



AGENDA

Council Meeting

**I hereby give notice that a Meeting of the Kapiti Coast District Council
will be held on:**

Date: Thursday, 27 February 2020

Time: 9.30am

**Location: Council Chamber
Ground Floor, 175 Rimu Road
Paraparaumu**

**Wayne Maxwell
Chief Executive**

Kapiti Coast District Council

Notice is hereby given that a meeting of the Kapiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 27 February 2020, 9.30am.

Council Members

Mayor K Gurunathan	Chair
Deputy Mayor Janet Holborow	Deputy
Cr Angela Buswell	Member
Cr James Cootes	Member
Cr Jackie Elliott	Member
Cr Gwynn Compton	Member
Cr Jocelyn Prvanov	Member
Cr Martin Halliday	Member
Cr Sophie Handford	Member
Cr Robert McCann	Member
Cr Bernie Randall	Member

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1 WELCOME**2 COUNCIL BLESSING**

“As we deliberate on the issues before us, we trust that we will reflect positively on the communities we serve. Let us all seek to be effective and just, so that with courage, vision and energy, we provide positive leadership in a spirit of harmony and compassion.”

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro, e pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hapori e mahi nei mātou. Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, ā, mā te māia, te tiro whakamua me te hihiri ka taea te arahi i roto i te kotahitanga me te aroha.

3 APOLOGIES**4 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

Notification from Elected Members of:

4.1 – any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting, and

4.2 – any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

5 PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA**6 MEMBERS' BUSINESS**

- (a) Public Speaking Time Responses
- (b) Leave of Absence
- (c) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

7 MAYOR'S REPORT

Nil

8 REPORTS

8.1 WELLINGTON REGION TRIENNIAL AGREEMENT 2019-2022

Author: Leyanne Belcher, Democracy Services Manager

Authoriser: Janice McDougall, Group Manager

PURPOSE OF REPORT

- 1 This report seeks Council's adoption and signature on the Wellington Region's Triennial Agreement for the 2019-2022 Triennium (see Appendix 2).

DELEGATION

- 2 Only Council has the authority to consider this matter.

BACKGROUND

- 3 The Local Government Act 2002 requires that a Triennial Agreement between all the local authorities of a region must be agreed after each election (see extract of legislation at Appendix 1). The Agreement sets out how the local authorities will work together for the good governance of the region, and must be in place (i.e. adopted by all authorities) by 1 March 2020.
- 4 The draft document was discussed at the Chief Executives' Forum and pre-circulated to regional Mayors for comment ahead of each Council being asked to formally adopt the document.
- 5 Each local authority takes a turn in servicing the Agreement. For the previous Triennium this was the Upper Hutt City Council (UHCC). For the 2019-2022 Triennium it will be Wellington City Council.

ISSUES AND OPTIONS

Issues

- 6 The Triennial Agreement is a set of protocols to assist region-wide cooperation for the duration of the Triennium.
- 7 The 2019-2022 draft Agreement builds on the 2016-2019 Agreement.
- 8 The changes are;
 - Modernising the language of the Agreement
 - To add the Wellington Region Climate Change Working Group to the list of regional and sub-regional forums in clause 5.1(b)
 - To include areas of regional co-operation:
 - Regional spatial planning
 - Wellington Region Investment Plan
 - Transport
 - Resilience
 - Regional economic development

It is not an exhaustive list. For example the latter could, if agreed by all Councils, include matters such as a review of the Wellington Regional Strategy.

- 9 Following endorsement by each Council, the Mayors and Chair of the Greater Wellington Regional Council (GWRC) will sign it on behalf of their authorities so that the document (refer Appendix 2) is in place by 1 March 2020.

CONSIDERATIONS

Policy considerations

- 10 There are no policy considerations.

Legal considerations

- 11 There are no legal considerations.

Financial considerations

- 12 There are no financial considerations.

Tāngata whenua considerations

- 13 There are no tāngata whenua considerations.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 14 As this matter is mandated by legislation it has a low level of significance under Council policy.

Engagement planning

- 15 An engagement plan is not needed to implement this decision.


Publicity

- 16 A copy of the document once adopted and signed will be made available on the Council website.

RECOMMENDATIONS

- 17 That the Kāpiti Coast District Council approves the Wellington Regional Triennial Agreement (2019-2022 Triennium) as attached at Appendix 2 of report this report 'Wellington Region Triennial Agreement 2019-2022', and authorises the Mayor to sign on behalf of the Council.

Appendices 1. Extract from Local Government Act 2002 [!\[\]\(dc0c40d45c42e86bc0669168926f812c_img.jpg\)](#) 

2. Triennial Agreement 2019-2022 [!\[\]\(b58c23cb5aab1cd63092eda333892cb9_img.jpg\)](#) 

EXTRACT FROM LOCAL GOVERNMENT ACT 2002**15 Triennial agreements**

- (1) Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement under this section covering the period until the next triennial general election of members.
- (2) An agreement under this section must include-
 - (a) protocols for communication and coordination among the local authorities; and
 - (b) a statement of the process by which the local authorities will comply with section 16 in respect of proposals for new regional council activities; and
 - (c) processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.
- (3) An agreement under this section may also include-
 - (a) commitments by local authorities within the region to establish or continue 1 or more joint committees or other joint governance arrangements to give better effect to 1 or more of the matters referred to in subsection (2); and
 - (b) the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.
- (4) An agreement under this section may be varied by agreement between all the local authorities within the region.
- (5) An agreement under this section remains in force until it is replaced by another agreement.
- (6) If a decision of a local authority is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, the agreement under this section that is currently in force within the region, the local authority must, when making the decision, clearly identify-
 - (a) the inconsistency; and
 - (b) the reasons for the inconsistency; and
 - (c) any intention of the local authority to seek an amendment to the agreement under subsection (4).
- (7) As soon as practicable after making any decision to which subsection (6) applies, the local authority must give to each of the other local authorities within the region notice of the decision and of the matters specified in that subsection.

Wellington Regional Triennial Agreement**2019-2022****1. Scope**

- 1.1 This agreement is drafted in order to meet the requirements of section 15 of the Local Government Act 2002 (the Act).
- 1.2 The Local Government Act 2002 is intended to provide the necessary flexibility for councils to work co-operatively and collaboratively together and with other public bodies to advance community goals and to improve community wellbeing. The scope of this agreement includes the current co-operative and collaborative projects already in place in the Wellington Region and work being undertaken to establish structures and protocols associated with specific issues, and aims to build on these.

2. Purpose

- 2.1 The parties to this agreement commit to working for the good governance of their city, district or region by acting co-operatively and collaboratively. It is intended that this agreement will ensure that appropriate levels of consultation and co-ordination are maintained between the councils of the Wellington Region. It is intended that the process of arriving at this agreement, as well as its ongoing operations, should continue to strengthen regional relationships.

3. Parties to Agreement

- 3.1 The parties to this agreement are:
 - Carterton District Council
 - Greater Wellington Regional Council
 - Hutt City Council
 - Kāpiti Coast District Council
 - Masterton District Council
 - Porirua City Council
 - South Wairarapa District Council
 - Upper Hutt City Council
 - Wellington City Council
- 3.2 In accordance with the requirements of the Act, and in the spirit of collaboration that they wish to foster within the region, the parties agree to work in accordance with the protocols outlined in this agreement.

4. Protocols

- 4.1 The councils of the Wellington Region will work together on issues where it is agreed that the Region and the communities within it will benefit from a regionally collaborative approach.
- 4.2 The councils of the Wellington region will work together in line with the protocols and principles outlined in the Wellington Region Strategy Multilateral Agreement in regard to the Wellington Regional Strategy.
- 4.3 When a council has a significant disagreement with the position of others, the group will make every effort to accommodate, acknowledge or at least fairly represent the dissenting view.
- 4.4 The councils of the Wellington Region will proactively present their case to the Government and other councils from other regions to ensure that the Wellington region's interests are protected and enhanced.
- 4.5 When a significant decision or issue affects a particular council, or its population, then that council should have the lead role in formulating the Region's response.
- 4.6 Where facilities and services of significance benefit more than one district, and are intended to be funded by more than one district, those districts that intend to participate shall be involved in identifying, delivering, and funding the facility or service. One council shall take the lead for the project, appointed by the participating councils.
- 4.7 The agreement acknowledges each council's unique accountability.
- 7.8 The councils agree to act in good faith on issues of information and disclosure.
- 4.9 The councils agree to work collaboratively in an open and transparent manner.
- 4.10 The councils agree to build on work currently being undertaken within the region and to continue to address issues of co-ordination, roles and responsibilities.
- 4.11 As signatories to this agreement all councils will ensure the provision of the following:
 - a) Early notification to affected councils, through the distribution of draft documentation, of major policy discussions which may have implications beyond the boundaries of the decision-making council. This specifically includes the development of consultation policies and policies on significance.
 - b) Opportunities for all councils in the region to be involved in early consultation on the development of each other's draft Annual Plan and draft Long Term Plan and other significant policy consultation processes.
 - c) The application of a 'no surprises' policy, whereby early notice will be given over disagreements between councils concerning policy or programmes, before critical public announcements are made.

5. Consultation

- 5.1 Consultation in relation to this agreement will be undertaken within the following groups:
- a) A meeting of the Mayors, Regional Council Chair and the Chief Executives will occur at least once every six months to discuss general policy business and to review the performance of the agreement.
 - b) Existing regional and sub-regional forums such as:
 - The Wellington Regional Mayoral Forum
 - The Joint Wairarapa Councils' Meeting
 - The Wellington Regional Strategy Committee
 - The Wellington Regional Transport Committee
 - LGNZ Zone Four
 - Regional Civil Defence Emergency Management
 - Wellington Region Climate Change Working Group
 - c) Meetings between staff as necessary to achieve communication and co-ordination on issues identified in the agreement.
- 5.2 Section 15(2) of the Act requires a statement of the consultation process that will apply to proposals for new Regional Council activities. The following process applies:
- a) Where a proposed new Regional Council activity is significant in terms of the Wellington Regional Council's policy on significance, the process will be as set out in s.16 of the Act.
 - b) Where a proposed new Regional Council activity is not significant in terms of the Wellington Regional Council's policy on significance, the Regional Council undertakes to notify all other councils in the region prior to commencing any public consultation, in line with the principles of 'no surprises', transparency and good faith.
 - c) Where the parties to this agreement are unable to agree, dispute procedures set out in s. 16 (4)-(7) of the Act will apply.
- 5.3 The following consultation process will apply to any change, variation, or review of the Regional Policy Statement for the Wellington region, and the preparation of any future Regional Policy statement:
- a) The Regional Council will seek the input of territorial authorities into the review of the Regional Policy Statement for the Wellington region.
 - b) The Regional Council will make available to all local authorities, for discussion and development, draft copies of:

- any change or variation of to the Regional Policy Statement
 - any proposed Regional Policy Statement
- c) Territorial authorities will be given a reasonable period of time, but no less than 30 working days, to respond to any such proposal. The Regional Council agrees to consider fully any submission and representations on the proposal made by territorial authorities within the region.

6. Other issues

- 6.1 The parties agree that, in addition to the general consultation obligations of this agreement, the councils of the Wellington region will continue to meet together in various forums to develop common and collaborative approaches on issues identified as priorities for the region.

The region faces a number of challenges over the next few years, and the councils within the Wellington region will work collaboratively in the areas of:

- Regional spatial planning
- Transport
- Climate change
- Resilience
- Regional economic development

Collaboration within the region

The Mayoral Forum will:

- Be the vehicle for oversight of projects, such as collaboration projects. Noting projects may have their own governance arrangements.
- Review existing collaboration and shared services arrangements as necessary to ensure that current arrangements remain relevant and optimal.
- Identify new opportunities for collaboration and shared services for consideration by the councils.

7. Servicing

- 7.1 The parties agree that responsibility for servicing this agreement shall be shared, with responsibility passing from local authority to local authority at the start of each triennium. Servicing involves:
- Providing those secretarial services required
 - Within the limits outlined in the protocols and principles above, acting as a media and communications contact (including the provision of information to the public on request) in relation to matters covered in the agreement.
- 7.2 The parties agree that Wellington City Council will be the council responsible for servicing this agreement for the 2019-2022 triennium, after which it shall pass to the remaining local authorities as listed in appendix one, unless otherwise agreed.
- 7.3 The parties also agree that responsibility for servicing, and making media comment on behalf of, existing specific regional and sub-regional forums, will lie within those specific forums.

8. Review of the agreement

- 8.1 The parties agree to review the terms of this agreement in accordance with s.15(4) of the Act within four weeks of a request by one of the councils made in writing to the council delegated responsibility to service the agreement.

9. Dispute resolution

- 9.1 In event of a disagreement over the terms of this agreement, the parties agree to refer the issue of disagreement to arbitration for non-binding resolution. If no agreement on an arbitrator will be appointed by the President of the Wellington Branch of the New Zealand Law Society.

Appendix One: Servicing Responsibility

Party Responsible	Triennium
Masterton District Council	2007-10
Porirua City Council	2010-13
South Wairarapa District Council	2013-16
Upper Hutt City Council	2016-19
Wellington City Council	2019-22
Carterton District Council	
Greater Wellington Regional Council	
Hutt City Council	
Kāpiti Coast District Council	

Servicing involves:

- Providing those secretarial services required
- Within the limits outlined in the protocols and principles above, acting as a media and communications contact (including the provision of information to the public on request) in relation to matters covered in the agreement.

The responsible party should also ensure that a process is in place for the drafting, and subsequent signing, of the triennium's agreement.

This agreement is signed on this _____ day of _____
2020, by the following on behalf of their respective councils:

Carterton District Council

Greg Lang - Mayor

Greater Wellington District Council

Daran Ponter - Chair

Hutt City Council

Campbell Barry - Mayor

Kāpiti Coast District Council

K (Guru) Gurunathan - Mayor

Masterton District Council

Lyn Patterson - Mayor

Porirua City Council

Anita Baker - Mayor

South Wairarapa District Council

Alex Beijen - Mayor

Upper Hutt City Council

Wayne Guppy - Mayor

Wellington City Council

Andy Foster - Mayor

8.2 DRAFT WELLINGTON REGION WASTE MANAGEMENT & MINIMISATION BYLAW TEMPLATE

Author: Nienke Itjeshorst, Sustainability & Resilience Manager

Authoriser: Glen O'Connor, Access and Transport Manager

PURPOSE OF REPORT

- 1 This report presents the first Draft Wellington Region Waste Management & Minimisation Bylaw Template for information and seeks feedback from Council on the draft to be presented to the Wellington Region Waste Management and Minimisation Plan Joint Committee (the Joint Committee).

DELEGATION

- 2 Section 143 of the Local Government Act 2002 gives Council the power to make a bylaw.

BACKGROUND

- 3 In 2017, all eight territorial authorities of the Wellington Region adopted the Wellington Region Waste Management and Minimisation Plan (WMMP) 2017-2023. This regional-level plan, required under the Waste Minimisation Act 2008, was the second WMMP that was collaboratively developed by the eight territorial authorities. The WMMP identifies the councils' actions for achieving effective and efficient waste management and minimisation within their respective cities and districts, including working collaboratively to advance solutions to regional and local waste management issues.
- 4 Under the umbrella of WMMP, the eight councils also agreed to *"investigate and if feasible develop, implement and oversee monitoring and enforcement of a regional bylaw, or a suite of regionally consistent bylaws"* and to "ensure systems and resources are in place for implementing, monitoring and enforcing the Regional Solid Waste Bylaw once it becomes active" (Regional action 1).
- 5 In line with this regional action, a project was set up to review Council's existing waste bylaws in 2018. The bylaw review has been led by our regional waste planner, who is jointly employed by the eight Wellington territorial authorities to support the development and implementation of the regional WMMP, albeit supported by local council officers.
- 6 There are 2 phases to the bylaw review.
Phase 1: analysing the issues and their scale regarding waste management and minimisation within each council area and an assessment of the role of a bylaw in resolving these.
Phase 2: development of a *regional bylaw template*, consultation and deliberation on submissions/feedback and following that, Council approval.
- 7 Phase 1 took place between 2018 and mid 2019. The Solid Waste Services Manager briefed Council on the bylaw context and issues/options in May 2019.
- 8 Following this work, common issues and concerns that could be addressed through a bylaw were identified. Using and analysing existing bylaws in the region, other councils' bylaws and regulatory frameworks (both in New Zealand and in other jurisdictions), the first step of Phase 2 was completed early December 2019.
- 9 It was considered by the regional officers group whether it was possible to develop a regional bylaw of which the clauses would apply to all councils without exception. However due to the feedback received from councils, some local differences around certain issues and local 'flavours', officers have focused their efforts on developing *one regional draft bylaw template* as the basis for adopting and implementing regionally consistent bylaws.
- 10 This first *draft regional bylaw template* was approved by the Joint Committee on 9 December 2019 for discussion and feedback at Council level. The draft is attached to this report as

Appendix 1.**Legislative context**

- 11 Collectively, the Local Government Act 2002 (LGA), the Waste Minimisation Act 2008 (WMA), the Litter Act 1979, the Resource Management Act 1991, and the Health Act 1956, provide a legislative framework for waste management and minimisation in New Zealand. These Acts provide a legislative foundation for the New Zealand Waste Strategy (2010).
- 12 The LGA and the WMA are the primary pieces of legislation relevant to this bylaw review. Underpinning the purpose of Local Government is section 42 of the WMA which stipulates that territorial authorities have an obligation to encourage effective and efficient waste management and minimisation within their areas.
- 13 Territorial authorities have the ability to make bylaws in accordance with section 56 of the WMA and section 145/146 of the LGA in order to:
 - 13.1 Prohibit or regulate the deposit of waste (WMA s56(1)(a))
 - 13.2 Regulate the collection and transportation of waste (WMA s56(1)(b))
 - 13.3 Prohibit the removal of waste intended for recycling from receptacles (WMA s56(1)(f))
 - 13.4 Protect the public from nuisance (LGA s145(a))
 - 13.5 Protect, promote and maintain public health and safety (LGA s145(b))
 - 13.6 Regulate waste management, solid waste, and trade waste (LGA s146(a)(ii, iii, iv))
- 14 Councils have an obligation to review their bylaws made under the Local Government Act (LGA) initially every 5 years, and then subsequently at least every 10 years. When a bylaw expires, a Council has a further two years to review it, before it lapses.
- 15 All Councils except for Carterton and Upper Hutt (which bylaw was revoked in 2017) have a current bylaw regarding waste management. Both Wellington City and Upper Hutt's bylaws have expired in 2018, respectively in March and December which means their bylaw reviews must be completed in 2020. Both Porirua and Kāpiti's bylaw expire in July 2020 after which two years are available for the review before 2022. Masterton and South Wairarapa's bylaw expire in 2023, providing time for review to 2025.
- 16 Before a local authority makes a bylaw, a council must determine whether a bylaw is the most appropriate way of addressing the issue or problem.
- 17 While non-regulatory guidance (e.g. community education, guidelines and the provision of information) and appropriate operational practices are used to address a range of waste management issues, bylaw regulation can be necessary as a means to establish a range of baseline waste management and minimisation standards applicable to waste service users and service providers.
- 18 Together, regulatory standards, non-regulatory action and operational practice will support the delivery of effective and efficient waste management and minimisation within a city or district.
- 19 The issues and justification as to why bylaw clauses are proposed have been discussed in more detail in the report to the Wellington WMMP Joint Committee on 9 December 2019 and this report can be accessed through this link <https://wellington.govt.nz/~media/your-council/meetings/committees/joint%20committee%20for%20regional%20waste%20management/2019/agenda---wmmp-joint-committee-9-december-2019.pdf>.
- 20 In summary, the issues that are now being proposed to be addressed through the bylaw are:
 - Ensuring efficient & effective waste management operations – regulations for users and service operators

- Managing dangerous, hazardous and of infectious wastes (qualified as prohibited wastes in the bylaw)
- Managing waste storage and collection activities to minimise public nuisance issues and adverse impacts on urban amenity
- Ensuring efficient and appropriate waste management storage and servicing for multi-unit dwellings
- Reducing construction and demolition (C&D) waste to landfill (waste minimisation)
- Littering, waste and public nuisance caused by unaddressed mail
- Better event waste management and minimisation
- Limited waste data (licensing of collectors).

DISCUSSION OF THE DRAFT REGIONAL BYLAW TEMPLATE

- 21 Kāpiti's Solid Waste Bylaw 2010 already addresses most of the issues listed above, but some new clauses have been introduced in the draft regional template bylaw and some existing clauses have been extended to provide more options for controls that councils can implement. Proposed new clauses relate to multi-unit dwellings (managing waste storage), unaddressed mail and the introduction of waste management plans for buildings/developments (reducing construction and demolition waste to landfill).

As the term for the new bylaw will again be 10 years, officers have attempted to anticipate future bylaw needs based on overseas and national trends.

- 22 A comparison between current Kāpiti bylaw and proposed regional bylaw template is captured in the below table where relevant, i.e. reflecting new or essential changes to existing clauses. Discussion follows below the table.

Clause	Kapiti SW Bylaw 2010	Clause	Regional bylaw template
1.	Title, commencement and application	2.	Commencement (relevant for clauses 9, 14 and 15)
4.	Interpretation	6.	Interpretation
	-		Construction & demolition waste (related to clause 15)
	Event		Event (related to clause 14)
	-		Unaddressed mail (related to clause 18)
-	-	7.	Controls (how to set controls) (related to clause 10)
7.	Requirements for collection of waste for occupiers and collectors	8.	General responsibilities for waste management
15.	Licensing of waste collectors and waste operators of waste management facilities	9.	Licensing of waste collectors and operators
-	-	10.	General Controls on the collection, transportation and disposal of waste

<i>Clause</i>	<i>Kapiti SW Bylaw 2010</i>	<i>Clause</i>	<i>Regional bylaw template</i>
7.	Requirements for collection of waste for occupiers and collectors	11.	Requirements and controls collections from a public place
-	-	12.	Approved collection points
-	-	13.	Multi-unit developments
10	Waste Management for events	14	Events
-	-	15.	Construction and Demolition Waste Management Plans
8	Inorganic waste	16.	Inorganic waste
5.	Accumulation of waste	17.	Nuisance and litter
11.	Public litter bins (11.2)		
-	-	18.	Unaddressed mail and advertising material
12.	Private collections bins in public places	19.	Donation collection points
13.	Deposting waste, receptacles and shopping trolleys in a public place	17.	Nuisance and litter (does not cover shopping trolleys specifically)
17	Offences	21.	Other enforcement powers
18	Notifications, actions and penalties		

23 In the next paragraphs new and extended clauses (as listed in the above table) are discussed in more detail and include proposed changes and comments to be considered by Council.

24 New clauses 7 (Controls), 10 (General controls on the collection, transportation, storage and disposal of waste) and 11 (Requirements and controls on collections from a public place);

In addition to general responsibilities for waste management (clause 8) these clauses set out more requirements for collections and provide the opportunity for Council to set more specific controls. In accordance with clause 7 these controls need to be set by Council resolution.

The controls in clause 10 relate to the 'content' of what is being collected, stored etc. For example under provision 10, allowable limits of household waste in recycling bins could be set and materials could be defined that may be used as natural or other hardfill material at a cleanfill site. These controls are a 'step up' from the existing more general requirements for managing waste in the public place. These new controls would allow Council to drive behaviour change if they felt that was needed with regard to the waste content that is being put out and collected.

Clauses for these 'content' focussed controls can be found in a number of newer waste bylaws. For example, Auckland was the first council to set controls in 2013 with regard to maximum allowable amount of recyclable materials and greenwaste in general rubbish bins. Larger councils (Auckland, Christchurch) employ staff to monitor the content of bins and enforce the controls that have been set. Also, these controls are supported by performance requirements in contracts for services. Kāpiti's position is different as Council does not deliver collections services and does not employ staff to monitor the content of bins or take follow up action. This is the responsibility of the collectors that deliver services in Kāpiti.

Clause 11 sets requirements for how to behave in the public place (like clause 8) but also lists controls that Council may consider to put in place. The requirement under 11.3d states that 'any waste collector or waste operator who collects or transports waste from a public place must d) not dispose to a Class 1-4 landfill any waste type that is capable of being reused or recycled'.

This is a requirement that in practice may have very little chance of being able to be monitored and/or enforced at any time, mostly because disposal decisions made by a household on whether something can be reused or not, happens before it is put out for collection. Therefore this decision is not under the control of the collector and also, as mentioned above, Council does not employ staff to monitor or enforce such a control.

It is recommended that Council provides this feedback on clause 11.3 to the Joint Committee and it is recommended to delete this clause from the final Kāpiti bylaw.

Examples of controls that may be set under 11.4 are controls for the type, size, numbers, and colours of bins. It needs to be reiterated that Kāpiti does not contract for the provision of collection services and as such any decision making around these types of controls will have to be considered differently and carefully. Other examples include controls that set collections days and times which are controls that Council will have to set by resolution when adopting the final bylaw, as the current bylaw needs updating on both points.

25 Extended clause 8 General responsibilities for waste management:

In clause 8.5 d, it is stipulated that 'no person shall put their receptacle outside another person's property without the prior approval of an authorised officer or that other person's consent. While it was discussed as being useful for some councils and was included in the template for that reason, from a local perspective and based on customer feedback this clause is likely to have a negative impact on collectors and users, and also on council staff time.

As collection services are provided in the public place, users and collectors should be allowed to use that public place for that purpose. Service users that live down a right of way off cul-the-sacs sometimes will have to put out their receptacles in the cul-the-sac. Similarly, in Raumati South there are a number of properties and driveways that are on a slope with no adjoining footpaths. These service users have to find a safe place to put out their receptacles so the bins don't fall over or impact road users. If this means that bins are set in front of someone else's property for one day, part of a day (or less) per week, this is not deemed unreasonable and an acceptable use of the public place. Other clauses stipulate that the use of footpaths or driveways cannot be impacted when putting out receptacles.

It is recommended that Council provides this feedback on 8.5d) to the Joint Committee bylaw and to delete 8.5 d) from the final Kāpiti bylaw.

26 Extended clause 9 Licensing of Waste Collectors and Operators:

Currently clause 15 for licensing of collectors and operators in the Kāpiti bylaw sets a 10 tonnes threshold for the requirement to be licensed. For operators there is no threshold, they always need a licence. Clause 9 of the bylaw template proposes a 20 tonnes threshold for both collectors and operators. This will have no effect on current licenses in Kāpiti and as such that change is supported.

In clause 9 more 'factors'/matters may be considered when assessing a licence application are listed than in the current clause 15, but both clauses clarify that the list of factors/matters is non-exhaustive. This is the same for conditions that may be included in the licence, and as such for example a condition that collectors must offer recycling collection may be included in the licence under the new provision 9.

27 Clause 13 Multi-unit development: in Kāpiti's 2010 bylaw process the need for such clauses was discussed but at the time not deemed necessary. Now in 2020 it seems appropriate for

the regional bylaw template to have such clauses to support management by Wellington City Council, but potentially also in Kāpiti as the district continues to grow. Please refer to the link under paragraph 19 of this report for the background information. When a Multi-unit development is proposed, the team considering the application will have to take into account this new bylaw clause and officers will ensure that teams are fully briefed and enable to do this before the new bylaw comes into force. Officers will also provide information in advance of public consultation to developers and builders, likewise with regard to clause 15 with regard to construction and demolition waste management plans.

- 28 Clause 14 Events: clause 10 of the current bylaw states that the organiser of an event that requires resource consent under our District Plan *may* be required to provide a waste management plan for the events. Since 2010, a few waste management plans have been put forward to Council for assessment but due to staff changes and a shortage of staff hours in both the regulatory team and the waste team, these plans have in general not been required. In practice however, waste minimisation staff have been leading the way to make all council events zero waste events, working with food vendors on compostable food packaging and setting up recycling stations with monitors. On the council website the bin hoods for recycling stations have been available for event organisers free of charge and the team delivers the bin hoods, provides information and advice and organises volunteers if needed. A new guide “Reducing waste at your event” has been developed by the regional officers group and was released in January accompanied by workshops for organisers. More workshops will follow.

Clause 14 in the bylaw template now makes submitting a waste management plan mandatory for event organisers. An event is qualified under the new bylaw as ‘a temporary activity that has an expected attendance of a 1000 or more people across the event’. This requirement will be incorporated into the temporary events form that has been developed. The bylaw sets out what information organisers will have to provide, basically setting the ‘standard’ for how organisers should be thinking about and planning for managing their event’s waste. Clause 14.4 allows Councils to stipulate that a waste analysis report is done after the event, but this has not been made mandatory at this moment in time. For now it will be discussed as something that an organiser may want to do on a voluntary basis as it will provide good insights on waste behaviour during the event.

The risk that this clause will impact on staff time remains, but there is (at least for the next two years) more staff available to assess the plans and provide advice to the event organisers. Because most large event organisers have already worked with staff to manage their event waste, the impact on staff time may be less than expected.

In clause 2.1a) ‘Commencement’, it is proposed that clause 9 comes into force 2 years after the commencement date of the bylaw. However, taking into account that the current bylaw already has this provision and for the reasons stated above, it is recommended to let clause 9 come into force in Kāpiti when the new bylaw comes into force, which is expected to be around October 2020.

- 29 Clause 15 Construction & Demolition waste management plans
This is a new clause that has been proposed to enable Councils to drive waste minimisation in the building sector. It proposes that *“any person that is applying for a building consent for building work with an estimated value of \$2,000,000 or higher on any one site or who is demolishing a building over 200m² in size on any land owned, administered or managed by the Council must submit a construction and demolition waste management plan for approval”*
The construction and demolition (C&D) activity can generate substantial quantities of dense material, much of which is potentially recoverable, such as brick and concrete, timber, plasterboard, and metal.
- 30 Of the estimated total 81,760 tonnes of waste to landfill from Kāpiti, 51,510 tonnes is C&D waste and cleanfill. Of those 51,510 tonnes an estimated 50% is recoverable waste. This waste now either goes to municipal landfills (Class 1) or to Class 2-4 landfills located around Wellington (*Waste Minimisation Taskforce final report December 2019*).
In the Wellington Region in 2015, Class 2-4 landfill operators reported their C&D waste

tonnages to be approximately 525,000 tonnes per annum. This converts into a per capita disposal rate of approximately 1.06 tonnes per capita per annum (Wellington Region Waste Assessment, 2016, p.55). Because a significant part of this waste stream is potentially recoverable, C&D waste was identified as being a priority waste stream that could be targeted by councils as a means to reduce waste to landfill (WRWA 2016, p.87).

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

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

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

- 32 Alternatively, councils could rely on voluntarily waste minimisation practices and sustainability certifications (e.g. the GreenStar building rating system) to promote C&D waste minimisation, but it is limited in its capacity to bring about significant reductions.
- 33 The establishment of a regionally consistent bylaw clause that requires the consideration of C&D waste minimisation in building projects has the potential to lead to including waste minimisation in design and project planning, and drive materials recovery and reuse during development.
- 34 It is important to recognise that bylaw clauses as such will not significantly reduce the amount of C&D waste produced within the region if there are no changes in the Wellington Region waste market. Recently the Minister for the Environment has proposed extending the landfill levy to include C&D landfills and increasing the levy in the future. If implemented, this will lead to an increase for C&D disposal costs, which will incentivise industry to divert and recycle C&D waste.
- 35 As with waste management plans for events, the implementation of this clause will require staff time to assess the plans and work with submitters to provide advice on reduction and diversion options. As C&D waste plays an important part in reducing Kāpiti's overall waste to landfill, this work will be prioritised when it comes to delivery of waste minimisation services but what can be delivered can only be quantified when a fair estimate can be made of how many plans will be submitted each year (see below under 38).
- 36 Because Kāpiti does not currently have a C&D facility in the district resulting in C&D waste being either disposed of via the transfer stations or being transported to Wellington sites, the timing of the introduction of this clause in the bylaw is closely connected to the establishment of a C&D facility in the district. Council staff are already working on exploring options which will be reported back to Council in March.
- 37 In the draft clause it's proposed that plans are only required for building work with an estimated value over \$2,000,000. The idea behind this is to start with introducing the waste management plan requirement to large commercial builds in the first instance. However, this threshold is fully open to debate by each Council to set a threshold that is deemed reasonable for their district, taking into account for example the development market for commercial buildings and houses, the average size of building projects but also Council's reduction goals and internal staff time requirements.

It is proposed that Council discusses this threshold and provides feedback to the Joint Committee if it wishes to do so. It's recommended to make the decision on setting the

threshold for Kāpiti later when the final draft comes back to Council for approval, to allow for further research into values of local building projects.

- 38 In clause 2 'Commencement' of the draft bylaw template under 2.1b) it is set out that clause 15 will come into force 1 year after the commencement of this bylaw (which is likely to be in October 2020). As with the \$2mil threshold, this commencement date is to be discussed and set by individual councils.

It is recommended that Council adopts a 2-year period for letting clause 15 come into force in the final Kāpiti bylaw. Taking into account the fact that Kāpiti currently doesn't offer diversion opportunities for C&D waste, the establishment of such facilities in Kāpiti will take time and will also be influenced by a waste levy if this is introduced for C&D waste.

- 39 Clause 16 Inorganic waste; the current bylaw clause 8 sets rules around the collection of inorganic waste by either a licensed waste collector or the Council. Clause 16 in the draft bylaw template lets Council set similar controls (rules) but limits collection to collection by the Council.

As Council has never provided inorganic collection services, it is recommended that Council proposes to the Joint Committee that the clause is amended or it is recommended that in the final Kāpiti bylaw the words 'by the Council' are deleted.

- 40 Clause 17 Nuisance and litter; this clause sets rules that are currently covered in the two bylaw clauses 5 and 11. The rules have been extended to include rules about burning waste (as disposal defined in the Waste Minimisation Act includes incineration), burying of waste and disposing of any waste on any premises except at waste management facilities or at their own premises for the purpose of home composting. With regard to public litter bins the rule has been added that removing waste from public litter bins is prohibited unless authorised. Also the owner, occupier or manager of a premises where any flag, banner, bunting, balloon, sign, poster or similar is displayed needs to take all steps to prevent these items from becoming litter.

With regard to the burning of waste it is debatable whether this clause is required as Fire & Emergency (FENZ) now control the permitting of fires. The Proposed Natural Resources Plan also controls outdoor burning and domestic fires in the Wellington Region, setting standards and rules.

For that reason, it is recommended that Council provides this as feedback on clause 17.2(a) to the Joint Committee. and could consider the removal of clause 17.2(a).

- 41 Clause 18 Unaddressed mail and advertising material; this is a new clause proposed to manage the inappropriate disposal or deposit of unaddressed mail and advertising material. It's prohibited to put unaddressed mail or advertising material in a mailbox that has been marked 'no circulars/no junk mail' (18.1a), to put it under car windscreen wipers (18.1b) or in an already full mailbox (18.1c). Overflowing mailboxes and materials under wipers often result in public nuisance issues for residents, litter in public places and increased waste to landfill. It is currently estimated that 30kg of advertising circulars are delivered to each New Zealand home every year.

Furthermore, the resulting litter and waste often becomes the liability of the Council for cleaning up public areas and disposal. Council has no ability to recover the costs of removal or disposal by the waste generators. Councils have three options available in order to address this issue: reliance on voluntary codes of practice, community education/promotional strategies, and bylaw regulation. A bylaw clause that will apply to all advertisers is considered as appropriate for councils to manage this issue.

- 42 In the draft bylaw template provision 18.2 provides an exception on the rule in 18.1 for a number of types of materials. During the drafting of this report this exception has been debated again between officers and it's proposed to change 18.2 to clarify that the exception only applies 18.1a), (putting materials into 'stickered' mailboxes) and that putting the listed materials in full mail boxes or under windscreen wipers will also result in litter and as such is

prohibited.

It is recommended that Council supports this amendment as it clarifies that behaviour that leads to littering is not tolerated at all times.

- 43 Clause 19 Donation collection points: in the current bylaw this is covered in clause 12 which sets out the specific requirements for a collector that uses donation points (often clothing bins) in the public place. The new clause refers to Council being able to specify requirements for their establishment and management, which means that Council will need to set out these specifications in a separate resolution when approving the final bylaw as these are no longer listed in the bylaw clause itself.

As the wording in clause 19.2 seems to focus on new collection points, it is recommended that Council proposes to amend the wording of this clause to clarify that these requirements also apply to anyone already operating a donation point in the public place.

CONSIDERATIONS

- 44 Council is asked to provide feedback on the draft bylaw template to the Joint Committee. In summary of the discussion above, it has been recommended that Council discusses and proposes changes to the draft regional bylaw template as summarised below:
- clause 8.5d 'placement of receptacle in front of another persons' property'; it is recommended that council proposes to delete this clause in the bylaw template or delete it in the final Kāpiti bylaw
 - clause 2.1a) 'Commencement'; it is recommended that clause 9 'event waste management plans' comes into force for Kāpiti when the new bylaw comes into force, which is expected to be around October 2020 (and not 2 years after commencement).
 - clause 15 proposes that C&D waste management plans are only required for building work with an estimated value over \$2,000,000. It is recommended that Council discusses this threshold but that a decision is made later when the final draft comes back to Council for approval, to allow for further research into values of local building projects.
 - clause 2.1b) 'Commencement'; it is recommended that clause 15 'waste management plans for C&D waste' comes into force in Kāpiti 2 years after the commencement date of the new bylaw.
 - Clause 11.3d) provides Council with an option to put a control in place that stipulates to not not dispose to a Class 1-4 landfill any waste type that is capable of being reused or recycled. As this decision is neither under the control of the collector nor Council, it is recommended that Council provides this feedback on clause 11.3 to the Joint Committee and it is recommended to delete this clause from the final Kāpiti bylaw.
 - clause 16 Inorganic waste; as Council has never provided inorganic collection services, it is recommended that Council proposes to the Joint Committee that the clause is amended or it is recommended that in the final Kāpiti bylaw the words 'by the Council' are deleted.
 - clause 17; with regard to rule prohibiting the burning of waste (17.2(a)), it is recommended that Council provides as feedback to the Joint Committee that its place in this bylaw should be reconsidered.
 - clause 18 Unaddressed mail and advertising; it is recommended that Council supports the amendment of the wording in 18.2 as proposed by officers, to only make an exception for other materials being disposed of in mail boxes that are stickered with 'no junk/circulars'

- clause 19 Donation collection points; it is recommended that Council suggests amending the wording to also cover the management of existing collection points.

Next steps

- 45 The feedback provided by the eight councils on the draft bylaw template will be collated by officers and will be reported back to the Joint Committee with recommendations for their consideration on 20 March 2020.
- 46 This would be followed by councils formally receiving the draft bylaw and a statement of proposal in April 2020 for public consultation during May 2020.
- 47 Collating of submissions and submission hearings by Joint Committee and a final legal check will take place in June, July and August 2020.
- 48 A Council meeting to consider recommendations of the Joint Committee and formally adopt the final bylaw is anticipated in September after which the final bylaw is notified and becomes operative in October 2020.
- 49 While officers propose that this bylaw template will be regionally consistent as much as possible, ultimately each council will have to adopt their own version of the bylaw template.

Policy considerations

- 50 The main policy document for waste management and minimisation is the 2017 the Wellington Region Waste Management and Minimisation Plan (WMMP) 2017-2023. This collaboratively developed regional-level plan identified as one of the actions the investigation and development of a regional bylaw, or a suite of regionally consistent bylaws.

Legal considerations

- 51 This regional bylaw process ensures that Kāpiti's existing 2010 Solid Waste Bylaw is reviewed within the prescribed legal timeframes as discussed earlier in this report.

Financial considerations

- 52 Any additional work associated with the assessment of waste minimisation plans is planned to be delivered within the team based on the assumption that two waste minimisation officers will continue to be available. A small budget for enforcement is already included in the waste management operational budgets.

Tāngata whenua considerations

- 53 It's intended to brief Te Whakaminenga o Kāpiti on the draft regional bylaw template and the further process on the next available meeting or set up separate meetings with representatives of Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga and Ngāti Toarangatira to socialise and discuss the draft regional bylaw template.

Strategic considerations

- 54 The new bylaw template will support Council's goal of reducing waste to landfill with 30% by 2026, as has been adopted through the 2017 WMMP. A new bylaw with an increased focus on reducing waste to landfill through regulations for waste minimisation also supports emissions reductions.

Management of waste and litter in the public space as well as supporting reduction of waste to landfill aligns with Council's goals of making Kāpiti an attractive and distinctive place, offer a high quality natural environment and supports An Effective Response to Climate Change (emissions reduction).

SIGNIFICANCE AND ENGAGEMENT**Significance policy**

- 55 This matter has a low level of significance under Council's Significance and Engagement Policy.

Consultation already undertaken

- 56 As this is the very first draft for Council's feedback, other consultation has not taken place yet. It is proposed to consult with key stakeholders (waste collectors and operators and builders and developers) before the final draft bylaw will go out for public consultation in May.

Engagement planning

- 57 For this phase of the process an engagement plan is not required.
- 58 As council will have to consult on the final bylaw in accordance with clause 86 of the Local Government Act 2002, an engagement plan will be developed and to support that consultation.

Publicity

- 59 When the draft bylaw will be approved for public consultation, publicity to inform the community about the consultation will be incorporated in the engagement plan.

RECOMMENDATIONS

- 60 That Council approves the recommendations as set out in paragraph 44 of the report 'Draft Wellington Region Waste Management and Minimisation Bylaw' and
- 61 That Council notes the next steps as set out in paragraphs 45-49 of the report 'Draft Wellington Region Waste Management and Minimisation Bylaw'.

APPENDICES

1. Draft Wellington Regional Waste Management & Minimisation Bylaw template [↓](#) 

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

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

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

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

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

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

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

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		of the health and safety of waste collectors and the public, and the achievement of effective waste management and minimisation.		
	Authorised Officer	Any officer of the Council or other person authorised by the Council to administer and enforce its bylaws, and any person appointed especially or generally by the Council to enforce the provisions of this Bylaw.		
	Building work	As defined in the Building Act 2004 and generally means any work for, or in connection with, the construction, alteration, demolition, or removal of a building. It can include sitework and design work relating to the building work.	<i>This is required for the construction and demolition waste management plan clauses. Building work (as defined in the Building Act) includes the construction, alteration, demolition, or removal of a building.</i>	<i>"As defined in the Building Act 2004"</i>
	Bylaw	This Waste Management and Minimisation Bylaw [insert date].		
	Class 1-4 landfills	As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand) ² .		
	Cleanfill material	Waste that meets all of the following requirements: (a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and (b) is not diverted material; and	<i>Commonly used definition across other bylaw examples; clause c) aligns with definition in WasteMinz technical guidelines for disposal to land. Inclusion of clause b) re: 'not diverted material' to be</i>	<i>Councils could opt to use the Wasteminz guidelines definition of 'clean fill material', or If councils have a district plan definition of 'cleanfill material' this could be an</i>

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

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

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
				<i>healthcare or entertainment).</i>
	Construction and demolition waste	Waste generated from any building construction or demolition works (including renovation and repair); and includes but is not limited to concrete, plasterboard, insulation, nails, wood, brick, paper, cardboard, metals, roofing materials, wool/textiles, plastic or glass, as well as any waste originating from site preparation, such as dredging materials, tree stumps, asphalt and rubble.	<i>Supports the construction and demolition waste management plan clauses in clause 15. Definition draws from WasteMinz definition (but is not exactly the same).</i>	<i>The WasteMinz definition of 'C&D waste' could be an alternative but it is broader and includes structures like roads, bridges etc whereas the focus of the C&D waste plans in the bylaw is on buildings.</i>
	Council	The [insert name of Council] or any person delegated or authorised to act on its behalf.		
	Cover material	Material specified by the Council under clause 10.1(d) of this Bylaw as suitable for use as cover material at a Class 1-4 landfill site.		
	Deposit	To cast, place, throw or drop any waste or diverted material.		
	Dispose or Disposal	As defined in the Act and generally means the final disposal of waste into land set aside for the purpose or the incineration of waste.		<i>"As defined in the Act"</i>
	Diverted material	As defined in the Act and means any thing that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded.	<i>Diverted material can often also be 'waste'. This means that any provisions in this Bylaw that apply to waste will also apply to diverted material, unless it can be shown that items are solely diverted material, and not waste.</i>	<i>"As defined in the Act"</i>

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

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		Green waste	Organic plant material from gardening or arboricultural activities including lawn clippings, weeds, plants and other soft vegetable matter, which by nature or condition and being free of any contaminants will degenerate into compost.	
		Handled or handles	Includes removing, collecting, transporting, storing, sorting, treating, processing or disposing of waste.	
		Hazardous substance	As defined in the Hazardous Substances and New Organisms Act 1996 and means, unless expressly provided otherwise by regulations, any substance— (a) with 1 or more of the following intrinsic properties: (i) explosiveness: (ii) flammability: (iii) a capacity to oxidise: (iv) corrosiveness: (v) toxicity (including chronic toxicity): (vi) ecotoxicity, with or without bioaccumulation; or (b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any 1 or more of the properties specified in paragraph (a).	<i>"As defined in the Hazardous Substances and New Organisms Act 1996"</i>
		Hazardous waste	Waste that: (a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organism Act 1996; or (b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ	

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		Standard 5433: 1999 – Transport of Dangerous Goods on Land; or (c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982. Hazardous waste does not include household waste, inorganic waste, construction and demolition waste, or commercial waste.		
	Home composting	The activity of aerobically decaying household organic waste (green waste and/or food waste) and other compostable items originating from that property to create compost at home. To avoid doubt, includes worm farms and anaerobic digestors.		
	Household waste	Waste consisting of recyclable material, organic waste or residual waste originating from any residential household but does not include, industrial waste, commercial waste, prohibited waste, hazardous waste, trade waste, liquid waste, or construction, demolition or renovation wastes.	<i>The term “household waste” is suggested instead of “domestic waste” to support understanding (noting that the existing WCC bylaw uses “household waste”).</i>	
	Inorganic waste	Waste consisting of household equipment, furniture, appliances and material of a similar type that due to its nature or size cannot be collected as household waste in an approved receptable, and that is specified by the Council as suitable for: (a) collection from a public place by the Council or an approved waste operator; or (b) collection from any premises by the Council or an approved waste operator; or (c) delivery to a resource recovery facility.		

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
	Landfill	As defined in the Technical Guidelines for Disposal to Land (Waste Management Institute of New Zealand) ³ .		<i>District plan definition (if defined)</i>
	Licence	A licence, consent, permit or approval to do something under this Bylaw and includes any conditions to which the licence is subject.		
	Litter	Any rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, other residual waste or any other thing of a like nature that has been disposed of in a public place, other than in an approved receptacle or collection point for such disposal, or on private land without the consent of the occupier. For the avoidance of doubt this includes organic material, dog faeces in a container or bag, or disposable nappies.		<i>"As defined in the Litter Act 1979"</i>
	Litter receptacle	A receptacle provided for the collection of litter.		
	Manager	A person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.		
	Multi-unit development	A multiple tenancy property comprising of 10 or more separately occupied residential or business units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership. To avoid doubt this includes a unit title development and any development with controlled or restricted access, such as a gated community or a shared right of way.	<i>Councils could amend the lower limit that defines a 'MUD' for their context and needs if necessary. "10 or more" is quite commonly used in other bylaw examples but other thresholds range between 4 and 10 units. For eg, New Plymouth uses 4 units.</i>	<i>The Auckland bylaw definition could be an alternative, being: "Multi-unit development means a premises that contains 10 or more dwellings and to avoid doubt, includes mixed-use premises with business or other activities."</i>

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

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
	Nuisance	As defined in section 29 of the Health Act 1956 and includes anything obnoxious, offensive or injurious to the community or any member of it.	<i>Relevant to the clauses that cover (amongst other issues) the stockpiling of waste.</i>	<i>"As defined in section 29 of the Health Act 1956"</i>
	Occupier	In relation to any property or premises, means the inhabitant occupier of that property or premises and, in any case where any building, house, tenement, or premises is unoccupied includes the owner.		
	Organic waste	Food waste and/or green waste that is specified by the Council under clause 10.1(a) of this Bylaw as organic waste.		<i>Anything that was once living or made from something living that breaks down by anaerobic decomposition.</i>
	Owner	In relation to any property or premises, means the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent, and where such a person is absent from New Zealand, includes their attorney or agent.		
	Person	An individual, a corporation sole, a body corporate, and an unincorporated body.		
	Premises	Any separately occupied land, dwelling, building, or part of the same.		<i>The Auckland bylaw definition could be an alternative, being: "Premises means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings, and places adjoining each</i>

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
				<i>other and occupied together are deemed to be the same premises."</i>
	Prohibited waste	<p>Waste containing -</p> <ul style="list-style-type: none"> (a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury; (b) any material capable of causing damage to the approved receptacle or likely to shatter in the course of collection unless the material is sufficiently contained to prevent damage to the approved receptacle or to prevent injury; (c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation, storage, sorting or disposal; (d) any radioactive wastes, but excluding domestic smoke detectors; (e) any used oil and lead-acid batteries; (f) any hazardous waste; (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; (h) any asbestos containing material; and (i) any material prohibited by the Council under clause 10.1(f) of this Bylaw. 		
	Public place	(a) A place that is under the control of Council or a Council-controlled organisation that, at any material time, is open to		

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>or is being used by the public, whether free or on payment of a charge; and</p> <p>(b) To avoid doubt –</p> <p>(i) includes any park, reserve, recreational ground, pool, community facility, sports field or facility, public open space, public garden, public square, cemetery, beach, foreshore, dune, wharf, breakwater, boat ramp, pontoon, road, street, lane, thoroughfare, footpath, access way, cycleway, bridleway, car park, grass verge, berm, and any part of the public place.</p>		
	Recovery	<p>As defined in the Act and means –</p> <p>(a) extraction of materials or energy from waste or diverted material for further use or processing; and</p> <p>(b) includes making waste or diverted material into compost.</p>		<i>"As defined in the Act"</i>
	Recyclable material	The types of waste that are able to be recycled and that may be specified by the Council from time to time under this Bylaw.	<i>Types of waste that are able to be recycled will keep changing over time and as technology changes so councils need to be able to be responsive to changes.</i>	
	Recycling	As defined in the Act and means the reprocessing of waste or diverted material to produce new materials.		<i>"As defined in the Act"</i>
	Reuse	As defined in the Act and means the further use of waste or diverted material in its existing form for the original purpose of the materials or products that constitute the waste or diverted material, or for a similar purpose.		<i>"As defined in the Act"</i>
	Rural areas	Any areas zoned and/or defined in the [insert name] District Plan as rural.	<i>Note: Councils may need to amend this definition to reflect their district plan. Some district plans may not</i>	

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
			<i>define 'rural' - if this is the case and the term is required for the bylaw's implementation, the council will need to agree on a definition.</i>	
	Specified intended life	As defined in the Building Act 2004 and in relation to a building, generally means the period of time, as stated in an application for a building consent or in the consent itself, for which the building is proposed to be used for its intended use.	<i>Supports the construction and demolition waste management plan clauses.</i>	<i>"As defined in the Building Act 2004"</i>
	Treatment	As defined in the Act and means - (a) subjecting waste to any physical, biological, or chemical process to change its volume or character so that it may be disposed of with no or reduced adverse effect on the environment; but (b) does not include dilution of waste.		<i>"As defined in the Act"</i>
	Unaddressed mail	(a) Any mail or material that does not display a full address and name of a person at that address; and (b) To avoid doubt, includes public notices from government departments or agencies, crown entities, local authorities, network utilities and New Zealand Post, election material, free print media, material from local community organisations or charitable entities and advertising material.	<i>Definition based on the Auckland 2019 bylaw of 'Unaddressed mail'; to assist in implementation of the unaddressed/ unsolicited mail clauses.</i>	
	Waste	As defined in the Act and means - (a) Any thing disposed of or discarded; and (b) Includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and	<i>Consistent with the Act and provided for clarity</i>	<i>"As defined in the Act"</i>

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		(c) To avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.		
	Waste collector	Any person or entity that collects or transports waste and includes commercial and non-commercial collectors and transporters of waste (for example, community groups and not-for-profit organisations); but does not include individuals who collect and transport waste for personal reasons (for example, the owner taking their own household garden waste to a waste management facility).	<i>Definition aligned with the WM Act and the national waste data framework definition. The definition of "waste" includes any thing disposed of or discarded, including recyclable material and diverted material.</i>	
	Waste management facility	A facility authorised by the Council which primarily provides waste treatment and disposal services or waste remediation and materials recovery services, in relation to solid waste. Includes but is not limited to waste transfer stations, resource recovery stations, recycling centres, composting facilities, landfills or clean fill sites, or hazardous waste facilities.		
	Waste Management and Minimisation Plan (WMMP)	A waste management and minimisation plan adopted by the Council under section 43 of the Act.		
	Waste operator	Any person or entity that operates a waste management facility.		
	Waste remediation and materials recovery services	The remediation and clean-up of contaminated buildings and mine sites, mine reclamation activities, removal of hazardous material and abatement of asbestos, lead paint and other toxic material. This also includes recovery, sorting, and/or storage services in relation to waste.	<i>Relates to the definition of "Waste management facility". Consistent with NZ/Aus standards.</i>	
	Waste treatment and disposal services	The treatment or disposal of waste (including hazardous waste), including the operation of landfills, combustors,	<i>Relates to the definition of "Waste management</i>	

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		incinerators, composting, biodigestors and other treatment facilities (except sewage treatment facilities), and waste transfer stations.	<i>facility". Consistent with NZ/Aus standards.</i>	
7	Controls	<p>7.1 The Council may make, amend or revoke controls to support the implementation of this Bylaw.</p> <p>7.2 The Council must, before making, amending or revoking controls in clause 7.1, comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002.</p> <p>7.3 Any control that is made, amended or revoked under clause 7.1:</p> <p>(a) Must be made by a resolution of Council that is made publicly available; and</p> <p>(b) May:</p> <p>i. Prohibit, restrict, or control any matter or thing generally, for any specific category or case, or in a particular case;</p> <p>ii. Apply to all waste or to any specified category or type of waste;</p> <p>iii. Apply to [insert district/city name] or to a specified part of [insert district/city name]; and/or</p> <p>iv. Apply at all times or at any specified time or period of time.</p>	<p><i>This section gives assurance to anyone affected by any specific controls developed under the Bylaw as to the process that will be undertaken and what opportunity there will be for consultation and feedback on a proposed control.</i></p> <p><i>Implies compliance with the Council's significance and engagement policy.</i></p> <p><i>Councils could insert specific methods re: "publicly available" (e.g. at Council's offices, libraries and on its website) if needed.</i></p>	
PART B: COLLECTION, TRANSPORTATION, STORAGE, PROCESSING AND DISPOSAL OF WASTE				
8	General responsibilities for waste management	<p>8.1 The occupier and/or manager of a premises must ensure that the household waste from the premises is separated into waste types as determined by the Council, and is deposited for collection in the correct approved receptacle. No person may deposit material in a receptacle that is not approved for that type of receptacle.</p> <p>8.2 The occupier and/or manager of any premises must ensure that:</p> <p>(a) All waste receptacles are appropriately secured to deter scavenging and to prevent waste escaping;</p> <p>(b) Waste from the premises has no more than a minimal adverse effect on neighbouring occupiers;</p> <p>(c) Any waste receptacle is regularly emptied when it is full; and</p>	<p><i>This section outlines the basic roles and responsibilities of various parties related to solid waste management and minimisation; intended to provide clarity as to who is responsible for what.</i></p>	

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>(d) The contents of any waste receptacle, excluding receptacle for green waste, are protected from rain, dispersal by wind, or ingress or egress of flies, vermin and animals.</p> <p>8.3 The occupier and/or manager of any premises who is in control of an approved receptacle must ensure that:</p> <p>(a) The receptacle is kept in a safe location, is hygienic, in good repair, and without any modifications or alterations to its appearance;</p> <p>(b) The contents of any approved receptacle do not soak or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter;</p> <p>(c) If required, waste is deposited in the receptacle in a manner that allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied;</p> <p>(d) Unless the receptacle is placed at an approved collection point, the receptacle is placed for collection in an upright position off the carriageway, in front of the premises from which the waste originated and as close to the kerbside as possible;</p> <p>(e) The receptacle is placed so that it does not disrupt or obstruct pedestrian or vehicular traffic, and so that access to the premises is preserved; and</p> <p>(f) The receptacle is placed for the collection of waste and is retrieved in accordance with any applicable control specified by the Council.</p> <p>8.4 For the avoidance of doubt, no person shall deposit waste in a manner where:</p> <p>(a) The receptacle is damaged or otherwise likely to cause injury to the collector;</p> <p>(b) In the opinion of the Council, or the waste collector or operator, the waste is in an unsanitary or in an offensive condition;</p> <p>(c) The waste includes waste prohibited under this Bylaw;</p> <p>(d) The container/receptacle is not an approved receptacle;</p> <p>(e) The receptacle is in a condition that allows spillage of waste or is not of a sufficient size to contain the waste;</p> <p>(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;</p> <p>(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</p>		

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>(h) Any other reason which the Council, or the waste collector or operator, deems would cause a health and safety concern to the waste collection operation.</p> <p>8.5 No person shall:</p> <p>(a) Put waste into an approved receptacle provided to any other person, without that other person's consent;</p> <p>(b) Remove waste from, or interfere with any waste deposited in, an approved receptacle, except the Council, a waste collector or operator, or the person who deposited the waste;</p> <p>(c) Remove a receptacle provided to the premises to which it has been allocated, except with the prior written approval of the Council or the waste collector or operator; or</p> <p>(d) Put their approved receptacle outside another person's property without the prior approval of an authorised officer or that other person's consent.</p> <p>8.6 The occupier and the manager of any premises is responsible for any waste generated on the premises until it has been collected.</p> <p>8.7 To enable the occupier and/or manager of a premises to be able to comply with clauses 8.1-8.3 and 8.5, an authorised officer may approve placement of approved receptacles in a location other than directly outside the property of the premises.</p> <p>8.8 Where any breaches of the conditions in clauses 8.1-8.7 occur, the waste collector or waste operator shall not be obligated to collect the waste.</p>		
9	Licensing of Waste Collectors and Waste Operators	<p>9.1 Any:</p> <p>(a) Waste collector who handles more than 20 tonnes of waste in any one twelve month period in, around or out of the [insert District/City name]; and any</p> <p>(b) Waste operator with a facility in the [Insert District/City name] that handles more than 20 tonnes of waste in any one twelve month period, must have a licence issued by the Council, and may not collect waste or operate the waste management facility (as the case may be) without such a licence.</p>	<p><i>The purpose of this section is to introduce a regional waste licensing system. The proposed 2-year delayed effect (refer clause 2.1) would allow councils to establish an appropriate regional system (and resourcing) to manage the</i></p>	<p><i>KCDC already have a licensing system in place; KCDC currently uses a threshold of 10 tonnes/ annum.</i></p>

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		9.2 An application for a licence must be made on the approved application form available from the Council, and must be accompanied by the application fee and the information required by Council to process the application.	<i>applications and data collected.</i>	
		9.3 The holder of an existing licence may apply to the Council for a renewal of that licence.	<i>There are two main reasons for licensing collectors and operators: 1) to support the requirement that waste is collected, transported, stored and disposed in a way that supports the WMMP;</i>	
		9.4 A licence is personal to the holder and is not transferable.	<i>2) enables data collection so councils can best fulfil their responsibilities to promote effective and efficient waste management and minimisation within their districts. Data collection would be in line with the National Waste Data Framework.</i>	
		9.5 A licence may be granted or refused at the discretion of the Council, and if granted, may be on such terms and conditions as the Council thinks fit.	<i>The licencing system could potentially include a requirement for mandatory recycling with kerbside waste collection services if desired.</i>	
		9.6 When considering a licence application, the Council may take into account the following non-exhaustive list of factors:	<i>Clause 9.10 provides ability to take action if a licensee is not fulfilling their requirements.</i>	
		(a) The nature of the activity for which a licence is sought;	<i>Re: clause 9.11- each Council will need to set applicable licence fees (as part of</i>	
		(b) The extent to which the licenced activities will promote public health and safety, and support achievement of the Council's WMMP, including the waste minimisation goals and initiatives within that plan;		
		(c) The extent to which the licenced activities will adopt best practice waste management and minimisation technologies;		
		(d) The quantity and type of waste to be handled;		
		(e) The methods employed for the handling of the waste and the minimisation of litter, including (but not limited to):		
		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		

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>(h) The terms and conditions under which any disposal of waste is permitted and the existence of, or need for, any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposal.</p> <p>9.7 When considering an application for a licence, the Council may inspect the premises or locations related to the application for the purposes for which the licence is sought.</p> <p>9.8 A licenced waste collector or waste operator must comply with all terms and conditions of the licence. These conditions may include, but are not limited to, the following matters:</p> <p>(a) Term – a licence may be granted for a term of up to 5 years from the date of Council approval, or for a shorter duration if specified in the terms and conditions of the licence, and will be reviewed every year upon compliance with the terms and conditions of the licence;</p> <p>(b) Licence fee – the licensee must pay an annual licence fee in the amount determined by the Council;</p> <p>(c) Performance bond – the Council may, from time to time and on a case by case basis, require a licence holder to post a bank-guaranteed bond or a security;</p> <p>(d) Compliance with standards – the licence holder must comply with any standards or policies the Council has set for waste handling such as (but not limited to):</p> <ol style="list-style-type: none"> Provision of waste collection services within reasonable collection times and to meet any minimum collection frequencies specified by Council; Provision of appropriate approved receptacles for waste collection which clearly identify the owner's name and contact details; and The collection of any litter within a specified distance of an approved receptacle awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation, storage or disposal process. <p>(e) Provision of information – the licence holder must provide data relating to all waste they have handled to the Council during the term of their licence, in the form and at the times determined by the Council from time to time such as (but not limited to):</p> <ol style="list-style-type: none"> 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 	<p><i>setting of all their other Council fees and charges).</i></p>	

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>ii. Weighbridge receipts, gate records of waste tonnages per waste type as specified in the licence.</p> <p>The minimum requirement will be an annual performance report due within one month of the completion of each year of the licence.</p> <p>9.9 The Council will take all reasonable steps to keep commercially sensitive information confidential, for example by aggregating such information for reporting purposes.</p> <p>9.10 The Council may suspend or revoke a licence if the licence holder fails to comply with this Bylaw, any of the terms or conditions of the licence, any relevant controls made under this Bylaw, or acts in a manner which the Council considers, on reasonable grounds and in light of the purpose of this Bylaw, is not suitable for the holder of a licence.</p> <p>9.11 Fees and charges for the issue of licences under this Bylaw are set out in Council's Schedule of Fees and Charges and may be amended from time to time in accordance with section 150 of the Local Government Act 2002.</p>		
10	General controls on the collection, transportation, storage and disposal of waste	<p>10.1 The Council may specify controls for the following non-exhaustive list of matters in relation to the collection, transportation, storage or disposal of waste from any property:</p> <p>(a) Types of household waste that may be treated for all purposes (including deposit, collection, transportation, and disposal) as recyclable, organic waste or other residual waste;</p> <p>(b) Maximum allowable limits of a specified waste type that may be collected or transported from a public place in an approved receptacle for waste and that subsequently may be stored or disposed of;</p> <p>(c) Maximum allowable limits of a waste type that may be placed in an receptacle approved for another waste type;</p> <p>(d) Types of waste that may be handled at any Class 1–4 landfill and material that may be used as cover material at any such site;</p> <p>(e) Materials that may be used as natural or other hardfill material at a cleanfill site;</p> <p>(f) Types of waste that are prohibited.</p>	<p><i>This provision would enable 'material bans' to be implemented by councils if required. Enabling councils to set maximum levels for certain material types in residual waste streams is a tool to reduce the amount of certain material(s) disposed of to landfill. This could be used for example to control things like medical or hazardous waste in household waste, or limits for contamination in recycling, or limits for the amount of organic waste in</i></p>	

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<i>[Related information box: include a link to useful information, including information on the council website(s) specifying types of recyclable materials etc, to help support understanding, interpretation and compliance with the Bylaw].</i>	household waste etc (subject to kerbside services being available). Controls could be made to apply to all collections if a council considers appropriate (to ensure all collectors are treated the same).	
11	Requirements and controls on collections from a public place	<p>11.1 Waste must not be placed on a public place for collection unless it is:</p> <ul style="list-style-type: none"> (a) Household waste; (b) Green waste; or (c) Any other type of waste specified and approved by the Council as able to be placed on a public place for collection. <p>11.2 Prohibited waste, diverted material, construction and demolition waste, or commercial waste must not be placed in a public place for collection unless authorised by the Council under this Bylaw or another Council Bylaw.</p> <p>11.3 Any waste collector or waste operator who collects or transports waste from a public place must:</p> <ul style="list-style-type: none"> (a) Make available to the occupier or manager of a premises one or more approved receptacles to enable separate collection of each of the waste types required to be separately collected from the premises; (b) Clearly identify their name and contact details on all approved receptacle; (c) Not collect any household waste which has not been separated into the waste types required to be separately collected from the premises. However this does not apply where the maximum allowable limits of a waste type that may be placed in an receptacle approved for another waste type specified by the Council under clause 10.1(c) are not exceeded; and (d) Not dispose to a Class 1–4 landfill any waste type that is capable of being reused or recycled. 	<p><i>These clauses set out/clarify the requirements for any person/entity using the public place to collect or transport waste from.</i></p> <p><i>Enables councils to ensure collection receptacles/containers are appropriate, fit for purpose and labelled appropriately etc.</i></p> <p><i>Enables councils to place controls on the type, size, capacity and weight of containers to be used in different types of collections, and to require the use of consistent wording, colour-coding, symbology systems etc.</i></p>	<p><i>South Wairarapa currently do inorganic collections therefore the Wairarapa bylaw version could have an additional clause for clarity (if needed) but this is not essential given 11.1 'c' covers any other waste approved by Council.</i></p>

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>11.4 The Council may specify controls for the following non-exhaustive list of matters in relation to the collection, storage or transportation of waste from a public place:</p> <ul style="list-style-type: none"> (a) The area to which the control applies; (b) The type, size, capacity/volume, weight, numbers, colour, and construction of approved receptacles that may be used for the storage and collection of waste; (c) The types of waste that may be collected in the various types of approved receptacle; (d) The types and categories of wastes that may be deposited at or collected from a public place; (e) The conditions applicable to any collection service from a public place, including the placement and retrieval of approved receptacles for collection, collection days and times, and restrictions on the number and weight of approved receptacles; (f) Requirements to ensure the correct separation of categories of wastes into approved receptacles, including content control messaging and symbology on approved receptacle that specifies the permitted and prohibited receptacle content; (g) The locations, access times and conditions of use of approved collection points; and (h) Any other operational matter required for the safe and efficient operation of a collection service from a public place. <p>11.5 Any person providing or using a waste collection service in or from a public place must comply with all controls made by the Council relating to that collection.</p>		
12	Approved Collection Points	<p>12.1 No person may deposit waste at an approved collection point other than in accordance with any applicable Council control.</p> <p>12.2 The Council may specify:</p> <ul style="list-style-type: none"> (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. 		
13	Multi-Unit Developments -	<p>13.1 The owner and/or the manager of a multi-unit development must make adequate provision for the management of all waste generated within the premises. This includes the provision of adequate areas for:</p> <ul style="list-style-type: none"> (a) The storage of disposed of or discarded material on the premises from any activity on the same premises; and (b) The collection of disposed of or discarded material if collection occurs on the premises. 	Multi-unit developments (MUDs) such as apartments, retirement villages, gated communities can be problematic in terms of	The requirements for MUDs could be a part of the bylaw where there is a need for some differences across the councils,

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
	Waste management plans	<p>13.2 Subject to clause 13.5, the owner and/or the manager of a multi-unit development must submit to the Council for approval a multi-unit development waste management plan for:</p> <ul style="list-style-type: none"> (a) The management of an existing multi-unit development if any of the occupiers cannot dispose of or discard material as expressly allowed in clause 8; or (b) A planned multi-unit development, prior to the commencement of construction of the multi-unit development. <p>13.3 A multi-unit development waste management plan must include (but is not limited to) the following information:</p> <ul style="list-style-type: none"> (a) The person or persons responsible for the management, collection and disposal of waste and the methods to be used; (b) Identification of an adequate area on the premises for the storage of receptacles that is readily accessible to the occupiers of units and to a licensed waste collector or waste operator to enable separate collection and transportation of waste as specified by the Council; (c) An estimate of the types and volumes of waste that will be generated; (d) How waste generated within the premises is to be minimised and the steps to maximise the collection and use of recyclables and reusable material; (e) The methods to be used to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations, and protected from theft and vandalism; (f) Identification of the means and route of access and egress to the waste storage area; and (g) Any other matter relating to waste management and minimisation that may be specified by the Council. <p>13.4 Any person who owns, manages or occupies a multi-unit development must comply with the approved multi-unit development waste management plan for that development and any conditions applied to the approval by the Council (except if an exemption is granted in accordance with clause 13.5).</p> <p>13.5 The Council may, on application, grant a written exemption from compliance with all or any the requirements of this clause if:</p>	<p>waste management and minimisation, particularly in areas where space is at a premium. This section encourages consistency of management and support achievement of WMMP objectives, and clarifies waste management roles and responsibilities during planning, construction, and occupation.</p> <p>Existing MUDs are a big issue (particularly for WCC) as many don't have appropriate space or provision for waste management.</p> <p>Clauses 13.1 and 13.2 drawn from the 2019 Auckland bylaw which has a new MUD clause applying to certain existing MUDs (where occupiers can't dispose of material as expressly allowed in the general provisions) as well as new MUDs.</p> <p>Determining an "adequate area" links to having a solid waste calculator (like Auckland's example).</p>	<p>depending on the issues at play in each council area.</p> <p>The other tool/ additional tool for managing MUDs is the use of rules in the council's district plan requiring appropriate provision for waste management. District Plans are likely to be more effective for setting specific MUD development/building controls (noting it is difficult for a bylaw to have effective influence over these).</p>

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
	Waste collection, transportation, storage and deposit controls	<p>(a) In the opinion of the Council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or</p> <p>(b) The owner and/or manager demonstrates to the satisfaction of the Council that recyclable material, organic waste and other wastes are separately and regularly collected.</p> <p>13.6 The Council may specify controls for the following matters in relation to the collection, transportation, storage or deposit of waste from multi-unit developments:</p> <p>(a) The categories of recyclable material, organic waste and other residual waste that may be deposited at or collected from a multi-unit development;</p> <p>(b) The times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of receptacles for collection, collection times and restrictions on the number and weight of approved receptacles;</p> <p>(c) Requirements to ensure the correct separation of organic waste, recyclable materials and other residual waste into approved receptacles; and</p> <p>(d) Any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.</p> <p>13.7 Any person who manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation, storage and management of waste in the multi-unit development made by the Council under this Bylaw.</p> <p><i>[Related information box: include a link to any useful information and material/aids to assist people preparing these plans e.g. solid waste calculator etc]</i></p>	<p><i>Clause 13.5 provides an 'out' clause from the requirements if considered appropriate by the Council.</i></p>	
14	Events	<p>14.1 Prior to the commencement of an event, any event organiser must submit to the Council for approval an event waste management plan for the event.</p> <p>14.2 The event waste management plan must set out:</p> <p>(a) An estimate of the types and amounts of waste to be generated by the event;</p> <p>(b) How waste generated by the event is to be minimised;</p> <p>(c) The steps that will be taken to maximise the collection and use of recyclables and other recoverable, reusable or compostable materials, and an estimate of the diversion of waste;</p>	<p><i>This section enables councils to set standards for event waste management and minimisation in order to help improve event outcomes and ensure consistency in the use of available support and tools.</i></p>	

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>(d) The equipment to be provided for the storage, collection and transportation of waste and divertible material;</p> <p>(e) The proposed method for minimising and capturing litter associated with the event;</p> <p>(f) The person responsible for the collection and disposal of waste and the methods to be used;</p> <p>(g) The timing and frequency of the collection of waste, during or after the event; and</p> <p>(h) Any other matters relating to event waste management and minimisation that may be specified by the Council.</p> <p>14.3 The organiser of an event must comply with the event waste management plan approved by the Council for the event.</p> <p>14.4 On completion of the event, the event organiser may be required to provide the Council with a waste analysis report, which at a minimum, will include a breakdown of:</p> <ul style="list-style-type: none"> • The types of waste generated by the event; • The amounts of waste (by type) generated by the event; and • The waste management facilities used to recover, recycle, treat or dispose of this waste. <p><i>[Related information box: include a link to the event guidelines under development and any other useful materials/aids for people preparing these plans in order to assist event organisers]</i></p>	<p><i>"Other matters" specified by council could include diverting organics if there is access to commercial organic processing facilities, or compliance with food vendor guidelines, etc.</i></p>	
	Construction and Demolition Waste Management Plans	<p>15.1 Any person that is:</p> <p>(a) applying for a building consent for building work with an estimated value of \$2,000,000 [TBC] or higher on any one site; or</p> <p>(b) demolishing a building over 200m² in size on any land owned, administered or managed by the Council;</p> <p>must submit a construction and demolition waste management plan to the Council for approval prior to commencing any building works.</p> <p>15.2 A construction and demolition waste management plan must set out:</p> <p>(a) The name of the client, principal contractor, and person who prepared the site waste management plan;</p> <p>(b) The location of the site;</p>	<p><i>Construction and demolition waste can be a significant issue. The requirement for a waste management plan aims to reduce waste by encouraging consideration of waste issues early in the construction and/or demolition process, with the aim of supporting WMMP objectives. Requires a link</i></p>	<p><i>The dollar value threshold for preparation of a waste plan is a matter of discussion for the Joint Committee & each council. Councils may decide on different dollar values depending on local circumstances. E.g. for KCDC, \$800k or \$1m may be more appropriate for their smaller-scale</i></p>

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

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
		<p>15.6 The principal contractor must ensure that a copy of the construction and demolition waste management plan is kept on site, and that every contractor knows where it can be found. It must be available to any contractor carrying out any work described in the plan.</p> <p><i>[Related information box: include a link to any useful information and material/aids to assist people preparing these plans e.g. free templates and support available from agencies such as BRANZ and the Green Building Council]</i></p>		
16	Inorganic waste	<p>16.1 The Council may specify controls for the following matters in relation to the collection of inorganic waste from a public place:</p> <ul style="list-style-type: none"> (a) the weight, size and nature of inorganic waste that may be deposited for collection by the Council; (b) the categories of inorganic waste that may be deposited for collection by the Council; (c) the times, locations and conditions applicable to the collection by the Council of inorganic waste from a public place; (d) the collection methods that cause health and safety risks; (e) any other operational matters required for the safe and efficient collection by the Council of inorganic waste from a public place. <p>16.2 Any person who deposits inorganic waste for collection on, or collects and transports inorganic waste from, a public place must comply with the controls made by the Council under this Bylaw.</p>	<p><i>These provisions could be used by councils that have inorganic collections in place or who may in future introduce some kind of inorganic system (e.g. on-demand collections etc) to prevent issues like scavenging. South Wairarapa currently does inorganic collections and needs a bylaw to regulate.</i></p>	
17	Nuisance and litter	<p>17.1 No person may:</p> <ul style="list-style-type: none"> (a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or (b) use an approved receptacle in a manner that creates a nuisance, is offensive or is likely to be injurious to health. <p>17.2 Except as provided for under this Bylaw, no person may:</p> <ul style="list-style-type: none"> (a) burn or allow to be burnt any waste on any property they own, occupy or manage except for organic waste in rural areas; (b) bury or allow to be buried any waste on any property they own, occupy or manage except: <ul style="list-style-type: none"> i. organic waste, including dead farm animals in rural areas; ii. dead companion animals and nuisance pests; or 	<p><i>This would help councils take action on issues such as responsibility for waste accumulations, use of approved receptacles, burning and burying waste, disposal, scavenging etc.</i></p> <p><i>Re: Clause 17.2(a) – disposal as defined in WM Act includes “incineration” which means burning, however this bylaw clause may not be required as Fire</i></p>	

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

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

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
			<i>provision needs to be made through this Bylaw.</i>	
21	<p>Other Enforcement Powers</p> <p>– Licensed waste collectors and operators</p> <p>- Collections from a public place</p>	<p>21.1 Where a licence holder does not comply with the requirements of this Bylaw and/or the terms and conditions of a licence, the Council may take one or more of the following steps:</p> <ul style="list-style-type: none"> (a) Issue a written warning to the licence holder, which may be treated as evidence of a prior breach of a licence condition during any subsequent review of the licence; (b) Review the licence, which may result in: <ul style="list-style-type: none"> i. amendment of the licence; or ii. suspension of the licence; or iii. withdrawal of the licence. (c) Have recourse to any performance bond or security where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder; (d) Review the amount and nature of the performance bond or security, which may result in: <ul style="list-style-type: none"> i. an increase of the amount of the performance bond or security; ii. a change to the nature of the security that has been provided. (e) Enforce any offence that may have been committed under the Litter Act 1979; and (f) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008. <p>21.2 Where a person does not comply with the requirements of clause 11 of this Bylaw the waste collector may:</p> <ul style="list-style-type: none"> (a) Reject (i.e. not collect) the contents of any approved receptacle left out by that person for collection from a public place, if the contents or placement of the receptacle is non-compliant; (b) Remove the contents of any approved receptacle left out for collection from a public place, where the contents or placement of the receptacle is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount payable for the collection of the largest available size of approved receptacle from that premises; or 	<p><i>Provides for additional enforcement action where the specific Bylaw provisions enable other actions, besides prosecution, to be taken.</i></p> <p><i>The detail relating to licensed waste collectors and operators has two purposes – to make it clear licensees what is expected of them, and to provide reassurance to the industry that there will be a level playing field with an appropriate standard of behaviour required.</i></p>	

ID#	Clause	Draft bylaw text	Comments/notes (not part of bylaw)	Possible alternatives
	- Approved collection points	<p>(c) Withdraw or suspend the collection service provided by the waste collector to that person.</p> <p>21.3 Where a person does not comply with a control made by the Council under clause 12 of this Bylaw the Council may:</p> <p>(a) Suspend that person's use of any service provided by the Council at any or every waste collection service;</p> <p>(b) Enforce any offence that may have been committed under the Litter Act 1979; or</p> <p>(c) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.</p>		
	- Waste management plans	<p>21.5 Where a person does not comply with of the requirements in clauses 13 (Multi-Unit Developments), 14 (Events) or 15 (Construction and Demolition Waste Management Plans), the Council may take one or more of the following steps:</p> <p>(d) Enforce any offence that may have been committed under the Litter Act 1979; and/or</p> <p>(e) Enforce any breach of this Bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.</p>		
	- Inorganic material	<p>21.6 Where a person does not comply with a control made by the Council under clause 16 of this Bylaw, the Council (or a licensed waste collector or waste operator where applicable) may:</p> <p>a) Reject (i.e. not collect) the inorganic material, if the inorganic material or placement is non-compliant;</p> <p>b) Remove the inorganic material, where the inorganic material or placement is non-compliant, subject to payment of the costs of removal, administrative costs and an additional penalty specified by the council;</p> <p>c) Enforce any offence that may have been committed under the Litter Act 1979; and/or</p> <p>d) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.</p>		
22	Exceptions and Saving Provisions	<p>22.1 A person is not in breach of this Bylaw if that person proves that the act or omission was in compliance with the directions of an Authorised Officer.</p> <p>22.2 A product stewardship scheme accredited under the Act may be exempted from the requirements of this Bylaw.</p>	For clarity	

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

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

CONDITIONS FOR

1. Collections from public places
 2. Approved receptacles
 3. Weights, types and contents of receptacles which will be collected
 4. Recycling
 5. Waste Separation
 6. Days and hours during which a council-owned and operated transfer station will be available for solid waste disposal and management
 7. Council landfill waste acceptance criteria
- Etc (as appropriate/required for the council)

8.3 DRAFT SUBMISSION ON INFRASTRUCTURE FUNDING AND FINANCING BILL

Author: Leeza Boyd, Senior Policy Advisor

Authoriser: Mark de Haast, Group Manager

PURPOSE OF REPORT

- 1 To seek Council approval of the draft submission to the Transport and Infrastructure Select Committee on the proposed Infrastructure Funding and Financing Bill, attached to this report as Appendix 1.

DELEGATION

- 2 The Council has the authority to consider this matter.

BACKGROUND

- 3 New Zealand's current infrastructure funding and financing system presents a range of constraints that are making it difficult for the market and local and central government to respond to urban pressures. As a result, housing and infrastructure are not meeting the needs of New Zealanders. Specifically, local authorities face several challenges in relation to the financing of housing-related infrastructure and supplying serviced urban land.
- 4 This Bill establishes an alternative funding and financing model (the **Model**) to address these challenges and support the provision of infrastructure to support housing and urban development. The Model is an important step in the long-term evolution of the local authority funding and financing system and seeks to support the functioning of urban land markets by appropriately allocating the costs of infrastructure.
- 5 The Model is about creating flexibility in the infrastructure financing system to ensure that economically viable projects proceed, without being unnecessarily encumbered by a council's financing constraints. This will improve the responsiveness of infrastructure supply to service land for housing and competitive urban land markets, reducing the overall cost of housing in the long term. The Model also seeks to facilitate urban development infrastructure that supports community needs. Importantly, it allows for a project to be ring-fenced from the local authority's finances, ensuring that there is no recourse to the local authority.

THE MODEL

The levy

- 6 At the core of the Model is a multi-year levy (the **levy**) which is paid by beneficiaries of infrastructure projects to a Special Purpose Vehicle (**SPV**). The levy will be enabled by legislation and authorised by an Order in Council (a **levy order**). Where appropriate, the design of the levy mimics many of the rating provisions within the Local Government (Rating) Act 2002. The person who is liable to pay the rates on a property is the person liable to pay the levy, and this will be collected by the territorial authority that is the responsible levy authority for the infrastructure.
- 7 The levy is applied to a geographic land area and identified within each levy order as the relevant area liable for the levy. The Bill provides for categories of eligible costs that are authorised to support the eligible infrastructure in a project area and recovered by the levy.
- 8 The Bill includes provisions requiring the agreement from owners of protected Māori land to the inclusion of their land within the area subject to the levy. This enables the owners of protected Māori land affected to assess the risks and benefits to them of the levy being applied and the development potential it will finance.

Special purpose vehicle

- 9 An SPV services the finance raised to cover the costs of the infrastructure via the levy and is responsible for both financing and construction of the infrastructure assets. Once

constructed, the infrastructure will vest in the relevant local authority or public body. The SPV has a range of bespoke disclosure and reporting obligations that it must comply with. Depending on the structure and nature of the project, an SPV will have the following roles: raising capital (utilising the levy revenue stream), financing infrastructure, commissioning construction, transferring the infrastructure to the relevant local authority (or other relevant public entities), and repaying any finance raised for infrastructure. These functions may be divided between two or more SPVs named in the levy order.

Recommender

- 10 The role of the recommender is to provide independent, well-informed advice to the Minister for Urban Development on a levy proposal, and subsequently on whether to recommend the use of a levy, with a view to protect the interests of consumers and the Crown.
- 11 The assessment of a levy proposal by the recommender will make a recommendation on the structure and application of the levy, long-term beneficiary interests, affordability, and the expected distribution of benefits in the levy area. Consequently, the role of the recommender is critical in safeguarding the interests of levypayers through the provision of high-quality advice to the Minister before a levy is authorised by a levy order.

Statutory powers

- 12 There are several statutory powers that SPVs require to effectively and efficiently construct infrastructure. These include accessing powers conferred on network utility operators under the requiring authority regime in the Resource Management Act 1991. These powers provide an SPV with the ability to seek, hold, or receive a designation or to compulsorily acquire land through the Minister for Land Information. Local authorities are also enabled to exercise their existing Public Works Act 1981 powers in respect of projects that proceed, or are intended to be undertaken by an SPV, under the Model. In some instances, a public body may wish to transfer land held for a public work to an SPV to undertake that work.
- 13 Protected Māori land is excluded from compulsory acquisition powers; however, the voluntary sale of such land is possible.
- 14 Note that the Model will continue to work with complementary regulatory regimes, such as resource and building consenting processes. However, as the Model provides local authorities with an additional tool to finance infrastructure, this may influence how local authorities allocate capital, meet other regulatory requirements, and plan urban development.

Monitor

- 15 The role of the monitor is to ensure that SPVs comply with the terms of the empowering Act and levy orders. The monitor performs as a regulator within the Model and is an important safeguard for both the Crown and levypayers once a levy order has been made. The monitor also has a role in considering and determining any objection by a person subject to the levy as to the accuracy of the levy assessed to that person.
- 16 In order to fulfil its purpose, the monitor has the power to require information from SPVs and to annually confirm the amount of levy to be collect from levypayers, and will ensure that the SPV applies the levy in accordance with the levy order. The Monitor can give statutory directions to SPVs when they are in breach of these obligations and, if those directions are not followed, ultimately recommend that the Crown step in to manage the SPV until any significant problems are resolved.

Local authority involvement

- 17 The local authority endorsement mechanism in the Bill is another safeguard to protect the legitimate interests of the local authority (or relevant public body) in which the assets will vest. A proposal for a levy must receive an asset endorsement and a levy endorsement before the Minister recommends it to Cabinet. The local authority must also assess and collect the levy on behalf of the SPV. This may entail including the levy on a rates invoice, with the levy paid simultaneously with rates collection.

- 18 The full Infrastructure Funding and Financing Bill can be viewed at:
<http://legislation.govt.nz/bill/government/2019/0204/latest/LMS235094.html>.

DISCUSSION WITH THE DEPARTMENT OF INTERNAL AFFAIRS

- 19 Following construction, the asset will vest in the responsible infrastructure authority, be it a local authority, the New Zealand Transport Authority, or a council-controlled organisation.
- 20 On Friday 14 February 2020, Council Officers, together Officers from Wellington City Council, Upper Hutt City Council, Greater Wellington Regional Council and Simpson Grierson, met with the project team from the Department of Internal Affairs (DIA) to workshop a better understanding of the Bill.
- 21 At this workshop, DIA emphasised the following “key take-outs” for Officers:
- 21.1 The Bill is intended to be an alternative funding and financing tool for Councils’;
 - 21.2 The Bill has been primarily designed for large-scale “green-field” developments;
 - 21.3 The uptake of this Bill is expected to be minimal and several years away;
 - 21.4 The levy will significantly increase land holding costs for Developers, thereby accelerating their developments;
 - 21.5 There is still much work required to determine specific details for this Bill, particularly regarding the mechanics of the facilitator and monitoring roles, the endorsement processes and administering and collecting the levy;
 - 21.6 This Bill needs further consideration in light of the Urban Development Bill and most importantly;
 - 21.7 DIA advised that a far simpler way of achieving the intended outcomes of this Bill is for Board of Directors to lift the borrowing covenants of its Shareholder and member Councils.
- 22 Recognising the District’s increased connectivity to Wellington (from Transmission Gully and the Expressway), and the District’s ability to enable large scale green-field development, DIA extended an invitation to discuss and workshop the Bill further with the Council.

SUBMISSION ON THE INFRASTRUCTURE FUNDING AND FINANCE BILL – KEY SUMMARY

- 23 Council supports the objective of the Bill, to reduce existing constraints on the provision of housing-related infrastructure and supplying serviced urban land to help accelerate large scale green-field development and welcomes the opportunity to discuss and workshop the Bill further with the DIA. Council’s draft submission to the Infrastructure Funding and Financing Bill is attached as Appendix 1 to this report. The key points within Council’s submission are highlighted below.
- 24 Council appreciates that an SPV enables off-balance sheet lending to enable Councils’ to create borrowing headroom, particularly those that are nearing their borrowing covenants. Council has several concerns with this, namely, an SPV may not achieve lending rates as low as what would be achieved by local authorities lending from the Local Government Funding Agency (LGFA), ultimately costing ratepayers more. Secondly, off-balance sheet lending is artificially understating Council borrowings and where the SPV is a Council Controlled Organisation (CCO), the Council is required to prepare Group Accounts and the LGFA borrowing covenants are applied to the Group entity (Council plus its CCOs). Instead, Council fully supports a review of the borrowing covenants imposed by the LGFA, with full consultation with Standard and Poors, and other credit rating agencies.
- 25 The Bill proposes to include a Facilitator and Recommender, as well as endorsements and a Monitor. Council understands from DIA that all costs incurred to achieve an Order in Council will be primarily borne by the proposer which may be significant and is very concerned that the detail concerning the Facilitator and Recommender is currently a work in progress, given these roles are fundamental to this alternative funding and financing tool. Council seeks

assurance that this alternative funding tool is properly supported by a consistent and efficient working process and is keen to understand the details thereof.

- 26 Before the levy can be assessed and collected, the infrastructure would need to be constructed and commissioned (although the Bill appears to be silent on this). The Council's rating system is predominantly land-value based and there is little to no evidence to suggest that higher land "holding" costs incentivise land owners to develop their land. This stimulus is driven primarily by compelling profit margins, as highlighted by the Region's recent Housing and Business Development and Supply Assessment.
- 27 Currently, the Council assesses and collects rates on behalf of the Greater Wellington Regional Council (GWRC). This is done by way of separate rates assessments for the rating year and combined tax invoices. The single biggest impact the Council has on its ratepayers' household incomes, is the payment of rates. Our ratepayers don't differentiate between our rates increases and those of GWRC, and nor will they differentiate between our rates increases and the levy attached to their property following an Order in Council. Should separate invoicing of a levy to the ring-fenced properties be required this will, again, result in those ratepayers incurring additional charges.
- 28 Subject to certain criteria, Council provides interest free loans to property owners for water conservation devices (water tanks) up to \$5,000, repayable over 10 years. These loans are recovered by way of a targeted rate against those properties. Council has contested that GST should not be charged against this rate as there is no taxable supply. Whilst the Inland Revenue Department (IRD) agree in principle, Council is still required to apply GST and continues to contest the matter with the IRD. Council therefore seeks certainty on whether the levy is indeed a taxable supply or with it be treated as zero rated for GST purposes?
- 29 Lastly, instead of shifting more burden on ratepayers' after tax household income, by providing an alternative funding and financing tool by way of a levy or "quasi" rate, Council believes that central government can negate this complex "model" by simply funding local government from current income taxes (say \$100 per capita per annum over the next years, followed by a fixed rate in the \$ income tax per annum to address economic buoyancy), using current IRD systems and processes.

Policy considerations

- 30 There are no policy considerations for this submission at this stage.

Legal considerations

- 31 The Bill was introduced on 12 December 2019, had its first reading on 17 December 2019 and is now at the Transport and Infrastructure Select Committee. Submissions close on 5 March 2020.

Financial considerations

- 32 There are no immediate financial considerations for this submission. However, the development of a SPV within the Kāpiti Coast district under the proposed provisions could have significant financial implications for Council's long-term planning processes, including the potential to inherit infrastructure sooner than anticipated through current planning and infrastructure investment processes.
- 33 Potentially, the Bill could significantly impact on the rates setting and collection process and Council may require additional funding to implement those changes.

Tāngata whenua considerations

- 34 We have not engaged directly with iwi on this submission. However, we note that the Bill ensures that protected Māori land is excluded from any compulsory acquisition powers, but owners can voluntarily provide consent for land use or sell land if they wish to do so.

Significance policy

- 35 The establishment of legislation under the Infrastructure Funding and Financing Bill has a low level of significance in accordance with Council's Significance and Engagement Policy. However, if the legislation progresses into enactment, any future infrastructure development proposed by any party under that Act would have a high level of significance.

Consultation already undertaken

- 36 No consultation was undertaken in the development of this submission.

Engagement planning

- 37 An engagement plan is not required for this submission


Publicity

- 38 Following the Council's approval, this submission will be uploaded to the 'Submissions we have made' section of the Council website.

RECOMMENDATIONS

- 39 That the Council receives and approves the draft submission to the Transport and Infrastructure Select Committee, attached as Appendix 1 to this report.

APPENDICES

1. Draft Submission on Infrastructure Funding and Finance Bill [↓](#) 

5 March 2020

Committee Secretariat
Transport and Infrastructure Committee
Parliament Buildings
WELLINGTON

Email: ti@parliament.govt.nz

INFRASTRUCTURE FUNDING AND FINANCE BILL

- 1 Thank you for the opportunity to submit on the Infrastructure Funding and Finance Bill (the Bill). Council supports the objective of the Bill, to reduce existing constraints on the provision of housing-related infrastructure and supplying serviced urban land to help accelerate large scale green-field development and welcomes the opportunity to discuss and workshop the Bill further with the Department of Internal Affairs, following the workshop held on Friday 14 February 2020.
- 2 Council appreciates that a special purpose vehicle (SPV) enables off-balance sheet lending to enable Councils to create borrowing headroom, particularly those that are nearing their borrowing covenants. Council has several concerns with this, namely, an SPV may not achieve lending rates as low as what would be achieved by local authorities lending from the Local Government Funding Agency (LGFA), ultimately costing ratepayers more.
- 3 Secondly, off-balance sheet lending is artificially understating Council borrowings and where the SPV is a Council Controlled Organisation (CCO), the Council is required to prepare Group Accounts and the LGFA borrowing covenants are applied to the Group entity (Council plus its CCOs). Instead, Council fully supports a review of the borrowing covenants imposed by the LGFA, with full consultation with Standard and Poors, and other credit rating agencies.
- 4 The Bill proposes to include a Facilitator and Recommender, as well as Endorsements and a Monitor. Council understands from the DIA that all costs incurred to achieve an Order in Council will be primarily borne by the proposer which may be significant and is very concerned that the detail concerning the Facilitator and Recommender is currently a work in progress, given these roles are fundamental to this "alternative funding and financing" tool. Council seeks assurance that this alternative funding tool is properly supported by a consistent and efficient working process and is keen to understand the details thereof.
- 5 Before the levy can be assessed and collected, the infrastructure would need to be constructed and commissioned. The Council's rating system is predominantly land-value based and there is little to no evidence to suggest that higher land "holding" costs incentivise land owners to develop their land. This stimulus is driven primarily by compelling profit margins, as highlighted by the Region's recent Housing and Business Development and Supply Assessment.
- 6 Currently, the Council assesses and collects rates on behalf of the Greater Wellington Regional Council (GWRC). This is done by way of separate rates assessments for the rating year and combined tax invoices. The single biggest impact the Council has on its ratepayers' household incomes, is the payment of rates. Our ratepayers don't differentiate between our rates increases and those of GWRC, and nor will they differentiate between our rates increases and the levy attached to their property following an Order in Council. Should separate invoicing of a levy to the ring-fenced properties be required, again this will result in those ratepayers incurring additional charges.

- 7 Subject to certain criteria, Council provides interest free loans to property owners for water conservation devices (water tanks) up to \$5,000, repayable over 10 years. These loans are recovered by way of a targeted rate against those properties. Council has contested that GST should not be charged against this rate as there is no taxable supply. Whilst the Inland Revenue Department (IRD) agree in principle, Council is required to still apply GST and continues to contest the matter with the IRD. Council therefore seeks certainty on how the levy will be treated for GST purposes.
- 8 Lastly, instead of shifting more burden on ratepayers' after tax household income, by providing an alternative funding and financing tool by way of a levy or "quasi" rate, Council believes that central government can negate this complex "model" by simply funding local government from current income taxes (say \$100 per capita per annum each year, followed by a fixed rate in the \$ income tax per annum to address economic buoyancy), using current IRD systems and processes.

Conclusion

- 9 We all recognise the need to take action to address the housing crisis, and that solutions to date have not provided the means for government and councils to solve this issue. While Council is supportive of additional tools to help overcome current constraints, we also have concerns about whether these tools can be implemented without affecting affordability and community outcomes.
- 10 Kāpiti Coast District Council would welcome the opportunity to further discuss and explore the use of an SPV and other tools to support future outcomes across the Kāpiti Coast district.

Yours sincerely

K. Gurunathan JP, MA

MAYOR, KĀPITI COAST DISTRICT

9 CONFIRMATION OF MINUTES

Nil

10 PUBLIC SPEAKING TIME

- Covering other items if required
- Public Speaking Time responses

11 CONFIRMATION OF PUBLIC EXCLUDED MINUTES

Nil

12 PUBLIC EXCLUDED REPORTS**RESOLUTION TO EXCLUDE THE PUBLIC****PUBLIC EXCLUDED RESOLUTION**

That, pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987, the public now be excluded from the meeting for the reasons given below, while the following matters are considered.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
12.1 - Appointment of Community Representatives to the Grants Allocation Subcommittee	Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
12.2 - DISPOSAL OF LAND	Section 7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities Section 7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7