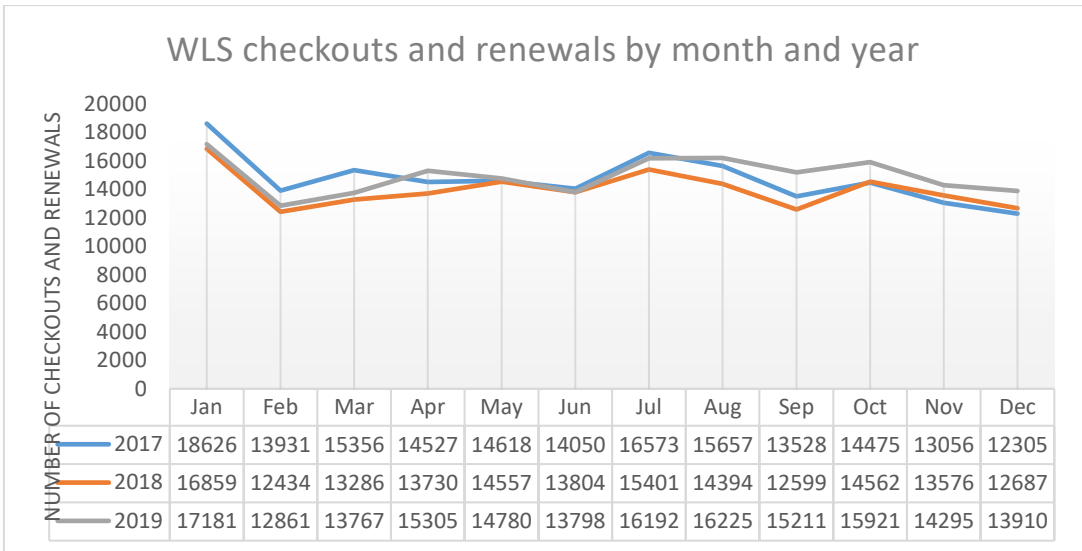
	Completed Events	Forthcoming events
Featherston	Featherston Christmas Parade (7 Dec)	Featherston Craft Market
	Featherston Festival of Choirs (A Cappella) (17 Nov)	
Greytown	Christmas Parade (14 Dec)	The Greytown Woodside Rail Trail Fun Run (every Sat)
	House and Garden Tour (23 Nov)	Greytown Country Market (every third Sunday)
Martinborough	Martinborough Christmas Parade & Carols (14 Dec)	Round the Vines Fun Run and Walk (21 Mar)
	Zagato Cento NZ (30 Nov)	
	Toast Martinborough (17 Nov)	
	Pack the Bus (6 Dec)	
	Cruise Martinborough (25 Jan)	

5. Library Activity Update

Wairarapa Library Service Monthly Report for December 2019

The Wairarapa Library Service issued and renewed 13910 physical items during December.

	Carterton	Featherston	Greytown	Martinborough	TOTAL
Number of issues and renewals for October	5544	2547	2584	3235	13910



5.1 In-house library events and initiatives

Featherston

The Great Reading Carnival kicked off with 105 enrolments.



BookBugs Christmas Party with children from St Teresa's School singing.



We received a donation of Humphrey Teddy Bears from Whitcoulls to distribute to needy children. They were donated to Women’s Refuge.

Christmas craft in the Library



Martinborough

The Library held an “Elf on the Shelf” competition, where customers had to guess a book name and author, based on the daily tableau we set up. We had a total of 89 entries for the 17 book tableaus. The first to guess each book, online or in-house, went in the draw to win a double movie pass donated by Circus Cinema. All of the staff were involved with creating a ‘book’ and we had lots of fun problem solving when posing our elf.

Our Summer Reading programme is progressing very well – Katie has done a great job setting up our report-in tent and activities for kids and their families to do whilst waiting to report in. (see below for photos)

Other initiatives

We added a new #BoringBookdropNoWay to our collection (see picture below)



Greytown

Summer Reading Programme – The Great Carnival Read

Report-ins began 2nd December and registrations continued to roll in with a waiting list required. Happily by the end of the month we were able to fully accommodate everyone. At the end of business for the year (24th December 2019) most children had completed their first report-in with a few very keen children completing all four required report-ins!

Contact Officer: Euan Stitt – Group Manager partnerships & Operations

ASSETS AND SERVICES COMMITTEE

19 FEBRUARY 2020

AGENDA ITEM C2

ACTION ITEMS REPORT

Purpose of Report

To present the Assets and Services Committee with updates on actions and resolutions.

Recommendations

Officers recommend that the Committee:

1. *Receive the Assets and Services Action Items Report.*

1. Executive Summary

Action items from recent meetings are presented to the Committee for information. The Chair may ask the Chief Executive for comment and all members may ask the Chief Executive for clarification and information through the Chair.

If the action has been completed between meetings it will be shown as 'actioned' for one meeting and then will remain in a master register but no longer reported on. Procedural resolutions are not reported on.

2. Appendices

Appendix 1 – Action items to 19 February 2020

Contact Officer: Suzanne Clark, Committee Advisor

Reviewed By: Harry Wilson, Chief Executive

Appendix 1 – Action Items to 19 February 2020

Ref #	Meeting	Raised Date	Action Type	Responsible Manager	Action or Task details	Open	Notes
301	A&S	21-May-18	Resolution	Euan	COUNCIL RESOLVED (DC2018/63) to support the proposal (option two) of status quo for water storage, but to initiate a working group or workshop to investigate and report on water storage options, including communication and education initiatives, with a view to consulting further in the 19/20 Annual Plan. (Moved Cr Wright/Seconded Cr Carter) Carried	Actioned	13/2/20: This item is to be moved to a projects register and funding accordingly. Communications over the summer months has been successful in reducing demand.
81	A&S	20-Feb-19	Resolution	Euan	COUNCIL RESOLVED (DC2019/15): 1. To receive the Wastewater Sewer Later Replacement Management Report. 2. That lateral renewal up to the boundary where necessary will be undertaken at Council's cost but only when main pipeline renewal is being undertaken (this will be regarded as an operational expense). 3. That council in the meantime will not fund depreciation of private lateral assets. 4. That clearing of obstructions and ensuring the lateral is functional will be carried out within Council land. 5. That private property owners remain responsible for lateral renewal maintenance and renewal as per the bylaw when (2 above) does not apply. 6. That the policy be altered to reflect this change and the bylaw remain unchanged. (Moved Cr Olds/Seconded Cr Craig) Carried Cr Wright voted against the motion. Cr Carter voted against the motion.	Open	29/07/19 - The section 3.1.9 of the Bylaw will be amended when the bylaw is reviewed and the resolution is put into practice now. Lateral Renewals being done in conjunction with capital works is currently in practice and able to be done under the current bylaw. 27/08/19 Bylaw and Policy reviewed. Officers feel there is no need to amend as the changes can be done under existing policy. 4/9/19: Reopened, report required to next A&S Committee to ensure inconsistencies are address 12/2/20: To be placed on a policy review schedule for 2020 (for the purpose of checking consistency)
82	A&S	20-Feb-19	Resolution	Euan	COUNCIL RESOLVED (DC2019/16): 1. To receive the Sealing of Udy Street Report.	Actioned	Consultant engaged 5/6/19: Transferred to A&S. Process confirmed

Ref #	Meeting	Raised Date	Action Type	Responsible Manager	Action or Task details	Open	Notes
					(Moved Cr Colenso/Seconded Cr Maynard) Carried 2. That the status of the sealed section of paper road at the north end of Udy Street is confirmed (vested as necessary). 3. That subject to the above and receipt of NZTA subsidised funding, complete the plan to widen and seal the north end of Udy Street. 4. That subject to the above, that the cycle trail is extended to the corner of Udy Street and North Road and joined with the existing trail. (Moved Cr Olds/Seconded Cr Jephson) Carried		through NZTA and Linz the chnagnes need to be made in RAMM and the road can be maintatined. <i>"The general consensus is that if Council are taking over a parcel of unformed legal road which has now been formed and you are therefore liable for future maintenance then it should be entered into the RAMM database. That will then add it to the schedule of roads for funding from the NLTF I also understand that that funding is reviewed in 3 yearly cycles so it may be that you do not get any additional funding immediately depending on where that cycle currently is."</i> 17/06/19 Status will change after the new year change over 4/9/19: A&S Committee requests officers to write to residents to let them know what is happening. 12/2/20: Moved to projects register
423	A&S	19-Jun-19	Resolution	Euan	ASSETS AND SERVICES RESOLVED (AS2019/12): 1. To receive the Directional Sign Policy for Accommodation, Information and Tourist Attraction Report. 2. That the Blue Signs Policy be amended and then circulated to community board chairs for feedback, and then presented to the Assets and Services Committee seeking a recommendation for Council to approve the Policy. (Moved Cornelissen/Seconded Cr Colenso) Carried	Open	16/08/19 policy is being redrafted in terms of NZTA Traffic Control Devices Manual to ensure Level of Service meets ONRC requirements for national consistency 12/2/20: To be placed on a policy review schedule for 2020
424	A&S	19-Jun-19	Action	Euan	Make amendments to the Directional Sign Policy so that consideration is given to generic vs business specific signs, historic business specific signs, making the policy relevant for all towns,	Open	16/08/19 policy is being redrafted in terms of NZTA Traffic Control Devices Manual to ensure Level of Service meets ONRC requirements for national consistency

Ref #	Meeting	Raised Date	Action Type	Responsible Manager	Action or Task details	Open	Notes
					consideration and appropriate use of coloured signs (blue and white vs black and yellow vs brown signs), policy exclusion situations, relevant NZTA policies, publication of the approved policy and application form, and a recommended process for managing requests		12/2/20: To be placed on a policy review schedule for 2020
464	A&S	26-Jun-19	Action	Euan	Confirm that the way South Wairarapa District Council manages sewer laterals under the Wastewater Disposal Policy and the adopted Part 8 Wastewater Bylaw is consistent	Actioned	7/8/19: Action item 464 to be reopened and a report prepared for Assets and Services Committee on consistency between Part 8: Wastewater Bylaw and the Wastewater Disposal Policy. 4/9/19: Reopened in A&S Committee, action transferred to A&S. 13/2/20: Closed (duplicate). See 81.
13	A&S	24-Jul-19	Action	Euan	Provide an email update to the Assets and Services Committee on what stormwater sumps have been inspected and cleaned and the weight of material taken from each sump	Open	13/2/20: Euan checking to ensure that sump clearing is programmed for Autumn 2020.
267	A&S	11-Dec-19	Action	Harry	Identify whether GWRC or SWDC is responsible for fixing potholes on Fabians Road where their cause is due to trucks carrying river gravel under a GWRC consent and log a job to have them fixed	Actioned	27/01/2020 Fulton Hogan have programmed the repair works for February/March as part of Ruamahanga Roads contract

WELLINGTON REGION WASTE MANAGEMENT AND MINIMISATION DRAFT BYLAW TEMPLATE

Purpose of Report

This report provides information on the development of a regional waste management and minimisation bylaw and asks the Assets and Services Committee to note that the Wairarapa Joint Policy Working Group will review the draft waste bylaw template on behalf of the three Wairarapa Councils and will provide feedback to the Wellington Region Waste Management and Minimisation Plan Joint Committee.

Recommendations

Officers recommend that the Committee:

1. *Receives the Wellington Region Waste Management and Minimisation Draft Bylaw Template Report.*
2. *Notes the Wellington Region's Waste Management and Minimisation Plan's action for councils to "investigate and if feasible develop, implement and oversee monitoring and enforcement of a regional bylaw, or a suite of regionally consistent bylaws";*
3. *Notes the work completed to analyse the issues and associated justifications for regionally consistent bylaw provisions;*
4. *Note that the Wairarapa Joint Policy Working Group will review the draft waste bylaw template contained in Attachment 1 and provide feedback on the draft waste bylaw template directly to the Wellington Region Waste Management and Minimisation Plan Joint Committee proposed to be due in March 2020;*
5. *Notes that the Wellington Region Waste Management and Minimisation Plan Joint Committee will collate all the regional feedback, modify the bylaw as required and then return the bylaw to each Council for consideration before each Council begins their individual bylaw consultation process proposed to commence in April 2020.*

SUMMARY

This report provides an update on the work to "investigate and if feasible develop, implement and oversee monitoring and enforcement of a regional bylaw, or a suite of regionally consistent bylaws", as stated in the Wellington Region Waste Management and Minimisation Plan 2017-2023, which was developed jointly and collaboratively by the eight councils in the Wellington region.

Over the last two years, officers have analysed a range of waste and recycling issues in our region, with a view to understanding the role and justification for a regionally consistent bylaw to help address these.

Draft provisions for a regionally consistent bylaw have now been completed, and have been accepted by the Joint Committee. The Joint Committee has now recommended that each Council provide feedback on the bylaw before it is finalised and the bylaw adoption and consultation process is started. It is proposed that the Wairarapa Joint Policy Working Group review the bylaw and provide feedback to the Joint Committee.

Context

Review of waste bylaws in the Wellington region

In 2017, all eight territorial authorities of the Wellington Region adopted the Wellington Region Waste Management and Minimisation Plan (WMMP) 2017-2023. This regional-level plan, required under the Waste Minimisation Act 2008, was collaboratively developed by the eight territorial authorities and identifies the council actions for achieving effective and efficient waste management and minimisation within the respective cities and districts, including working collaboratively to advance solutions to regional and local waste management issues.

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

Legislative context

Collectively, the Local Government Act 2002 (LGA), the Waste Minimisation Act 2008 (WMA), the Litter Act 1979, the Resource Management Act 1991, and the Health Act 1956, provide a legislative framework for waste management and minimisation in New Zealand. These Acts provide a legislative foundation for the New Zealand Waste Strategy (2010).

The LGA and the WMA are the primary pieces of legislation relevant to this bylaw review. Underpinning this, the WMA (s42) stipulates that territorial authorities have an obligation to encourage effective and efficient waste management and minimisation within their areas. The LGA further specifies that territorial authorities are required to have particular regard to the contribution that solid waste collection & disposal makes to their communities as a core

service (s11A, LGA, 2002). As the WMA exists independently of the LGA, territorial authorities are obliged to give effect to both pieces of legislation.

Territorial authorities have the ability to make bylaws in accordance with the WMA and LGA in order to:

- Prohibit or regulate the deposit of waste (WMA s56(1)(a))
- Regulate the collection and transportation of waste (WMA s56(1)(b))
- Prohibit the removal of waste intended for recycling from receptacles (WMA s56(1)(f))
- Protect the public from nuisance (LGA s145(a))
- Protect, promote and maintain public health and safety (LGA s145(b))
- Regulate waste management, solid waste, and trade waste (LGA s146(a)(ii, iii, iv))

Bylaw review requirements and considerations

Councils have an obligation to review their bylaws made under the Local Government Act (LGA) initially every 5 years, and then subsequently at least every 10 years.

Most councils within the region have a bylaw regarding waste management, as follows:

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

Note that when a bylaw expires, a Council has a further two years to review it, before it lapses.

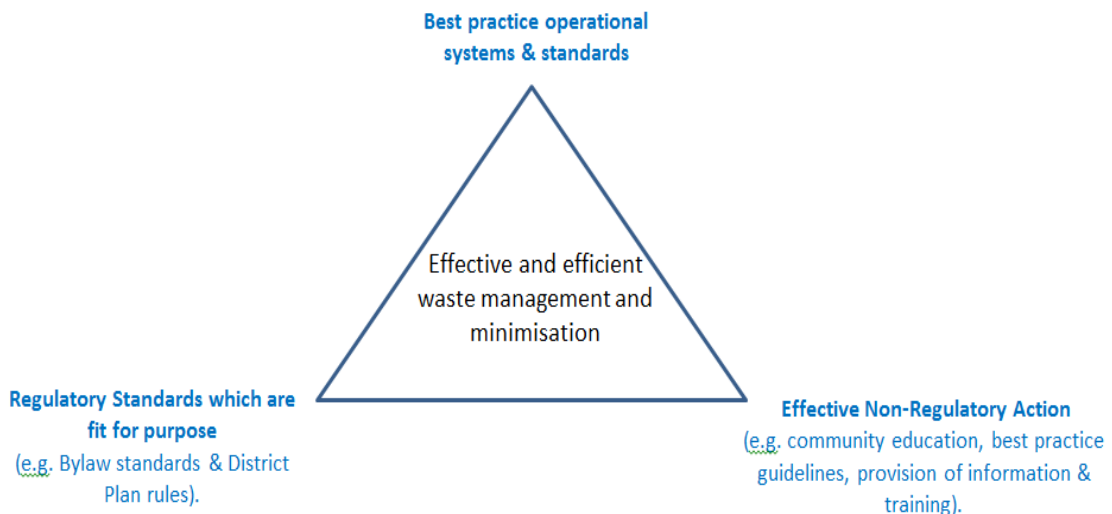
Before a local authority makes a bylaw, a council must determine whether a bylaw is the most appropriate way of addressing the issue or problem.

While non-regulatory guidance (e.g. community education, guidelines and the provision of information) and appropriate operational practices may be needed to address a range of waste management issues, bylaw regulation can be necessary as a means to establish a range

of baseline waste management and minimisation standards applicable to waste service users and service providers.

Together, regulatory standards, non-regulatory action and operational practice will support the delivery of effective and efficient waste management and minimisation within a city or district (as depicted in the below diagram).

Components of effective and efficient waste management and minimisation



Project phases

The project to develop a regionally consistent bylaw has been broadly divided into two phases:

- Phase 1: Issue and option analysis, determination of the scope and scale of the issues, and determination of the role of a bylaw in resolving these (in the context of other potential measures to resolve them)
- Phase 2: Subject to the findings emerging from the initial issues and options analysis, development of a bylaw, including the creation of a potential regional bylaw template, consultation and deliberation on submissions/feedback and following that, Council approval.

Phase 1 took place between 2018 and mid-2019, and involved the regional waste planner analysing the issues and their scale regarding waste management and minimisation within each council area, and an assessment of the role of a bylaw in resolving these. This work resulted in background information and issues reports for each council, and these were discussed at workshops (or presented via briefings) for each council in late 2018 and early 2019. These engagements presented a key opportunity to test the level of interest by each council to address the identified issues through a bylaw.

Following this work, the regional planner identified a number of common issues and concerns that could be addressed through a bylaw. Analysing other councils' bylaws and regulatory

frameworks (both in New Zealand, and in other jurisdictions), the regional planner developed, as a first step in Phase 2 of the project, a draft bylaw template as a basis for engagement and discussion with each individual Council.

This draft bylaw template is the subject of this paper, and is included in Attachment 1.

Note that in principle, it would be possible to develop a regional bylaw that applies to all councils. However, due to some differences with regard to particular issues, officers have focused their efforts on developing a draft bylaw template as the basis for a regionally consistent bylaw.

In the following sections, issues of common concern are discussed, and justifications are provided as to why these issues could or should be addressed as part of a regionally consistent bylaw.

Issues and justification for regionally consistent bylaw provisions

Ensuring efficient & effective waste management operations

As recognised in the NZ Waste Strategy (2010), efficiency in waste management is acknowledged to extend beyond the consideration of operational efficiency and also includes the efficiency of resource use to reduce the impact on the environment and human health, and to capitalise on economic benefits.

Both waste service user and operator actions have the potential to impact the efficiency and effectiveness of waste management operations. These actions include:

- the use and placement of kerbside containers for collection
- the types of waste and diverted material placed in kerbside collection containers
- levels of recycling contamination
- littering and the inappropriate deposit of waste
- the reliability of service provision
- the appropriate disposal of material at landfills

The use of education strategies and programmes exist as options available to Councils to manage efficiency and effectiveness issues. For example, community education promoting the correct use of kerbside collection systems will be essential if a collection service is to run effectively and efficiently. However, despite education being a necessary tool for promoting behaviour change, it does not necessarily provide a satisfactory solution for a small percentage of the population who knowingly breach kerbside collection rules. Furthermore, education and advice will not, alone, be sufficient in managing commercial waste collectors who will largely be driven by cost considerations.

Opportunities exist to expand the current standards applicable to Councils to better support and safeguard the efficiency and effectiveness of waste and recycling servicing operations, reflected in relevant regionally consistent bylaw provisions.

Managing dangerous, hazardous and/or infectious waste

The disposal of dangerous and/or hazardous waste into any kerbside waste or recycling containers, and potentially into landfills, remains a waste management issue requiring attention. As national regulation, standards and codes of practice pertaining to hazardous waste management continue to evolve, it will be important that Councils can readily respond and address related issues through bylaw provisions and associated terms, conditions and standards.

Regulating the disposal of dangerous, hazardous and infectious materials consequently remains necessary, and bylaw provisions should ensure that risks such materials pose to human health, environmental wellbeing, and waste service operator safety are minimised, and where possible avoided. As such, the use of a non-regulatory approach to controlling the disposal of hazardous waste is unlikely to be sufficient. It is, however, recognised that in order to be effective, such bylaw controls need to be supported by community education advocating best practice waste management behaviour.

In line with guiding legislation, specifically section 145(b) LGA 2002, and sections 23(e) and s64(1)(a) of the Health Act, relevant regionally consistent bylaw provisions would provide Councils with the tools for controlling the deposition of dangerous, hazardous and infectious substances within the waste stream.

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

Waste and recycling collection activities have the potential to reduce the level of amenity enjoyed within the urban environment and to create public nuisance issues. This can include:

- the siting of waste or recycling receptacles (wheelie bins, crates, bags) in a manner that impedes footpath access
- noise disturbance associated with collection activities
- the recurrent practice of the mass deposit or piling of rubbish and recycling on the kerbside and outside of multi-unit dwellings
- inappropriate waste disposal in public places and on private property.

Councils have the ability to affect these issues using education strategies and programmes. While community education may be effective in promoting behaviour change for kerbside service users, it is important to set clear minimum operational standards to work towards. Furthermore, when attempting to address issues such as the inappropriate siting of waste or recycling receptacles and the mass piling of waste, the effectiveness of community education is likely to be limited where practices will result in a cost saving or time saving by a service user or service operator.

For this reason the use of community education would be best supported by bylaw provisions that provide minimum regulatory standards that service users, and operators, should meet.

For this reason, relevant regionally consistent bylaw provisions would provide Councils with the tools to address these public nuisance and amenity-related issues in a consistent manner.

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

As urban densities increase, not just in Wellington City but across the wider Wellington region, the provision of adequate on-site waste management storage and servicing areas has the potential to be an issue within areas subject to intensification. Broadly speaking, a multi-development refers to a property comprising two or more separately occupied household/residential units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership located on the one site.

The inappropriate design of waste storage and servicing areas in multi-unit dwellings can create difficult-to-access or no-access sites for waste collection vehicles. In turn, associated waste and recycling servicing can cause public place nuisance issues caused by the deposit of waste and result in a recurrent loss of amenity.

Insufficient space provision in multi-unit developments for waste and recycling receptacles, and inappropriately designed and located waste management storage areas can also be problematic for residents, constraining a person's ability to sustainably manage and divert/minimise their waste for the life of the building.

Whilst the Building Code (Clause G15 Solid Waste) stipulates that such "*buildings shall be provided with space and facilities for the collection, and safe hygienic holding prior to disposal, of solid waste arising from the intended use of the buildings*", this clause does not apply to multi-unit dwellings if there is an independent access, or if there is a private open space at the ground level.

Building Code provisions are therefore considered inadequate both for amenity protection and for accommodating the waste management needs of residents for the following reasons:

- Where a development is exempt from Clause G15:
 - The provision of an independent site access does not guarantee that multi-unit developments are designed with sufficient on-site waste and recycling storage areas.
 - The provision of a private open space at the ground level does not guarantee that this open space is available or accessible for waste storage or servicing needs.
- Where Clause G15 is deemed applicable to a development:
 - It does not specify a minimum site size for on-site waste and recycling storage. It is, however, noted that Building Code provision G15/AS1 provides detail of a possible 'acceptable solution' for waste storage, which when complied with, will be deemed acceptable in terms of Building Code compliance.

When considering any potential solutions to this issue, it is important to differentiate between existing legally constructed multi-unit dwellings, and new (yet to be established) multi-unit dwellings. The use of a regulatory mechanism as a means to require suitable waste and recycling storage and servicing areas is only appropriate with respect to new multi-unit dwellings, or buildings (e.g. offices) being converted into multi-unit dwellings.

Existing multi-unit dwellings are anticipated to be legally constructed in accordance with regulatory standards. Therefore, the Council cannot retrospectively apply new building development standards applicable to these buildings. However, the Council can regulate waste and recycling service collection standards applicable to both new and existing multi-unit dwellings.

For new (yet to be established) multi-unit dwellings and buildings being converted into multi-unit dwellings, there are two regulatory options relevant for consideration as a potential means to address waste storage and servicing area issues. These include District Plan standards, or the introduction of revised waste bylaw controls.

Where specific District Plan rules or standards relating to the provision of waste servicing areas in multi-unit developments do not yet exist, they could be addressed via new District Plan provisions. However, should future District Plan standards fail to address this issue, then the establishment of minimum standard waste bylaw controls in the meantime would be appropriate.

In summary, issues or potential issues caused by inadequate waste management and storage facilities in multi-unit dwellings can be anticipated to increase in the future. For this reason, relevant regionally consistent bylaw provisions would provide Councils with the capacity to establish minimum multi-unit waste storage and service standards in the absence of relevant District Planning controls.

Minimising construction and demolition (C&D) waste

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

In 2013/14, approximately 32,000 tonnes of waste sent to municipal (Class 1) landfills in the Wellington Region was waste construction and demolition waste (being 12.7% of Class 1 Landfill waste stream). However, available data also indicates that the majority of C&D waste is currently being sent to Class 2-4 landfills.

In 2015, Class 2-4 landfill operators reported their C&D waste tonnages to be approximately 525,000 tonnes per annum. This converts into a per capita disposal rate of approximately 1.06 tonnes per capita per annum (Wellington Region Waste Assessment, 2016, p.55). As a significant part of this waste stream is potentially recoverable, the Wellington Region Waste

Assessment identified construction and demolition waste as being a priority waste stream that could be targeted by councils as a means to reduce waste to landfill (2016, p.87).

In late 2018, councils from the Wellington Region cooperated and jointly commissioned a report from Tonkin & Taylor Ltd to analyse the waste minimisation issues and challenges associated with construction and demolition (C&D) waste, and to identify the range of options available to councils in response to these issues.

The key issues include, but are not limited to constrained capacity to process and recover C&D waste, the availability of low cost disposal for C&D waste close to where many major projects are occurring, and a lack of incentives that would encourage or promote C&D waste minimisation.

While some of the identified options are not within the scope of councils' roles (eg increasing the waste levy to incentivise diversion of C&D waste), some options exist for councils to advance C&D waste minimisation. Such initiatives could include investing in C&D waste processing activities to stimulate the recovery market, and incorporating C&D waste minimisation into council procurement considerations.

Alternatively, councils could rely on voluntarily waste minimisation practices and sustainability certifications (e.g. the GreenStar building rating system) to promote C&D waste minimisation. However, despite being useful to reduce C&D waste on discrete projects, it is limited in its capacity to promote or bring about significant reductions in the amount of C&D waste generated across the region.

The establishment of bylaw provisions that require the consideration of C&D waste minimisation associated with large commercial building projects exists as a starting point for C&D waste minimisation in the Wellington Region. Bylaw provisions have the potential to require the consideration of C&D waste minimisation design, planning, materials recovery and reuse.

It is important to recognise that the establishment of such bylaw provisions will not significantly reduce the amount of C&D waste produced within the region in the absence of changes occurring in the Wellington Region waste market. Currently within the Wellington region, the disposal of C&D waste to Class 2-4 landfills is relatively cheap in comparison to disposal to Class 1 municipal landfill waste. For this reason, C&D waste diversion would be incentivised and become more commercially viable if the cost of C&D waste disposal was to increase.

The New Zealand Government has signalled their interest in intervening in the C&D waste market through increasing or expanding the scope of the waste levy. Should this national-level intervention occur and the cost of C&D waste disposal increase, it would act as an incentive for industry to divert and recycle C&D waste. If this was to happen, the existence of any council requirement for C&D waste minimisation plans would become a valuable tool for identifying the potentially divertible and recyclable waste material streams. Such plans would also contribute to the success of any C&D diversion facilities established within the region.

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

Littering, waste and public nuisance caused by unaddressed mail

Advertising material is currently being deposited in mail boxes and on car windows. Inappropriate disposal or depositing of unaddressed mail in already full mailboxes can result in public nuisance issues for residents, increased waste to landfill, and litter in public places. It is currently estimated that 30kg of advertising circulars are delivered to each New Zealand home every year.

Furthermore, when waste is deposited in a public place (e.g. car windscreens and advertising flyers), the resulting litter and waste often becomes the liability of the Council for removal and disposal. Council has no ability to recover the costs of removal or disposal by the waste generators.

Councils have three options available in order to address this issue: reliance on voluntary codes of practice, community education/promotional strategies, and bylaw regulation.

The voluntary Marketing Association Code of Practice for the distribution of unaddressed mail currently already exists. This voluntary standard advocates for the honouring of household “No Junk Mail” requests by advertisers, and is a standard that is, in principle, widely accepted by the marketing industry and endorsed by the Marketing Association and the New Retailers Association. However, notwithstanding the existence of this standard, waste and litter issues associated with unaddressed mail continue to remain an issue for many residents within the Wellington region. This situation suggests that on its own, a voluntary approach is limited in its ability to address this issue.

The main advantage of regulating unaddressed mail through a bylaw is that a bylaw has universal application and will apply to all advertisers. Also, a bylaw could explicitly prohibit putting marketing material under car windscreen wipers.

A bylaw response clarifying the acceptable and unacceptable deposit of unaddressed mail is consequently considered a possible response to this issue.

Limited waste data

As recognised within the New Zealand Waste Strategy (2010), “...*the lack of data about waste hampers our ability to plan appropriate activities to improve waste management and minimisation*”. Consequently, the limited and inconsistent nature of regional waste data (including cleanfill waste data) and recycling sector data can constrain councils’ understanding of waste issues.

The establishment of waste operator bylaw licensing has the potential to address this issue. Waste operator licensing will be most effective when co-ordinated at the regional level and

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

Section 56(3)(b) of the WMA enables territorial authorities to require the provision of waste data from operators through operator licensing. Licensing may also stipulate licensing conditions that require the following:

- a performance bond or security, or both, for the performance of the work licensed, and;
- reports setting out the quantity, composition, and destination of waste collected and transported by the licensee (for example, household waste to a disposal facility).

Engagement with waste industry stakeholders in early 2019 has confirmed that requesting the voluntary provision of waste data would not secure the provision of data for councils. This is due to the commercial sensitivity of the data. In one instance, a waste company reported that it was their corporate policy to only release commercial waste data if required by regulation.

In addition, feedback suggests that if licencing were to be required, it should be done regionally, in order to minimise transactions costs to operators.

A number of territorial authorities in New Zealand have already established operator licensing via bylaw provisions in order to secure the provision of waste data. Within the Wellington Region, only Kapiti Coast District Council has in place a licencing regime. The introduction of relevant regionally consistent bylaw provisions for a regional licencing regime would avoid a piece meal approach, and would likely minimise transaction costs for both operators and Councils.

It is noted that appropriate data confidentiality protocols will need to be applied to safeguard the commercial viability of the waste operators supplying the data.

Better event waste management and minimisation

Public events, such as festivals, parades and concerts have the potential to generate a significant amount of waste. However, as the amount of waste being generated at events typically remains unreported, the total volume of event waste generated within the region, or individual cities or districts, remains unknown.

Where event organisers voluntarily choose to run waste free events, or promote recycling and organics diversion at events, it has the dual benefit of normalising and promoting waste minimisation behaviour change within the community, and reducing the amount of waste sent to landfill.

Currently, councils jointly encourage event waste organisers to consider waste minimisation through the provision of advice: a regional event organiser guide, and a regional food packaging guide for food retailers. Both guides were developed collaboratively by all eight Councils, copies are available at

<https://www.upperhuttcity.com/Services/Waste-and-recycling/Event-Waste-Minimisation-and-Management>.

However, experience from other councils around New Zealand has highlighted that without regulatory intervention the use and uptake of any such guidelines will likely be extremely limited.



As event organisers may be able to save time and money by ignoring event waste reduction guidelines and techniques, and by sending all their accumulated event waste to landfill, voluntary approaches to event waste minimisation are consequently limited in their capacity to reduce waste.

In response to this issue, a number of local authorities around New Zealand have established bylaw provisions to regulate the encouragement of waste minimisation at events. For example, some bylaws have the ability to require the lodgement of an event waste management and minimisation plan prior to the commencement on an event over a certain size (e.g. over 1,000 event attendees). Such plans have the ability to control the types of potential waste materials used and produced at events, and could require event organisers to specify the steps to be taken to minimise waste and maximise the diversion. However, at their most basis level, they would not necessarily mandate waste diversion, but simply require organisers to think through how they will manage the waste at their event, and at least minimise negative effects such as litter.

Due to the limited effectiveness of non-regulatory event waste management approaches, and the absence of alternate regulatory approaches, the use of bylaw provisions would establish basic waste-related planning considerations for events, at least for those held on council owned, managed or administered land. It could also help minimise potential waste-related reputational risk issues for the councils, and act as a strong learn-by-doing educational tool for promoting and normalising waste minimisation behaviour change within the community.

Next steps

Based on the timetable approved at the last joint committee meeting on 9 September 2019, the next step on the bylaw timetable is to discuss the first draft of the regionally consistent bylaw template with all member councils.

Based on the feedback collected at these engagements, officers would report back to the Joint Committee with recommendations on a draft bylaw package, in March 2020.

This would be followed by councils formally receiving the draft bylaw and commencing their respective bylaw processes, including consultation with their communities. While officers propose that this bylaw be regionally consistent as much as possible, ultimately each council will have to adopt their own version of the bylaw template.

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



Risks

Except for Upper Hutt City Council, all territorial authorities in the Wellington region currently have a waste bylaw. However, both Hutt City Council’s and Wellington City Council’s bylaw will lapse within the next year.

Based on the current timeframe for having a new regionally consistent bylaw in place by October 2020, there can be a time gap between when current bylaws formally expire, and a new bylaw formally in place. Councils affected by this time gap would not be able to formally enforce their expired bylaw, or be able to prosecute in response to someone breaching their bylaw. Whether this is problematic or not depends on the relevant provisions in the bylaw for each council. (Note that councils’ ability for enforcement and infringements under the Litter Act 1979 are unlikely to be affected by bylaws lapsing.)

Hutt City Council will be affected by this time gap, and Wellington City Council would be affected by this also if there is any delay to the current time table. Delays to the time table increase the risk that those councils affected by a time gap will break away from the regional project to work collaboratively on a regionally consistent bylaw with other councils, which in turn could limit the region’s ability to develop regionally consistent and more effective waste management-related bylaw provisions. This would run counter to the intent of the WMMP 2017-23 and previous decisions by the member councils.

In order to minimise this risk, officers recommend that all individual councils formally re-confirm their commitment to the regional time table via a relevant council decision, and by confirming that they have the council-internal waste bylaw processes included on their relevant committee work programmes, in line with the regional timetable currently in place.

Options Considered

A summary of the options considered are included in the table below.

Option	Advantages	Disadvantages
Feedback on the bylaw template provided by the Wairarapa Joint Policy Working Group.	Consistent feedback from the Wairarapa councils on proposed bylaw will be provided directly to the Joint Committee	None identified
South Wairarapa District Council provide its own feedback to the Joint Committee	South Wairarapa District Council’s feedback on the proposed bylaw will be provided.	Consistent Wairarapa-wide feedback will not be provided
Do not provide feedback	None identified	There will be no local input to proposed regional bylaw which Council have agreed to be part of.

It is therefore proposed that the Wairarapa Joint Policy Working Group provide feedback on the draft waste bylaw template to the Wellington Region Waste Management and Minimisation Plan Joint Committee.

Supporting Information

Strategic, Policy and Legislative Implications

This decision gives effect to the agreement of the eight Wellington Region councils, under the umbrella of the Wellington Region Waste Management and Minimisation Plan (WMMP) 2017-2023, “to investigate and, if feasible, develop, implement and oversee monitoring and enforcement of a regional bylaw, or a suite of regionally consistent bylaws”.

Significance, Engagement and Consultation

Formal public consultation will follow once the proposed bylaw has been finalised by the Wellington Region Waste Management and Minimisation Plan Joint Committee.

Financial Considerations

This decision does not have any financial considerations. The bylaw may result in financial implications for the Council once it is in place. These will be outlined in any recommendation brought to Council regarding the proposed bylaw.

Implications for Māori

This decision does not have any specific implications for Māori.

Environmental/Climate Change Impact and Considerations

This decision does not have any specific environmental impacts. The bylaw may result in environmental implications for the Council. These will be outlined in any recommendation brought to Council regarding the proposed bylaw.

Appendices

Attachment 1 – Draft Wellington Region TAs ‘Waste Management and Minimisation Bylaw standard clauses/options

Prepared by: Euan Stitt, Group Manager Partnerships and Operations

Reviewed by: Harry Wilson, Chief Executive

**Attachment 1 – Draft Wellington Region
TAs ‘Waste Management and
Minimisation Bylaw standard
clauses/options**

DRAFT Wellington Region TAs ‘Waste Management & Minimisation Bylaw’ standard clauses/options [as at 08-01-2020]

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

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

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
PART A: INTRODUCTION			
1	Title and Application	<p>1.1 The title of this Bylaw is the “Waste Management and Minimisation Bylaw [insert year]”.</p> <p>1.2 This Bylaw applies within the boundaries of the [insert District/City].</p>	<i>Insert details as appropriate for each council.</i>
2	Commencement	<p>2.1 This Bylaw comes into force on [insert date] except for the following exceptions which come into force on the date specified:</p> <p>(a) The licensing provisions in clause 9 come into force [2 years] after the commencement date of this bylaw;</p> <p>(b) The construction and demolition waste management plan provisions in clause 15 come into force [1 year] after the commencement date of this bylaw; and</p> <p>(c) The event waste management plan provisions required under clause 14 come into force [1 year] after the commencement date of this bylaw.</p>	<p><i>Insert details, including commencement dates of delayed provisions, as appropriate for each council. Dates in this draft are suggestions only.</i></p> <p><i>The exceptions allow for the delayed start of specified bylaw provisions to give councils (as may be required) more time to put in place appropriate implementation resourcing, mechanisms and systems etc.</i></p>
3	Revocation	3.1 This Bylaw repeals and replaces the [insert name] Bylaw [date].	<i>Councils to include the existing solid waste bylaw that is to be replaced by this Bylaw (as is relevant).</i>

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)						
4	Purpose	<p>4.1 The purpose of this Bylaw is to support:</p> <ul style="list-style-type: none"> (a) The promotion and delivery of effective and efficient waste management and minimisation in [insert district/city] as required under the Waste Minimisation Act 2008; (b) The implementation of the Wellington Region Waste Management and Minimisation Plan; (a) The purpose of the Waste Minimisation Act and the goals in the New Zealand Waste Strategy, being to encourage waste minimisation and a decrease in waste disposal in order to protect the environment from harm; and provide environmental, social, economic, and cultural benefits; (b) The regulation of waste collection, transport and disposal, including recycling, ownership of the waste stream, waste storage and management; (c) Controls regarding the responsibilities of customers who use approved solid waste services, and the licensing of waste collectors and waste operators; (d) The protection of the health and safety of waste collectors, waste operators and the public; and (e) The management of litter and nuisance relating to waste in public places. <p>4.2 This Bylaw is made pursuant to section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Heath Act 1956, and section 12 of the Litter Act 1979.</p>	<p><i>Sets out the purpose, intention, and outcomes intended for the Bylaw and provides the context in which the Bylaw is made and adopted. Councils can include more information in this section if desired e.g. to reflect specific long-term goals/objectives and the bylaw's role in achieving them, other plans the bylaw implements etc.</i></p>						
5	Compliance with Bylaw	<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>	<p><i>For clarity</i></p>						
6	Interpretation	<p>6.1 For this Bylaw, unless the context otherwise requires, the following term definitions apply¹:</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> <tr> <td>Advertising material</td> <td> Any message which: <ul style="list-style-type: none"> (a) Has printed content controlled directly or indirectly by the advertiser; and </td> </tr> </tbody> </table>	Term:	Means:	Act (the Act)	Waste Minimisation Act 2008	Advertising material	Any message which: <ul style="list-style-type: none"> (a) Has printed content controlled directly or indirectly by the advertiser; and 	<p><i>To provide clarity in relation to key terms used within the bylaw.</i></p> <p><i>To assist in the implementation of the unaddressed/unsolicited mail clauses. Definition based on Auckland 2019 bylaw.</i></p>
Term:	Means:								
Act (the Act)	Waste Minimisation Act 2008								
Advertising material	Any message which: <ul style="list-style-type: none"> (a) Has printed content controlled directly or indirectly by the advertiser; and 								

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

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
		(b) Is expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of a person.	
	Approved	Authorised in writing by the Council.	
	Approved collection point(s)	Council approved places, facilities or receptacle where approved receptacles may be left for collection or waste may be deposited.	<i>Provides for both Council collection points and Council approved collection points (ie. where there is no Council collection in place)</i>
	Approved receptacle	Any container, bag or other receptacle that has been approved by the Council for the collection of any type of waste or diverted material, with approval based on the following criteria: the prevention of nuisance, the provision for adequate security to prevent scavenging, the protection of the health and safety of waste collectors and the public, and the achievement of effective waste management and minimisation.	
	Authorised Officer	Any officer of the Council or other person authorised by the Council to administer and enforce its bylaws, and any person appointed especially or generally by the Council to enforce the provisions of this Bylaw.	
	Building work	As defined in the Building Act 2004 and generally means any work for, or in connection with, the construction, alteration, demolition, or removal of a building. It can include sitework and design work relating to the building work.	<i>This is required for the construction and demolition waste management plan bylaw clauses. Building work (as defined in the Building Act) includes the construction, alteration, demolition, or removal of a building.</i>
	Bylaw	This Waste Management and Minimisation Bylaw [insert date].	
	Class 1-4 landfills	As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand) ² .	

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

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
	Cleanfill material	<p>Waste that meets all of the following requirements:</p> <p>(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</p> <p>(b) is not diverted material; and</p> <p>(c) includes virgin excavated natural materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:</p> <ul style="list-style-type: none"> (i) combustible, putrescible, degradable or leachable components; (ii) hazardous waste, hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown; (iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices; (iv) materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health or the environment; and (v) contaminated soil and other contaminated materials; and <p>(d) has less than two per cent by volume by load of tree or vegetable matter.</p>	<p><i>Commonly used definition across other bylaw examples; clause c) aligns with definition in WasteMinz technical guidelines for disposal to land.</i></p> <p><i>Inclusion of clause b) re: 'not diverted material' to be further considered as to appropriateness.</i></p>
	Cleanfill site	Land used for the disposal of cleanfill material.	
	Commercial waste	All waste (excluding trade waste) that results from a commercial enterprise and includes waste generated by the carrying on of any business, manufacture, process, trade, market, or other activity of a similar nature (and for the avoidance of doubt includes residual waste, recyclable waste and organic waste).	

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
	Construction and demolition waste	Waste generated from any building construction or demolition works (including renovation and repair); and includes but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, asphalt and rubble.	<i>Supports the construction and demolition waste management plan clauses in clause 15. Definition draws from WasteMinz definition (but is not exactly the same).</i>
	Council	The [insert name of Council] or any person delegated or authorised to act on its behalf.	
	Cover material	Material specified by the Council under clause 10.1(d) of this Bylaw as suitable for use as cover material at a Class 1-4 landfill site.	
	Deposit	To cast, place, throw or drop any waste or diverted material.	
	Dispose or Disposal	As defined in the Act and generally means the final disposal of waste into land set aside for the purpose or the incineration of waste.	
	Diverted material	As defined in the Act and means any thing that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded.	<i>Diverted material can often also be 'waste'. This means that any provisions in this Bylaw that apply to waste will also apply to diverted material, unless it can be shown that items are solely diverted material, and not waste.</i>
	Estimated value	As defined in the Building Act 2004 and generally means the estimated aggregate of all goods and services to be supplied for the building work.	<i>Relates to the construction and demolition waste management plan clauses (re: value of building work)</i>
	Event	Any organised temporary activity of significant scale that is likely to create litter and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, protest, festival, concert or celebration. An event will be considered significant if it requires a road closure or has an expected attendance of 1,000 or more people across the event. For clarity, for the purpose of this Bylaw 'event' <u>excludes</u> :	<i>Definition required to support the event waste management plan bylaw provisions in clause 14. Useful to have a consistent event size trigger across councils if possible, but this could depend on individual council/district circumstances. The draft provision requires a</i>

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
		<ul style="list-style-type: none"> • open-aired events that are enclosed within a building or structure (e.g. an open-aired stadium) • indoor performances, markets, displays, exhibitions or conferences • indoor private functions • indoor tasting and sampling activities • any regularly occurring recreational activities such as weekly sports events. 	<p><i>waste management plan for any event of more than 1,000 attendees, or where road closure is required. Other events could be encouraged by councils to consider waste management as part of their event planning.</i></p> <p><i>Include a link to the regional event guidelines material to help support implementation.</i></p>
		<p>Food waste Organic material derived from uneaten animal or plant-based material and to avoid doubt, includes uneaten fruit, vegetables, meat, fish, bones and shells that is free of contamination, and any other similar food scraps.</p>	
		<p>Green waste Organic plant material from gardening or arboricultural activities including lawn clippings, weeds, plants and other soft vegetable matter, which by nature or condition and being free of any contaminants will degenerate into compost.</p>	
		<p>Handled or handles Includes removing, collecting, transporting, storing, sorting, treating, processing or disposing of waste.</p>	
		<p>Hazardous substance As defined in the Hazardous Substances and New Organisms Act 1996 and means, unless expressly provided otherwise by regulations, any substance—</p> <p>(a) with 1 or more of the following intrinsic properties:</p> <ul style="list-style-type: none"> (i) explosiveness: (ii) flammability: (iii) a capacity to oxidise: (iv) corrosiveness: (v) toxicity (including chronic toxicity): (vi) ecotoxicity, with or without bioaccumulation; or 	

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

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
		(a) collection from a public place by the Council or an approved waste operator; or (b) collection from any premises by the Council or an approved waste operator; or (c) delivery to a resource recovery facility.	
	Landfill	As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand) ³ .	
	Licence	A licence, consent, permit or approval to do something under this Bylaw and includes any conditions to which the licence is subject.	
	Litter	Any rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, other residual waste or any other thing of a like nature that has been disposed of in a public place, other than in an approved receptacle or collection point for such disposal, or on private land without the consent of the occupier. For the avoidance of doubt this includes organic material, dog faeces in a container or bag, or disposable nappies.	
	Litter receptacle	A receptacle provided for the collection of litter.	
	Manager	A person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.	
	Multi-unit development	A multiple tenancy property comprising of 10 or more separately occupied residential or business units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership. To avoid doubt this includes a unit title development and any development with controlled or restricted access, such as a gated community or a shared right of way.	<i>Councils could amend the lower limit that defines a 'MUD' for their context/needs if necessary. "10 or more" is quite commonly used in other bylaw examples but other thresholds used range between 4 and 10 units.</i>

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

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
	Nuisance	As defined in section 29 of the Health Act 1956 and includes anything obnoxious, offensive or injurious to the community or any member of it.	<i>Relevant to the bylaw clauses that cover (amongst other issues) the stockpiling of waste.</i>
	Occupier	In relation to any property or premises, means the inhabitant occupier of that property or premises and, in any case where any building, house, tenement, or premises is unoccupied includes the owner.	
	Organic waste	Food waste and/or green waste that is specified by the Council under clause 10.1(a) of this Bylaw as organic waste.	
	Owner	In relation to any property or premises, means the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent, and where such a person is absent from New Zealand, includes their attorney or agent.	
	Person	An individual, a corporation sole, a body corporate, and an unincorporated body.	
	Premises	Any separately occupied land, dwelling, building, or part of the same.	
	Prohibited waste	Waste containing - (a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury; (b) any material capable of causing damage to the approved receptacle or likely to shatter in the course of collection unless the material is sufficiently contained to prevent damage to the approved receptacle or to prevent injury; (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; (d) any radioactive wastes, but excluding domestic smoke detectors; (e) any used oil and lead-acid batteries;	

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
		<p>(f) any hazardous waste;</p> <p>(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;</p> <p>(h) any asbestos containing material; and</p> <p>(i) any material prohibited by the Council under clause 10.1(f) of this Bylaw.</p>	
	Public place	<p>(a) A place that is under the control of Council or a Council-controlled organisation that, at any material time, is open to or is being used by the public, whether free or on payment of a charge; and</p> <p>(b) To avoid doubt –</p> <p style="padding-left: 40px;">(i) includes any park, reserve, recreational ground, pool, community facility, sports field or facility, public open space, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat ramp, pontoon, road, street, lane, thoroughfare, footpath, access way, cycleway, bridleway, car park, grass verge, berm, and any part of the public place.</p>	
	Recovery	<p>As defined in the Act and means –</p> <p>(a) extraction of materials or energy from waste or diverted material for further use or processing; and</p> <p>(b) includes making waste or diverted material into compost.</p>	
	Recyclable material	<p>The types of waste that are able to be recycled and that may be specified by the Council from time to time under this Bylaw.</p>	<p><i>Types of waste that are able to be recycled will keep changing over time and as technology changes so councils need to be able to be responsive to changes.</i></p>
	Recycling	<p>As defined in the Act and means the reprocessing of waste or diverted material to produce new materials.</p>	

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
	Reuse	As defined in the Act and means the further use of waste or diverted material in its existing form for the original purpose of the materials or products that constitute the waste or diverted material, or for a similar purpose.	
	Rural areas	Any areas zoned and/or defined in the [insert name] District Plan as rural.	<i>Note: Councils may need to amend this definition to reflect their district plan. Some district plans may not define 'rural' - if this is the case and the term is required for the bylaw's implementation, the council will need to agree on a definition.</i>
	Specified intended life	As defined in the Building Act 2004 and in relation to a building, generally means the period of time, as stated in an application for a building consent or in the consent itself, for which the building is proposed to be used for its intended use.	<i>Supports the construction and demolition waste management plan bylaw clauses.</i>
	Treatment	As defined in the Act and means - (a) subjecting waste to any physical, biological, or chemical process to change its volume or character so that it may be disposed of with no or reduced adverse effect on the environment; but (b) does not include dilution of waste.	
	Unaddressed mail	(a) Any mail or material that does not display a full address and name of a person at that address; and (b) To avoid doubt, includes public notices from government departments or agencies, crown entities, local authorities, network utilities and New Zealand Post, election material, free print media, material from local community organisations or charitable entities and advertising material.	<i>Definition to assist in implementation of the unaddressed/ unsolicited mail clauses. Based on Auckland 2019 bylaw definition.</i>
	Waste	As defined in the Act and means - (a) Any thing disposed of or discarded; and	<i>Consistent with the Act and provided for clarity</i>

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)	
		<p>(b) Includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and</p> <p>(c) To avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.</p>		
		Waste collector	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).	<i>Definition aligned with the WM Act and the national waste data framework definition. The definition of “waste” includes any thing disposed of or discarded, including recyclable material and diverted material.</i>
		Waste management facility	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.	
		Waste Management and Minimisation Plan (WMMP)	A waste management and minimisation plan adopted by the Council under section 43 of the Act.	
		Waste operator	Any person or entity that operates a waste management facility.	
		Waste remediation and materials recovery services	The remediation and clean-up of contaminated buildings and mine sites, mine reclamation activities, removal of hazardous material and abatement of asbestos, lead paint and other toxic material. This also includes recovery, sorting, and/or storage services in relation to waste.	<i>Relates to the definition of “Waste management facility”. Consistent with NZ/Aus standards.</i>
		Waste treatment and disposal services	The treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, composting, biodigestors and other treatment facilities (except sewage treatment facilities), and waste transfer stations.	<i>Relates to the definition of “Waste management facility”. Consistent with NZ/Aus standards.</i>

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7	Controls	<p>7.1 The Council may make, amend or revoke controls to support the implementation of this Bylaw.</p> <p>7.2 The Council must, before making, amending or revoking controls in clause 7.1, comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002.</p> <p>7.3 Any control that is made, amended or revoked under clause 7.1:</p> <p>(a) Must be made by a resolution of Council that is made publicly available; and</p> <p>(b) May:</p> <ul style="list-style-type: none"> i. Prohibit, restrict, or control any matter or thing generally, for any specific category or case, or in a particular case; ii. Apply to all waste or to any specified category or type of waste; iii. Apply to [insert district/city name] or to a specified part of [insert district/city name]; and/or iv. Apply at all times or at any specified time or period of time. 	<p><i>This section provides assurance to anyone affected by any specific controls developed under the Bylaw as to the process that will be undertaken and what opportunity there will be for consultation and feedback on a proposed control. Implies compliance with the Council's significance and engagement policy. Councils could insert specific methods re: "publicly available" (e.g. at Council's offices, libraries and on its website) if needed.</i></p>
PART B: COLLECTION, TRANSPORTATION, STORAGE, PROCESSING AND DISPOSAL OF WASTE			
8	General responsibilities for waste management	<p>8.1 The occupier and/or manager of a premises must ensure that the household waste from the premises is separated into waste types as determined by the Council, and is deposited for collection in the correct approved receptacle. No person may deposit material in a receptacle that is not approved for that type of receptacle.</p> <p>8.2 The occupier and/or manager of any premises must ensure that:</p> <ul style="list-style-type: none"> (a) All waste receptacles are appropriately secured to deter scavenging and to prevent waste escaping; (b) Waste from the premises has no more than a minimal adverse effect on neighbouring occupiers; (c) Any waste receptacle is regularly emptied when it is full; and (d) The contents of any waste receptacle, excluding receptacle for green waste, are protected from rain, dispersal by wind, or ingress or egress of flies, vermin and animals. <p>8.3 The occupier and/or manager of any premises who is in control of an approved receptacle must ensure that:</p>	<p><i>This section outlines the basic roles and responsibilities of various parties related to solid waste management and minimisation. Intended to provide clarity as to who is responsible for what.</i></p>

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
		<ul style="list-style-type: none"> (a) The receptacle is kept in a safe location, is hygienic, in good repair, and without any modifications or alterations to its appearance; (b) The contents of any approved receptacle do not soak or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter; (c) If required, waste is deposited in the receptacle in a manner that allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied; (d) Unless the receptacle is placed at an approved collection point, the receptacle is placed for collection in an upright position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible; (e) The receptacle is placed so that it does not disrupt or obstruct pedestrian or vehicular traffic, and so that access to the premises is preserved; and (f) The receptacle is placed for the collection of waste and is retrieved in accordance with any applicable control specified by the Council. 	
		<p>8.4 For the avoidance of doubt, no person shall deposit waste in a manner where:</p> <ul style="list-style-type: none"> (a) The receptacle is damaged or otherwise likely to cause injury to the collector; (b) In the opinion of the Council, or the waste collector or operator, the waste is in an unsanitary or in an offensive condition; (c) The waste includes waste prohibited under this Bylaw; (d) The container/receptacle is not an approved receptacle; (e) The receptacle is in a condition that allows spillage of waste or is not of a sufficient size to contain the waste; (f) The receptacle or the waste does not comply with the rules under this Bylaw in terms of type, size, volume, weight, numbers, colour, placement or any other detail; (g) The number of approved receptacles placed out for collection is greater than the authorised number of receptacles for the property, unless approved by an authorised officer; or (h) Any other reason which the Council, or the waste collector or operator, deems would cause a health and safety concern to the waste collection operation. 	
		<p>8.5 No person shall:</p> <ul style="list-style-type: none"> (a) Put waste into an approved receptacle provided to any other person, without that other person's consent; 	

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
		<p>(b) Remove waste from, or interfere with any waste deposited in, an approved receptacle, except the Council, a waste collector or operator, or the person who deposited the waste;</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 or operator; or</p> <p>(d) Put their approved receptacle outside another person's property without the prior approval of an authorised officer or that other person's consent.</p> <p>8.6 The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected.</p> <p>8.7 To enable the occupier and/or manager of a premises to be able to comply with clauses 8.1-8.3 and 8.5, an authorised officer may approve placement of approved receptacles in a location other than directly outside the property of the premises.</p> <p>8.8 Where any breaches of the conditions in clauses 8.1-8.7 occur, the waste collector or waste operator shall not be obligated to collect the waste.</p>	
9	Licensing of Waste Collectors and Waste Operators	<p>9.1 Any:</p> <p>(a) Waste collector who handles more than 20 tonnes of waste in any one twelve month period in, around or out of the [insert District/City name]; and any</p> <p>(b) Waste operator with a facility in the [Insert District/City name] that handles more than 20 tonnes of waste in any one twelve month period, must have a licence issued by the Council, and may not collect waste or operate the waste management facility (as the case may be) without such a licence.</p> <p>9.2 An application for a licence must be made on the approved application form available from the Council, and must be accompanied by the application fee and the supporting information required by the Council to process the application.</p> <p>9.3 The holder of an existing licence may apply to the Council for a renewal of that licence.</p> <p>9.4 A licence is personal to the holder and is not transferable.</p>	<p><i>The purpose of this section is to introduce a regional waste licensing system. The proposed 2-year delayed effect (see clause 2.1) would allow councils to establish an appropriate regional system (and resourcing) to manage applications and the data collected. There are two main reasons for licensing collectors and operators:</i></p> <p><i>1) to support the requirement that waste is collected, transported, stored and disposed in a way that supports the WMMP;</i></p> <p><i>2) enable data collection so councils can best fulfil their responsibilities to promote effective and efficient waste management and minimisation within their districts. Data collection would be in line with the National Waste Data Framework.</i></p>

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
9.5		A licence may be granted or refused at the discretion of the Council, and if granted, may be on such terms and conditions as the Council considers fit.	<i>The licencing system could potentially include a requirement for mandatory recycling with kerbside waste collection services, if desired.</i>
9.6		<p>When considering a licence application, the Council may take into account the following non-exhaustive list of factors:</p> <ul style="list-style-type: none"> (a) The nature of the activity for which a licence is sought; (b) The extent to which the licenced activities will promote public health and safety, and support achievement of the Council’s WMMP, including the waste minimisation goals and initiatives within that plan; (c) The extent to which the licenced activities will adopt best practice waste management and minimisation technologies; (d) The quantity and type of waste to be handled; (e) The methods employed for the handling of the waste and the minimisation of litter, including (but not limited to): <ul style="list-style-type: none"> i. the identity of the waste management facility at which it is proposed that recycling, recovery, sorting, storage, treatment, or disposal will occur; and ii. adherence to health and safety standards and any other relevant industry standards; (f) The frequency and location of the waste collection, removal, storage and transportation services; (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. 	<p><i>Clause 9.10 provides ability to take action if a licensee is not fulfilling their requirements.</i></p> <p><i>Re: clause 9.11- each Council will need to set applicable licence fees (as part of setting Council fees and charges).</i></p>
9.7		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.	
9.8		<p>A licenced waste collector or waste operator must comply with all terms and conditions of the licence. These conditions may include, but are not limited to, the following matters:</p> <ul style="list-style-type: none"> (a) Term – a licence may be granted for a term of up to 5 years from the date of Council approval, or for a shorter duration if specified in the terms and conditions of the licence, and will be reviewed every year by the Council upon compliance with the terms and conditions of the licence; 	

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

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		9.11 Fees and charges for the issue of licences under this Bylaw are set out in Council's Schedule of Fees and Charges and may be amended from time to time in accordance with section 150 of the Local Government Act 2002.	
10	General controls on the collection, transportation, storage and disposal of waste	<p>10.1 The Council may specify controls for the following non-exhaustive list of matters in relation to the collection, transportation, storage or disposal of waste from any property:</p> <ul style="list-style-type: none"> (a) Types of household waste that may be treated for all purposes (including deposit, collection, transportation, and disposal) as recyclable, organic waste or other residual waste; (b) Maximum allowable limits of a specified waste type that may be collected or transported from a public place in an approved receptacle for waste and that subsequently may be stored or disposed of; (c) Maximum allowable limits of a waste type that may be placed in an receptacle approved for another waste type; (d) Types of waste that may be handled at any Class 1–4 landfill and material that may be used as cover material at any such site; (e) Materials that may be used as natural or other hardfill material at a cleanfill site; (f) Types of waste that are prohibited. <p><i>[Related information box: include a link to useful information to assist implementation, including information on council website(s) specifying types of recyclable materials etc, and to help support understanding, interpretation and compliance with the Bylaw].</i></p>	<p><i>This provision would enable 'material bans' to be implemented by councils if required. Enabling councils to set maximum levels for certain material types in residual waste streams is a tool to reduce the amount of certain material(s) disposed of to landfill. This could be used for example to control things like medical or hazardous waste in household waste, or limits for contamination in recycling, or limits for the amount of organic waste in household waste etc (subject to kerbside services being available).</i></p> <p><i>Controls could be made to apply to all collections if a council considers appropriate (to ensure all collectors are treated the same).</i></p>
11	Collections from a public place	<p>11.1 Waste must not be placed on a public place for collection unless it is:</p> <ul style="list-style-type: none"> (a) Household waste; (b) Green waste; or (c) Any other type of waste specified and approved by the Council as able to be placed on a public place for collection. <p>11.2 Prohibited waste, diverted material, construction and demolition waste, or commercial waste must not be placed in a public place for collection unless authorised by the Council under this Bylaw or another Council Bylaw.</p> <p>11.3 Any waste collector or waste operator who collects or transports waste from a public place must:</p>	<p><i>These clauses set out/clarify the requirements for any person/entity using the public place to collect or transport waste from.</i></p> <p><i>Enables councils to ensure waste collection receptacles/containers are appropriate, fit for purpose and labelled appropriately etc.</i></p> <p><i>Enables councils to place controls on the type, size, capacity and weight of containers to be used in different types of collections, and to require the use of consistent wording, colour-coding, symbology systems etc.</i></p>

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		<p>(a) Make available to the occupier or manager of a premises one or more approved receptacles to enable separate collection of each of the waste types required to be separately collected from the premises;</p> <p>(b) Clearly identify their name and contact details on all approved receptacle;</p> <p>(c) Not collect any household waste which has not been separated into the waste types required to be separately collected from the premises. However this does not apply where the maximum allowable limits of a waste type that may be placed in an receptacle approved for another waste type specified by the Council under clause 10.1(c) are not exceeded; and</p> <p>(d) Not dispose to a Class 1–4 landfill any waste type that is capable of being reused or recycled.</p> <p>11.4 The Council may specify controls for the following non-exhaustive list of matters in relation to the collection, storage or transportation of waste from a public place:</p> <p>(a) The area to which the control applies;</p> <p>(b) The type, size, capacity/volume, weight, numbers, colour, and construction of approved receptacles that may be used for the storage and collection of waste;</p> <p>(c) The types of waste that may be collected in the various types of approved receptacle;</p> <p>(d) The types and categories of wastes that may be deposited at or collected from a public place;</p> <p>(e) The conditions applicable to any collection service from a public place, including the placement and retrieval of approved receptacles for collection, collection days and times, and restrictions on the number and weight of approved receptacles;</p> <p>(f) Requirements to ensure the correct separation of categories of wastes into approved receptacles, including content control messaging and symbology on approved receptacle that specifies the permitted and prohibited receptacle content;</p> <p>(g) The locations, access times and conditions of use of approved collection points; and</p> <p>(h) Any other operational matter required for the safe and efficient operation of a collection service from a public place.</p> <p>11.5 Any person providing or using a waste collection service in or from a public place must comply with all controls made by the Council relating to that collection.</p>	
12	Approved Collection Points	<p>12.1 No person may deposit waste at an approved collection point other than in accordance with any applicable Council control.</p> <p>12.2 The Council may specify:</p>	

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
	Waste collection, transportation, storage and deposit controls	<p>(g) Any other matter relating to waste management and minimisation that may be specified by the Council.</p> <p>13.4 Any person who owns, manages or occupies a multi-unit development must comply with the approved multi-unit development waste management plan for that development and any conditions applied to the approval by the Council (except if an exemption is granted in accordance with clause 13.5).</p> <p>13.5 The Council may, on application, grant a written exemption from compliance with all or any the requirements of this clause if:</p> <ul style="list-style-type: none"> (a) In the opinion of the Council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or (b) The owner and/or manager demonstrates to the satisfaction of the Council that recyclable material, organic waste and other wastes are separately and regularly collected. <p>13.6 The Council may specify controls for the following matters in relation to the collection, transportation, storage or deposit of waste from multi-unit developments:</p> <ul style="list-style-type: none"> (a) The categories of recyclable material, organic waste and other residual waste that may be deposited at or collected from a multi-unit development; (b) The times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of receptacles for collection, collection times and restrictions on the number and weight of approved receptacles; (c) Requirements to ensure the correct separation of organic waste, recyclable materials and other residual waste into approved receptacles; and (d) Any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development. <p>13.7 Any person who manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation, storage and management of waste in the multi-unit development made by the Council under this Bylaw.</p>	
		<p><i>[Related information box: include a link to any useful information and material/aids to assist people preparing waste management plans e.g. solid waste calculator etc]</i></p>	

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14	Events	<p>14.1 Prior to the commencement of an event, any event organiser must submit to the Council for approval an event waste management plan for the event.</p> <p>14.2 The event waste management plan must set out:</p> <ul style="list-style-type: none"> (a) An estimate of the types and amounts of waste to be generated by the event; (b) How waste generated by the event is to be minimised; (c) The steps that will be taken to maximise the collection and use of recyclables and other recoverable, reusable or compostable materials, and an estimate of the diversion of waste; (d) The equipment to be provided for the storage, collection and transportation of waste and divertible material; (e) The proposed method for minimising and capturing litter associated with the event; (f) The person responsible for the collection and disposal of waste and the methods to 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. <p>14.3 The organiser of an event must comply with the event waste management plan approved by the Council for the event.</p> <p>14.4 On completion of the event, the event organiser may be required to provide the Council with a waste analysis report, which at a minimum, will include a breakdown of:</p> <ul style="list-style-type: none"> • The types of waste generated by the event; • The amounts of waste (by type) generated by the event; and • The waste management facilities used to recover, recycle, treat or dispose of this waste. <p><i>[Related information box: include a link to the regional event guidelines and any other useful materials/aids for people preparing waste management plans to assist event organisers]</i></p>	<p><i>This section enables councils to set standards for event waste management and minimisation in order to help improve event outcomes and ensure consistency in the use of available support and tools.</i></p> <p><i>“Event” is a defined term – refer clause 6.1.</i></p> <p><i>“Other matters” specified by council could include diverting organics if there is access to commercial organic processing facilities, or compliance with food vendor guidelines, etc.</i></p>
15	Construction and Demolition Waste Management Plans	<p>15.1 Any person that is:</p> <ul style="list-style-type: none"> (a) applying for a building consent for building work with an estimated value of \$2,000,000 [TBC] or higher on any one site; or (b) demolishing a building over 200m² in size on any land owned, administered or managed by the Council; <p>must submit a construction and demolition waste management plan to the Council for approval prior to commencing any building works.</p>	<p><i>Construction and demolition waste can be a significant issue. The requirement for a waste management plan aims to reduce waste by encouraging consideration of waste issues early in the construction and/or demolition process, with the aim of supporting WMMP</i></p>

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
		<p>15.2 A construction and demolition waste management plan must set out:</p> <ul style="list-style-type: none"> (a) The name of the client, principal contractor, and person who prepared the site waste management plan; (b) The location of the site; (c) The estimated total cost of the building work; (d) A description of all types of waste expected to be produced; (e) The proposed method of waste management for each type of waste (e.g. reuse, recovery, recycling, disposal); and (f) The proposed method for minimising and capturing litter associated with the project and the building work. 	<p><i>objectives. Requires a link with council building consent processes.</i></p> <p><i>The Bylaw provisions are intended to improve both improve local data on the management of C&D waste and help to ensure that residual materials are taken to an appropriate disposal facility.</i></p> <p><i>The suggested \$2m building work value is intended to capture big value builds generating lots of waste.</i></p>
		<p>15.3 A construction and demolition site waste management plan may be required by Council to set out:</p> <ul style="list-style-type: none"> (a) An estimate of the quantity of each type of waste; and (b) An estimate of the diversion of waste. 	<p><i>While the requirements outlined may sound onerous, they are relatively simple and straightforward to achieve. Free templates and support are available from a number of agencies such as BRANZ and the Green Building Council.</i></p>
		<p>15.4 While the building work is being carried out, the principal contractor may be required by Council to:</p> <ul style="list-style-type: none"> (a) Review the construction and demolition waste management plan as necessary; (b) Record quantities and types of waste produced; and (c) Record the types and quantities of waste that have been: <ul style="list-style-type: none"> i. Reused (on or off site); ii. Recycled (on or off site); iii. Sent to other forms of recovery (on or off site); iv. Sent to landfill; v. Sent to cleanfill; or vi. Otherwise disposed of. 	
		<p>15.5 Within three months of completion of the building work the Council may require the principal contractor to add to the construction and demolition waste management plan:</p> <ul style="list-style-type: none"> (a) Confirmation that the plan has been monitored and updated; 	

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
		<p>(b) A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type;</p> <p>(c) An explanation of any deviation from the plan; and</p> <p>(d) An estimate of any cost savings that have been achieved by completing and implementing the plan.</p> <p>15.6 The principal contractor must ensure that a copy of the construction and demolition waste management plan is kept on site, and that every contractor knows where it can be found. It must be available to any contractor carrying out any work described in the plan.</p> <p><i>[Related information box: include a link to any useful information and material/aids to assist people preparing waste management plans e.g. free templates and support available from agencies such as BRANZ and the Green Building Council]</i></p>	
16	Inorganic waste	<p>16.1 The Council may specify controls for the following matters in relation to the collection of inorganic waste from a public place:</p> <p>(a) the weight, size and nature of inorganic waste that may be deposited for collection by the Council;</p> <p>(b) the categories of inorganic waste that may be deposited for collection by the Council;</p> <p>(c) the times, locations and conditions applicable to the collection by the Council of inorganic waste from a public place;</p> <p>(d) the collection methods that cause health and safety risks;</p> <p>(e) any other operational matters required for the safe and efficient collection by the Council of inorganic waste from a public place.</p> <p>16.2 Any person who deposits inorganic waste for collection on, or collects and transports inorganic waste from, a public place must comply with the controls made by the Council under this Bylaw.</p>	<p><i>These provisions could be used by councils that have inorganic collections in place or who may in future introduce some kind of inorganic system (e.g. on-demand collections etc) to prevent issues like scavenging. South Wairarapa currently does inorganic collections and needs a bylaw to regulate.</i></p>
17	Nuisance and litter	<p>17.1 No person may:</p> <p>(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</p> <p>(b) use an approved receptacle in a manner that creates a nuisance, is offensive or is likely to be injurious to health.</p> <p>17.2 Except as provided for under this Bylaw, no person may:</p>	<p><i>This would help councils take action on issues such as responsibility for waste accumulations, use of approved receptacles, burning and burying waste, disposal, scavenging etc.</i></p> <p><i>Re: Clause 17.2(a) – disposal as defined in WM Act includes “incineration” which means burning, however this bylaw clause may not be</i></p>

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		<p>(a) burn or allow to be burnt any waste on any property they own, occupy or manage except for organic waste in rural areas;</p> <p>(b) bury or allow to be buried any waste on any property they own, occupy or manage except:</p> <ul style="list-style-type: none"> i. organic waste, including dead farm animals in rural areas; ii. dead companion animals and nuisance pests; or iii. for the purposes of home composting; <p>(c) dispose of any waste on any premises except at –</p> <ul style="list-style-type: none"> i. a waste management facility, or ii. any premises they own, occupy or manage, for the purposes of home composting. <p>17.3 No person may-</p> <p>(a) deposit any waste arising from that person’s household or that person’s business activities in any litter receptacle provided by the Council in any public place;</p> <p>(a) remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the litter receptacle, unless authorised by the Council to do so;</p> <p>(b) deposit or attempt to deposit any litter in any litter receptacle provided by the Council in any public place if:</p> <ul style="list-style-type: none"> i. the receptacle is full; or ii. the litter is likely to escape. <p>(c) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or</p> <p>(d) damage any litter receptacle provided by the Council in any public place.</p> <p>17.4 The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.</p>	<p><i>required as Fire & Emergency (FENZ) now control the permitting of open fires in urban and rural areas, and people can generally burn green waste if they are not creating a smoke nuisance and there’s no fire danger.</i></p> <p><i>The Proposed Natural Resources Plan (PNRP) controls outdoor burning and domestic fires in the Wellington region (re: discharges of contaminants to air) with the burning of any “specified materials” (as defined in the PNRP) being a prohibited activity. This excludes the burning of green waste.</i></p>
18	Unaddressed mail and advertising material	<p>18.1 No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material:</p> <p>(a) in any letterbox which is clearly marked "no circulars", "no junk mail", "addressed mail only" or with words of similar effect, or around or near any such letterbox or associated vehicle accessway;</p>	<p><i>To support and enable councils to take action on waste and litter issues caused by unaddressed mail and advertising material.</i></p>

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
		<p>(b) on any vehicle parked in a public place; or (c) in a letterbox that is already full of mail and/or advertising materials.</p> <p>18.2 Clause 18.1 does not apply to:</p> <p>(a) material or public notices from any government department or agency, crown entity, local authority, or material from a network utility relating to the maintenance, repair, servicing or administration of that network utility;</p> <p>(b) communications or fund raising material from local community organisations, charities or charitable institutions;</p> <p>(c) election material from a political party or political candidate during the period beginning two months before polling day and ending with the close of the day before polling day; or</p> <p>(d) any newspaper, community newspaper, newsletter or magazine, unless the letterbox is clearly marked “no community newspapers” or with words of similar effect.</p> <p><i>[Related information box: include a link to the national code of practice for distribution of unaddressed mail and any other information to assist implementation]</i></p>	
19	Donation Collection Points	<p>19.1 Anyone intending to establish a donation collection point must notify the Council in advance and must operate the donation collection point in compliance with any requirements the Council specifies including but not limited to: location, vehicle access, type of waste which may be deposited, use of approved receptacles, removal of deposited waste from the collection point, clean-up of any litter or illegal dumping, and clean-up or removal of any graffiti.</p>	<p><i>There can be a number of issues relating to donation collection points such as illegal dumping, littering and scavenging. This clause would give councils powers to manage and prevent such issues. This clause is to support councils that operate or allow donation collection points on public places by providing powers to manage and prevent such issues.</i></p>
PART 3: OTHER MATTERS			
20	General Offences and Penalties	<p>20.1 Any person commits a breach of this Bylaw who fails to comply with the requirements of this Bylaw and the resolutions made under this Bylaw commits an offence and is liable to a penalty under (without limitation) the Waste Minimisation Act 2008, the Local Government Act 2002, the Health Act 1956 and/or the Litter Act 1979.</p>	<p><i>In some cases enforcement is easier and more effective through other mechanisms such as the Litter Act; but in other cases specific provision needs to be made through this Bylaw.</i></p>

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
21	<p>Other Enforcement Powers</p> <p>– Licensed waste collectors and operators</p>	<p>21.1 Where a licence holder does not comply with the requirements of this Bylaw and/or the terms and conditions of a licence, the Council may take one or more of the following steps:</p> <ul style="list-style-type: none"> (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; (b) Review the licence, which may result in: <ul style="list-style-type: none"> i. amendment of the licence; or ii. suspension of the licence; or iii. withdrawal of the licence. (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; (d) Review the amount and nature of the performance bond or security, which may result in: <ul style="list-style-type: none"> i. an increase of the amount of the performance bond or security; ii. a change to the nature of the security that has been provided. (e) Enforce any offence that may have been committed under the Litter Act 1979; and (f) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008. 	<p><i>Provides for additional enforcement action where the specific Bylaw provisions enable other actions, besides prosecution, to be taken.</i></p> <p><i>The detail relating to licensed waste collectors and operators has two purposes – to make it clear licensees what is expected of them, and to provide reassurance to the industry that there will be a level playing field with an appropriate standard of behaviour required.</i></p>
	<p>- Collections from a public place</p>	<p>21.2 Where a person does not comply with the requirements of clause 11 of this Bylaw the waste collector may:</p> <ul style="list-style-type: none"> (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; (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; or (c) Withdraw or suspend the collection service provided by the waste collector to that person. <p>21.3 Where a person does not comply with a control made by the Council under clause 12 of this Bylaw the Council may:</p> <ul style="list-style-type: none"> (a) Suspend that person's use of any service provided by the Council at any or every waste collection service; (b) Enforce any offence that may have been committed under the Litter Act 1979; or 	

ID#	Clause	Draft bylaw text	Comments/Notes (not part of bylaw)
- Approved collection points	- Waste management plans	<p>(c) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.</p> <p>21.5 Where a person does not comply with of the requirements in clauses 13 (Multi-Unit Developments), 14 (Events) or 15 (Construction and Demolition Waste Management Plans), the Council may take one or more of the following steps:</p> <p>(d) Enforce any offence that may have been committed under the Litter Act 1979; and/or</p> <p>(e) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.</p> <p>21.6 Where a person does not comply with a control made by the Council under clause 16 of this Bylaw, the Council (or a licensed waste collector or waste operator where applicable) may:</p> <p>a) Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;</p> <p>b) Remove the inorganic material, where the inorganic material or placement is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by the council;</p> <p>c) Enforce any offence that may have been committed under the Litter Act 1979; and/or</p> <p>d) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.</p>	
- Inorganic material	22 Exceptions and Saving Provisions	<p>22.1 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>22.2 A product stewardship scheme accredited under the Act may be exempted from the requirements of this Bylaw.</p>	<i>For clarity</i>

SCHEDULE 1: CONTROLS FOR THE XXX COUNCIL WASTE MANAGEMENT AND MINIMISATION BYLAW [insert date]

[NOTE: to be included as and if appropriate/required for each council (by council resolution) to support the implementation of this Bylaw]

This schedule is for information purposes only. It does not form part of the XXX District Council Solid Waste Management and Minimisation Bylaw [date].

In accordance with clause 7.1 of the XXX Council Solid Waste Management and Minimisation Bylaw [date], the Council resolves the following controls in relation to solid waste collection and disposal.

CONTROLS

1. Collections from public places

2. Approved receptacles

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

4. Recycling

5. Waste Separation

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

7. Council landfill waste acceptance criteria

Etc... as and if appropriate/required for the particular council