

Mā tō tātou takiwā
For our District

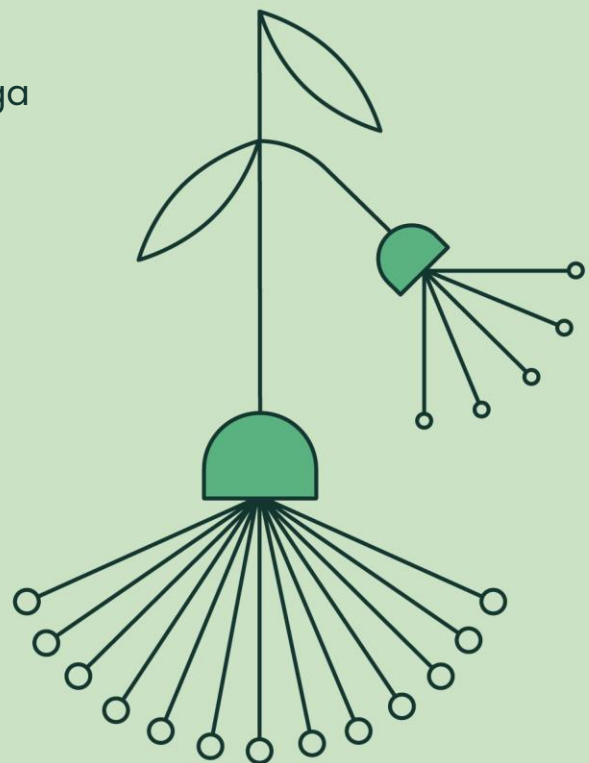
Policy Committee

Komiti Kaupapa Here

PP22-1

Tuesday, 8 February 2022, 9.30am

Council Chambers, Barkes Corner, Tauranga



Policy Committee

Membership:

Chairperson	Mayor Garry Webber
Deputy Chairperson	Cr Monique Gray
Members	Cr Grant Dally Cr Mark Dean Cr James Denyer Cr Murray Grainger Cr Anne Henry Cr Kevin Marsh Cr Margaret Murray-Benge Deputy Mayor John Scrimgeour Cr Allan Sole Cr Don Thwaites
Quorum	6
Frequency	Six weekly

Role:

- To develop and review strategies, policies, plans and bylaws to advance the strategic direction of Council and its communities.
- To ensure an integrated approach to land development (including land for housing), land use and transportation to enable, support and shape sustainable, vibrant and safe communities.
- To ensure there is sufficient and appropriate housing supply and choice in existing and new urban areas to meet current and future needs.

Scope:

- Development and review of bylaws in accordance with legislation including determination of the nature and extent of community engagement approaches to be employed.
- Development, review and approval of strategies and plans in accordance with legislation including determination of the nature and extent of community engagement approaches to be employed.
- Subject to compliance with legislation and the Long Term Plan, to resolve all matters of strategic policy outside of the Long Term Plan process which does not require, under the Local Government Act 2002, a resolution of Council.
- Development of District Plan changes up to the point of public notification under the Resource Management Act 1991.
- Development of the Future Development Strategy and urban settlement plan.
- Consider and approve changes to service delivery arrangements arising from service delivery reviews required under the Local Government Act 2002 (provided that where a service delivery proposal requires an amendment to the Long Term Plan, it shall thereafter be progressed by the Annual Plan and Long Term Plan Committee).

- To report to Council on financial implications of policies and recommend any changes or variations to allocated budgets.
- Listen to and receive the presentation of views by people and engage in spoken interaction with people pursuant to section 83(1)(d) of the Local Government Act 2002 in relation to any processes Council undertakes to consult on under the special consultative procedure as required by the Local Government Act 2002 or any other Act.
- Oversee the development of strategies relating to sub-regional parks and sub-regional community facilities for the enhancement of the social and cultural wellbeing of the Western Bay of Plenty District communities, for recommendation to Tauranga City Council and Western Bay of Plenty District Council.
- Develop the draft Statement of Intent for any Council Council-Controlled organisation (CCO) and review, assess and make recommendations to Council on any modifications to CCO or other entities' accountability documents (i.e. Letter of Expectation, Statement of Intent) or governance arrangements.
- Approve Council submissions to central government, councils and other organisations, including submissions on proposed plan changes or policy statements.
- Receive and make decisions and recommendations to Council and its Committees, as appropriate, on reports, recommendations and minutes of the following:
 - SmartGrowth Leadership Group
 - Regional Land Transport Committee
 - Any other Joint Committee, Forum or Working Group, as directed by Council.
- Receive and make decisions on, as appropriate, any matters of a policy or planning nature from the following:
 - Waihi Beach, Katikati, Ōmokoroa, Te Puke and Maketu Community Boards,
 - Maketu-Te Puke Ward Forum
 - Kaimai Community Ward Forum
 - Katikati- Waihi Beach Ward Forum

Power to Act:

- To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

Power to Recommend:

- To Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

- The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body subject to the restrictions within its delegations and provided that any such sub-delegation includes a statement of purpose and specification of task.

Notice is hereby given that a Policy Committee Meeting will be held
in the Council Chambers, Barkes Corner, Tauranga on:
Tuesday, 8 February 2022 at 9.30am

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1 PRESENT**2 IN ATTENDANCE****3 APOLOGIES****4 CONSIDERATION OF LATE ITEMS****5 DECLARATIONS OF INTEREST**

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

6 PUBLIC EXCLUDED ITEMS**7 PUBLIC FORUM**

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer contact centre request system, while those requiring further investigation will be referred to the Chief Executive.

8 PRESENTATIONS

9 REPORTS

9.1 PROPOSED DRAFT TE PUKE-MAKETU RESERVE MANAGEMENT PLAN

File Number: A4442107

Author: Katy McGinity, Senior Recreation Planner

Authoriser: Rachael Davie, Group Manager Policy Planning And Regulatory Services

EXECUTIVE SUMMARY

1. The Committee is asked to approve the proposed draft Te Puke-Maketu Reserve Management Plan for community consultation in accordance with the requirements of Section 41(6) of the Reserves Act 1977.

RECOMMENDATION

1. That the Senior Recreation Planner's report dated 8 February 2022 titled 'Proposed Draft Te Puke-Maketu Reserve Management Plan' be received.
2. That the report relates to an issue considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That the pre-engagement undertaken from Monday 13 September to Monday 11 October 2021 fulfils the requirements of Section 41(5) of the Reserves Act 1977.
4. That the Policy Committee **[approves/does not approve]** the release of the proposed draft Te Puke-Maketu Reserve Management Plan (attached to this report as Part 1 and 2) for community consultation pursuant to Section 41(6) of the Reserves Act 1977.

BACKGROUND

2. The Te Puke Reserve Management Plan was last reviewed and adopted by Council in 2011. The Maketu Reserve Management Plan was previously reviewed and adopted by Council in 2013. These plans have traditionally been separate documents, however, to align with Council's Ward structure, the decision was taken to combine the two plans in the 2021/22 review period. This exercise has already been carried out for the Kaimai and Katikati/Waihi Beach wards.
3. Pre-engagement to seek community ideas and identify future use opportunities took place over a four week period from Monday 13 September to Monday 11 October 2021. During this pre-engagement phase, a digital hub was created for the community to provide feedback on key issues.
4. Communication channels to help promote the pre-engagement opportunity included a media release, advertisements in the Te Puke Times and Mai Maketu,

Council's Facebook and Instagram channels. In order to reach a younger audience base, Council undertook advertising on social media channels and asked for feedback through the use of polls.

5. Targeted pre-engagement was also undertaken with various groups. This included a presentation to Te Maru o Kaituna River Authority seeking feedback, and meetings with both Te Puke and Maketu Community Boards. Tangata Whenua representatives were also invited to attend a workshop and emailed information on the process and how to provide feedback
6. In total, 194 submitters provided feedback during the pre-engagement process. Of this, 180 were received through the digital hub platform, five were received via email, one letter was received and eight submissions were diverted from the Long Term Plan 2021-31 process.
7. Council also used social media as part of the pre-engagement process to promote the review, encouraging people to participate and ask questions about the key issues. In total, 16 posts were published on Facebook, Instagram and LinkedIn which reached a total of 21,000 views by social media profiles which generated 1,339 interactions. This feedback has been reflected in the development of the draft Reserve Management Plan.
8. Included as part of this review are three proposed draft concept plans for sites located in Te Puke, Maketu and Pukehina. It is proposed that formal consultation will seek specific feedback on these concept plans and indicative costs for development will be considered through future Council planning processes.
9. The formal consultation period will also seek specific feedback on the provision of shade and accessibility at Council's recreation and open spaces.

SIGNIFICANCE AND ENGAGEMENT

The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because of the anticipated level of community interest, the requirement under the Reserves Act 1977 to consult, and recognising the Māori cultural values associated with Council's recreation and open space network.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

11. Details of the engagement, consultation and communication planned for this project are set out below:

Interested/Affected Parties	Planned Consultation		
Name of interested parties/groups	Emails/letters of notification to the following: <ul style="list-style-type: none"> • Residents living near the sites, especially Lawrence Oliver Park, Midway Park and Spencer Avenue Reserve. • Te Puke and Maketu Community Boards • Elected members and staff • Wider public and/or community • Bay of Plenty Regional Council 	Planned	
Tangata Whenua	<ul style="list-style-type: none"> • Te Maru o Kaituna River Authority • Te Puke-Maketu Tangata Whenua and Marae are included with stakeholders to receive written invitations to participate in the consultation. • Workshop with Te Ihu o Te Waka o Te Arawa forum 		

Engagement Plan	Dates
Develop web page and online engagement media promotion which will provide background information, an interactive reserves map, draft concept plans and online feedback submission forms.	8 February – 21 February 2022
Public notice by way of advertisements in Te Puke Times, Mai Maketu, Bay of Plenty Times, Weekend Sun and Council website.	21 February – 24 April 2022
Immediately adjoining landowners and stakeholders to receive written invitations to provide feedback and attend events.	21 February 2022 onwards

Te Puke-Maketu Tangata Whenua and Marae to receive written invitations to provide feedback and attend events.	21 February 2022 onwards
Media releases for online engagement on the Have Your Say website.	21 February – 24 April 2022
Wander Dog Walk/RMP event at Lawrence Oliver Park	26 March 2022
Midway Park fun day	2 April 2022
Attendance at Te Puke/Maketu Market Days	20 March 2022 – Maketu Te Puke date TBC
RMP Hearings (as part of Policy Committee). Attendees required to register.	5 April 2022

ISSUES AND OPTIONS ASSESSMENT

<u>Option A</u>	
That the Policy Committee [approves/does not approve] the release of the proposed draft Te Puke-Maketu Reserve Management Plan (Parts 1 & 2) as attached to this report for community consultation under Section 41(6) of the Reserves Act 1977.	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p>Advantages:</p> <ul style="list-style-type: none"> • Gives effect to key themes of pre-engagement feedback. • Generates positive community interest towards reserves and their development. • Provides certainty and transparency regarding Council's approach to the ongoing management of its recreation and open spaces. • Supports community aspirations and a sense of ownership of reserve development. • Provides opportunity for community feedback on the draft plan, and consideration of community views prior to a final plan being adopted. <p>Disadvantages:</p>

	<ul style="list-style-type: none"> • Some members of the community may not support the review or aspects of the review.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Some implementation costs are already funded through the Long Term Plan 2021-2031 and others will be considered through future Council processes with opportunity for volunteer contributions to progress some of the work.</p>

STATUTORY COMPLIANCE

12. The proposed draft Te Puke-Maketu Reserve Management Plan is to be released for consultation in accordance with Section 41(6) of the Reserves Act 1977, to seek further feedback on proposals.
13. The proposed concept plans are consistent with the goals and approach to the Recreation and Open Space Strategy.
14. Reserves planning and policy development are the responsibility of the Policy Committee, which has delegated authority to hear submissions to a draft reserves management plan/concept plans and adopt or not adopt accordingly.
15. Implementation funding (where required) for concept plan included within the Draft Te Puke-Maketu Reserve Management Plan will be considered through future Council processes.

FUNDING/BUDGET IMPLICATIONS

16. Consultation costs can be met by existing budgets. Council can consider any unbudgeted items arising from community feedback through future Annual Plan and Long Term Plan processes.

ATTACHMENTS

1. **Part 1 – Draft Te Puke Maketu RMP for Adoption**  
2. **Part 2 – Draft Te Puke Maketu RMP for Adoption**  



Part One

Draft Reserve Management Plan

District-wide reserve management information



9.2 DELIBERATIONS ON THE WASTE MANAGEMENT AND MINIMISATION BYLAW

File Number: A4445276

Author: Tom Rutherford, Policy Analyst

Authoriser: **Rachael Davie, Group Manager Policy Planning And Regulatory Services**

EXECUTIVE SUMMARY

1. The purpose of this report is to present the feedback received from public consultation on the draft Waste Management and Minimisation Bylaw and to seek Committee decisions.
2. The report sets out:
 - (a) The feedback received on Council's preferred options and changes to the Bylaw.
 - (b) Other comments made in relation to the draft Bylaw.
3. Following Committee deliberations and decisions, the bylaw will be recommended to Council for adoption.

RECOMMENDATION

1. That the Policy Analyst's report dated 8 February 2022 titled 'Deliberations on the Waste Management and Minimisation Bylaw' be received.
2. That the report relates to an issue considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That in relation to the following key deliberations matters that arose from feedback in the consultation period, the Policy Committee resolves:

Issue One: Construction and Demolition Waste

Option 1A: That the bylaw retains the current wording relating to Construction and Demolition waste.

or

Option 1B: That instead of introducing a future control for the need of waste management plans for Construction and Demolition works in the District, this is now enforced immediately through the Bylaw.

or

Option 1C: That the section on Construction and Demolition waste in the bylaw is removed.

Issue Two: Waste Management and Minimisation Plan

Option 2A: That feedback received regarding transfer stations be diverted to the Waste Management and Minimisation Plan (WMMP) review 2022/23.

4. That pursuant to section 155 of the Local Government Act 2002, the bylaw is the most appropriate way of addressing the perceived problems, is the most appropriate form of bylaw, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
5. That the Policy Committee **recommends to Council** that the Waste Management and Minimisation Bylaw, as released for consultation and included as Attachment 1 of the agenda report, be adopted and come into force 6 April 2022.
6. That the Policy Committee requests the Chief Executive Officer to direct staff to prepare a decision document as the formal response to submitters, in general accordance with the resolutions made in relation to this report, to be adopted by Council alongside the final bylaw.

BACKGROUND

4. The review of the Waste Management and Minimisation Bylaw is being undertaken to support the Council-led kerbside waste collection services. Council's Waste Management and Minimisation Plan 2017 (WMMP) sets out Council's vision of "Minimising Waste to Landfill." This drives the delivery of the bylaw content.
5. The current Waste Management and Minimisation Bylaw was adopted in 2013. The bylaw's purpose is to promote waste management and minimisation objectives and support the implementation of Council's WMMP, particularly where Council does not have direct control of the waste stream. The purpose of the bylaw is also to promote safe kerbside collection of waste, including recyclables, so that it does not accumulate and become offensive.
6. Bylaws are an important regulatory tool for the District. This bylaw review is the District's opportunity to ensure the bylaw is an effective tool to assist in moving the Western Bay closer to being waste-free. The bylaw allows Council to promote safe kerbside collection of waste and to set out the parameters of waste management in the District (including waste plans for building and demolition projects), the types of waste collected, and how it is collected.

REVIEW OF THE WASTE MANAGEMENT AND MINIMISATION BYLAW

7. The current Waste Management and Minimisation Bylaw is generally operating adequately.
8. Some changes were proposed through the draft bylaw to better reflect aspects of the model bylaw formulated by the Waikato and Bay of Plenty Waste Liaison Group,

to update the content and to better align the bylaw with Council's kerbside waste collection service.

9. The key changes are:
- (a) Support for Council-led kerbside waste collection service - The bylaw has been updated to include greater detail in support of the Council-led kerbside waste collection service.
 - (b) Enforcement - This section has been amended and updated to better reflect the model bylaw.
 - (c) Construction and demolition waste - These can generate substantial quantities of waste material. Much of this waste material is recoverable such as concrete, timber, plasterboard, brick, and metal. The bylaw provides the framework for Council to require in the future the preparation of a waste management plan for approval prior to the commencement of consented building works. The introduction of a control to require the preparation of site waste management plans would be a decision of Council in the future, the bylaw only gives the power to do this. There will be further engagement with the local building industry to inform the types of building work that this requirement would apply to.
 - (d) Event waste - Requiring significant events (of more than 500 people) to provide for proper disposal of waste. This includes the use of recyclable, compostable and reusable material at these events to decrease the total waste sent to landfill. Any organiser of a significant event must obtain prior approval from Council for an Event Waste Management and Minimisation Plan. On completion of the event, the organiser must provide the Council with a report on the implementation of the Event Waste Management and Minimisation Plan.
 - (e) Multi-unit developments - The bylaw requires the owner and/or manager of a multi-unit development to make adequate provision for the management of all waste and recycling generated within the premises. This includes arrangements for the regular collection of waste to the satisfaction of Council.
 - (f) Editorial changes - Several changes have been made to aid in clarity.

OVERALL CONSULTATION OUTCOMES

10. In determining the consultation requirements for the bylaw, Council considered section 156 of the Local Government Act 2002. Given the nature and scope of the proposed changes to the bylaw, and the assessment of medium significance under the Significance and Engagement Policy, the consultation followed the principles of consultation under section 82 of the Local Government Act 2002.
11. The Policy Committee adopted the draft Waste Management and Minimisation Bylaw, and supporting documentation, for consultation at its meeting on 19 October

2021. The consultation period ran from Tuesday 26 October to Friday 26 November 2021.

12. Consultation was undertaken with the community through media releases and feedback via Council's Have Your Say website. There was the opportunity to submit feedback online, via emails, or in hardcopy, and anyone wishing to present verbally was offered the chance to register to speak at the Policy Committee Meeting on 9 December 2021.
13. Email notifications about the proposed bylaw changes, and the opportunity to provide feedback, were sent to all of Council's licensed waste operators, the major stakeholders in our local construction and demolition sector, and the 427 companies and individuals on Council's consents newsletters distribution list.
14. Overall, the Waste Management and Minimisation 'Have your say' website page received 184 visits and documents were downloaded 41 times.
15. 16 submissions were received on the draft Waste Management and Minimisation Bylaw.
16. Of this, 14 submissions were received on whether Council should be providing a framework to require in the future the preparation of a waste management plan for approval prior to the commencement of the building works.
17. A high level of public feedback was not expected on the draft bylaw. The proposed changes do not radically alter the current bylaw.

SUMMARY OF SUBMISSIONS

18. This section sets out comments that were received on various parts of the draft Bylaw. All comments and feedback from the public consultation are available in the Waste Management and Minimisation Bylaw Submissions Pack which is attached.
19. Key Issue – Do you agree with the proposed changes?

Option	Count	%
Option 1 – I agree with the proposed changes	8	50
Option 2 – I do not agree with the proposed changes	3	18.75
Option 3 – Other/Position not disclosed	5	31.25
Total	16	100

20. Some of the comments received **agreeing** with Council's proposed changes are:
 - (a) A great initiative and I fully support the Council approach.

- (b) We need to do more to reduce waste and regulate others that do not want to reduce waste.
21. Some of the comments received **opposing** Council's proposed changes are:
- (a) More inept pen pushing nonsense.
- (b) More Council red tape is counter productive & costly for everyone. The proposal seems like yet another overhead with no good outcome.
22. One of the **other** comments received regarding Council's proposed changes is:
- (a) The lack of access to a general waste facility for use by Northern Western Bay residents is a head in the sand attitude that presumes residents do not have general rubbish to dispose of.
23. Key Issue, Construction and Demolition Waste - Do you agree with the proposed change to give Council the power to do this (providing a framework to require in the future the preparation of a waste management plan for approval prior to the commencement of the building works)?

Option	Count	%
Option 1 – I agree with the proposed changes	8	50
Option 2 – I do not agree with the proposed changes	4	25
Option 3 – Other/Position not disclosed	4	25
Total	16	100

24. Some of the comments received **agreeing** with Council's proposed changes are:
- (a) I feel that the bylaw should require all consented works to have a waste management plan and to be audited by the council during demolition, construction, and disestablishment of the site.
- (b) Construction and Demolition waste account for about 50% of all waste sent to landfills and cleanfills. Council needs to have a dedicated C&D waste programme if they are going to reduce waste to landfill in the district.
25. Some of the comments received **opposing** Council's proposed changes are:
- (a) This does not go far enough now and needs to send a clear message that waste mismanagement is unacceptable. The council should not accept the status quo and provide this framework now within the proposed bylaw.
- (b) It's going to cost more than it saves.
26. One of the **other** comments received regarding Council's proposed changes is:

- (a) If recycle centres are setup for cheap/ free recycling of construction waste, then I am sure builders will use it (as opposed to expensive dump fees). Making rules and needing to provide plans etc isn't productive.

KEY DELIBERATIONS

27. There are two key deliberations matters that arose from feedback in the consultation period, that require the Policy Committee to make a decision in order to prepare the final bylaw.

Construction and Demolition Waste

<p>Option 1A</p> <p>THAT the bylaw retains the current wording relating to Construction and Demolition waste.</p>	
<p><u>Advantages</u></p> <ul style="list-style-type: none"> • Council will be able to, in the future, ensure that construction and demolition works taking place in the District are actively managing their waste and ensures consideration of waste issues early in the construction and/or demolition process, which is delivering on waste minimisation goals. • Will give Council the opportunity to undertake consultation with the construction and demolition sector prior to introducing the control. • Enables engagement with the industry and investigation of suitable facilities to receive construction and demolition waste. 	<p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • Will not immediately address concerns relating to construction and demolition waste.
<p>Option 1B</p> <p>THAT instead of introducing a future control for the need of waste management plans for Construction and Demolition works in the District, this is now enforced immediately through the Bylaw.</p>	
<p><u>Advantages</u></p> <ul style="list-style-type: none"> • Would enable Council to ensure that construction and demolition works taking place in the District are actively managing their waste and ensures consideration of waste issues early in the construction and/or demolition process, which is delivering on waste minimisation goals. 	<p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • No consultation has been undertaken with the construction and demolition sector on this and the potential ramifications. • The District does not currently have available suitable facilities to discard construction and demolition waste.
<p>Option 1C</p> <p>THAT the section on Construction and Demolition waste in the bylaw is removed.</p>	

<p><u>Advantages</u></p> <ul style="list-style-type: none"> • Would ease pressures on Council to investigate construction and demolition waste facilities. 	<p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • Council would not be reducing the amount of construction and demolition waste that goes to landfill. • Would not be working towards our vision set out in Council’s Waste Management and Minimisation Policy of ‘minimising waste to landfill.’ • Staff time would be required to rewrite the bylaw.
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Waste Management and Minimisation Plan

28. 4 submissions were received regarding the lack of transfer stations available in the District.
29. The Waste Management and Minimisation Bylaw is not the appropriate place to deal with investigations into future transfer stations for the District, however, Council will be reviewing its Waste Management and Minimisation Plan (WMMP) in 2022/23.
30. It is recommended that this feedback is referred to the WMMP review. The WMMP can consider and decide on appropriate actions in relation to potential future transfer stations in the District.

<p>Option 2A</p> <p>THAT feedback received regarding transfer stations be diverted to the Waste Management and Minimisation Plan (WMMP) review 2022/23.</p>	
<p><u>Advantages</u></p> <ul style="list-style-type: none"> • The WMMP is being reviewed during 2022/2023. • The WMMP review is the appropriate place to investigate potential future transfer stations in the District. 	<p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • Submitters may perceive a delayed outcome to their feedback due to it being diverted to the WMMP.

SIGNIFICANCE AND ENGAGEMENT

31. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council’s Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
32. In terms of the Significance and Engagement Policy this decision is considered to be of medium significance because of the nature and scope of the proposed changes, as well as the level of community interest in the Council’s kerbside waste collection service and the role of the bylaw in the service.

ISSUES AND OPTIONS ASSESSMENT

Option 1A	
THAT the Waste Management and Minimisation Bylaw be recommended for adoption.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> • The bylaw does not change between the draft and final versions. • The bylaw, as drafted, is an important regulatory tool to manage and minimise waste in the District. Environmentally, the diversion of unnecessary waste to landfill will have positive impacts to the District. • The proposed changes to the bylaw enable Council to take a more proactive role in relation to waste at large scale events and enables further engagement with local industry about construction and demolition waste.
Costs (including present and future costs, direct, indirect and contingent costs).	None
Option 1B	
THAT the Waste Management and Minimisation Bylaw NOT be recommended for adoption.	
Assessment of advantages and disadvantages including impact on each of the four well-beings <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> • The Council-led kerbside waste collection service will continue to operate under the 2013 waste bylaw and therefore Council may be compromised in terms of having effective regulatory tools. • Council will have to undertake a bylaw review in any event by 2023 as per requirements in the Local Government Act 2002.
Costs (including present and future costs, direct, indirect and contingent costs).	Consultation and engagement costs will be required for the bylaw review when legally required for in 2023.

STATUTORY COMPLIANCE

33. Waste Management and Minimisation planning legislation is primarily provided by the following three Acts:
- (a) Local Government Act 2002.
 - (b) Waste Minimisation Act 2008.
 - (c) Litter Act 1979.
34. The Local Government Act 2002 allows for general bylaw-making power for Territorial Authorities. When making, amending, or revoking bylaws made under the Local Government Act 2002, Council must meet the consultation requirements set out in the Act.

35. Section 155 of the Local Government Act 2002 states that, when reviewing a bylaw, Council must be satisfied that the bylaw:
 - a) Is the most appropriate way of addressing the perceived problem;
 - b) Is the most appropriate form of bylaw; and
 - c) Does not give rise to any implications under the New Zealand Bill of Rights Act 1990, nor is inconsistent with that Act.
36. In relation to (a), the bylaw is considered to be appropriate. 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 bylaw is consistent with the approach taken by other councils of a similar size and nature.
37. In relation to (b), the bylaw is consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw. The bylaw is based on the model bylaw formulated by the Waikato and Bay of Plenty Waste Liaison Group to improve bylaw consistency across these regions.
38. In relation to (c), the proposed amendments to the Waste Management and Minimisation Bylaw are not considered to give rise to any implications under the New Zealand Bill of Rights Act 1990.
39. The Waste Minimisation Act 2008 encourages a reduction in the amount of waste generated and disposed of in New Zealand. The aim of the Act is to reduce the environmental harm of waste and provide economic, social, and cultural benefits for New Zealand. Section 56 of the Waste Minimisation Act 2008 allows for Territorial Authorities to make bylaws.
40. The Litter Act 1979 allows Councils to prosecute the placing, throwing, or dropping of litter. The same applies to litter that is thrown, dropped or escapes from any vehicle or trailer. The definition of litter includes refuse, rubbish, animal remains or waste matter.
41. The amendments proposed to the bylaw are consistent with Council's other policies, strategies, and plans.

FUNDING/BUDGET IMPLICATIONS

42. No adverse funding/budget impacts are expected to arise because of the proposed changes to the bylaw.

ATTACHMENTS

1. **Waste Management and Minimisation Bylaw** 
2. **Waste Management and Minimisation Bylaw - Submissions Pack** 

10 INFORMATION FOR RECEIPT