

STATEMENT OF  
PROPOSAL FOR THE

# DRAFT WASTE MANAGEMENT AND MINIMISATION *Bylaw 2025*



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*



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# 1 Purpose of bylaw

The purpose of the Waste Management and Minimisation Bylaw (**Bylaw**) is to support:

- a The implementation of the Hastings District Council/Napier City Council Joint Waste Management and Minimisation Plan.
- b Achieve the purpose of the Waste Minimisation Act 2008 and the New Zealand Waste Strategy.
- c Efficient and effective waste management and minimisation across Napier City and safe practices through the regulation of the collection, transport, recovery and disposal of waste.

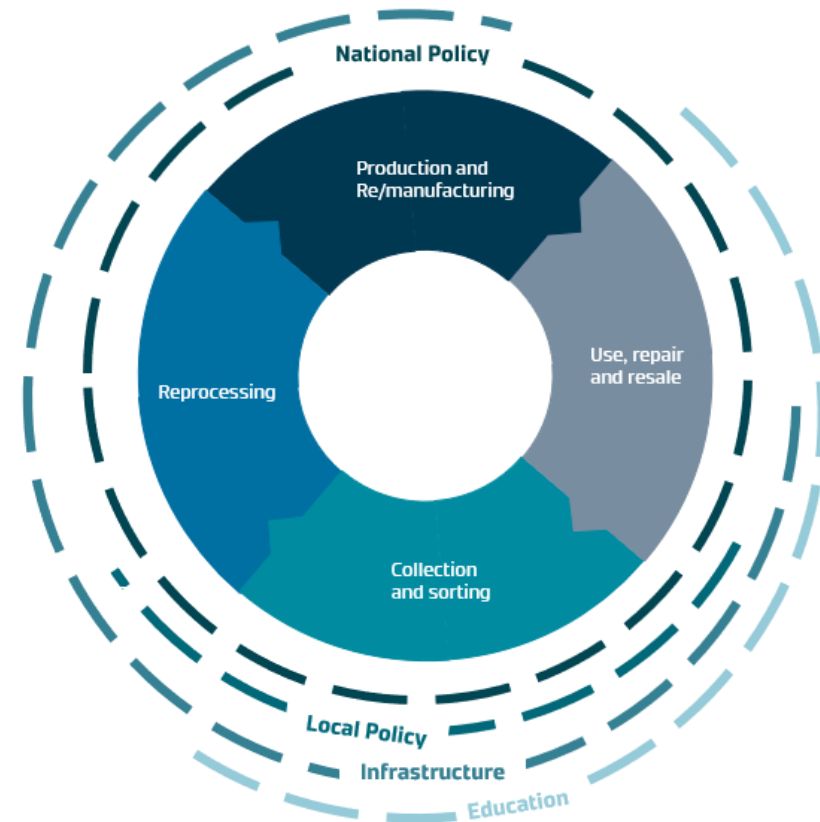
# 2 Current situation/ background

Napier adopted a Solid Waste Bylaw in 2012. Under section 56 of the Waste Minimisation Act 2008 (WMA), a territorial authority must review a bylaw no later than 10 years after the bylaw was made. A review has not been undertaken within the required timeframe; therefore, Napier City Council's Solid Waste Bylaw was revoked on 1 July 2024<sup>1</sup>. A replacement Bylaw is required.

Napier City Council and Hastings District Council completed a joint Waste Assessment and Draft Waste Management and Minimisation Plan (**Draft WMMP**) in 2025. In the WMMP, there are focus areas and actions to improve waste management and minimisation. Alongside the provision of infrastructure and education, policy is a key change lever that can help drive a circular economy, (Figure 2.1). Having a bylaw is a means of introducing rules and obligations to help address waste problems identified in the Draft WMMP. The proposed Waste Management and Minimisation Bylaw will support implementation of the WMMP and is attached as **Error! Reference source not found.**

<sup>1</sup> This bylaw was valid for 2012-2022. As no review was undertaken within two years of last date on which the bylaw should have been reviewed, it was

Figure 2.1: Level of influence of change levers in the circular economy framework



automatically revoked on 1 July 2024, in accordance with section 58(3) of the WMA and referenced LGA section 160A.

### 3 Problems we are trying to address

The Draft WMMP identifies three overarching problem areas which can be addressed through the update of the Bylaw. These are discussed below.

#### Support for waste minimisation efforts

The amount of waste going directly to landfill in Napier City and Hastings District has been increasing since the 2011/2012 (Figure 3.1).

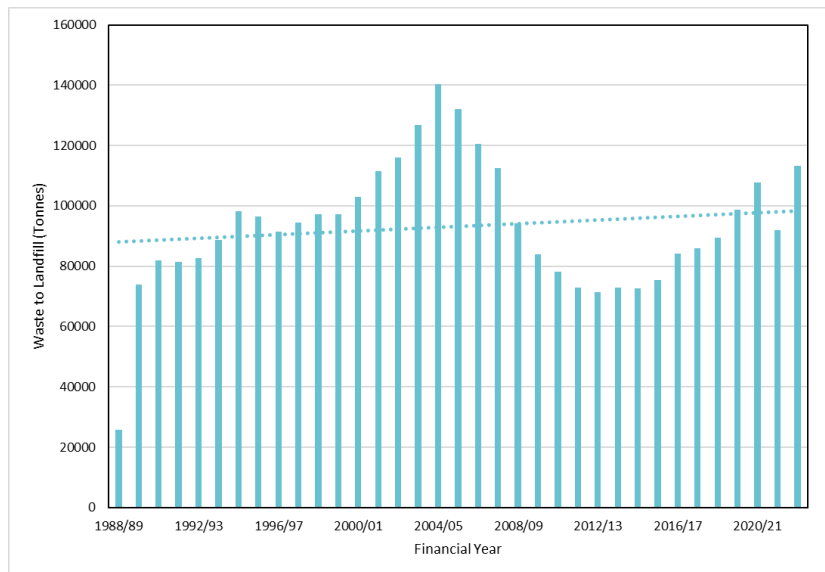


Figure 3.1: The annual tonnages of waste going to landfill in Napier/Hastings

A key aim of the Draft WMMP is to reduce the total amount of waste being sent to landfill. This is supported by the vision in the Draft WMMP “It is normal for our communities to waste less, work in partnership, and value our resources in order to protect te taiao.”

The proposed Bylaw will support a reduction in waste to landfill through providing clarity on roles and responsibilities for waste, requirements for waste separation, recovery and use of waste services in the public and private sectors. The Bylaw will define what can and cannot be placed in kerbside bins along with clarity around what can be placed in a public waste bin.

#### Regulation around safe and effective services and management of waste

Another problem identified in the Draft WMMP is the management of safe and effective services and a lack of clarity around who is responsible for what in the waste system. A key focus of the Bylaw is ensuring the appropriate collection, recovery and disposal of waste to ensure the health and safety of the public, as well as staff operating waste services. There is also regulation on what bins can and cannot be placed at kerbside and where there is an opportunity to promote better hygiene and, health and safety. The Bylaw defines roles and responsibilities for individuals for the use of waste services including the separation, and handling of waste, use of approved waste bins, what waste materials must be separated for recycling and any prohibited wastes.

#### Enabling adaptive action within the waste system

Enabling future regulation was an important part of the Draft WMMP, for specific waste streams or sources of waste. The Bylaw, as drafted, provides for controls to be implemented by resolution of council rather than including specific clauses within the Bylaw. This avoids the need to go through a full Special Consultative Procedure when changes are needed or proposed. The proposed approach balances flexibility to adapt to changing circumstances (including future government policy changes) while providing adequate certainty to the community on key requirements.

What can be included within the controls is outlined in the Bylaw including:

- Controls for waste collectors and waste operators. A key problem in managing waste is the unknown volumes coming from the private sector. A bylaw enables Council to put in a provision that will enable licensing, holding the private sector to a standard of operation and

introducing the tracking of waste and provision of waste data to Council for planning purposes.

- Controls on the collection of organic material which is a large contributor of biogenic methane and associated GHG emissions.
- Controls could help regulate the construction and demolition sector which is a large portion of landfill material as shown in Figure 3.2.

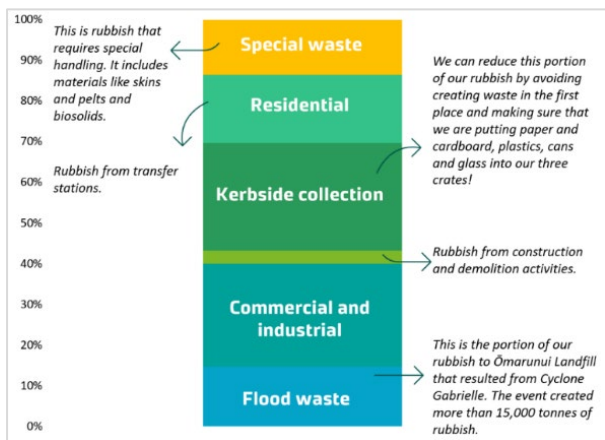


Figure 3.2: The percentage type of each material ending up at landfill

The Bylaw specifies matters over which controls or rules can be provided for including collection, specific areas in the city, specific categories of waste and conditions of licences for waste collectors and operators.

## 4 Proposed regulatory approach

The proposed Bylaw adopts a light regulatory approach that allows existing waste services to be delivered safely and effectively, in a way that supports minimisation and can be delivered within existing council budgets and resources. The proposed Bylaw also gives the ability to add further regulation (through controls) to support waste minimisation in the future

<sup>2</sup> Waste Minimisation Act 2008 is under review.

when this is needed to implement the WMMP, for specific waste streams or sources of waste.

A key decision in the drafting of the bylaw was whether specific waste streams or sources of waste should be regulated within the Bylaw (i.e. the licensing conditions of waste operators or collectors, specific requirements for construction waste or organic waste) or alternatively to provide for controls to be made under the Bylaw in the future in response to changing requirements.

Including requirements within the Bylaw provides certainty for the community on the expected regulatory approach; however, due to a legal obligation to act upon clauses they commit Council to monitoring and enforcement costs. Creating specific clauses could create a Bylaw that is inconsistent with future government direction<sup>2</sup>, resulting in bylaw amendments and associated consultation processes and cost. Use of controls allow specific regulatory approaches to be introduced without changing the Bylaw and have less stringent Local Government Act requirements and consultation. Controls give council the opportunity to act upon issues in the future if they decide an issue needs to be supported by increased regulation and can be adopted and changed by Council resolution.

## 5 Stakeholder pre-engagement

As part of the development of the WMMP, stakeholders were asked what is important to them in managing and minimising waste. 342 members of the public provided feedback on a range of key themes shown in Figure 5.1. In addition to community engagement, 56 people from sector groups were engaged with to understand what was important to them (Figure 5.2). This feedback shows that the development of policy to support waste minimisation is important to the construction and demolition sector, businesses and households. These results support the review and replacement of the Bylaw in line with issues identified in the WMMP.



Figure 5.1: Key themes from community engagement in June 2024

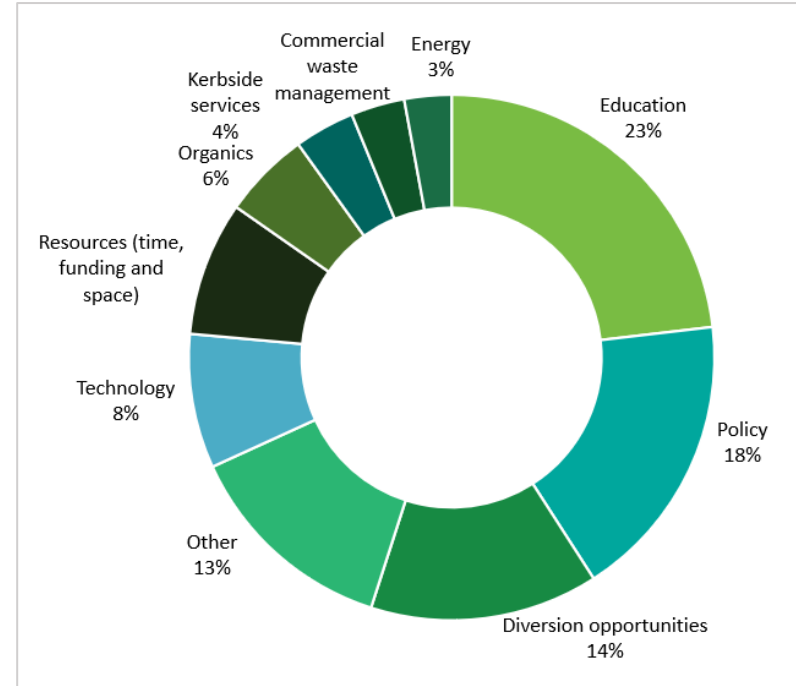


Figure 5.2: Key themes from sector engagement



## 6 Options

Three approaches were compared when deciding on how to approach the Bylaw, with benefits, risks and costs shown in **Table 6.1**.

- 1 Retain the existing (expired) bylaw.
- 2 A bylaw with a light regulatory approach.
- 3 A bylaw with moderate regulatory approach.

The recommended option 2 is a balanced approach between providing regulation to ensure safe and effective waste management, and clarity on responsibilities for waste, alongside the ability to adjust regulation of specific waste streams or sources through the use of controls as requirements change over time.

**Table 6.1: Benefits, risks and costs of approaches to the replacement Bylaw**

Options	Benefits	Risks	Costs
1) Retain the existing bylaw	<ul style="list-style-type: none"> <li>Less work considering limited council resources.</li> </ul>	<ul style="list-style-type: none"> <li>Bylaw has been revoked so there no regulation in place.</li> <li>Not fit for purpose.</li> <li>Will not align with WMMP and therefore will not help achieve what is set out in the WMMP.</li> </ul>	<ul style="list-style-type: none"> <li>No cost to keep remaining bylaw.</li> </ul>

Options	Benefits	Risks	Costs
2) Light regulatory approach	<ul style="list-style-type: none"> <li>Provides flexibility for future controls to support WMMP implementation when needed and budgets allow.</li> <li>More regulation than retaining the existing Bylaw, driving some change in waste management and minimisation.</li> </ul>	<ul style="list-style-type: none"> <li>Less ability to drive change in waste and circular economy activities than Option 3.</li> <li>Uncertainty on level of regulation as controls have not been defined.</li> </ul>	<ul style="list-style-type: none"> <li>Implementation can be delivered within existing budgets.</li> <li>Introduction of future controls may require additional resource.</li> </ul>
3) Moderate regulatory approach	<ul style="list-style-type: none"> <li>Provides clarity for the community on what is regulated.</li> <li>Potential to drive more change in waste minimisation and circular economy compared to Option 2.</li> </ul>	<ul style="list-style-type: none"> <li>May be controversial for the community as Bylaw may specify stricter measures i.e. licencing for the commercial sector.</li> <li>Less flexibility to respond to future changes (i.e. changes require bylaw amendments and consultation).</li> </ul>	<ul style="list-style-type: none"> <li>Would require additional resources to implement, monitor and enforce Bylaw.</li> <li>Costs to review and consult on Bylaw if amendments are required within next 10 years.</li> </ul>

## 7 Have your say

We want to know what you think of our approach to the Bylaw and how it will contribute to a more circular economy in Napier City.

- What do you think of our regulatory approach?
- Will the proposed Bylaw help us to achieve our WMMP? Should we be doing more or less as a community?

### How can you learn more

The Napier City Council Waste Management and Minimisation Bylaw 2025 / Te Ture ā-rohe a Te Kaunihera o Ahuriri mō te Whakahaere me te Whakaiti Para 2025 can be found at [Draft Waste Management and Minimisation Bylaw | Consultations](#)

### How you can have your say

To have your say, you can:

- Complete our online feedback form, or
- Scan and email your completed form to [wasteteam@napier.govt.nz](mailto:wasteteam@napier.govt.nz), or
- Hand your completed form in at your local library or council office, and/or
- Attend a face-to-face event.

Submissions close on 11<sup>th</sup> May 2025.

### What happens next

We will review your submissions and create a feedback summary.

This feedback will be considered in the update of the Napier City Council Waste Management and Minimisation Bylaw 2025 / Te Ture ā-rohe a Te Kaunihera o Ahuriri mō te Whakahaere me te Whakaiti Para 2025 and considered by Napier City Councillors.