

**PROPOSED WAIRARAPA SOLID WASTE MANAGEMENT AND
MINIMISATION BYLAW 2021**

Purpose of Report

To inform Councillors of the (Style Purpose Text) The purpose of this report is to present the proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 Statement of Proposal (Attachment 1) for Council's adoption for public consultation with the community.

This report is intended to be read in conjunction with the following attachments:

- The proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 Statement of Proposal (Attachment 1)
- The proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 (Attachment 2)
- The proposed Wairarapa Solid Waste Management and Minimisation Bylaw Controls 2021 (Attachment 3).

Recommendations

Officers recommend that the Council:

1. *Receive the Proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2020 Report.*
2. *Adopt the proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 Statement of Proposal in Attachment 1 (including the draft bylaw and bylaw controls) for public consultation in accordance with the Special Consultative Procedure, as set out by the Local Government Act 2002, and subject to adoption by the Carterton and South Wairarapa District Councils;*
3. *Approves the consultation timeframes and approach described in this report;*
4. *Notes the Wellington Region Waste Management and Minimisation Plan 2017-23 specifies that the eight councils agree to investigate and if feasible develop, implement and oversee monitoring and enforcement of a regional bylaw, or a suite of regionally consistent bylaws;*
5. *Notes that in an effort to promote regional consistency across solid waste management and minimisation, bylaw content was collaboratively developed by the eight councils in the Wellington Region. Staff from each Council propose to submit one suite of regionally consistent bylaw provisions for approval to each council for public consultation;*

6. *Notes that the proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 will replace the Masterton and South Wairarapa District Council Solid Waste Bylaw 2012;*
7. *Agree that, in accordance with section 155 (1) of the Local Government Act 2002, the proposed bylaw is the most appropriate way of addressing the perceived waste management and minimisation issues;*
8. *Agree that, in accordance with sections 155(2) of the Local Government Act 2002, the proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 is the most appropriate form of bylaw and is not inconsistent with the New Zealand Bill of Rights Act 1990;*
9. *Agrees to delegate authority to the Wairarapa Policy Working Group to hear and consider submissions and make recommendations back to the three Wairarapa Councils on the final Wairarapa Solid Waste Management and Minimisation Bylaw 2021;*
10. *Agrees to include elected members from the three Wairarapa District Councils who are appointees to the Wellington Region Waste Management and Minimisation Joint Committee to support the Wairarapa Policy Working Group to hear and consider submissions and make recommendations back to the three Wairarapa Councils on the final Wairarapa Solid Waste Management and Minimisation Bylaw 2021;*
11. *Agrees to appoint Councillor Frazer Mailman as the Chair to the Wairarapa Policy Working Group for the Wairarapa Solid Waste Management and Minimisation Bylaw 2021 review; and*
12. *Delegates responsibility to the Chief Executive to amend the proposal to include any amendments agreed by the Council and any minor consequential edits.*

1. Context

1.1 Legislative

The Local Government Act 2002 (LGA) contains a number of sections relating to bylaws. Section 145 of the LGA empowers councils to make bylaws to:

- protect the public from nuisance;
- protect, promote and maintain public health and safety; and
- minimise the potential for offensive behaviour in public places.

Section 158 of the LGA requires a bylaw to be reviewed five years after it is first made, and then every 10 years subsequently.

The three Wairarapa District Councils have a set of consolidated bylaws as well as respective standalone bylaws. The Masterton and South Wairarapa District Council Consolidated Bylaw was first adopted in September 2013. The Wairarapa Consolidated Bylaws were reviewed in 2018 and adopted in 2019. As part of this process, Council agreed to Masterton and South Wairarapa District Council Solid Waste Bylaw 2012 continuing as a standalone Bylaw.

The timeframe for the current review has been brought forward to align with the adoption of regionally consistent Bylaws for Solid Waste Management and Minimisation in the Wellington Region.

As part of the development of the Wairarapa Solid Waste Management and Minimisation Bylaw 2021, Carterton District Council have partnered with Masterton and South Wairarapa District Councils to have a joint bylaw. This Bylaw will supersede the Masterton and South Wairarapa District Council Solid Waste Bylaw 2012. Even though the three Wairarapa District Councils will have a joint Bylaw – each council will individually regulate and enforce the bylaw within their own District.

Section 155 (1) of the LGA requires councils to consider whether a proposed bylaw is the most appropriate way of addressing the perceived waste management and minimisation issues. Section 155 (2) of the LGA requires councils to consider whether the proposed bylaw is the most appropriate form of bylaw and is not inconsistent with the New Zealand Bill of Rights Act 1990. Further detail about this is included in the Statement of Proposal (Attachment 1) and the Strategic, Policy and Legislative Implications section of this report.

1.2 Wellington Region Waste Management and Minimisation Plan 2017-23

In August 2017, the Council adopted the Wellington Region Waste Management and Minimisation Plan (2017-2023) (WMMP). This regional-level plan was collaboratively developed and subsequently adopted by the eight councils of the Wellington Region. This Plan identifies the council methods for achieving effective and efficient waste management and minimisation within the respective city/districts.

Within the WMMP the eight councils agreed to investigate and if feasible develop, implement and oversee monitoring and enforcement of a regional bylaw, or a suite of regionally consistent bylaws.

1.3 Development of a Regional Solid Waste Management and Minimisation Bylaw

A joint project was set up by the eight councils to review the existing solid waste bylaws around the Wellington Region. Following a series of workshops and discussions with councillors and council staff throughout the Wellington region, a proposed Solid Waste Management and Minimisation Bylaw was developed.

As part of this review Councils are proposing to:

- Encourage better waste management and minimisation practices at large public events;
- Provide the ability for Councils to better understand and manage waste generated by large construction sites and demolition activities;
- Enable Councils to more effectively manage waste, public nuisance and litter issues created by unaddressed mail and advertising material;
- Clarify the appropriate methods for the deposit, collection and disposal of waste; and
- Require registration (licensing) of waste collectors and waste operators to enable Council to obtain better data on waste streams and waste services/operations,

and effectively regulate private collection services to ensure they are aligned with the Councils' waste management objectives.

In addition to this, a set of bylaw controls has also been developed to support the implementation of the bylaw once it is adopted. The controls specify the operational standards relevant to waste management and minimisation in the region.

A number of waste issues and options have been identified as part of the bylaw review process:

- Ensuring efficient and effective waste management;
- Managing dangerous, hazardous and/or infectious waste;
- Managing waste storage, disposal and collection activities to minimise public nuisance issues and adverse impacts on urban amenity;
- Reducing kerbside waste;
- Littering, waste and public nuisance caused by unaddressed mail and advertising material;
- Limited, incomplete and inconsistent data;
- Reducing construction and demolition waste; and
- Event waste management and minimisation.

These waste issues and options are detailed in the appendix section of the Statement of Proposal (Attachment 1).

In terms of the bylaw review cycle, the three Wairarapa District Councils are the last of the eight councils in the Wellington Region to consult on the proposed solid waste bylaw and bylaws controls. This has helped in terms of information shared about issues raised and the level of interest in this proposed bylaw.

1.4 Wairarapa Policy Working Group

This report recommends that the three Wairarapa District Councils delegate responsibility to the Wairarapa Policy Working Group to hear and consider submissions and make recommendations back to the three Wairarapa Councils on the final Wairarapa Solid Waste Management and Minimisation Bylaw 2021.

Membership of this group is:

- Councillor Frazer Mailman (Masterton District Council)
- Councillor Brent Gare (Masterton District Council)
- Councillor Garrick Emms (South Wairarapa District Council)
- Councillor Alistair Plimmer (South Wairarapa District Council)
- Councillor Rebecca Vergunst (Carterton District Council)
- Councillor Robyn Cherry-Campbell (Carterton District Council).

It is proposed that elected members from the three Wairarapa District Councils who were appointed to the Wellington Region Waste Management and Minimisation Joint Committee provide support to the Wairarapa Policy Working Group. This would extend the membership for hearing and considering submissions and making recommendations

back to the three Wairarapa Councils on the final Wairarapa Solid Waste Management and Minimisation Bylaw 2021 to:

- Councillor Chris Petersen (Masterton District Council)
- Councillor Jill Greathead (Carterton District Council).
- Councillor Pam Colenso (South Wairarapa District Council)

It is also recommended that Councillor Frazer Mailman be appointed the Chair for the Wairarapa Policy Working Group for the Wairarapa Solid Waste Management and Minimisation Bylaw 2021. Councillor Mailman has relevant experience being the current Chair of the Masterton District Council Hearings Committee, has current certification in Making Good Decisions, and was the Chair for the Bylaw Review in 2018. Masterton District Council staff will be primarily providing secretariat support to the Wairarapa Policy Working Group as well as managing submissions on behalf of Carterton and South Wairarapa District Councils.

2. Analysis and Advice

The proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 will replace the current Masterton and South Wairarapa District Councils Solid Waste Bylaw 2012. The proposed bylaw effectively amends and replaces all of the sections within the current bylaw. More detail on the specific changes are detailed in the Statement of Proposal (Attachment 1). The key aspects of the proposed Bylaw and Bylaw controls are discussed below.

2.1 Event Waste Management

The lack of event waste management and minimisation is an issue that is recognised to exist across the Wellington Region. While Councils currently encourage event waste managers to consider waste minimisation and provides advice and free recycling and organic waste bin hire, event organisers within the Wellington Region are not currently required to ensure or encourage waste minimisation at events.

The bylaw includes a new waste management planning requirement for any large public outdoor event with an expected attendance of 1,000 or more people. Council staff from around the Wellington region propose that this be a regionally consistent standard, which will have the dual benefit of normalising and promoting waste minimisation behaviour change within the community and reducing the amount of waste sent to landfill.

It is also proposed that this new event waste planning requirement will come into effect one year after the commencement date of the bylaw, thereby giving Councils the ability to share and publicise relevant event management information, tools, and promote any associated Council support available to event organisers. It will also allow time for event organisers to develop an understanding of, and prepare for, the new regional event waste planning standard.

2.2 Construction and Demolition Waste Management

The establishment of bylaw controls that require the consideration of construction and demolition waste minimisation associated with large commercial building projects has the

potential to become a valuable tool for identifying potentially divertible and recyclable waste material streams.

The proposed bylaw enables the Council to require a construction site and demolition waste management plan prior to the commencement of any building work with an estimated value of \$2 million or higher.

Information to be provided in such a plan would include, amongst other things:

- A description of the types of waste to be produced;
- The proposed methods of waste management for each type;
- The proposed methods for minimising litter on site;
- Estimated waste quantity and diversion information; and
- Records of the types and quantities of waste reused, recycled, recovered, cleanfilled and sent to landfill.

The supporting bylaw Controls further specify when such a plan is to be provided. A construction site and demolition waste plan is proposed to be required for building work with an estimated value of \$2 million or higher. As such, this approach targets high-value construction projects that have the potential to generate significant volumes of waste.

While the provision to require a construction and demolition waste plan for new builds is proposed to be consistent throughout the region, it is up to each Council to individually set the building value determining when a plan is required. Staff are proposing the value of \$2 million or higher. It is noted that Wellington City Council and Hutt City Council have similarly proposed a construction value trigger of \$2 million or higher.

2.3 Unaddressed Advertising Mail and Litter

Littering, waste and public nuisance caused by the delivery of unaddressed mail and advertising material is recognised to be an issue across the Wellington Region. Reinforcing the voluntary Marketing Association Code of Practice for the distribution on unaddressed mail, the proposed Bylaw requires the distributors of unaddressed mail to respect any "no circulars", "no junk mail", "addressed mail only" notices placed near or around a letter box.

Appropriate exemptions have been made for unaddressed mail that may be circulated in the community interest, such as, but not limited to, public notices from any government party or local authority, community newsletters, political party material, and communications or fundraising material from local community groups and charities.

Staff will be empowered to enforce any breach of this new provision through the issuing of infringement notices or fines under the Litter Act 1979.

This new bylaw provision is proposed to be consistent across the Wellington Region.

2.4 Regional Waste Operator Licensing

The current lack of consolidated waste data limits the ability of councils to plan effective activities to improve waste management and minimisation within the Wellington Region.

In response to this issue, new Bylaw provisions are proposed to enable the establishment of a regional waste operator licensing system.

Section 56(3)(b) of the Waste Minimisation Act specifically allows territorial authorities to require such licensing for the collection of waste data. Waste operator licensing may also stipulate conditions that require the following:

- a performance bond and/or security, 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).

While the operational scope of the proposed licensing system is not yet developed, it would exist as a way for the Council to give effect to controls enabled by the bylaw. For example, if appropriate, the Council could stipulate controls and standards relevant to waste operator servicing through the waste operator licensing and approvals process.

The new waste operator licensing system is proposed to take at least one year following the adoption of the new Bylaw. This will allow time for the councils of the Wellington Region to engage with waste operators affected by the licensing system, and to work collaboratively to develop the licensing system and a secure database to store the waste data collected.

2.5 Operational Bylaw Controls

Councils are proposing a new set of supporting controls for solid waste management and to ensure safe and efficient waste collection and disposal operations and services.

While a number of operational controls are currently stipulated in the existing Masterton and South Wairarapa District Council Solid Waste Bylaw, the proposed controls provide relevant and up to date standards that would be applicable to both Council and private sector waste operators and service users. It is also noted that a lot of the content in the current bylaw is proposed for amendment or replacements with the proposed bylaw.

In summary, the proposed controls provide for the following:

- Requirements to place any waste or recycling receptacle in a public place for collection (South Wairarapa District only for the Wairarapa);
- Construction and Demolition Waste Planning requirements

Following the adoption of the proposed Bylaw, Councils have the ability to make any such controls, or amendments to any such controls, by way of a publicly notified Council resolution.

2.6 Changes to Regional Bylaw Content

While efforts have been made to ensure that we have regionally consistent bylaw provisions in the Wellington Region, staff have excluded clauses around multi-unit developments and specificity on the placement and retrieval of waste receptacles.

The multi-unit development content is not included in the proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 and associated controls. The Wairarapa Region does not have any multi-unit development challenges to require specific bylaw provisions. Multi-unit developments are also currently covered by the Wairarapa Combined District Plan.

The proposed bylaw controls regarding specificity on the placement and retrieval of waste receptacles is not included. Both Masterton and Carterton District Council staff report that there has not been complaints or issues raised by waste operators or members of the community to date. The South Wairarapa District Council plan to undertake further research to ascertain the need for a bylaw controls provision to address nuisance from bins and bags left in public spaces and congestion in the main street of Greytown.

3. Options Considered

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

Option		Advantages	Disadvantages
1	Make the amendments as set out in the proposed Wairarapa Solid Waste Management and Minimisation Bylaw Review 2021 Statement of Proposal.	Updates the existing bylaw for clarity and better reflects the current legal and operational environment. Keeps to the commitments made via the WMMP to have an agreed set of regionally consistent solid waste bylaws.	It may take time for the community and staff to become familiar with the new provisions.
2	Keep the current bylaw as it is.	No change to the current situation and no new rules for the community.	Does not provide recommended clarification, which may create uncertainty. Current legal and operational and environment may not be reflected as well. Creates a mis-alignment with the councils in the Wellington Region in terms of their solid waste bylaws. Does not keep to commitments made via the WMMP to have an agreed set of regionally consistent solid waste bylaws.
3	Revoke the existing bylaw and do not replace.	Reduces MDC's enforcement activity requirements.	Does not meet the needs of the community. Removes MDC's ability to regulate. Has implications for when the WMMP is reviewed. Creates mis- alignment with the councils in the Wellington Region in terms of their solid waste bylaws. Does not keep to commitments made via the WMMP to have an agreed set of regionally consistent solid waste bylaws.

4. Recommended Option

Staff recommend Option 1 as it is considered the most effective way to manage the problems the bylaws address and provides an appropriate balance between regulatory control and people's rights and freedoms. The proposed bylaw helps councils to include

better waste management and minimisation standards and to adhere to legislative commitments. The proposed bylaw also aligns the three Wairarapa District Councils bylaw provisions with the wider Wellington Region as agreed under the WMMP.

5. Summary of Considerations

5.1 Strategic, Policy and Legislative Implications

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

5.1.1. *The New Zealand Bill of Rights Act 1990:*

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

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

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

5.1.2. *The Litter Act (1979):*

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

5.1.3. *Health Act (1956):*

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

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

The intent of the proposed bylaw and bylaw controls aligns with the Waste Management and Minimisation Plan 2017-23 and Masterton District Council’s Wellbeing Strategy.

5.2 Significance, Engagement and Consultation

Based on the proposed changes to the existing Masterton and South Wairarapa District Councils Solid Waste Bylaw 2012, the Councils are required under Section 156 of the LGA to consult with the community using the Special Consultative Procedure.

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

5.3 Communications/Engagement

A Communications Plan has been developed to support the public consultation period. The proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 and consultation period will be promoted via the three Wairarapa District Council websites and social media channels, local newspapers, and email. Hardcopies of the statement of proposal, bylaw, bylaw controls and submission form will be available at each of three council’s offices and libraries.

If Council adopt the proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 Statement of Proposal, the following timeframes will apply.

Date	Activity/Milestone
Friday, 30 October 2020 – Monday 30 November 2020	Consult with the community on the proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 Statement of Proposal, in accordance with the Special Consultative Procedure.
Wednesday, 16 December 2020	Joint Hearing (submitters can speak directly to Councillors)
Wednesday, 20 January 2021	Joint Deliberations Meeting (Councillors consider submissions and advice)
February 2021	Each Council adopts the final reviewed bylaws.
February 2021	If adopted, the amended bylaws come into effect

The Masterton District Council will manage the submission process on behalf of Carterton and South Wairarapa District Councils. Associated costs for the Review including advertising/promotions will be shared between the three Wairarapa District Councils.

5.4 Financial Considerations

Financial implications from any additional work, including resources associated with the assessment of waste minimisation plans, litter enforcement, and waste operator licensing are yet to be fully determined.

The proposed Bylaw enables the eight Wellington Region Councils to require the payment of a fee when applying for a waste operator licence. This fee could cover or help offset regional licensing processing and administration costs.

5.5 Implications for Māori/Treaty of Waitangi Implications

The proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 is not inconsistent with the principles of the Treaty of Waitangi. However, the revocation of the Masterton and South Wairarapa District Council Solid Waste Bylaw 2012 without the renewal of a relevant waste-related bylaw provision in some form has the potential to limit Council's ability to influence waste stream content. Such an action could, in turn, limit the Council's ability to honour the Treaty principle of protection as it relates to the protection of human health and environmental wellbeing connected to waste management.

5.6 Environmental/Climate Change Impact and Considerations

The purpose of the proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 includes supporting the promotion and delivery of effective and efficient waste management and minimisation throughout the Wairarapa Region, supporting the implementation of the WMMP, as well as the requirements in the Waste Minimisation Act 2008 and the goals in the New Zealand Waste Strategy 2010.

The proposed bylaw encourages better waste management and minimisation practices at large public events; provides the ability for Councils to better understand and manage waste generated by large construction sites and demolition activities; enables Councils to more effectively manage waste, public nuisance and litter issues created by unaddressed mail and advertising material; and requires registration (licensing) of waste collectors and waste operators to enable Councils to obtain better data on waste streams and waste services/ operations, and effectively regulate private collection services to ensure they are aligned with the Councils' waste management objectives.

5.7 Health and Safety Considerations

The proposed Bylaw Wairarapa Solid Waste Management and Minimisation Bylaw 2021 promotes the health and safety of waste and recycling service operators, and the community, through restricting the disposal of dangerous and potentially hazardous material into receptacles placed in a public place.

6. Next Steps

If all three Wairarapa District Councils adopt the proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 Statement of Proposal (and supporting Bylaw and Bylaw Controls), public consultation will commence on Friday, 30 October 2020.

Refer timeline in the Communications/Engagement section of this report or in the Statement of Proposal for further detail.

7. Attachments

Attachment 1 – The proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 Statement of Proposal

Attachment 2 – The proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021

Attachment 3 – The proposed Wairarapa Solid Waste Management and Minimisation Bylaw Controls 2021

Contact Officer: Karen Yates, Policy and Governance Manager

**Attachment 1 – The proposed
Wairarapa Solid Waste Management
and Minimisation Bylaw 2021 Statement
of Proposal**

WAIRARAPA SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW 2021

STATEMENT OF PROPOSAL

We are reviewing our Solid Waste Bylaw to ensure that it

- reflects the needs of our community
- includes better waste management and minimisation standards
- adheres to our legislative commitments.

The Carterton, Masterton, and South Wairarapa district councils are working together to adopt a bylaw that is consistent throughout the Wairarapa, and aligns with those in the wider Wellington region.

WHAT ARE BYLAWS?

Bylaws are rules made by councils that affect the way we live, work and play in certain areas. We make bylaws in order to:

- protect the public from nuisance
- minimise offensive behaviour in public places
- maintain public health and safety
- protect the environment.

WHAT IS THE WAIRARAPA SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW 2021?

The Masterton District Council (MDC), Carterton District Council (CDC) and South Wairarapa District Council (SWDC) are working together to develop a regionally consistent *Wairarapa Solid Waste Management and Minimisation Bylaw 2021*. As part of this process CDC, MDC and SWDC have reviewed the current waste management bylaw provisions in the *Masterton and South Wairarapa District Solid Waste Bylaw 2012*. CDC does not currently have a Solid Waste Bylaw and has partnered with MDC and SWDC to develop a revised Solid Waste Management and Minimisation Bylaw for the Wairarapa.

The proposed *Wairarapa Solid Waste Management and Minimisation Bylaw 2021* will enable CDC, MDC and SWDC to meet legislative obligations, to more effectively manage the negative impacts of waste on the environment, and ensure the protection of the health and safety of the community and those involved in waste management. It will also assist CDC, MDC and SWDC to improve its understanding of the waste collection services in each respective district and how waste is being disposed.

STATEMENT OF PROPOSAL

This Statement of Proposal has been prepared in accordance with section 86 of the Local Government Act 2002 (LGA) and provides information about the review process and whether it is appropriate to have the proposed *Wairarapa Solid Waste Management and Minimisation Bylaw 2021*. This document is intended to be read alongside the proposed *Wairarapa Solid Waste Management and Minimisation Bylaw 2021* and supporting bylaw controls.

BACKGROUND



HOW YOU CAN HAVE YOUR SAY

We want to hear what you think about the proposed *Wairarapa Solid Waste Management and Minimisation Bylaw 2021*.

Submissions are open until **4pm on Monday, 30 November 2020**.

See pages 11-12 for details on how you can

Wellington Region Waste Management and Minimisation Plan 2017-23

In 2017 eight territorial authorities (both city and district councils) ¹ from across the Wellington Region adopted the Wellington Region Waste Management and Minimisation Plan (the Plan) 2017-23.

This plan, as required under the Waste Minimisation Act 2008, was developed collaboratively by the councils and sets a regional target to reduce the total quantity of waste sent to Class 1 landfills from 600 kilograms per person per annum to 400 kilograms per person by 2026.

To achieve this, the plan outlines a number of council actions for achieving effective and efficient waste management and minimisation, including working collaboratively to advance solutions to regional waste management issues.

Under the umbrella of the plan, the eight councils agreed to *“investigate, and if feasible develop, implement and oversee monitoring and enforcement of a regional bylaw, or a suite of regionally consistent bylaws”*.

Masterton and South Wairarapa District Council Solid Waste Bylaw 2012

MDC and SWDC currently have a solid waste bylaw. CDC does not have a specific solid waste bylaw but has agreed to be part of the review process in developing a regionally consistent bylaw for the Wairarapa.

The current bylaw regulates the deposit of kerbside waste, recyclables and other diverted material for collection and prohibits the disposal of dangerous, hazardous, or otherwise inappropriate waste within the kerbside waste stream.

MDC and SWDC have a legal obligation to review the *Masterton and South Wairarapa District Councils Solid Waste Bylaw 2012* every ten years. The timeframe for this review has been brought forward to align with councils in the Wellington region to enable the adoption of consistent bylaws for solid waste management and minimisation.

WELLINGTON REGION SOLID WASTE BYLAW REVIEW PROCESS

A joint project was set up by the eight councils to review the existing solid waste bylaws around the Wellington region. Following a series of workshops and discussions with councillors and council staff throughout the Wellington region, a proposed solid waste management and minimisation bylaw was developed. This proposed bylaw forms a regionally consistent suite of waste bylaw provisions for each council to put forward for public consultation.

As part of this review councils are proposing to:

- Encourage better waste management and minimisation practices at large public events
- Give councils the ability to better understand and manage waste generated by large construction sites and demolition activities
- Enable councils to more effectively manage waste, public nuisance and litter issues created by unaddressed mail and advertising material
- Clarify the appropriate methods for the deposit, collection and disposal of waste
- Require registration (licensing) of waste collectors and waste operators to enable council to obtain better data on waste streams and waste services/operations, and effectively regulate private collection services to ensure they are aligned with the councils' waste management objectives.

A set of bylaw controls has also been developed to support the implementation of the bylaw once it is adopted. The controls specify the operational standards relevant to waste management and minimisation in the region.

¹ The eight councils are: Wellington City Council, Hutt City Council, Upper Hutt City Council, Porirua City Council, Kāpiti Coast District Council, South Wairarapa District Council, Carterton District Council and Masterton District Council.

A number of waste issues and options were identified as part of the bylaw review process:

1. Ensuring efficient and effective waste management
2. Managing dangerous, hazardous and/or infectious waste
3. Managing waste storage, disposal and collection activities to minimise public nuisance issues and adverse impacts on urban amenity
4. Reducing kerbside waste
5. Littering, waste and public nuisance caused by unaddressed mail and advertising material;
6. Limited, incomplete and inconsistent data
7. Reducing construction and demolition waste
8. Event waste management and minimisation.

More detail on each of these issues and options is in Appendix 1 on page 13.

PROPOSED WAIRARAPA SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW 2021 CHANGES

The proposed bylaw has involved updating the existing *Masterton and South Wairarapa District Council Solid Waste Bylaw 2012* provisions to ensure the requirements are clear, relevant and consistent with current legislation, national practices, and with councils' plan for waste.

A number of the provisions in the proposed bylaw are new, with the bylaw being CDC's first solid waste bylaw. The bylaw will enable the council's to take action on particular issues where this has not previously been possible.

The purpose of the *proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021* is to:

- Promote and deliver effective and efficient waste management and minimisation
- Implement the *Wellington Region Waste Management and Minimisation Plan 2017-23*
- Encourage waste minimisation and a decrease in waste disposal to protect the environment from harm, and provide environmental, social, economic, and cultural benefits
- Regulate waste collection, transport and disposal, including recycling, waste storage and management
- Set controls regarding the responsibilities of customers who use approved solid waste services, and the licensing of waste collectors and waste operators
- Protect the health and safety of waste collectors, waste operators and the public
- Manage litter and nuisance relating to waste in public places.

The *proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021* needs to be consistent with the *Wellington Region Waste Management and Minimisation Plan 2017-23*.

The *proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021* supports the key goals of the *Wellington Region Waste Management and Minimisation Plan 2017-23* which includes maximising opportunities to reduce the amount of waste sent to landfill, reduce the harmful and costly effects of waste, and improve efficiency of resource use.

Summary of key changes

The proposed *Wairarapa Solid Waste Management and Minimisation Bylaw 2021* will replace the current *Masterton and South Wairarapa District Council Solid Waste Bylaw 2012*. The following section provides an explanation of the changes from the current bylaw to the proposed new bylaw.

SUMMARY OF KEY CHANGES

Waste management responsibilities

Current Bylaw:

Outlines some responsibilities but not in a comprehensive manner.

Proposed Bylaw:

Provides greater clarity and detail in terms of the general and specific responsibilities of owners, managers and occupiers of premises, and of waste collectors and waste operators.

Licensing of waste collectors and operators

Current Bylaw:

There are no requirements for licensing of service providers/operators.

Proposed Bylaw:

Introduces a mandatory registration (licensing) system for waste collectors and waste operators to enable councils to:

- Effectively regulate private collection services to ensure they are aligned with the *Wellington Region Waste Management and Minimisation Plan 2017-23* and councils' waste management objectives
- Collect better data on waste streams, waste management and service operations, and
- Fulfil its responsibilities to promote effective and efficient waste management and minimisation.

A one-year delay is proposed before these provisions come into effect to allow CDC, MDC and SWDC, along with other councils in the Wellington region, to establish an appropriate regional system (and resourcing) to manage the applications and data collected.

Waste management for events

Current Bylaw:

There are no regulatory requirements for dealing with waste generated by events.

Proposed Bylaw:

The provisions in the proposed bylaw provide the ability to manage waste at events and ensure adequate provision is made for waste management and minimisation.

It requires the preparation of an event waste minimisation plan (for approval by council) for public events of a significant scale (an expected attendance of 1,000 or more people over its duration) that will generate waste (exceptions apply). The intent is to encourage better planning and management and minimisation of waste and to ensure adequate provision is made for waste management facilities and services for events.

The proposed one-year delay in the commencement of these provisions allows CDC, MDC and SWDC to work in partnership with the other councils in the Wellington region to establish appropriate guidance and resourcing to support event managers, and the collection and analysis of the waste data provided.

Management of construction and demolition waste

<p><i>Current Bylaw:</i></p> <p>There are no requirements for dealing with waste generated by construction and demolition activities.</p>	<p><i>Proposed Bylaw:</i></p> <p>Waste generated from construction and demolition activities can be a significant issue. The provisions provide the ability for councils to make a control to require the preparation of a waste management plan (for approval by council) for building work over a certain specified dollar value (as set by council).</p> <p>The focus is on high-value builds that generate a lot of waste. Providing the ability for councils to set a control to require the preparation of a waste management plan for high value builds aims to reduce waste by encouraging the consideration of waste issues early in the building/construction process. It also supports the Wellington Region Waste Management and Minimisation Plan 2017-23 objectives for construction and demolition waste.</p> <p>It will help improve local and regional data on the management of construction and demolition waste, encourage reuse and recycling, and help ensure residual materials are taken to an appropriate disposal or recovery facility. Better data will also support increased understanding of construction and demolition waste issues and will inform and support the development of appropriate tools to help manage the issues.</p> <p>A supporting control is being proposed that will require a construction and demolition waste management plan for large building projects with an estimated value of \$2 million or greater.</p>
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Management of unaddressed mail and advertising material

<p><i>Current Bylaw:</i></p> <p>There are no requirements for dealing with waste, litter and nuisance issues generated by unaddressed mail and advertising material.</p>	<p><i>Proposed Bylaw:</i></p> <p>Unaddressed mail and advertising material can generate significant amounts of waste and can create litter issues. The proposed provisions support and enable the councils to regulate and take action on waste and litter issues that are caused by unaddressed mail and advertising material.</p>
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Proposed Bylaw Controls

To support the implementation of the proposed *Wairarapa Solid Waste Management and Minimisation Bylaw 2021*, the Councils have developed controls under the Bylaw. The proposed controls to be made by council resolution following bylaw adoption are available alongside this proposal.

In summary, the proposed controls are:

- Restrict the storage of waste in public places
- Set out the requirements for the placement and retrieval of waste receptacles (containers)
- Set out requirements for the separation of waste types
- Specify information about collection points
- Restrict the deposit of specific waste material including prohibited waste
- Specify requirements for the preparation of construction site and demolition waste management plans for large value building projects.

Proposed Solid Waste Management and Minimisation Bylaw 2021: the detail

The table below outlines the detail of each section within the proposed *Wairarapa Solid Waste Management and Minimisation Bylaw 2021*.

PART A: INTRODUCTION		
Clause	Description	Purpose/Rationale
1	Title and Application	Specifies the title of the Bylaw and the districts to which it applies.
2	Commencement	Specifies the date the bylaw is adopted by CDC, MDC, and SWDC and when it comes into effect. Also lists some exceptions to allow for the delayed start of some Bylaw provisions (e.g. licencing and event waste management plans) to give Councils time to put in place appropriate implementation resourcing, mechanisms and systems.
3	Revocation	Confirms the existing bylaw that the proposed bylaw it will replace.
4	Purpose	Explains why the bylaw has been adopted, the context for the bylaw, its intention and the key outcomes it seeks to achieve. Also identifies the relevant legislation.
5	Compliance with Bylaw	Provides clarity and specifies that no person can act in a way that is not in accordance with the bylaw, and that compliance with the bylaw doesn't remove the need to comply with any other applicable legislation, regulation, Council bylaws or rules of law.
6	Interpretation	Supports the interpretation and implementation of the bylaw. Defines key terms used in the bylaw. Where possible, defined terms from existing relevant legislation, Council plans or national strategies and guidelines have been used.
7	Controls	Enables the councils to make/amend/revoke specific controls to support the implementation of the bylaw. Controls can be used to prohibit, restrict or control any matter related to waste deposit, collection, transportation, storage or disposal from any property or premises. Controls must be made by a resolution of council that is made publicly available. The clause provides assurance to any person as to the process that will be undertaken to make controls. Confirms that councils are complying with their respective significance and engagement policies.

PART B: DEPOSIT, COLLECTION, TRANSPORTATION, STORAGE, PROCESSING AND DISPOSAL OF WASTE

Clause	Description	Purpose/Rationale
8	General Responsibilities	Outlines the general responsibilities of all people and agencies for solid waste management and minimisation under the bylaw. Includes households, occupiers, and the owners and managers of any premises. Provides clarity as to what the expectations are in terms of waste disposal, storage, transportation and collection and who is responsible for what.
9	Waste Collections from a Public Place	Sets out basic requirements for waste collections from any public place. Explains what waste is acceptable for collection and what types of waste must not be placed in a public place for collection. Also enables councils to ensure waste collection receptacles provided for waste collections (approved containers, bins, bags etc) are appropriate, fit for purpose, and are labelled clearly and appropriately.
10	Approved Collection Points	Provided for clarity and ensures councils can set controls in relation to approved collection points for the collection of waste (for example, in rural areas or any areas not served by kerbside services).
11	Licensing of Waste Collectors and Waste Operators	Requires waste collectors and waste operators to obtain an approval (licence) from councils. Provides the ability for councils to take action if a licensed waste collector or operator is not fulfilling their requirements under the bylaw. Proposed one-year commencement delay (clause 2) to allow CDC, MDC and SWDC to work with the other Wellington councils to establish an appropriate licence system and resourcing.
12	Events	Requires the preparation of an event waste minimisation plan (for approval by the relevant District Council) for public events of a significant scale (an expected attendance of 1,000 or more people over its duration) that will generate waste (exceptions apply). The intent is to encourage better planning and management and minimisation of waste and to ensure adequate provision is made for waste management facilities and services for events. The proposed one-year delay in the commencement of these provisions under the bylaw (refer clause 2) allows CDC, MDC and SWDC to work in partnership with the other Wellington councils to establish appropriate guidance and resourcing to support waste plan development and the collection and analysis of the data provided.
13	Construction Site and Demolition Waste Management Plans	Provides the ability for councils to make a control to require the preparation of a waste management plan (for approval by council) for building work over a certain specified dollar value (as set by council). The focus is on high-value builds that generate a lot of waste. A control is proposed to be made by councils under the proposed bylaw to require the preparation of construction and demolition waste management plans for building projects with an estimated value of \$2 million or greater.
14	Inorganic Waste	This clause can be used by councils (if and as may be needed) to ensure that any potential inorganic collection service can be regulated and managed appropriately and issues like scavenging can be prevented.

15	Nuisance and Litter	Supports the councils to take action on issues such as responsibility for waste or diverted material accumulations, use of approved receptacles, the burying of waste, waste disposal or scavenging, to ensure that they do not become offensive, a public nuisance, or likely to be injurious to health.
16	Unaddressed Mail and Advertising Material	This clause supports and enables councils to regulate and take action on waste and litter issues that are caused by unaddressed mail and advertising material.
17	Donation Collection Points	There can be a number of waste-related issues associated with donation collection points on public places such as illegal dumping, littering and scavenging. This clause gives councils the ability to manage and prevent any such issues.

PART C: OTHER MATTERS

Clause	Description	Purpose/Rationale
18	General Offences and Penalties	This clause sets out the enforcement action available to councils for breaches of the bylaw and any controls made under it. 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.
19	Other Enforcement Powers	Provides for additional enforcement action to be taken by councils under the bylaw where the specific provisions of a sub-section enable other actions, besides prosecution, to be taken. For example, the withdrawal or suspension of waste collection services for non-compliance with the bylaw requirements, or the issue of a written warning or suspension of a waste collection licence for non-compliance with the licence terms and conditions.
20	Exceptions and Saving Provisions	Provided for clarity.
21	Fees	Provided for clarity. The councils may in accordance with the provisions of section 150 of the LGA 2002 set prescribed fees under this Bylaw, and may refund, remit or waive any fee as it sees fit.
22	Forms and Processes	Provided for clarity.

The proposed *Solid Waste Management and Minimisation Bylaw 2021* is available as a separate document alongside this Statement of Proposal.

ASSESSMENT AGAINST LEGAL REQUIREMENTS

Legislative requirements

Under section 56 of the Waste Minimisation Act 2008, a territorial authority may make bylaws for the following purposes:

- a) prohibiting or regulating the deposit of waste;
- b) regulating the collection and transportation of waste;
- c) regulating the manner of disposal of dead animals, including their short-term storage pending disposal;
- d) prescribing charges to be paid for use of waste management and minimisation facilities provided, owned, or operated by the territorial authority;
- e) prohibiting, restricting, or controlling access to waste management and minimisation facilities provided, owned, or operated by the territorial authority;
- f) prohibiting the removal of waste intended for recycling from receptacles provided by the territorial authority by anyone other than —
 - the occupier of the property from which the waste in the receptacle has come; or
 - a person authorised by the territorial authority to remove the waste.

Bylaws made for the purposes of regulating the collection and transportation of waste may also provide for the licensing of persons who carry out the collection and transportation of waste.

The Council may also make bylaws under sections 145 and 146 of the LGA, for the purposes of:

- a) protecting the public from nuisance;
- b) protecting, promoting, and maintaining public health and safety;
- c) minimising the potential for offensive behaviour in public places;
- d) regulating waste management; and
- e) regulating solid waste.

This Bylaw is further made pursuant to section 64 of the Heath Act 1956, and section 12 of the Litter Act 1979.

In accordance with section 155 of the LGA, before making a bylaw, the Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem. If so, the Council must determine whether the proposed bylaw is the most appropriate form of bylaw, and whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (“NZBORA”).

Most appropriate way to address the problems/issues

The discussion above outlines the range of waste management issues relevant to the Wairarapa Region and the options considered to address these issues.

In summary, voluntary compliance and education cannot be relied on to fully address the issues. Educational measures may not reach everyone and may not provide an effective deterrent where there are issues. Where activities have the potential to adversely affect the general public, it is necessary for the Council to have a greater ability to enforce its policies and rules.

While non-regulatory guidance (e.g. community education, guidelines and information provision) and appropriate operational practices can help address a range of waste management issues, bylaw regulation is necessary as a means to establish a range of baseline waste management and minimisation standards for waste service users and service providers.

Together, regulatory standards, non-regulatory actions and operational practice will support the delivery of effective and efficient waste management and minimisation across the Wairarapa Region.

While some of the provisions in the Bylaw have the potential to be covered by common law remedies, such as public nuisance or negligence offences, it is preferable for the Councils to retain provisions in the Bylaw for these matters.

Most appropriate form of bylaw

The proposed Bylaw effectively and efficiently addresses the identified issues by addressing a number of unwanted consequences resulting from the management and minimisation of waste. The proposed Bylaw also provides flexibility and allows for changing circumstances to be recognised by enabling Councils to be able to take action on matters if required.

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

The proposed Bylaw clearly states the Council's position by stating whether an activity is permitted or prohibited. The proposed Bylaw sets out what action needs to be taken to comply with it, for example, whether prior written permission of the Council is required. It also sets out some considerations that will be taken into account in granting consents.

The proposed Bylaw is consistent with the goals, aims and actions of the Plan. It also provides consistency with Council's existing policies and practices and reflects community goals identified by the Councils.

New Zealand bill of rights assessment

Before making a bylaw, section 155 of the LGA requires the Council to determine whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 ("the Bill of Rights Act"). No bylaw may be made which is inconsistent with the Bill of Rights Act.

Section 5 of the Bill of Rights Act provides for justified limitations on rights, specifically that the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

The only rights or freedoms under the Bill of Rights Act potentially engaged by the proposed Bylaw are likely to be the rights to freedom of movement and freedom of expression. Limitations on these rights must be no more than is reasonably necessary to achieve the purpose of the Bylaw.

The proposed Bylaw limits these rights only to the extent that they create a danger to health and safety or a nuisance to others or the public generally, or create the potential for environmental harm. In addition, while the Bylaw will require waste collectors and operators to be licensed and comply with minimum standards, it does not limit public access to these services. The Bylaw only controls the methods used to carry out these services in order to meet waste management goals.

The proposed Bylaw does not raise any implications under and is not inconsistent with the Bill of Rights Act, because any limitations of the rights in question are justified in accordance with the Act.

HAVE YOUR SAY

The three Wairarapa District Councils invite your views on the proposed new Solid Waste and Minimisation Bylaw. Submissions close at 4pm on Monday, 30 November 2020.

Submissions

Submissions can be made by completing the online submission form, completing a hardcopy submission form, sending us an email or by writing a letter. Please consider using the online submission form and email methods first as we achieve better efficiency.

Please note that Masterton District Council is managing submissions on behalf of Carterton District Council and South Wairarapa District Council.

Submit Online: www.mstn.govt.nz/current-consultations

Email to: submissions@mstn.govt.nz

Post to: Masterton District Council
Attn: Barbara Wilson
Freepost 112477
PO Box 444
Masterton 5840

Deliver to: Masterton District Council
161 Queen Street, Masterton
Attn: Barbara Wilson

Carterton District Council
Holloway Street, Carterton
Attn: Casey Spencer

South Wairarapa District Council
19 Kitchener Street, Martinborough
Attn: Karen Yates

Hearing

Masterton, Carterton and South Wairarapa District Councils will hold a joint hearing to provide any person or organisations who makes a submission the opportunity to be heard.

Date: Wednesday, 16 December 2020

Time: 5pm

Location: Carterton Courthouse (next to Carterton Events Centre), 60 Holloway Street, Carterton

Please indicate in your submission if you wish to speak at the hearing. We will contact you after submissions close to arrange a time.

Want more information?

You can get more copies of the Statement of Proposal, submission form, proposed Bylaw and Bylaw controls online via any of the three Wairarapa District Council websites. Alternatively, you can contact any of the three Wairarapa District Councils for hardcopies.

Next Steps

KEY DATES	ACTIVITY
Friday, 30 October 2020	Submissions open
Monday, 30 November 2020	Submissions close
Wednesday, 16 December 2020	Joint Hearing (submitters can speak directly to Councillors)
Wednesday, 20 January 2021	Joint Deliberations Meeting (Councillors consider submissions and advice)
February 2021	The Councils decide whether to adopt the proposed Bylaw
February 2021	If adopted, the new Bylaw comes into effect

APPENDIX 1: CURRENT WASTE ISSUES AND OPTIONS

The following waste issues and options were identified as part of the bylaw review process:

1. Ensuring efficient and effective waste management

2. Managing dangerous, hazardous and/or infectious waste
3. Managing waste storage, disposal and collection activities to minimise public nuisance issues and adverse impacts on urban amenity
4. Reducing kerbside waste
5. Littering, waste and public nuisance caused by unaddressed mail and advertising material
6. Limited, incomplete and inconsistent data
7. Reducing construction and demolition (C&D) waste
8. Event waste management and minimisation.

These are discussed in the following sections:

1. Ensuring efficient and effective waste management

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

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

Opportunities exist to better support and safeguard the efficiency and effectiveness of waste and recycling servicing operations within each of our Districts. This could be achieved through revising and updating the standards relevant to the deposit of material for kerbside waste collection and recycling.

Education strategies and programmes are an option available to our Councils to manage efficiency and effectiveness issues. Community education promoting the correct use of kerbside collection systems are essential for ensuring a collection service is effective and efficient.

However, despite education being an effective tool for promoting understanding and behaviour change, it does not provide a satisfactory solution for a small percentage of people who knowingly breach collection rules. Furthermore, education and advice will not, alone, be sufficient in managing commercial waste collectors who will largely be driven by cost considerations.

Bylaw controls therefore remain an essential regulatory mechanism for the maintenance and potential enhancement of efficient and effective waste management operations within the district.

2. Managing dangerous, hazardous and/or infectious waste

Regulating the disposal of dangerous, hazardous and infectious materials remains necessary and Bylaw provisions must ensure that risks such materials pose to human health, environmental wellbeing, and waste service provider

safety are minimised and where possible avoided. As such, the use of a non-regulatory approach to controlling the disposal of hazardous waste is considered insufficient.

In order to be effective, Bylaw provisions (and any associated controls) need to be supported by community education encouraging best practice behaviour, and the availability of relevant services, such as a drop off point for certain hazardous waste materials and products.

In line with guiding legislation, specifically section 145(b) LGA 2002, and sections 23(e) and s64(1)(a) of the Health Act 1956, a Bylaw remains the most appropriate regulatory tool for controlling the deposition of dangerous, hazardous and infectious substances within the waste stream.

3. Managing waste storage, disposal 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 placement of wheelie bins 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.

The existing Bylaw requires updating to ensure it can better address the issues associated with the increasing use of wheelie bins, the illegal disposal of waste, and the mass piling of rubbish and recycling on the kerbside and outside of multi-unit dwellings.

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. Also, when attempting to address issues such as the inappropriate placement of wheelie bins 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 provider.

For this reason the use of community education is best supported by Bylaw provisions that provide minimum regulatory standards that service users and providers should meet. A Bylaw is the primary regulatory tool available to the Council to effectively address these waste-related public nuisance and amenity issues.

4. Reducing kerbside waste

The use of non-regulatory action and the provision of kerbside recycling are important and necessary for waste minimisation behaviour change within the community. While community education has the potential to decrease waste generation and increase the diversion of waste from landfill to reuse or recycling, the effectiveness of waste minimisation services could also be increased through appropriate Bylaw provisions and controls.

Potential opportunities to reduce kerbside waste within the proposed Bylaw are connected to:

- Providing the ability to establish controls requiring waste separation, for example requiring recyclables to be clean.
- Providing the ability to establish a maximum size limit for residential waste containers. It would be useful to have this option available if such an approach is considered appropriate in the future.
- Licensing operators to ensure the appropriate collection, storage and processing of waste and recycling material.

5. Littering, waste and public nuisance caused by unaddressed mail and advertising material

Advertising material is currently being deposited in mailboxes and on car windscreens. 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. advertising flyers placed on car windscreens), 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 the removal and disposal of this waste.

Council has three options available 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.

In response to this issue, a number of residents choose to use letterbox stickers to specify the rejection of unaddressed mail. Nevertheless, despite the availability and use of these stickers, numerous retailers and service providers (including real estate agents) continue to deliver unaddressed mail. 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 the proposed Bylaw is that it has universal application and will apply to all advertisers. A Bylaw response clarifying the acceptable and unacceptable deposit of unaddressed mail is considered appropriate for better managing this issue.

6. Limited, incomplete and inconsistent waste data

The limited and inconsistent nature of the regional waste and recycling sector currently constrains the Council’s understanding of waste issues. The establishment of waste collector and operator licensing has the potential to address this issue. Licensing of private servicing providers will be most effective when co-ordinated at the regional level and when developed to give effect to the National Waste Data Framework.

From a provider 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.

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 the Wellington Region in 2018 has confirmed that requesting the voluntary provision of waste data would not secure the provision of data for the Council. 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. Accordingly, a number of territorial authorities in

New Zealand have already established licensing via bylaw provisions in order to secure the provision of waste data.

As such, a bylaw is considered the only mechanism available to the Council to effectively address this issue. 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.

7. Reducing construction and demolition waste

Construction and demolition activity can generate substantial quantities of waste material, much of which is potentially recoverable, such as brick and concrete, timber, plasterboard and metal.

In late 2018, councils from around 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 waste, and to identify the range of options available to the councils in response to these issues.

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

While some of the identified options are not within the scope of Council's role (e.g. increasing the waste levy to incentivise diversion of construction and demolition waste), some options exist for the Council to advance construction and demolition waste minimisation. Such initiatives could include investing in construction and demolition waste processing activities to stimulate the recovery market, and incorporating construction and demolition waste minimisation into Council procurement considerations.

Alternatively, the Council could continue to rely on voluntary waste minimisation practices and sustainability certifications (e.g. the GreenStar building rating system) to promote construction and demolition waste minimisation. This option reflects the current situation. However, despite being useful to reduce construction and demolition waste on discrete projects, it is limited in its capacity to promote or bring about significant reductions in the amount of construction and demolition waste generated in the Wairarapa or across the wider Wellington Region.

The establishment of Bylaw provisions that require the consideration of construction and demolition waste minimisation associated with large / high value building projects exists as a starting point for construction and demolition waste minimisation. Bylaw provisions have the potential to require the consideration of construction and demolition 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 construction and demolition 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 construction and demolition waste to Class 2-4 landfills is relatively cheap in comparison to disposal to Class 1 municipal landfill waste. For this reason, construction and demolition waste diversion would be incentivised and become more commercially viable if the cost of construction and demolition waste disposal was to increase.

The Ministry for the Environment recently consulted on a potential increase, and an expansion of the scope, of the waste disposal levy. This has the potential to increase the price of a construction and demolition waste disposal in the Wellington Region. Should this national-level intervention occur and the cost of construction and demolition waste disposal increase, it would act as an incentive for industry to divert and recycle construction and demolition waste. If this was to happen, the existence of Council required construction and demolition 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 construction and demolition waste diversion facilities established within the region.

Bylaw provisions that require construction and demolition 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.

8. Event waste management and minimisation

Large public events, such as outdoor 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 Wairarapa and across the Wellington Region remains unknown.

Currently the Councils encourage event organisers to consider waste minimisation, and promotes this through the provision of advice and regionally consistent guidance. 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.

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 Minimisation Plan prior to the commencement on an event over a certain size (e.g. over 1,000 event attendees). Such plans require better planning and management of waste generated by events and can reduce the amount of waste produced at events by requiring event managers to specify the steps to be taken to minimise waste and maximise diversion. They can also require event managers to provide waste information to the Council following the event to help improve Council's waste data and understanding.

Due to the limited effectiveness of non-regulatory event waste management approaches, and the absence of alternate regulatory approaches, a bylaw response is considered the most appropriate means to address these event waste-related issues. The use of bylaw provisions would establish basic waste-related planning considerations for large events.

**Attachment 2 – The proposed
Wairarapa Solid Waste Management
and Minimisation Bylaw 2021**



Proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021

DRAFT

Commencement

The Wairarapa Solid Waste Management and Minimisation Bylaw 2021 will come into force throughout the Carterton, Masterton and South Wairarapa districts on **TBC**.

Adoption

Council	Bylaws	Adoption Date
Masterton District Council	Consolidated Bylaws 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaws 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council and South Wairarapa District Council	Removed from the Consolidated Bylaw 2012. Reformatted and continued as the standalone Masterton and South Wairarapa District Council Solid Waste Bylaw	26 June 2019

Proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021

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Referenced Documents

Reference is made in this document to the following New Zealand legislation:

- Health Act 1956
- Litter Act 1979
- Local Government Act 2002
- Waste Minimisation Act 2008

A. INTRODUCTION

Foreword

The proposed Wairarapa Solid Waste Management and Minimisation Bylaw 2021 draws on the New Zealand Standards 9201 series Solid Waste Bylaw. The NZS 9201 series are Model General Bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 2002 to make bylaws.

Reference should be made to the Health Act 1956, Local Government Act 2002, Litter Act 1979, Waste Minimisation Act 2008 and Wellington Region Waste Management and Minimisation Plan 2017-2023.

Reference should be made to the Wairarapa Consolidated Bylaw 2018: Part 1 Introductory for any definitions not included in this bylaw.

1. Title and application

- 1.1. The title of this Bylaw is the “Wairarapa Solid Waste Management and Minimisation Bylaw 2021”.
 - 1.2. This Bylaw applies throughout the Wairarapa Region (Carterton, Masterton and South Wairarapa Districts).
 - 1.3. The regulation and enforcement of this Bylaw will be undertaken individually by each Council for their respective District.
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2. Commencement

2.1 This Bylaw comes into force on **TBC** except for the following exceptions which come into force on the date specified:

- a. The licensing provisions in clause 11 come into force one year after the commencement date of this bylaw; and
 - b. The event waste minimisation plan provisions under clause 12 come into force one year after the commencement date of this bylaw.
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3. Revocation

3.1 This Bylaw repeals and replaces the Masterton and South Wairarapa District Council Solid Waste Bylaw 2012 for the Masterton and South Wairarapa District Councils.

3.2 This is a new Bylaw and does not repeal or replace any existing solid waste bylaw for Carterton District Council.

4. Purpose

- 4.1. The purpose of this Bylaw is to support:
 - a. The promotion and delivery of effective and efficient waste management and minimisation throughout the Wairarapa Region (Carterton, Masterton and South Wairarapa Districts) as required under the Waste Minimisation Act 2008;
 - b. The implementation of the Wellington Region Waste Management and Minimisation Plan 2017-23;
 - c. The purpose of the Waste Minimisation Act 2008 and the goals in the New Zealand Waste Strategy 2010, being to encourage waste minimisation and a decrease in waste disposal in

order to protect the environment from harm; and provide environmental, social, economic, and cultural benefits;

- d. The regulation of waste collection, transport and disposal, including recycling, waste storage and management;
- e. Controls regarding the responsibilities of customers who use approved solid waste services, and the licensing of waste collectors and waste operators;
- f. The protection of the health and safety of waste collectors, waste operators and the public; and
- g. The management of litter and nuisance relating to waste in public places.

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 Health Act 1956, and section 12 of the Litter Act 1979.

5. Compliance with Bylaw

5.1 No person may deposit, collect, transport, sort, process, treat or dispose of waste other than in accordance with this Bylaw.

5.2 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.

6. Interpretation

6.1 For this Bylaw, unless the context otherwise requires, the following term definitions apply¹:

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(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 receptacles where approved receptacles may be left for collection or waste may be deposited.
Approved receptacle	Any container, bag or other receptacle that has been approved by the relevant District 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.

¹ Where this Bylaw relies on a definition in legislation and that definition changes, the definition in this Bylaw changes accordingly.

Authorised officer	Any officer of the relevant District Council or other person authorised by the relevant District Council to administer and enforce its bylaws, and any person appointed especially or generally by the relevant District Council to enforce the provisions of this Bylaw.
Building work	As defined in the Building Act 2004 and includes any work for, or in connection with, the construction, alteration, demolition, or removal of a building. It can include sitework and design work relating to the building work.
Bylaw	This Wairarapa Solid Waste Management and Minimisation Bylaw 2021.
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) 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; (v) contaminated soil and other contaminated materials; (v) liquid waste; and <p>(c) has less than two per cent by volume by load of tree or vegetable matter.</p>
Cleanfill	Land used for the disposal of cleanfill material.
Commercial or industrial waste	Waste (excluding trade waste) that results from a commercial or industrial enterprise and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other activity or operation of a similar nature.
Construction and demolition waste	Waste generated from any building work (including renovation and repair); and includes but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, asphalt and rubble.
Council	Refers to either the Carterton District Council, Masterton District Council or South Wairarapa District Council or any person delegated or authorised to act on its behalf.
Deposit	To cast, place, throw or drop any waste or diverted material.

Dispose or Disposal	As defined in the Act.
Diverted material	As defined in the Act.
Donation collection point	A place where approved types of waste may be deposited for the purposes of raising funds or the charitable reuse/recovery of the waste items.
Estimated value	As defined in the Building Act 2004.
Event	<p>Any organised temporary activity of significant scale that is likely to create litter and includes (but is not limited to) an organised outdoor gathering, open-air market, parade, sporting event, festival, concert or celebration. An event will be considered significant if it has an expected attendance of 1,000 or more people across the duration of the event, whether it be a single or multi-day event. For the purpose of this Bylaw 'event' <u>excludes</u>:</p> <ul style="list-style-type: none"> • open-aired events that are enclosed within a building or structure (e.g. an open-aired stadium) • indoor performances, markets, displays, exhibitions or conferences • indoor private functions • indoor tasting and sampling activities • any regularly occurring recreational activities such as weekly sports events.
Food waste	Waste that is derived from any item of food and is organic in origin and free of contamination and includes fruit and vegetable scraps, meat, fish, bone and shell discards, and any other similar food scraps.
Green waste	Organic plant material from gardening or arboriculture activities including lawn clippings, weeds, plants and other soft vegetable matter, which by nature or condition and being free of any contaminants will degenerate into compost.
Handled or Handles	Includes removing, collecting, transporting, storing, sorting, treating, processing or disposing of waste.
Hazardous substance	<p>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 <p>(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).</p>

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 Organisms Act 1996; or</p> <p>(b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 2007 – Transport of Dangerous Goods on Land; or</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 or industrial 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, commercial or industrial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction and demolition waste.
Inorganic waste	<p>Waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an approved receptacle, and that is specified by the relevant District Council as suitable for:</p> <p>(a) collection from a public place by the relevant District Council or an approved waste collector; or</p> <p>(b) collection from any premises by the relevant District Council or an approved waste collector; or</p> <p>(c) delivery to a resource recovery facility.</p>
Landfill	As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand) ² or by Government standards or regulation.
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.

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

Nuisance	As defined in section 29 of the Health Act 1956 and includes anything offensive or injurious to the health of the community or any member of it.
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's under clause 6 of this Bylaw as organic waste.
Owner	In relation to any property or premises, means the person or persons entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent, and where such a person is absent from New Zealand, includes their attorney or agent.
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	<p>Waste containing -</p> <p>(a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;</p> <p>(b) any material capable of causing damage to the approved receptacle or likely to shatter and cause injury in the course of collection unless the material is sufficiently contained to prevent damage to the approved receptacle or to prevent injury;</p> <p>(c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation, storage, sorting or disposal;</p> <p>(d) any radioactive wastes, but excluding domestic smoke detectors;</p> <p>(e) any used oil and lead-acid batteries;</p> <p>(f) any hazardous waste;</p> <p>(g) medical waste including wastes generated at health care 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 other material identified by the Council's as posing an unacceptable risk of nuisance to the public, or to public health and safety, and subject to a control made under clause 7 of this Bylaw.</p>
Public place	<p>(a) A place that is under the control of a 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 this includes any park, reserve, recreational ground, pool, community facility, sports field or facility, public open space, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat ramp, pontoon, road, street, lane, thoroughfare, footpath, access way, cycleway, bridleway, car park, grass verge, berm, and any part of the public place.</p>

Recovery	As defined in the Act.
Recyclable material or Recyclables	The types of waste that are able to be recycled and that may be specified by the relevant District Council from time to time under this Bylaw.
Recycling	As defined in the Act.
Reuse	As defined in the Act.
Rural areas	Any areas zoned and/or defined in the Wairarapa Combined District Plan as rural.
Site	For the purposes of this Bylaw, 'site' means an area of land that is the subject of an application for a building consent or an area of land where a specific development or activity is located or is proposed to be located.
Specified intended life	As defined in the Building Act 2004.
Treatment	As defined in the Act.
Unaddressed mail	Any mail or material that does not display a full address and name of a person at that address.
Waste	As defined in the Act.
Waste collector	Any person or entity that collects and 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 and garden waste to a waste management facility).
Waste management facility	A facility authorised by the relevant District 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 or WMMP	A waste management and minimisation plan adopted by the Council's 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.
Waste treatment and disposal services	The treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors, incinerators, composting, biodigesters and other treatment facilities (except sewage treatment facilities), and waste transfer stations.

7. Controls

7.1 The Council may make, amend or revoke controls for the safe and efficient operation of waste collections services from a public place to support the implementation of this Bylaw.

7.2 The controls made by Council under clause 7.1 may relate to the following matters:

- a. The type, size, capacity/volume, weight, number, colour and construction of approved receptacles that may be used for the disposal, storage and collection of waste and recyclable material;
- b. The types of household waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable, organic waste, or other residual waste;
- c. The types and categories of waste that may be deposited in approved receptacles;
- d. The conditions applicable to any collection service from a public place, including the placement and retrieval of approved receptacles for collection, collection days and times, and restrictions on the number and weight of approved receptacles;
- e. Requirements to ensure the correct separation of wastes into approved receptacles, including content control messaging and symbology on an approved receptacle that specifies the permitted and prohibited content;
- f. Requirements applicable to waste minimisation;
- g. Maximum allowable limits of a specified waste type that may be deposited, collected or transported from a public place in an approved receptacle;
- h. Maximum allowable limits of a waste type that may be placed in a receptacle that is approved for another type of waste;
- i. Types of waste that are prohibited;
- j. The locations, access times and conditions of use of approved collection points;
- k. Requirements relating to the safe and secure transportation of waste;
- l. Requirements applicable to waste service users and/or to waste handling and collection if traffic or pedestrian safety have the potential to be adversely impacted by the deposit of material in a public place or by waste servicing operations; and
- m. Any other operational matter required for the safe and efficient operation of a waste collection service from a public place.

7.3 The Council must, before making, amending or revoking any control under clause 7.1, comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002.

7.4 Any control made, amended or revoked under clause 7.1:

- a. Must be made by a resolution of Council that is made publicly available; and
- b. May:
 - i. Regulate, control or prohibit any matter or thing either generally, for any specified classes of case, or in a particular case;
 - ii. Apply to all waste or to any specified category or type of waste;
 - iii. Apply to Carterton, Masterton, and South Wairarapa Districts or to a specified part of the Carterton, Masterton, and South Wairarapa District; and/or
 - iv. Apply at all times or at any specified time or period of time.

B. DEPOSIT, COLLECTION, TRANSPORTATION, STORAGE, PROCESSING AND DISPOSAL OF WASTE

8. General responsibilities

8.1 The occupier and/or the manager of a premises must ensure that the household, commercial and/or industrial waste from the premises is separated into waste types as determined by the Council and is deposited for collection in the approved receptacle. No person may deposit in a receptacle any material that is not approved for that type of receptacle.

8.2 The occupier and/or the manager of any premises must ensure that:

- a. All waste receptacles are appropriately secured to deter scavenging and to prevent waste escaping;
- b. Any waste receptacle is regularly emptied when it is full; and
- c. The contents of any waste receptacle are protected from rain, dispersal by wind, or ingress or egress of flies, vermin and animals.

8.3 The occupier and/or the manager of any premises must ensure that:

- a. All approved receptacles are kept in a safe location, are hygienic, in good repair, and are without any modifications or alterations to their appearance;
- b. The contents of any approved receptacle do not seep or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter;
- c. Waste is deposited in the receptacle in a manner that allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied;
- d. The receptacle is placed upright either at an approved collection point or for collection in a position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible;
- e. The receptacle is placed so that it does not disrupt or obstruct pedestrian, wheelchair or vehicular traffic, and so that access to the premises is preserved; and
- f. The receptacle is placed for the collection of waste and is retrieved in accordance with any applicable control specified by the Council under this Bylaw.

8.4 No person shall deposit waste in a manner where:

- 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 waste operator where applicable, 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.

8.5 No person shall:

- a. Put waste into an approved receptacle allocated to any other person, without that other person's consent;
- b. Remove waste from, or interfere with any waste deposited in, an approved receptacle, except the Council, a waste collector, or the person who deposited the waste; or
- 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.

8.6 The occupier and/or the manager of any premises is responsible for any waste generated on that premises until it has been collected.

8.7 The occupier and/or the manager of any premises is responsible for any waste not collected because of non-compliance with this Bylaw. Any waste or recyclables not collected shall be removed from the roadside by the occupier and returned to the occupier's premises by noon on the day following collection or within such other time period as specified by a control made under this Bylaw.

8.8 To enable the occupier and/or the manager of a premises to be able to comply with clauses 8.1-8.5, an authorised officer may approve placement of approved receptacles in a location other than directly outside that premises.

8.9 Where any breaches of the conditions in clauses 8.1-8.5 occur, the waste collector shall not be obligated to collect the waste.

8.10 No waste shall be transported by vehicle through, over or upon any road or public place unless such waste is sufficiently and adequately covered to prevent any of the waste from falling or otherwise escaping on to any road or other public place.

8.11 Any waste or diverted material deposited in or on a public place or disposed of in a manner that is in breach of this Bylaw, and/or any controls made under clause 7 of the Bylaw, shall be deemed to be litter under the Litter Act 1979 and will be subject to enforcement action under that Act.

9. Waste collections from a public place

9.1 Waste must not be placed on or in a public place for collection unless it is:

- a. A type of waste specified and approved by the Council as able to be placed on or in a public place for collection; and
- b. Placed in an approved receptacle for collection by a waste collector.

9.2 Prohibited waste, diverted material, construction and demolition waste, or commercial or industrial waste must not be placed on or in a public place for collection unless authorised by the Council under this Bylaw or another Council Bylaw.

9.3 Any waste collector who collects or transports waste from a public place must:

- a. Make available to the occupier and/or manager of a premises the appropriate approved receptacles to enable separate collection of each of the waste types required to be separately collected from the premises;
- b. Clearly identify their name and contact details on all approved receptacles;
- c. Not collect any household waste which has not been separated into the waste types as required under this Bylaw and/or any controls made under clause 7 this Bylaw; and
- d. Following collection, ensure that any receptacle is placed so that it does not disrupt or obstruct pedestrian, wheelchair or vehicular traffic, and so that access to the premises is preserved.

9.4 Any person providing or using a waste collection service in or from a public place must comply with all controls made under this Bylaw by the Council relating to that collection.

10. Approved collection points

10.1 No person may deposit waste at an approved collection point other than in accordance with any applicable Council control.

10.2 The Council may specify:

- a. Any place, or receptacle in a public place or on a barge in a marine area, as an approved collection point for the collection of household waste; and
- b. Controls relating to the deposit of waste at the collection point including the use of specified receptacles.

11. Licensing of waste collectors and waste operators

11.1 Any:

- a. Waste collector who handles more than 20 tonnes of waste in any one twelve-month period in, around or out of either the Carterton District, Masterton District, or South Wairarapa District;
- b. Waste operator with a waste management facility in the either the Carterton District, Masterton District, or South Wairarapa District that handles more than 20 tonnes of waste in any one twelve-month period; must have a current licence that has been issued by the Council and may not collect waste or operate a waste management facility (as the case may be) without such a licence.

11.2 An application for a licence must be made on the approved form available from the relevant District Council and must be accompanied by the application fee and the supporting information required by the Council to process the application.

11.3 The holder of an existing licence may apply to the relevant District Council for a renewal of that licence.

11.4 A licence is personal to the holder and is not transferable.

11.5 A licence may be granted or refused at the discretion of the relevant District Council, and if granted, may be on such terms and conditions as the Council considers fit.

11.6 When considering a licence application, the Council may take into account a range of factors including but not limited to the following:

- a. The nature of the activity for which a licence is sought;
- b. The extent to which the licensed activities will promote public health and safety, and support achievement of the Council's WMMP, including the waste minimisation goals and initiatives within that plan;
- c. The extent to which the licensed activities will adopt best practice waste management and minimisation;
- d. The quantity and type of waste to be handled;
- e. The methods employed for the handling, disposing and recycling of the waste and the minimisation of litter, including (but not limited to):
 - 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.

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

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

- a. Term – a licence may be granted for a term of up to five years from the date of Council approval, or for a shorter duration if specified in the terms and conditions of the licence, and will be reviewed every year by the Council to ensure compliance with the terms and conditions of the licence;
- b. Licence fee – the licensee must pay an annual licence fee in the amount determined by the Council;
- c. Performance bond – the Council may require a licence holder to post a bank-guaranteed bond or a security;
- d. Compliance – the licence holder must comply with any relevant controls, standards or policies the Council has set for waste handling such as (but not limited to):
 - i. Provision of waste collection services within reasonable collection times and to meet any minimum collection frequencies specified by Council;
 - ii. Provision of appropriate approved receptacles for waste collection which clearly identify the waste collector's name and contact details; and
 - iii. The collection of any litter within a specified distance of an approved receptacle awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation, storage or disposal process.
- e. Provision of information – the licence holder must provide data relating to all waste they have handled to the Council during the term of their licence, in the form and at the times determined by the Council (but not limited to):
 - i. The quantities of various waste types that have been handled by the waste collector or waste operator during a specified period of time, including the source and destination of each waste type and the method of processing (recycling, recovery, treatment, disposal etc); and
 - ii. Weighbridge receipts, gate records of waste tonnages per waste type as specified in the licence.

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

11.9 The Council may suspend or revoke a licence if the licence holder fails to comply with this Bylaw, any of the terms or conditions of the licence, any relevant controls made under this Bylaw, or acts in a manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for the holder of a licence.

11.10 Fees and charges for the issue of licences under this Bylaw are set out in Council's Schedule of Fees and Charges and may be amended from time to time in accordance with section 150 of the Local Government Act 2002.

12. Events

12.1 At least 30 working days prior to the commencement of an event, the event manager must submit an event waste minimisation plan to the relevant District Council for approval.

12.2 The event waste minimisation plan must set out:

- a. An estimate of the types and amounts of waste to be generated by the event;
- b. How waste generated by the event is to be minimised;
- c. The steps that will be taken to avoid waste generation and to maximise the use of reusable systems, the collection and use of recyclables and other recoverable, and compostable materials, and an estimate of the diversion of waste;
- d. The equipment to be provided for any reusable system and the storage, collection and transportation of waste and diverted material;
- e. The proposed method for minimising and capturing litter associated with the event;
- f. The person responsible for the collection and disposal of waste and the methods to be used;
- g. The timing and frequency of the collection of waste, during or after the event; and
- h. Any other matters relating to event waste management and minimisation that may be specified by the Council.

12.3 The manager of an event must comply with the event waste minimisation plan approved by the relevant District Council for the event.

12.4 On completion of the event, and if requested by the Council, the event manager must provide the Council with a waste analysis report (if the event is for more than 1,000 people). At a minimum, this report will include a breakdown of:

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

13. Construction site and demolition waste

13.1 The Council may make a control under this Bylaw to require any person that is applying for a building consent for building work of a certain estimated value or higher to submit a construction site and demolition waste management plan to the Council for approval prior to the commencement of any building work.

13.2 At a minimum, a construction site and demolition waste management plan must set out:

- a. The name of the client, principal contractor, and person who prepared the 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.

13.3 A construction site and demolition waste management plan may also be required by Council to set out:

- a. An estimate of the quantity of each type of waste; and
- b. An estimate of the diversion of waste.

13.4 While the building work is being carried out, the principal contractor may be required by Council to:

- a. Review the construction site 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:
 - v. Reused (on or off site);
 - vi. Recycled (on or off site);
 - vii. Sent to other forms of recovery (on or off site);
 - viii. Sent to landfill;
 - ix. Sent to cleanfill; or
 - x. Otherwise disposed of.

13.5 Within three months of completion of the building work the Council may require the principal contractor to add to the construction site and demolition waste management plan:

- a. Confirmation that the plan has been monitored and updated;
- b. A comparison of estimated quantities of each type of waste generated against the actual quantities of each waste type;
- c. An explanation of any deviation from the plan; and
- d. An estimate of any cost savings that have been achieved by completing and implementing the plan.

13.6 Where a construction site and demolition waste management plan is required, the principal contractor must ensure that a copy of the construction site and demolition waste management plan is kept on site, and that every contractor knows where it can be found. It must be available to any contractor carrying out any work described in the plan.

14. Inorganic waste

14.1 The Council may specify controls for the following matters in relation to the collection of inorganic waste from a public place:

- a. The weight, size and nature of inorganic waste that may be deposited for collection;
- b. The categories of inorganic waste that may be deposited for collection;
- c. The times, locations and conditions applicable to the collection of inorganic waste from a public place;
- d. The collection methods that cause health and safety risks;
- e. Any other operational matters required for the safe and efficient collection of inorganic waste from a public place.

14.2 Any person who deposits inorganic waste for collection on, or collects and transports inorganic waste from, a public place must comply with any controls made by the Council under this Bylaw.

15. Nuisance and litter

15.1 No person may:

- a. Allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
- b. Use an approved receptacle in a manner that creates a nuisance, is offensive or is likely to be injurious to health.

15.2 Except as provided for under this Bylaw, no person may:

- a. Bury or allow to be buried any waste on any property they own, occupy or manage except:
 - 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;
 - iv. Waste deposited in a farm refuse dump or an offal pit that is consented or complies with the permitted activity conditions of the Wellington Region Natural Resources Plan;
- b. Dispose of any waste on any premises except at –
 - i. A waste management facility, or
 - ii. Any premises they own, occupy or manage, for the purposes of home composting.

15.3 No person may:

- 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;
- b. Remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the litter receptacle, unless authorised by the Council to do so;
- c. Deposit or attempt to deposit litter in any litter receptacle provided by the Council in any public place if:
 - i. The receptacle is full; or
 - ii. The litter is likely to escape;
- d. Fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or
- e. Damage any litter receptacle provided by the Council in any public place.

15.4 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.

16. Unaddressed mail and advertising material

16.1 No person may deposit, cause, permit or authorise the deposit of any unaddressed mail or advertising material:

- 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;
- b. On any vehicle parked in a public place; or
- c. In a letterbox that is already full of mail and/or advertising materials.

16.2 Clause 16.1(a) does not apply to:

- a. Material or public notices from any government department or agency, crown entity, local authority, or material from a network utility relating to the maintenance, repair, servicing or administration of that network utility;
- b. Communications or fundraising material from local community organisations, charities or charitable institutions;
- c. Material from a political party, political candidate or elected member; or
- d. A community newspaper or newsletter, unless the letterbox is clearly marked “no community newspapers” or with words of similar effect.

16.3 Any unaddressed mail or advertising mail deposited in a manner in breach of clauses 16.1 and 16.2 shall be deemed to be litter under the Litter Act 1979.

17. Donation collection points

17.1 Anyone intending to establish a donation collection point in or on a public place must notify the Council in advance and must operate the donation collection point in compliance with any requirements the Council specifies including but not limited to:

- a. Location;
- b. Vehicle access;
- c. Type of waste which may be deposited; and
- d. Use of approved receptacles.

17.2 All donation collection points must ensure:

- a. The removal of deposited material from the collection point;
- b. The clean-up of any litter or illegal dumping; and
- c. The clean-up or removal of any graffiti.

C. OTHER MATTERS

18. General offences and penalties

18.1 Any person who fails to comply with this Bylaw and the decisions and controls made under this Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable to a fine as specified in section 242(4) of the Local Government Act 2002.

18.2 A person who commits a breach of this Bylaw that is an offence under the Litter Act 1979, the Waste Minimisation Act 2008 or the Health Act 1956 is liable to a penalty (without limitation) under those Acts, as relevant.

19. Other enforcement powers

Non-compliance with licence terms and conditions

19.1 Any control that is made or amended by Council under clause 7.1 shall be enforceable under this Bylaw.

19.2 Where a licence holder does not comply with the requirements of this Bylaw and/or the terms and conditions of a licence, the Council may take one or more of the following steps:

- 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:
 - 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:
 - 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.

Non-compliance with general responsibilities and waste collection requirements

19.3 Where a person does not comply with the requirements of this Bylaw and/or any controls made under the Bylaw in relation to the waste and diverted materials collection service that applies to them, the Council (or a licensed waste collector where applicable) may take the following action(s) against the person:

- 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;
- c. Withdraw or suspend the collection service being provided to that person;
- d. Enforce any offence that may have been committed under the Litter Act 1979; and/or
- 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.

19.4 Where action has been taken against a person under clause 19.3(c), the Council can authorise the reinstatement of the collection service once it is satisfied on reasonable grounds that the Bylaw will be complied with.

Non-compliance with approved collection point requirements

19.5 Where a person does not comply with a control made by the Council under clause 7 of this Bylaw the Council may:

- 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
- 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.

Non-compliance with waste management plan requirements

19.6 Where a person does not comply with any of the requirements in clause 12 (Events) or clause 13 (Construction Site and Demolition Waste Management Plans) and/or any controls made under the Bylaw, the Council may take one or more of the following steps:

- a. Enforce any offence that may have been committed under the Litter Act 1979; and/or
- b. Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

Non-compliance with inorganic material requirements

19.7 Where a person does not comply with a control made by the Council under clause 7 of this Bylaw, the Council (or a licensed waste collector or waste operator where applicable) may:

- a. Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;
- 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;
- c. Enforce any offence that may have been committed under the Litter Act 1979; and/or
- 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.

Non-compliance with unaddressed mail requirements

19.8 Where a person does not comply with any of the requirements in clause 16 of this Bylaw, the Council may use its enforcement powers under the Litter Act 1979.

20. Exceptions and saving provisions

20.1 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.

20.2 A product stewardship scheme accredited under the Act may be exempt from the requirements of this Bylaw.

21. Fees

21.1 The Council may in accordance with the provisions of section 150 of the Local Government Act 2002 set prescribed fees under this Bylaw.

21.2 The Council may refund, remit or waive any fee prescribed by this Bylaw or charge payable for an authority, approval, licence, permit or consent from, or inspection by, the Council, for any reason it thinks fit.

22. Forms and processes

22.1 The Council may prescribe the form of, and process to be followed for, any application, approval, licence, or other document, which is required under this Bylaw (or any related controls made by Council). These forms and processes may be altered or amended at any time.

**Attachment 3 – The proposed
Wairarapa Solid Waste Management
and Minimisation Bylaw Controls 2021**

PROPOSED WAIRARAPA SOLID WASTE MANAGEMENT AND MINIMISATION BYLAW CONTROLS 2021

In accordance with clause 7.1 of the Wairarapa Solid Waste Management and Minimisation Bylaw 2021, the Carterton, Masterton and South Wairarapa District Councils resolve the following controls in relation to solid waste management, collection and disposal.

1. INTRODUCTION AND COMMENCEMENT

- 1.1. These are Carterton, Masterton and South Wairarapa District Council resolutions made pursuant to clause 7.1 of the Wairarapa Solid Waste Management and Minimisation Bylaw 2021 (“the Bylaw”) and should be read in conjunction with it.
- 1.2. These resolutions come into force on **TBC**.

2. CONTROLS

Storage of Waste

- 2.1. Waste, recycling or other diverted material must not be placed in or on a public place unless contained in an approved receptacle AND awaiting collection or specifically approved by the relevant District Council.

Placement and Retrieval of Waste Receptacles

- 2.2. Waste, recycling or other diverted material may only be placed in or on a public place for collection pursuant to the Bylaw or the controls made under the Bylaw unless otherwise approved by the relevant District Council.
- 2.3. Approved receptacles, and any uncollected waste, recycling or diverted material outside of an approved receptacle, intentionally or otherwise, remain the property and responsibility of the depositor and will be considered litter under the Litter Act 1979 if not removed from the public place and will be subject to enforcement action under that Act.
- 2.4. Any receptacle used for the disposal of waste, recycling or any other diverted material and placed in or on a public place for collection must be an approved receptacle.

Waste Separation

- 2.5. No waste, other than clean approved materials, shall be deposited at any resource recovery station or recycling centre.

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

Collection Point(s)

- 2.6. The relevant District Council may:
- a. Specify the location of collection point(s), at which recyclable or reusable materials will be received from the public;
 - b. Issue instructions for the use of collection points by members of the public.
- 2.7. No person shall leave or place household waste or trade waste at a recycling collection point(s).

Restrictions on Materials

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

Construction Site and Demolition Waste Management Plans

- 2.9. In accordance with clause 13.1 of the Bylaw, the Carterton, Masterton and South Wairarapa District Councils will require any person who is applying for a building consent for building work with an estimated value of \$2 million or higher to submit a construction site and demolition waste management plan to the relevant District Council for approval prior to the commencement of the building work. This clause will become effective one (1) year following the date on which the Wairarapa Solid Waste Management and Minimisation Bylaw 2021 takes effect.