



# Draft Waste Management and Minimisation Bylaw: Statement of Proposal

## Introduction

Tararua District Council seeks your views on its draft Waste Management and Minimisation Bylaw 2024.

The current Solid Waste Bylaw was adopted in 2018 and is now due for review.

This statement of proposal is prepared under sections 83 and 86 of the Local Government Act 2002 and contains:

- a copy of the draft Waste Management and Minimisation Bylaw 2024 (the 'draft bylaw')
- information about the proposed amendments, including Council's determinations under section 155 of the Local Government Act 2002;
- the reasons for the proposed amendments;
- how you can have your say; and
- timetable for consultation.

In summary, Council is proposing proposing an update in wording (including for example to the title of the Bylaw and to update terms such as 'resource recovery centre; to 'waste management facility' and other changes to make the bylaw easier to understand. The bylaw also provides a framework to suspend or revoke licences given by Council to Waste Operators operating within the District and adds enforcement options for Council/waste operators to utilise in the case of non-compliance.

## Proposal

This statement of proposal relates to the review of the Solid Waste Bylaw and is prepared in line with sections 83, 83AA and 87 of the Local Government Act 2002.

The Council proposes that:

- (a) a new bylaw (the Waste Management and Minimisation Bylaw 2024) should be made;
- (b) the Solid Waste Bylaw 2018 be revoked once the Waste Management and Minimisation Bylaw 2024 comes into force.

The key changes are summarised in this Statement of Proposal and are set out in the draft bylaw (attached).

## Proposed Changes

The main proposed changes are summarised below (only substantive changes are listed):

- The name is changed to ‘Waste Management and Minimisation’ Bylaw (from ‘Solid Waste’) to align with the terms used in the Waste Minimisation Act 2008.
- One of the purposes of the Bylaw is changed from being ‘Regulate the collection, storage, management and disposal of waste (including recyclable material) from public places or by persons licensed by the Council’ to ‘Regulate the collection, storage, management and disposal of waste (including recyclable material)’
- The term ‘Collection Point’ is amended to a more general meaning (originally only applying to rural roadside locations, and now meaning ‘a Council advertised location for the collection of waste or recyclable materials’).
- A definition of ‘nuisance’ and ‘premises’ is added.
- The term ‘prohibited waste’ is extended to include all batteries, asbestos, gas containers, fluorescent lights and aerosol cans.
- The term ‘Resource Recovery Centre’ is changed to ‘Waste Management Facility’.
- In terms of using Approved Containers, the bylaw clarifies that containers may not be damaged; that Council may charge to replace Approved Containers that are lost/stolen/damaged; and that Council may require Approved Containers to be placed in alternative locations to be picked up.
- In terms of public litter receptacles, adding that no person may:
  - Cause, permit or allow the deposit of any material into a Litter Receptacle that is not approved for that type of waste (as evidenced by signage on or near the Litter Receptacle).
  - Damage any Litter Receptacle provided by Council.
- Adding clause 20 – that Council may suspend or revoke licences held by waste operators in certain circumstances.
- Adding clause 21.2 – being the actions Council may take where a person does not comply with the requirements of the Bylaw in relation to the waste and diverted materials collection service that applies to them.

## Reason for Proposal

### Background

Council is empowered by the Waste Minimisation Act 2008 (“the Act”) 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;

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

Under the Local Government Act 2002, Council may make bylaws for all or any of the following purposes:

- protecting the public from nuisance
- protecting, promoting, and maintaining public health and safety
- minimising the potential for offensive behaviour in public places

Council is also currently reviewing its Waste Management and Minimisation Plan, with a draft out for consultation until 18 August 2024.

The draft bylaw is intended to give Council the ability to meet the goals set out in that Plan, and in the two Acts set out above.

### Legal Framework: s 155 determinations

Council must determine, pursuant to section 155 of the Local Government Act 2002, whether:

- A bylaw is the most appropriate way of addressing the perceived problem;
- The draft bylaw is the most appropriate form of bylaw; and
- The draft bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Council must also comply with the general decision-making requirements in sections 76 to 82 of the Local Government Act 2002 in that it must identify and consider all reasonably practicable options and the community's views.

Is a bylaw the appropriate means to deal with a problem?

The problem needs to be defined before determining whether a bylaw is the most appropriate method of addressing the perceived problem. The purpose of this bylaw is to:

- a) Promote and deliver effective and efficient Waste Management and minimisation in the District;
- b) Assist in implementing the Council's Waste Management and Minimisation Plan;
- c) Promote the purpose of the Act and the goals of the New Zealand Waste Strategy;
- d) Regulate the collection, storage, management and disposal of waste (including recyclable material); and
- e) Protect the health and safety of waste collectors, waste operators and the public.

The matters in this bylaw are of importance to the community in terms of public health and safety, distress and nuisance to the community and for environmental protection. The proposed bylaw is considered to be consistent with the approach taken by other Councils of a similar size and nature. The draft bylaw provides a process for waste collectors to be

licenced to ensure that everyone who operates within the waste industry in the district operates to the same set of regulations (and provides a process to be followed in the event of noncompliance). It also provides further enforcement options for Council and waste collectors to utilise in the event of noncompliance.

#### Is the bylaw in the appropriate form?

The draft bylaw is the most appropriate form of bylaw. It places clear controls and restrictions on the regulation of collection, storage, management and disposal of waste to reduce the potential for nuisance or harm to others; allows for exceptions and special circumstances and is consistent with Council document standards and has been written in plain English so far as possible.

The final form of the bylaw will be determined after the Council has heard and considered submissions as part of a consultation process using the special consultative procedure.

#### Is the bylaw consistent with the New Zealand Bill of Rights Act 1990?

The draft bylaw is designed to regulate the collection, storage, management and disposal of waste only as far as necessary to ensure that waste management is undertaken in a lawful way, in accordance with legislation, the goals of the New Zealand Waste Strategy and Council's Waste Management and Minimisation Plan. This does not unreasonably interfere with any of the rights in the New Zealand Bill of Rights Act 1990.

Following the prescribed special consultative procedure set out in section 83 of the Local Government Act 2002 Council will consider the final draft of the proposed bylaw and its New Zealand Bill of Rights Act 1990 implications, if any.

## Consultation

In making, amending or revoking a 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 draft bylaw for public consultation. Any person can make a submission on the draft bylaw, and we invite you to have your say.

The following dates are relevant to the consultation process:

- (a) Council resolved to undertake public consultation regarding the Proposal at its meeting on 25 September 2024
- (b) Submissions open on 14 October 2024
- (c) Submissions close on 16 December 2024

Submissions will be heard before Council or a Committee at a time following the close of submissions, with Council considering the outcome of the consultation process and its decision at a Council meeting some time following the hearing date, and likely to be in February 2025.

**The key point to note is that consultation opens on 14 October 2024 and closes on 16 December 2024.**

We encourage you to participate in this important consultation process.

There are several ways you can have your say. A submission form is provided with this document, or you can fill in your submission online.

### How to get your submission to us:

**Mail to:** Draft Waste Management and Minimisation Bylaw  
Tararua District Council  
PO Box 115  
Dannevirke 4942

**Email to:** [submissions@tararua.govt.nz](mailto:submissions@tararua.govt.nz)

**Deliver to:** Council offices in Eketāhuna, Pahiatua, Woodville or Dannevirke

**Online:** <https://www.tararua.govt.nz/publications/consultation/current-consultation>

This Statement of Proposal is issued pursuant to section 155 of the Local Government Act 2002 and in compliance with sections 76AA, 82, 83 and 148 of the Local Government Act 2002.

**Bryan Nicholson**  
Chief Executive

### Attachments:

1. Draft Waste Management and Minimisation Bylaw 2024
2. Report to Council on adopting the draft Waste Management and Minimisation Bylaw 2024
3. Submission form