

**QLDC Council  
23 March 2018****Report for Agenda Item 7****Department: Property & Infrastructure****Adoption of draft Waste Management and Minimisation Plan (2018) Statement of Proposal****Purpose**

- 1 The purpose of this report is to present the draft Waste Management and Minimisation Plan (WMMP) associated Statement of Proposal for adoption by the Council and to resolve to begin the Special Consultative Procedure in accordance with Section 83 of the Local Government Act 2002.

**Recommendation**

- 2 That Council:
  1. **Note** the contents of this report;
  2. **Adopt** the draft Waste Management and Minimisation Plan Statement of Proposal for the purposes of public consultation pursuant to Section 83 of the Local Government Act; 2002 and
  3. **Agree** that a hearing of submissions will take place as part of the hearings arranged for the 2018-2018 Draft Ten Year Plan.

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16 March 2018

Reviewed and Authorised by:

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16 March 2018

**Background**

- 3 Queenstown Lakes District Council has a statutory responsibility to promote effective and efficient waste management and minimisation within the Queenstown Lakes District (Section 42, Waste Minimisation Act 2008 ['WMA08']). In order to do this, the Council is required to adopt a waste management and minimisation plan ['WWMP'] under Section 44 of the Act.

- 4 Section 44 sets out the statutory requirements which must be followed when preparing, amending or revoking plans:

*In preparing, amending, or revoking a waste management and minimisation plan, a territorial authority must—*

*(a) consider the following methods of waste management and minimisation (which are listed in descending order of importance):*

*(i) reduction*

*(ii) reuse*

*(iii) recycling*

*(iv) recovery*

*(v) treatment*

*(vi) disposal*

*(b) ensure that the collection, transport, and disposal of waste does not, or is not likely to, cause a nuisance; and*

*(c) have regard to the New Zealand Waste Strategy, or any government policy on waste management and minimisation that replaces the strategy; and(d)*

*have regard to the most recent assessment undertaken by the territorial authority under section 51; and*

***(e) use the special consultative procedure set out in section 83 of the Local Government Act 2002 and, in doing so, the most recent assessment undertaken by the territorial authority under section 51 must be notified with the statement of proposal.***

- 5 A Solid Waste Analysis Protocol (SWAP) was commenced in August 2016 as a precursor to the Waste Assessment (WA) required under the WMA08. The current WMMP 2011 was due for review by December 2017.
- 6 The WA and WMMP commenced preparation in February 2017, working with a Stakeholder Working Group, which included representatives from elected members, service providers and contractors, Council officers, specialist solid waste consultants and Central Otago District Council (due to the shared landfill at Victoria Flats).
- 7 QLDC's Infrastructure Committee were briefed in workshops throughout the development of the Plan.
- 8 The draft WMMP was completed in July 2017 and the QLDC Executive Leadership Team endorsed in August 2017 that the Plan was consulted on as part of the Ten Year Plan (TYP) to enable efficiency of consultation and alignment with the TYP funding plan.
- 9 In delaying consultation to align with the TYP, the Ministry for the Environment provided guidance to ensure statutory obligations were met under the WMA08.
- 10 Public Health South were consulted on the draft WMMP over a six-month period and it was endorsed by the Medical Officer of Health in February 2018.

- 11 This report presents the draft WMMP Special Consultative Procedure ['SCP'] for the Council's adoption in order to commence consultation in parallel to the 10-Year Plan.
- 12 Further background including vision, goals, objectives, measures, preferred programme of initiatives (existing services and a focus on glass recycling and organics diversion from landfill) can be found in the draft WMMP document (attached) and a summary in the Statement of Proposal (attached).

### Options

- 13 Option 1: Status Quo – proceed to adopt the WMMP without an SCP

Advantages:

- 14 None

Disadvantages:

- 15 Will be in breach of:

- a. WMA08, potentially impacting on the waste levy funding received from the Ministry for the Environment;

- 16 Potential mis-alignment of 10-Year Plan and WMMP if consulted on separately, creating funding and implementation challenges of the WMMP.

- 17 Option 2: Adopt the WMMP SCP

Advantages:

- 18 Meets QLDC's legislative requirements and enables the community to engage in active consultation, resulting in a WMMP aligned with community expectations and the 10-Year Plan.

Disadvantages:

- 19 None

- 20 This report recommends **Option 2** for addressing the matter because it meets legislative requirements.

### ***Significance and Engagement***

- 21 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because consultation is required by law.

### ***Risk***

- 22 This matter relates to the strategic risk SR3 - Management Practice - working within legislation as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because failure to meet the requirements

of the Waste Minimisation Act 2008, would result potentially in the suspension of waste levy payments made to QLDC by the Ministry for the Environment.

- 23 The recommended option considered above mitigates the risk by terminating the risk, by undertaking a special consultative procedure in order to adopt the WMMP.

### **Financial Implications**

- 24 The operational and capital expenditure requirements of implementing the WMMP have been included in the 10-Year Plan 2018-28 and will be consulted on in parallel.

- 25 Funding is available in the 2017-18 financial year to undertake the special consultation (Project No: 550 –‘Waste Minimisation Management Plan’).

### **Council Policies, Strategies and Bylaws**

- 26 The following Council policies, strategies and bylaws were considered:

- WMMP 2011

- 27 The recommended option is consistent with the vision, principles and objectives set out in the previous WMMP.

- 28 This matter is included in the 10-Year Plan/Annual Plan.

### **Local Government Act 2002 Purpose Provisions**

- 29 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by continuing to have a Plan to provide solid waste services;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan and provisions have been made in the draft 10-Year Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council. [Note: this applies to the SCP; the outputs of the WMMP once adopted may have significance. However, the WMMP will be consulted on in the 10-Year Plan and future consultation will be undertaken as required under the Local Government Act and WMA08].

### **Consultation: Community Views and Preferences**

- 30 The persons who are affected by or interested in this matter are all residents and ratepayers of the Queenstown Lakes District community.

- 31 The Council has a statutory obligation to consult using the Special Consultative Procedure when adopting or amending a WMMP. Accordingly, the following dates are the key milestones in the consultation programme:

Friday, 23 March 2018	Council adopts the draft WMMP and resolves to follow the special consultative procedure
Friday, 23 March 2018	Statement of Proposal and draft WMMP are made available at council offices, libraries and online.
From Saturday, 24 March 2018	Advertisements in the <i>Mirror</i> , <i>Wanaka Sun</i> , <i>Otago Daily Times</i> and <i>Lakes Weekly Bulletin</i>
Monday, 30 April 2018	Submissions close at 5pm.
Thursday, 17 May 2018	Submissions heard by full Council (1pm)
Thursday, 28 June 2018	Council considers outcome of consultation process and adopts the WMMP including revisions arising from the consultation.

### Legal Considerations and Statutory Responsibilities

- 32 Queenstown Lakes District Council has a statutory responsibility to promote effective and efficient waste management and minimisation within the Queenstown Lakes District (Section 42, WMA 08). In order to do this, the Council is required to adopt a WWMP under Section 44 of the Act.
- 33 Section 44 of the Waste Minimisation Act sets out the statutory requirements which must be followed when preparing, amending or revoking plans, including:

*“e) use the special consultative procedure set out in section 83 of the **Local Government Act 2002** and, in doing so, the most recent assessment undertaken by the territorial authority under section 51 must be notified with the statement of proposal.”*

### Attachments

- A Statement of Proposal Draft Waste Management and Minimisation Plan
- B Draft Waste Management and Minimisation Plan 2018