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Draft Solid Waste Management and Minimisation Bylaw

Our Place: Our Waste

We're reviewing our Solid Waste Bylaw and proposing to make a few changes. We want to hear what you think.

This booklet includes a summary of the proposed changes and a separate form for your feedback.

Submissions close 29 September

Introduction

Council provides a range of waste reduction and recovery services in the Ashburton District. These include:



Kerbside bin collection services to over 11,500 households and businesses



Methven green waste and inorganic material drop-off facility



Ashburton and Rakaia resource recovery parks



Management of litter bins and littering



Rural recycling drop-off facilities around the district

These services are provided to offer cost-effective waste management solutions, support the conservation of resources, and protection of the environment and public health.

The Solid Waste Management and Minimisation Bylaw 2018 ("the Bylaw") is one of the tools Council uses to manage these services. The Bylaw was last updated in 2018 and is due to be updated again.

Feedback closes Sunday 29 September

The easiest way to share your feedback is at ***ItsOurPlace.nz***

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Why is a bylaw required?

The Bylaw sets out rules for how solid waste reduction and recovery services are managed in the District.

It sets out Council's expectations about how people, households and businesses will manage their waste disposal and collection and the consequences if their actions fall short of the expected standards.

The Bylaw covers rules for:

- ✓ collection, transportation and processing of waste including the kerbside collection service and private waste collection services
- ✓ a registration system for waste collectors and operators
- ✓ operation of resource recovery parks and drop-off facilities
- ✓ managing waste at events on Council-owned and managed land
- ✓ managing construction site waste
- ✓ management of litter and nuisance in public places.



What are the problems and issues?

Council identified the following problems with the current bylaws which need to be addressed (in an amended bylaw):

- ✓ The need to include conditions of service in the Bylaw to support robust enforcement of standards and the introduction of FOGO services in 2026.
- ✓ The need for a flexible and transparent process for updating the conditions of service that complies with decision-making requirements under the Local Government Act.
- ✓ Improving the clarity of the Bylaw to improve public understanding by using the language that the community is familiar with, such as “kerbside collection service”, “resource recovery parks”, “drop-off facilities” and “litter bins”.
- ✓ Need for a new definition of Managed or Controlled Landfill for consistency with Government regulations.

Council also noted that the review was an opportunity to engage with the community on waste management around public events and construction activity, and the retrieval of kerbside bins in the CBD.

These issues are discussed in more detail in the following pages.

Talking Rubbish

Throughout this document, you'll come across these two abbreviations:

FOGO - Food Organics and Garden Organics

Kerbside collection service for kitchen food scraps and garden green waste. Commonly referred to as an organics service or green bin. We're introducing a FOGO service from 1 September 2026 for residents in kerbside collection areas.

WMMP - Waste Management and Minimisation Plan

A plan that lays out how waste will be efficiently managed and any steps for minimising waste such as reducing, recycling or composting.

What is proposed?



The Bylaw is being updated to reflect changes in the waste sector since 2018. These include:

- ✓ Government decisions to standardise recyclable collections nationally
- ✓ Government and Council decisions to introduce a food organic/ garden organic (FOGO) kerbside collection service in Ashburton District from 1 September 2026
- ✓ Government decisions to increase waste levies
- ✓ The continuing need to minimise waste to landfill to conserve resources, reduce costs and help minimise greenhouse gas emissions from landfills
- ✓ Objectives in the Ashburton Waste Management and Minimisation Plan 2022, that include working:
 - in partnership with the waste sector and local community to raise awareness of waste issues; and
 - to increase the range of reuse, recycling, and recovery options available in the district.

Key issues

Key issues discussed in the proposed amendments to this bylaw that we are seeking feedback on are:

- ✓ **Council's approach to the minimisation of waste at public events on Council-owned or managed land**
- ✓ **Council's approach to the minimisation of construction and demolition waste**
- ✓ **The approach the Council should take in relation to the retrieval of kerbside collection bins in the central business area.**

Other issues

Other issues addressed in the Bylaw include:

- ✓ Bringing information on conditions of service for kerbside collection, resource recovery parks and drop-off facilities into the Bylaw to create a robust and transparent way to publish and update the conditions of service. There are only minor changes proposed for the period up to 1 September 2026 and these closely reflect the current levels of service published on Council's website and in the "*Bin It Right!*" booklet.
- ✓ Providing a set of rules to cover the FOGO service when it commences in 2026. These are similar to the rules for yellow and red bins as they explain what can and cannot be put in each bin.



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Key Issue One

Event Waste Management and Minimisation Plans

PROPOSAL

The Bylaw proposes a change where every event held on Council-owned or managed land will require an event waste management and minimisation plan (WMMP) as part of the event approval process.

How will this differ from what we do now?

The proposal will apply to all events on Council-owned and managed land when our current practice is to require a WMMP for significant events. A significant event is an event that requires a road closure and/or attracts more than 1,000 attendees across the event. Most public events held in the district on Council land meet this threshold.

Advantages

- ✓ It supports the objectives of the District WMMP.
- ✓ It helps to improve waste management practice at events and supports public education.
- ✓ It can minimise the clean-up time after an event is finished.
- ✓ It helps to maximise diversion from landfill and reduce greenhouse gas emissions.

Disadvantages

- ✗ More applications for smaller events will be captured by the change, although some of these are already captured as they need a road closure.

Risks

- ⚠ There is a small operational and reputational risk around increased compliance for events. We consider the risks will be mitigated by work to streamline the process to make it as user-friendly as possible. We also consider that the benefits outweigh the risks.

What are the alternatives to the proposal?

Status quo – Continue to require a WMMP for significant events on Council-owned and managed land but not every event. This gives Council fewer opportunities to help educate people in how to “Bin It Right”. Better waste management helps educate the public, divert waste from landfill and generates less greenhouse gases.

No WMMP required – Do not require a WMMP at all. This is the least helpful option in terms of helping to educate the public, reducing waste to landfill, and reducing greenhouse gas emissions.



Key Issue Two

Construction Site Waste Management and Minimisation Plans



What do we do now?

The current Bylaw says that Council can require a construction site WMMP to be prepared for any **non-residential** building project with a value of \$500,000 or higher. Essentially only commercial and industrial projects are in scope. In 2023/24 there were 13 non-residential consents of that value issued.

Importantly, Council does not enforce this part of the Bylaw. For a variety of reasons, we choose not to exercise these powers (see facing page).

The one advantage in having powers in the Bylaw is that if the issue of building waste becomes a bigger issue it means we have a tool in the toolkit. Two years ago, the Government was looking at making it mandatory under its "Building for climate change" programme. The current Government has not picked up that idea. If that changes, we are at least partly ready.

What are we proposing?

The Bylaw proposes a change where Council can require a construction site WMMP to be prepared for any building project with a value of \$500,000 or higher. Residential building projects make up the bulk of Council's consenting work, with 200 issued in 2023.

A number of local builders are already voluntarily managing their waste as part of their business practice. In these instances, they are doing it for both residential and non-residential work.

Importantly, Council is not proposing to enforce this part of the Bylaw. We think it makes sense to keep the regulatory options open in case circumstances change, such as the overall benefits of having a WMMP become more attractive, or a future Government proposes to make it mandatory.

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Why don't we enforce this now?

The reasons include:

- ✓ other waste issues are a higher priority for Council's resources because of Government-driven change – e.g. food organic kerbside collection
- ✓ other waste issues are a higher priority for the community – e.g. garden organic kerbside collection
- ✓ we don't want to impose costs on builders and their clients without greater certainty that the benefits exceed the costs
- ✓ both the building sector and the waste management sector are better placed than Council to identify cost-effective solutions for their industry

What are the alternatives?

Status quo – Retain the discretion to ask for a construction site WMMP for non-residential building work only.

No WMMP required under the Bylaw – Do not require a WMMP at all. This is essentially leaving it in the hands of the building sector. As noted, some builders have developed their own approaches, or work with waste management specialists to manage this.

Make WMMPs mandatory – require a WMMP for all work of \$500,000 or greater.

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Key Issue Three

Retrieval of bins in the Central Business District (CBD)

Council provides a kerbside collection service for households and businesses.

For businesses in the CBD, collection occurs twice a week on Tuesdays and Fridays. It happens early in the morning before the streets fill with parked cars blocking access to the bins.

The Bylaw says that:

- ✓ Households and businesses must ensure that bins and crates are out for collection by 7.30am on collection day
- ✓ Collection will be completed by 7.30pm each collection day
- ✓ Householders and businesses must ensure that bins are stored securely on their property between collection days.

This means that CBD businesses need to have their bins/crates out by 7.30am, and off the kerb and stored securely before the end of collection day.

Council has received feedback that CBD bins are being left out on the kerb into the evening and overnight. For businesses like restaurants that operate into the evening, it makes the environment less attractive for their customers. We are interested in whether you think the rules should be tightened.

What are we proposing?

Our draft Bylaw proposes no change. We think that most businesses get their bins in at a reasonable time, and raising the issue through the Bylaw review will highlight the issue for those that leave them out later. We are especially interested in the views of CBD businesses.



What are the alternatives?

Noon retrieval – Require CBD bins to be retrieved by midday (12 noon) on collection day

6pm retrieval – Require CBD bins to be collected by 6pm on collection day.



You can read more and share your thoughts at

ItsOurPlace.nz

Other issues

There are other changes to the Bylaw which are minor in terms of their effect on the community. We welcome your feedback on any of these:

TOPIC	EXPLANATION
Conditions of service	The need to include existing conditions of service in the Bylaw to enable robust enforcement of standards and support the introduction of FOGO services in 2026.
New conditions of service for FOGO kerbside collections	Condition 2 of Schedule 2 sets out the kerbside collection service after 1 September 2026, including the new FOGO bin. It sets out the bin size, proposed arrangements for alternative bins, fees where a property wants to change bin sizes more than once per year, and the frequency of collection. Condition 7 of Schedule 2 sets out what can and cannot go in the green FOGO bin.
Three strikes rule	Conditions 3.3 to 3.6 describe the "three strikes" process that Council uses to deal with non-compliant use of the yellow recycling bin. This is described in more detail than the information currently available on the Council website.
Flexible and transparent process to update conditions of service.	We are setting out a flexible and transparent process for updating of conditions of service that complies with decision-making requirements under the LGA. The more important the decision, the greater effort will go into consultation. Minor changes may not require consultation. All changes require a Council decision.
Plain English	Improving the clarity of the Bylaw to improve public understanding by using the language that the community is familiar with, such as "kerbside collection service", "resource recovery parks", "drop-off facilities" and "litter bins".
Update definitions	Need for a new definition of Managed or Controlled Landfill for consistency with Government regulations.
Remove unused definitions	Terms no longer used in the Bylaw have had their definitions removed.

There is one other issue that we're not currently proposing to change, but we'd like your feedback on.

TOPIC	EXPLANATION
Bylaw clause 8.7.5.4	This clause says that no person may deposit or attempt to deposit any litter in any bin provided by Council in any public place if: 8.7.5.4.1. the bin is full; or 8.7.5.4.2. the litter is likely to escape. We are interested in your views on whether Council should keep this rule and do more public education to encourage people to use "Snap, Send, Solve" if they see a full bin. The alternatives are to remove the rule and do more public education OR keep the rule and continue with the current level of public education.

About bylaws



Powers to make local regulations come with legal checks and balances so that Councils do not make rules that are unlawful, unnecessary, or an unreasonable restriction on people's rights and freedoms.

Has the Council considered the alternatives to address the problems and issues?

When it comes to reviewing bylaws there are four reasonable and practicable alternatives:

1. Amend the Bylaw  **OUR PREFERRED OPTION**
2. Revoke the Bylaw and replace it with a new bylaw
3. Revoke the Bylaw and not replace it (*or let it expire*)
4. Rollover the existing Bylaw – make no changes

When considering these alternatives, Council found that revoking the Bylaw (Option 3) or rolling over the current Bylaw (Option 4) would not adequately address the problems described earlier in this document. Council determined that amending the Bylaw (Option 1) was the most efficient approach.

Section 155 tests

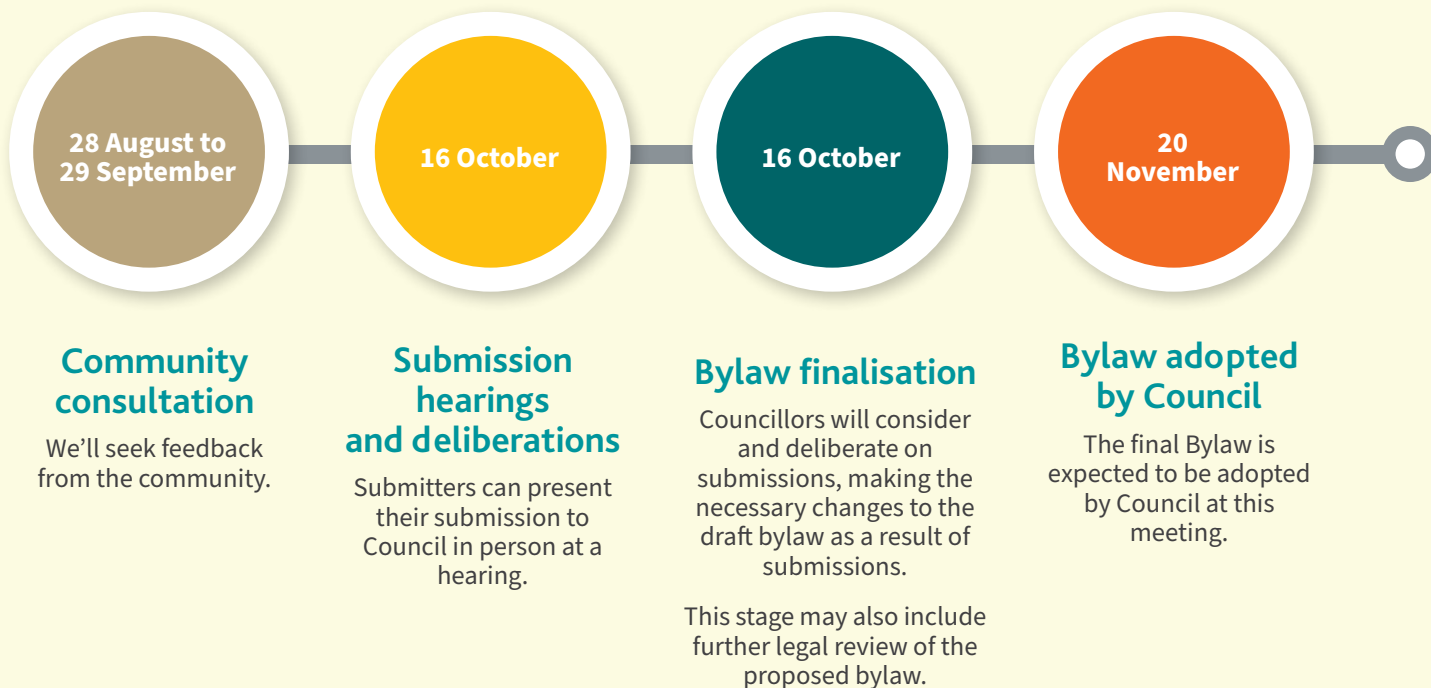
Council must also consider three legal tests in Section 155 of the Local Government Act 2002 when amending bylaws. Council considered these tests and determined that the proposed amendment to the Bylaw is:

- ✓ the most appropriate way of addressing the perceived problems; and
- ✓ the most appropriate form of bylaw; and
- ✓ does not give rise to implications under the New Zealand Bill of Rights Act (NZBORA) and
- ✓ is not inconsistent with NZBORA.

Want to read the full draft Bylaw?

The draft Bylaw can be viewed online at itsourplace.nz or request a copy by emailing submissions@adc.govt.nz or visiting customer services in Te Whare Whakakere (Library and Civic Centre).

What happens next?



You can also provide your feedback by:



FREEPOST
Ashburton District Council
Freepost 230444
PO Box 94
Ashburton 7740



IN PERSON
Dropping it off at:
Ashburton District Council
2 Baring Square East



ONLINE
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