

Research Report

Review of Solid Waste Bylaw (2016)

1 Purpose

To describe and discuss the review of the Solid Waste Bylaw (2016).

2 Context and Situation

Under section 158 of the Local Government Act 2002, the Council's Solid Waste Bylaw (the Bylaw) is due for review by 05 May 2021. The Council is required to consider whether the Bylaw is still the most appropriate way of addressing the perceived problem with respect to solid waste.

2.1 Council's role relating to solid waste

Under section 10 of the Local Government Act 2002, the purpose of local government is to "... promote the social, economic, environmental, and cultural wellbeing of communities, in the present and for the future".

Accumulation of solid waste can have a negative effect on a community's wellbeing through direct impacts, such as affecting the physical health of people and causing environmental harm. However, accumulation of solid waste can also lead to loss of amenity and poor mental health, affecting the social and economic wellbeing of communities.

Under the Waste Minimisation Act 2008, the Council is required to "*encourage waste minimisation and a decrease in waste disposal in order to protect the environment from harm; and to provide environmental, social, economic and cultural benefits*". Council must promote effective and efficient waste management and minimisation within its district by adopting a waste management and minimisation plan (section 43). As per section 56 of the Waste Minimisation Act 2008, a bylaw must not be inconsistent with the Council's waste management and minimisation plan.

To support the purpose of local government and the Waste Minimisation Act 2008, the Council has discretionary functions to regulate solid waste under the following Acts:

- Local Government Act 2002, section 146
- Waste Minimisation Act 2008, section 56
- Health Act 1956, section 64
- Litter Act 1979, section 12.

2.1.1 Local Government Act 2002

Council can specifically make a bylaw regulating solid waste under section 146a of the Act.

2.1.2 Waste Minimisation Act 2008

Under section 56, the Council can make a bylaw for the following purposes:

- a) prohibiting or regulating the deposit of waste:
- b) regulating the collection and transportation of waste:
- c) regulating the manner of disposal of dead animals, including their short-term storage pending disposal:
- d) prescribing charges to be paid for use of waste management and minimisation facilities provided, owned, or operated by the territorial authority:

- e) prohibiting, restricting, or controlling access to waste management and minimisation facilities provided, owned, or operated by the territorial authority:
- f) prohibiting the removal of waste intended for recycling from receptacles provided by the territorial authority by anyone other than—
 - i. the occupier of the property from which the waste in the receptacle has come; or
 - ii. a person authorised by the territorial authority to remove the waste.

2.1.3 Health Act 1956

Relating to solid waste, the Council can make a bylaw under section 64 for the following reasons:

- a) improving, promoting, or protecting public health, and preventing or abating nuisances
- b) regulating the handling and storage of noxious substances, or of goods which are or are likely to become offensive
- c) for preventing the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin.

2.1.4 Litter Act 1979

The Litter Act 1979 regulates the abatement and control of litter. The Council can make a bylaw under section 12 of the Act to give effect to the provisions of the Act.

3 Objectives

3.1 Purpose of review

To determine whether a bylaw is still the most appropriate way to address problems regarding solid waste in the Far North District as per section 155 of the Local Government Act 2002.

3.2 Review objectives

- To define solid waste related problems in the Far North District that are within Council’s function to control.
- To identify if a bylaw is still the most appropriate way to address the regulation of solid waste in the Far North District.
- To identify if the Bylaw meets current legislative requirements.

4 Problem definition

4.1 Scope

In scope

Problems relating to solid waste in the Far North District which are a function of Council to control or address. Waste as defined in the Waste Minimisation Act 2008:

- any thing disposed of or discarded; and
- includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and
- to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.

Out of scope

- Waste in liquid form such as:
 - Trade Waste as any liquid, with or without matter in suspension or solution, that is or may be discharged from a Trade Premises to the COUNCIL’s Sewerage System. Trade waste will not be considered as it is already regulated by the Trade Waste Bylaw and Resource Management Act.
 - Wastewater, on-site wastewater system or anything to do with wastewater infrastructure. Control of wastewater is regulated other bylaws (e.g. On-site Wastewater Bylaw) and other legislation.

- Diverted material, as defined in the Waste Minimisation Act 2008, “any thing that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded”.
- Problems which are not a function of the Council to control or address including:
 - burning rubbish and smoke nuisance as it is a function of the Northland Regional Council and Fire and Emergency New Zealand.
 - litter disposed of on privately owned land including Department of Conservation owned land and roadsides managed by Waka Kotahi
 - accumulation of litter at events held on privately owned land.
- Waste discarded by roaming dogs. Dogs are regulated by the Dog Control Act 1996 and the Dog Management Bylaw 2018.

4.2 Purpose of current bylaw

The Determination Report (June 2015)¹ for the current Bylaw identified a number of problems relating to solid waste in the Far North District. The purpose of the current Bylaw is to contribute to:

- the regulation of the collection, transportation and disposal of waste;
- the protection of the health and safety of waste collectors, waste operators and the public;
- the management of litter and nuisance.

Following a consultation process, the current Bylaw was deemed to be the most appropriate way to address the following problems:

- To meet the Council’s legal requirements under the Waste Minimisation Act 2008, specifically
 - minimising recyclables in the landfill waste stream
 - gathering accurate data for waste planning
- Protecting public health and safety, and avoiding nuisances including
 - control of hazardous wastes
- Control of litter including
 - control of waste generated by events
 - control of waste receptacles in a public place
- Control of waste generated by multi-unit developments.

4.3 Other problems relating to solid waste not currently controlled or addressed by the Bylaw

Disposal of domestic type waste in a public place (illegal dumping) is a significant problem for the Far North District. Illegal dumping includes general household rubbish, large appliances, and furniture. Illegal dumping is regulated under the Litter Act 1979.

A review of RFS data and internal consultation with Council staff has not identified any additional problems relating to solid waste.

5 Review of Bylaw

5.1 Council responsibilities to minimise waste as per the Waste Minimisation Act 2008

An audit conducted in 2011 identified that 80-90% of kerbside waste, and 30-40% of all waste delivered to landfill could potentially have been diverted¹. The current FNDC Waste Management and Minimisation Plan 2017-2023 was adopted by the Council in May 2017. The Council has an ambitious goal, in the plan, of reducing waste sent to landfill from 320kg per person in 2015 to 200kg per person by 2023.

The Council has an obligation to encourage waste minimisation however, waste sent to landfill is impacted by external factors such as:

- Gross Domestic Product (GDP)- research shows that there is a direct correlation between GDP and volume of waste.

¹ [Solid Waste Bylaw Determination Report June 2015](#)

- Recycling facilities – What can be recycled is dependent on whether there is global availability of facilities to process the products.

Measuring the amount of waste sent to landfill may not be an accurate measure of effective waste minimisation.

5.1.1 Gathering accurate data for waste planning

To identify and monitor waste minimisation, the Council must have an accurate record of waste data. Kerbside waste collection is undertaken by private companies and kerbside collection waste data was unknown. The Council does not contract waste collection services and is therefore unable to include data collection as a component of a contract. To access accurate data regarding kerbside waste collections, the current Bylaw regulates private waste collection services to provide the Council specific data.

This section of the Bylaw has been effective in that the waste collection services are providing the Council with regular data. However, the Bylaw requires the provision of more data than what the Council currently requests. For example, the Bylaw stipulates that the waste collection services provide waste logbooks and receipts, which is not data that the Council currently requires.

5.1.2 Central Government proposal to improve data collection

As part of developing a more effective waste levy, central government is consulting on improving data collection at landfills, cleanfills and transfer stations. There is currently no centralised database of landfills, and data held by individual councils is of variable quality.

A report on the reporting requirements consultation is due to Cabinet in March 2021. The outcomes of the proposal may impact on the data required from waste collection services and may require an amendment to the Bylaw.

5.1.3 Minimising recyclables in the landfill waste stream

To address the problem of too many recyclables being sent to landfill, the Council encourages waste minimisation through education and regulation.

There are a number of barriers to recycling including lack of consistent kerbside recycling services, lack of transport access to recycling stations, and lack of incentives for the public to recycle i.e. kerbside recycling whilst cheaper still costs the user. Confusion as to what can and cannot be recycled is the main motivational barrier to recycling.

Funding for waste minimisation education activities is supported by the Waste Disposal Levy. Education includes activities such as providing information via the Council's website, information leaflets, at community events, and presentations to organisations. Council staff provide advice to schools, businesses and community groups on recycling systems and event waste minimisation. Despite community education activities, RFS records identify that there is some confusion as to what can and cannot be recycled.

Community education is an effective tool to support behaviour change, however it does not provide a satisfactory solution for a small percentage of the population who knowingly breach waste collection rules. Furthermore, education and advice alone, will not be sufficient in managing private waste collection services who are largely driven by cost considerations.

Therefore, the current Bylaw regulates the separation of waste from recyclable materials. However, this section of the Bylaw is not effective in that it is not monitored or enforced due to the lack of an implementation plan and allocated resources.

5.1.4 Government proposal to increase Waste Disposal Levy

The Waste Disposal Levy (Levy) is a key incentive for diverting waste away from landfill to recycling and composting. The levy provides additional revenue for local authorities to implement their WMMPs. Central government is implementing annual incremental increases of the municipal landfill levy from the current \$10 per tonne to \$60 per tonne by 2024. The levy is to be expanded to include additional landfill types such as

construction and demolition fills. Council staff estimate that when fully implemented, the new levy could increase the cost of the weekly kerbside rubbish bag by about \$1.30.

Table 1: Planned changes to national waste disposal levy²

LANDFILL CLASS	1 JULY 2021	1 JULY 2022	1 JULY 2023	1 JULY 2024
Municipal landfill (class 1)	\$20	\$30	\$50	\$60
Construction and demolition fill (class 2)		\$20	\$20	\$30
Managed fill (class 3)			\$10	\$10
Controlled fill (class 4)			\$10	\$10

The revenue received from the Levy must be allocated to waste minimisation initiatives such as upgrading or improving recycling systems and education programmes. The government still needs to confirm the investment plan to allocate waste levy funds. Changes in allocation require an amendment of the Waste Minimisation Act 2008. Consultation on the amendments to the Waste Minimisation Act 2008 is expected to begin in 2021. However, additional revenue from the Levy increase, may become available to territorial authorities as early as 2022.

5.1.5 Standardisation of kerbside rubbish collections

A WasteMINZ (May 2020)³ report reviewed kerbside rubbish collections around New Zealand. Central Government is currently developing a strategic direction for kerbside collections based on the four key recommendations of the report, which are:

1. Standardise materials to be collected in domestic kerbside recycling collections across the country, and how they should be presented, to increase consistency, reduce confusion for householders and reduce contamination
2. Incentivise local authorities to collect food waste for composting to reduce kerbside residual rubbish to landfill
3. Incentivise local authorities to collect glass separately to other recyclable materials to improve the quality of all materials accepted in kerbside recycling
4. Provide best practice recommendations for food waste, recycling, and residual rubbish collections to increase consistency across the country.

Currently there is wide variance between districts as to what is collected by kerbside waste collections. For example, most kerbside recycling collections allow the collection of plastics 1 and 2 although some also collect 3, 4, 6 and 7 plastics. Although it is becoming increasingly difficult to find facilities who can recycle plastics 3-7, therefore most councils are stopping the collection of plastics 3-7. Some districts require recycling to be separated at kerbside i.e. separate wheelie bins / crates for glass, plastics, and cardboard / paper, and some districts allow co-mingling of recycling at kerbside i.e. all recycling in one container, which is later sorted at a facility.

Separation at kerbside encourages less contamination of recycling. Further to this, districts which collect fewer recycling materials have increased contamination as consumers are more likely to 'wishcycle' (placing items in recycling in the hope that they can be recycled). A recent national survey identified that the main motivational barrier to recycling was confusion as to what can and cannot be recycled (51% of respondents). Some districts separate the collection of organic waste (food scraps and green waste). It is estimated that, in New Zealand, 50% of household waste is organic waste. Organic waste is responsible for a significant proportion of methane emissions from landfills. The separate collection of food scraps increases householder awareness of

² Table sourced <https://www.mfe.govt.nz/waste/waste-and-government>

³ [WasteMINZ – Recommendations for standardization of kerbside collections in Aotearoa](#)

food waste, helping to reduce the amount of edible food wasted. Reducing food waste supports household economies and reduces climate emissions.

The aim of the strategic direction is to provide a strong signal to territorial authorities to move towards improved kerbside collections. A ten-year road map for improving kerbside collections is due mid-2021. Standardising kerbside collections may require an amendment to the Bylaw in that the Bylaw currently only specifies the separation of refuse and recyclables (in general).

5.1.6 Further upcoming government proposals regarding waste minimisation

Rethinking plastics

Central Government is currently consulting on two initiatives to remove hard to recycle plastics from our environment. The first initiative is to phase out unrecyclable plastic such as PVC and polystyrene food and beverage packaging by 2025. The second initiative is to continue the process of phasing out single use plastics. For example, single use plastics bags were prohibited from 2019. Other single use plastics which will potentially be phased out include plastic straws, single use plastic cups and lids, plastic cotton buds, plastic cutlery, and plastic drink stirrers.

Container return scheme (CRS)

An estimated 2.3 billion glass, plastic, aluminium, paperboard and other single use drink containers are consumed each year in New Zealand. CRS can encourage recycling and help to reduce litter in the environment. A CRS requires the consumer to pay a deposit on a beverage container at purchase. The deposit is refunded when the empty container is returned to a designated drop-off point.

Central government is investigating the feasibility of implementing a CRS for beverage containers. The investigation is considering the potential management systems, operating costs, and types of containers to be included i.e. plastic, glass, aluminium. The investigation report is due to cabinet at the end of 2020. If implemented, a CRS is expected to impact the amount and composition of beverage containers collected at kerbside. Any changes to kerbside collection systems need to consider some flexibility to incorporate changes in quantities of beverage containers set out at kerbside that could result from the implementation of a CRS.

Proposed National Environmental Standard for the Outdoor Storage of Tyres⁴

Outdoor tyre storage can pose risks to the environment, and human health, particularly when stored in large volumes and/or located within or near sensitive receiving environments. The main risks associated with outdoor tyre storage relate to fire, discharge of contaminants, pests, financial liability and visual amenity impacts. The storage of tyres can currently be controlled through the Resource Management Act and bylaws made under the Local Government Act.

Cabinet is to decide on the draft National Environmental Standard for the Outdoor Storage of Tyres. If approved the new regulations will come into force in 2021 and the storage of tyres will be controlled by Northland Regional Council.

5.2 Protecting public health and safety, and avoiding nuisances

5.2.1 Health nuisance

Section 29 of the Health Act 1956 specifies a range of behaviours and conditions that are nuisances, in particular the following clauses are applicable to potential solid waste issues:

- b) where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health
- c) where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin
- q) where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease

⁴ [Regulatory Impact Statement NES Outdoor Storage of Tyres](#)

RFS records show that there are incidents where people are concerned about rubbish accumulating on neighbouring properties leading to a health nuisance by attracting pests, and an odour nuisance.

A bylaw remains the most appropriate regulatory tool for controlling the accumulation of waste that may lead to a health nuisance.

5.2.2 Health and safety of kerbside collections

The collection and transportation of waste can lead to potential health and safety, and nuisance issues. The Bylaw regulates certain components of the collection and transportation of waste to minimise the risk. For example:

- Placement of containers / bags ensures
 - pedestrian safety
 - more efficient waste management service – reducing traffic obstruction
 - reduced nuisance caused by placement i.e. not blocking driveways etc
- Approved containers / bags
 - ensure containers are not too big or too heavy for waste collector staff
- Controlling collection times ensures
 - traffic is not blocked during rush hour,
 - noise from collections is not at inappropriate times
- Controlling types of rubbish collected ensures waste collectors, the public and the environment, are not exposed to hazardous and/or infectious waste.

Kerbside collections are managed by private waste collection services. This report has not investigated the health and safety records of the private waste collection services. RFS records show only one reported health and safety issue regarding kerbside collections in which rubbish from a destroyed rubbish bag was strewn across the footpath and was a potential tripping hazard for a blind resident.

RFS records show there are incidents in which rubbish bags are deposited on the kerbside or at approved collection points at inappropriate times (too early, too late etc) and are destroyed by rats, birds, or roaming dogs. RFS records show that some people in the community are concerned the approved collection points attract rats to the area.

The current *Bylaw Control 1 – Containers* regulates the times in which approved containers can be placed on the kerbside for collection. However, due to lack of Council resources, this is not actively monitored and responds reactively to complaints. Waste collection services are responsible for clearing all pre-paid kerbside collection bags. Bags that are placed at incorrect times are searched for potential evidence by the waste collection service in order to issue an infringement by Council staff.

In line with the Local Government Act 2002 section 145(b), and the Health Act 1956 sections 23(e) and s64(1)(a), a bylaw remains the most appropriate regulatory tool for controlling the deposition of dangerous, hazardous and infectious substances within the waste stream. However, community education advocating best practice waste management behaviour is required in order for the bylaw to be effective.

5.3 Control of litter

Litter and littering in general are regulated by the Litter Act 1979. However, the current Bylaw specifically regulates litter with regards to controlling kerbside rubbish collections.

Disposal of domestic type waste in a public place (illegal dumping) is a significant problem for the Far North District. Illegal dumping includes general household rubbish, large appliances, and furniture. Illegal dumping is regulated under the Litter Act 1979.

The causes of illegal dumping are complex. Barriers to disposing of rubbish either via kerbside collections or at a transfer station include but are not limited to:

- Financial constraints
- Transport access to transfer stations when kerbside collections are unavailable

- Lack of understanding to the damage caused by illegal dumping.

Further regulation of illegal dumping will not address the problem.

In the past, litter along the side of Council-controlled roads has been managed by community volunteers. However, community volunteers are now required to implement a traffic management plan to address health and safety concerns. These plans are considered a barrier for community groups and the number of litter control events has significantly reduced. The Council has not allocated resources for roadside litter control.

5.3.1 *Control of waste generated by events*

Community events such as sports events, markets, festivals etc can overwhelm existing public rubbish bins and significantly increase litter, creating a public nuisance. The current Bylaw requires all event holders to have an approved waste management and minimisation plan to address waste minimisation and prevent the accumulation of litter in a public place. The Bylaw is only applicable to events held on council-controlled land.

The Bylaw has been effective in increasing the amount of material diverted from landfill and reducing the amount of litter during and post-events.

A bylaw remains the most appropriate regulatory tool for controlling waste management and minimisation at events. However, community education advocating best practice waste management behaviour is required in order for the bylaw to be effective.

5.3.2 *Control of waste receptacles in a public place*

The current Bylaw controls the use of non-licensed or non-approved waste receptacles in a public place i.e., non-prepaid black bags placed out for kerbside collection, which amounts to littering or illegal dumping.

Non-licensed or non-approved waste receptacles in a public place are searched for potential evidence by Council staff in order to issue an infringement.

A bylaw remains the most appropriate regulatory tool for controlling the use of non-licensed or non-approved waste receptacles in a public place. However, community education advocating best practice waste management behaviour is required in order for the bylaw to be effective.

5.4 *Control of waste generated by multi-unit developments*

At present, there is not many multi-unit residential properties in the Far North, although it is expected that over time more units will be built, particularly in coastal holiday areas. There is a need to ensure that adequate provisions are made for waste services at these premises, both at design stage and operationally once the units are occupied.

Broadly, a multi-unit development refers to a property comprising two or more separately occupied household/residential units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership located on the one site.

Whilst the Building Code (Clause G15 Solid Waste) stipulates that such “buildings shall be provided with space and facilities for the collection, and safe hygienic holding prior to disposal, of solid waste arising from the intended use of the buildings”, this clause does not apply to multi-unit dwellings if there is an independent access, or if there is a private open space at the ground level.

Building Code provisions are therefore considered inadequate for amenity protection, and for accommodating the waste management needs of residents, for the following reasons:

- Where a development is exempt from Clause G15:
 - The provision of an independent site access does not guarantee that multi-unit developments are designed with sufficient on-site waste and recycling storage areas. Furthermore, existing bylaw provisions prohibit the storage of waste and recycling material within a public place.

- The provision of a private open space at the ground level does not guarantee that this open space is available or accessible for waste storage or servicing needs.
- Where Clause G15 is deemed applicable to a development:
 - It does not specify a minimum site size for on-site waste and recycling storage. It is, however, noted that Building Code provision G15/AS1 provides detail of a possible ‘acceptable solution’ for waste storage, which when complied with, will be deemed acceptable in terms of Building Code compliance.

6 Potential impacts on Bylaw development

6.1 S17a review

The previous *Roadside Rubbish and Recycling* report presented to Council in December 2020 indicated a full S17A Service Delivery Review is planned in 2021, followed by a public tender for the solid waste services. The current north and south solid waste contracts expire on 30 September 2022.

Changes in the service delivery of solid waste, i.e., moving to a rates funded system may require an amendment to the Bylaw.

6.2 Potential to have regional consistency

To reduce confusion amongst communities, 19 territorial authorities across the Waikato / Bay of Plenty regions have successfully subscribed to a consistent solid waste bylaw and waste management and minimisation plan.

The Whangarei District Council (WDC) Solid Waste Management Bylaw 2013 is due for review in 2023. However, WDC will most likely review their bylaw ahead of schedule in response to the forthcoming central government recommendations. Kaipara District Council is looking to separate out certain components of their consolidated bylaw and is planning to make a new solid waste bylaw in the next couple of years.

Therefore, there is potential to create a regionally consistent solid waste bylaw for the Northland Region. Initial discussions have indicated that a regionally consistent bylaw could align with either the Waikato / Bay of Plenty bylaw or the newly made Wellington City Solid Waste Bylaw. The current Bylaw is already consistent with the Waikato / Bay of Plenty bylaw. There are some consistencies between the current bylaw and the Wellington City bylaw, although the Wellington City bylaw contains components that are not justified for FNDC’s more rural setting.

6.3 Waste management and minimisation plan

Under the Waste Minimisation Act 2008, the waste management and minimisation plan must be reviewed every six years. Therefore, the *Waste Management and Minimisation Plan 2017 – 2023*⁵ is due for review by 2023.

As per section 43 of the Waste Minimisation Act 2008, a waste management and minimisation plan must provide for the following:⁶

- a) objectives and policies for achieving effective and efficient waste management and minimisation within the territorial authority’s district:
- b) methods for achieving effective and efficient waste management and minimisation within the territorial authority’s district, including—
 - i. collection, recovery, recycling, treatment, and disposal services for the district to meet its current and future waste management and minimisation needs (whether provided by the territorial authority or otherwise); and
 - ii. any waste management and minimisation facilities provided, or to be provided, by the territorial authority; and
 - iii. any waste management and minimisation activities, including any educational or public awareness activities, provided, or to be provided, by the territorial authority:

⁵ [Waste Management and Minimisation Plan 2017 – 2023](#)

⁶ [Waste Minimisation Act 2008](#)

As per section 56 of the Waste Management Act 2008, a bylaw must be consistent with the Waste Management and Minimisation Plan.

Therefore, amendments to the Waste Management and Minimisation Plan may require amendments to the Bylaw.

7 Discussion

7.1 Is a bylaw still the most appropriate way to address the regulation of solid waste in the Far North District?

The review has identified that a bylaw is still the most appropriate way to address the following solid waste problems:

- To meet the Council's legal requirements under the Waste Minimisation Act 2008, specifically
 - minimising recyclables in the landfill waste stream
 - gathering accurate data for waste planning
- Protecting public health and safety, and avoiding nuisances including
 - control of hazardous wastes
- Control of litter including
 - control of waste generated by events
 - control of waste receptacles in a public place
- Control of waste generated by multi-unit developments

7.2 Is the current bylaw effective?

The current Bylaw has been effective in regulating the following:

- gathering accurate data for waste planning
- protecting public health and safety, and avoiding nuisances
- control of hazardous wastes
- control of waste generated by events
- control of waste receptacles in a public place
- control of waste generated by multi-unit developments

Therefore, the Bylaw is still the most appropriate way of addressing those problems with respect to solid waste.

However, community education advocating best practice waste management behaviour is required in order for the bylaw to be effective.

Although, the Bylaw has been in place for five years without any apparent problems, the components of the Bylaw referring to minimising recyclables in the landfill waste stream are not effective.

Due to not allocating sufficient resources the components of the Bylaw that refer to waste separation are not enforced and therefore the Bylaw is not effective in minimising recyclables in the landfill waste stream. Either the Bylaw needs to be amended and the components referring to waste separation removed or this section of the Bylaw needs to be actively monitored and enforced.

However, given that central government is considering standardising kerbside collections, including organic collections, the Bylaw may need to be amended once the Government proposals are finalised to allow for a range of waste types collected at kerbside. Therefore, it may be imprudent to amend the Bylaw as there is a risk that Central Government will require changes to kerbside collections and the Bylaw will need to be amended again.

Both Whangarei District Council and Kaipara District Councils will be reviewing their solid waste related bylaws after the release of the finalised central government proposals. Therefore, there is an opportunity to have

regional consistent solid waste bylaws. Further to this the Council is undertaking a S17a review for solid waste services, and the Waste Management and Minimisation Plan is due for review by 2023.

An increase in resources to actively monitor and enforce solid waste regulation in the Far North District may help to not only encourage adherence to the current Bylaw but also reduce the problem with illegal dumping. Illegal dumping is a complex problem and further investigation as to potential council interventions is required.

Community education advocating best practice waste management behaviour remains to be required in order for the bylaw to be effective. The upcoming increases to the Waste Levy may provide extra resources for more effective education.

8 Conclusion

Bylaw controls, in conjunction with effective education, remain a necessary regulatory mechanism for efficient and effective waste minimisation operations across the Far North District. However, the problem of ineffective regulation regarding the separation of waste from recyclables caused by non-existent monitoring and enforcement will need to be addressed.