



chatham islands council

*“Working towards a **sustainable future**”*

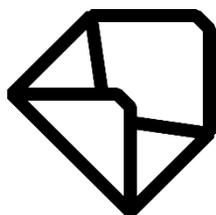
Statement of Proposal to Adopt the Chatham Islands Waste Management and Minimisation Bylaw 2023

Have your say

The Council invites your views on the draft Chatham Islands Waste Management and Minimisation Bylaw 2023. To have your say on the draft Bylaw you can:



Email your completed submission form or feedback to **secretary@cic.govt.nz** – please ensure you use 'WMM BYLAW' as your email subject and that your name and address are included.



Record your views and return by post, or in person, to an address below. Please ensure your letter includes your name and address.

If you wish to attend a hearing, please indicate this in your email or letter.



Following the close of consultation, if you have indicated in your submission that you would like to speak to Council about your views, you will be contacted to arrange a time to attend the hearing.

Addresses for hard copy submissions:

Chatham Islands Council
PO Box 24
Waitangi
Chatham Islands 8942

Or

Chatham Islands Council
13 Waitangi Tuku Road
Waitangi

What happens to your feedback?

Your submission, and those of other submitters, will help inform Councillors and finalise the Waste Management and Minimisation Bylaw 2023.

Key dates	Activity
19 June 2023	Submissions open
21 July 2023	Submissions close
3 August 2023	Oral hearing
18 August 2023	The Council considers submissions
31 August 2023	The Council decide whether to adopt the Bylaw
1 September 2023	If adopted, the new Bylaw becomes effective

Publishing of submissions

We are not able to accept your submission without a name and address. You are, however, able to indicate in your submission if you do not wish your name to be made public. All submissions are public documents and copies and/or a summary will be published on our website and are subject to requests under the Local Government Official Information and Meetings Act 1987.

Introduction

Chatham Islands Council (the Council) is consulting on the draft Chatham Islands Waste Management and Minimisation Bylaw (draft Bylaw).

Councils have a statutory role in managing waste and are required to promote effective and efficient waste management and minimisation within their jurisdiction. A key part of doing this is to adopt a Waste Management and Minimisation Plan (WMMP). The Chatham Islands WMMP has recently been reviewed and identifies methods for achieving effective and efficient waste management and minimisation across the Chatham Islands. As a result, the Council is investigating ways in which it can better manage rubbish and recycling on the Chatham Islands. One of the mechanisms for doing this is through a bylaw.

This Statement of Proposal has been prepared in accordance with section 86 of the Local Government Act 2002 (LGA) and provides information about the review process and whether it is appropriate to have the draft Bylaw for the Chatham Islands.

Why we need a Bylaw

There are several issues with the current waste management service, which a bylaw can help to manage. Some of the key waste management issues for the Chatham Islands include:

Inefficient and ineffective waste management operations

There is a need to ensure existing facilities and infrastructure can operate efficiently; controlling access, security and regulating the types of waste received at facilities; addressing littering and inappropriate disposal/separation of waste streams.

The lack of construction and demolition waste management and minimisation

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

Inappropriate and unsafe management of dangerous, hazardous and/or infectious waste

There is a need to manage and avoid issues with the collection, transportation and disposal of dangerous and/or hazardous waste.

The lack of event waste management and minimisation

Large events, such as weddings, tangi and concerts have the potential to generate a significant amount of waste.

A discussion paper on these issues and options to manage them, which led to the drafting of this bylaw, is available on request.

Summary of the draft Bylaw

Waste collection services

Waste diversion is important to minimise waste to landfill. The household waste stream presents the biggest opportunity to minimise and manage waste to landfill for the Chatham Islands. Council is currently considering changes proposed by their contractor Fulton Hogan, to provide an 'at the gate' rubbish collection, similar to waste collection activities on the mainland.

Further engagement with the community is required to inform controls or rules in relation to matters such as collection times, type of refuse and receptacle accepted, and whether any charges apply. However, the draft Bylaw provides the framework for 'at the gate' collection services to support a regionally coordinated operator if the time comes.

Nuisance and litter

If waste is not dealt with correctly, or is stored in an incorrect way or place, it can be a real problem for the Chatham Islands. A nuisance is defined in the Health Act 1956 and refers to issues such as stock piling waste, illegal dumping, burning and burying waste and littering.

The draft Bylaw includes a section specifically for nuisance and litter that would allow us to act on some of these issues more effectively than we can now.

Dangerous, hazardous and/or infectious waste

There is increasing demand for the disposal of special wastes (any wastes whether from a trade premise or any other source which is hazardous, toxic or by its nature requires special disposal because of environmental considerations or landfill operational requirements). While disposal of special wastes at the landfill may be acceptable under the landfill's waste acceptance criteria, there are not yet sufficient processes in place to manage this effectively.

The draft Bylaw includes provisions for controlling the deposition of dangerous, hazardous and infectious substances within the waste stream. Regulating the disposal of dangerous, hazardous and infectious materials will minimise and where possible avoid, risks that such materials pose to human health, environmental well-being, and waste service providers.

Construction and demolition waste

Construction and demolition (C&D) can generate substantial quantities of waste material, much of which is potentially recoverable, such as brick and concrete, timber, plasterboard and metal. C&D wastes are increasing significantly as new development occurs in the Chatham Islands. C&D wastes are difficult to recycle and there are presently no charges levied for these wastes.

In recent years, councils in New Zealand have adopted bylaw provisions which give the ability for them to require construction site and demolition waste management plans. Those councils which have such provisions generally follow the same format which states that Council may make a control under the Bylaw to require any person that is applying for a building consent for building work of a certain estimated value or higher to submit a construction site and demolition waste management plan to the Council for approval prior to the commencement of any building work.

Provisions specify:

- The minimum information to be supplied in a plan.
- Actions and information to be recorded while building work is carried out.
- Information to be provided within three months of building completion.

This draft Bylaw provides the framework for Council to require the preparation of a waste management plan in the future, for approval prior to the commencement of consented building works. The introduction of a control to implement this and require the preparation of site waste management plans would be a decision of Council in the future, i.e., does not need to be set at this time, but the bylaw would give the power to do this. This acknowledges the work Council would need to do to determine what value and type of building project would trigger the requirement of a plan. As part of that work, Council would also need to consider increased and/or improved recovery and recycling for the local building industry.

Event waste

There are a range of issues associated with waste management and minimisation at events, such as litter and waste left in public places, overflowing litter bins, lack of adequate facilities for recycling and waste services. This waste becomes the liability of the Council for removal and disposal and has to be funded by rates.

The draft bylaw prescribes requirements and measures to be taken by event organisers (prior, during and after an event) in relation to the choice and use of packaging, the provision of appropriate receptacles at events and improved diversion of waste.

Improved waste data

By providing a regulatory framework for initiatives such as kerbside collection, controls for the operation and use of their waste management facilities, and plans for the minimisation and management of waste, the Bylaw is an essential tool which will enable the Council and its contractors to improve consistency and maintain waste data collection across the Chatham Islands.

A full copy of the draft Bylaw is provided on Council's website, www.cic.govt.nz.

Special considerations under the Local Government Act

There is no legislative requirement to have this bylaw in place, however the Local Government Act 2002 enables councils to implement and enforce bylaws where there are local issues which need additional powers to be addressed. Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem¹. If a bylaw is considered to be appropriate, Council must then decide whether or not the bylaw is the most appropriate form of bylaw, and whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

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

The Waste Management and Minimisation Bylaw Issues and Options Paper has considered each of the waste related problems, discussed the possible mechanisms to address these

¹ Section 155 of the Local Government Act 2002

problems (both regulatory and non-regulatory) to determine the most appropriate means to deal with the waste issues on the Chatham Islands.

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

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

Is the bylaw in the appropriate form?

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

Controls (rules) to support the implementation of the draft Bylaw can be made by Council resolution following Bylaw adoption (for example associated with at the gate collection services and C&D waste). This separation allows the controls to be amended as appropriate rather than requiring a full review of the Bylaw. This gives Council the necessary flexibility to recognise that changes may be needed to procedures or other associated implementation matters over time.

The draft Bylaw is consistent with the goals, aims and actions of the WMMP goals identified by the Council and should be established as a standalone bylaw. For these reasons, it is considered that a Waste Management and Minimisation Bylaw is necessary and the most appropriate way to manage waste on the Chatham Islands.

Is the bylaw consistent with the New Zealand Bill of Rights?

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand. The regulatory controls provided under this bylaw are designed to minimise danger, distress and nuisance to others or the public generally, or create the potential for environmental harm. It is considered that the draft bylaw does not give rise to any implications under the Bill of Rights.

What happens next?

Council will acknowledge in writing or by email (if provided) the receipt of your feedback. If you wish to speak to your submission please ensure you state that on your submission form. An oral hearing will be held in Council Chambers at 10am on 3 August 2023.