



WHANGANUI
DISTRICT COUNCIL
Te Kaunihera a Rohe o Whanganui

Statement of Proposal:
Solid Waste Bylaw

1. SUMMARY OF INFORMATION

Whanganui District Council (“Council”) is seeking feedback on a draft Solid Waste Bylaw. The proposed Solid Waste Bylaw will regulate waste disposal services and practices within the Whanganui district and help Council achieve its goals under the Waste Plan 2021-2027.

Council considers that the proposed Solid Waste Bylaw is the most appropriate and proportionate way of protecting the environment and managing commercial waste collectors in the Whanganui district.

2. INTRODUCTION

In line with changing priorities and opportunities in the area of waste management and increased standardisation of waste collection across the country, a bylaw is an important tool in meeting the environmental and waste minimisation goals of the Whanganui District Council including those specified under the Waste Plan 2021-2027.

3. REASONS FOR PROPOSAL

In 2021, Council reviewed the [Waste Management and Minimisation Plan](#). This was adopted on 10 November 2021, with a commencement date of 13 December 2021. It identified risks, opportunities, actions and values for waste management across the next six years. Part of this was the need for a bylaw that would allow several improvements for the Whanganui District Council:

- Improving waste management for large events;
- Creating a framework for council to provide waste collection;
- Allowing data collection from non-council waste collectors;
- Regulating waste disposal facilities in the district; and
- Providing a broader range of enforcement powers around waste management.

The Waste Minimisation Act 2008 (“the Act”) gives councils the power to create bylaws for the following purposes:

- Prohibiting or regulating the disposal of waste;
- Regulating the collection and transportation of waste;
- Regulating the manner of disposal of dead animals, including their short-term storage pending disposal;
- Prescribing charges for use of council-owned waste management facilities;
- Managing access to council-owned waste management facilities; or

- Prohibiting the removal of recycling from council bins by anyone other than the occupier of a property or a person authorised by council.

A bylaw under the Act will give Council the ability to meet the goals set out in the Waste Plan.

4. BYLAW

Events:

There are multiple events of significant scale that happen in Whanganui on a regular basis, including the Extravaganza Fair, the Master's Games, and the Fest of Cultural Unity, and even smaller events can result in significant amounts of waste being generated. Even with low-waste events, some event co-ordinators will approach council for support and assistance in managing their waste.

Currently, the vast majority of event waste management is conducted on a voluntary basis by event organisers, with no management or reporting requirements. Co-ordinators have the ability to seek assistance from Council and put a waste management plan in place, but there could be clearer, more specific requirements around this.

The proposed Solid Waste Bylaw creates a requirement for certain events to have an approved waste management plan, and to report to council after the event on how waste management was handled.

Waste Collection Services Provided by Council

Many councils provide waste collection services, and there is a growing expectation of such services in the community. A bylaw creates the framework under which these services can operate, including basic rules and expectations from the community, contractors, multi-unit developments, and creating enforcement measures.

While many aspects of waste collection can be managed through service contracts, the proposed Solid Waste Bylaw provides the foundation for any waste collection services council wants to provide now or in the future.

Data Collection

When waste collection services are provided by private companies independently, council currently has no way of collecting data from those companies. This can make waste management and planning difficult because council does not know how much waste is being discarded, what the makeup of that waste is, or what is done with it by the collection company.

Section 56 of the Act allows council to require waste collection services in the district to have a licence in order to operate, and that a condition of having a licence can be to provide reports setting out the quantity, composition, and destination of waste collected. The proposed Solid Waste Bylaw will require all private waste collectors operating in the Whanganui District to acquire a licence, which will allow council to

collect the above data from them. This information can then be used to guide council processes and planning around waste in the district.

Managing Waste Disposal Facilities

Currently the Whanganui District has no landfills or other private waste disposal facilities. The proposed Solid Waste Bylaw would require any such facility to acquire a licence before starting operation.

Enforcement

The Act gives the government the ability to create infringement offences through regulations, however to date this has not happened. As a result, enforcement will need to take place through legal action or through restricting services in the terms laid out in the proposed Solid Waste Bylaw.

These enforcement measures will support the goals identified in the Waste Plan and Council's waste management aspirations for the Whanganui district.

5. OPTIONS FOR CONSIDERATION

Option 1: Support the proposed Solid Waste Bylaw

Under this option Council would adopt a Solid Waste Bylaw as proposed or with amendments, to manage waste services within the district.

Advantages:

- Consistency with Council's waste management and environmental health objectives.
- Supports the targets set in the Waste Plan.
- Greater clarity and consistency.
- Council will get access to enforcement powers only available under a bylaw.

Disadvantages:

- Service provision, licensing, event waste management and enforcement will need to be resourced and proactively managed by Council.
- Commercial waste collectors will need to be licensed through Council.

If you support option 1:

- Do you think the proposed Solid Waste Bylaw covers all important considerations?
- Do you feel like there is anything missing that should be included?
- Do you think there is anything included that should not be there?

Option 2: Oppose the Solid Waste Bylaw (status quo)

Under this option, council would not adopt the proposed Solid Waste Bylaw or any similar bylaw to manage waste collection services in the district.

Advantages:

- Council will not need to manage the goals under the Waste Plan.
- Commercial waste providers will continue to be able to operate without getting licensed.

Disadvantages:

- Targets in the waste plan may not be able to be met.
- Council's current rules will continue to be applied in a more ad hoc manner.
- Council's enforcement options will remain limited.

If you support option 2:

- Why do you oppose adopting a waste bylaw?
- What are your views on the targets in the Waste Plan 2021-2027?

Whatever option you support:

- What are your priorities in terms of waste collection or waste management?
- How could the proposed waste bylaw be improved?

6. DETERMINATION OF APPROPRIATENESS

Under section 155 of the Local Government Act 2002, Council has to determine that a bylaw is the most appropriate way of addressing potential issues within the district.

In assessing the appropriateness of the proposed Bylaw Council has considered primarily the targets identified in the Waste Plan 2021 – 2027, and the powers granted to it under the Waste Minimisation Act 2008.

Managing council-provided waste collection services, and collecting data from commercial waste collectors are key factors in keeping to Council's priorities and goals around waste management for the future, and both depend on having a waste bylaw in place. Event waste management is also crucial to ensuring that waste is handled responsibly in the district, and having a bylaw in place allows Council to require that event organisers create a waste plan and report on the success of their waste plan.

7. FORM OF BYLAW

The proposed Solid Waste Bylaw is considered the most appropriate form of bylaw to address the issues and for the purpose of public consultation.

8. NEW ZEALAND BILL OF RIGHTS ACT 1990

The Local Government Act requires the Council to determine whether there are any implications for a proposed bylaw under the New Zealand Bill of Rights Act 1990. In Council's opinion the proposed bylaw does not contain any provision that is in conflict with the New Zealand Bill of Rights Act 1990.

Following the prescribed special consultative procedure set out in section 83 of the Act the Council will consider the final draft of the proposed bylaw and its New Zealand Bill of Rights Act 1990 implications, if any.

9. CONSULTATION AND SUBMISSION

In making, amending, or revoking the policy and bylaw, Council must use the Special Consultative Procedure set out in section 83 of the Local Government Act 2002. Council has prepared and adopted the proposed policy and bylaw for public consultation. Any person can make a submission on the proposed bylaw.

A copy of the Statement of Proposal, including the proposed bylaw and information about making a submission can be obtained from the Council website www.whanganui.govt.nz

You can make a submission online at www.whanganui.govt.nz/have-your-say or alternatively submission forms are available from the Whanganui District Council Customer Service counter at the main municipal building located at 101 Guyton Street, the Davis Central City Library and Gonville Library. Please indicate whether you would like to speak to your submission and include contact details. People who wish to be heard by Council will be given the opportunity to do so. The hearing of submissions will be scheduled for early 2024 at the main municipal building located at 101 Guyton Street.

For any queries please contact Hannah Rodgers, Policy Adviser on (06) 349 0001.

The period for making submissions is from Monday 19 February 2023 to Wednesday 20 March 2023.

8. Attachments

Attachment 1 – Proposed Solid Waste Bylaw