

Agenda for an extraordinary meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 17 APRIL 2018** commencing at **12.30pm**.

Information and recommendations are included in the reports to assist the Board in the decision making process and may not constitute Council's decision or policy until considered by the Board.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

4. REPORTS

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| 4.1 | Proposed Waste Management and Minimisation Plan for Consultation | 2 |
| 4.2. | Statement of Proposal to Amend 2018/19 Development Contributions Policy Policy Appendices | 7 |

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CHIEF EXECUTIVE

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Open Meeting

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| To | Waikato District Council |
| From | Jacki Remihana Acting General Manager Service Delivery |
| Date | 13 April 2018 |
| Prepared by | Karl Pavlovich Acting Waters Manager |
| Chief Executive Approved | Y |
| Reference # | INF2018 |
| Report Title | Proposed Waste Management and Minimisation Plan for consultation |

I. EXECUTIVE SUMMARY

This report presents the proposed revised draft 2018-2024 WMMP (Draft WMMP v3), Waste Assessment, and a draft Statement of Proposal for public notification (See attachment's 1-3).

The draft WMMP (Draft WMMP v1) was initially workshopped with Council on 8 February 2018 with version two being workshopped on 10 April 2018. The attached WMMP (Draft WMMP v3) includes the feedback provided at that workshop

Council is required by the Waste Minimisation Act 2008 (WMA 2008) to review and develop an updated Waste Management and Minimisation Plan (WMMP) by June 2018. The WMMP must articulate clearly the Waikato District Council's plan to achieve waste management and minimisation.

The WMA 2008 also specifies that Council must 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.

The proposed WMMP includes the vision, goals and objectives, work-shopped with Council on 13 February 2018 and have been adjusted accordingly following Council direction.

2. RECOMMENDATION

THAT the report from the Acting General Manager Service Delivery be received;

AND THAT Council adopts the recommended option – Option 2:

Change the working of activity one to “Review funding model for council services to align with waste minimisation activities (to including but not limited to contracting of solid waste services, kerbside refuse, inorganic collection, food waste and drop off collections).” and approve the Statement of Proposal and the proposed Waikato District Council 2018-2024 WMMP v3. Following approval, begin consultation on the final Draft WMMP commencing 23 April 2018

and consultation closing 23 May 2018 following the special consultative procedure. Submissions on the proposed WMMP will be considered and, if requested, heard by Council at a meeting on 13 June 2018 or as early thereafter as possible. The WMMP is scheduled to be confirmed and a final version adopted by Council at a meeting to be held on 27 June 2018.

3. BACKGROUND

The WMA 2008 required Council to adopt a WMMP by 1 July 2012. The 2012 WMMP presented to the community, Waikato District Council's plan to promote waste management and minimisation.

Council is required to review and develop a Waste Management and Minimisation Plan every six years. The WMA 2008 outlines the process and content that must be included in the WMMP. Waikato District Council current WMMP is valid until June 2018.

Waste levy funding is provided by central government to Councils who have a current WMMP. Council received \$255,184.01 in waste levy funding for the 2017/18 financial year.

The WMMP must outline the actions that Council will take to meet our obligations to "*promote effective and efficient waste management and minimisation*" (WMA 2008, Section 42). Waste levy funding received by Council from the Ministry for Environment must be spent on activities listed in the WMMP.

In developing and implementing the WMMP Council must have regard for the waste hierarchy – reduction, reuse, recycling, recovery, treatment, and disposal.

The consultation on the WMMP must follow the Special Consultative Procedure as outlined in Section 83 of the Local Government Act 2002.

The proposed Waikato District Council Waste Management and Minimisation Plan (WMMP) is attached along with the Statement of Proposal for consideration. Subject to approval Submissions on the proposed 2018-2024 Waikato District Council Waste Management and Minimisation Plan

Following consultation, the 2018 WMMP will be finalised and presented to Council for adoption.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The draft WMMP has now received two workshops sessions with Council and has developed considerable from version one.

The direction provided by Council from 8 February workshop was to widen the scope of the projects proposed in WMMP to embrace possible opportunities across the district. This was achieved by removing reference to specific townships in the proposed WMMP projects in favour of a whole-of-district approach.

The substantive changes incorporated into version three of the draft WMMP from 10 April workshop include revision of the vision to better reflect Councils ownership of waste issues and challenges present in the Waikato District and a proposed re-wording of Activity one of the WMMP to bring better definition and clarity to this desired outcomes of this activity.

Along with the original working of Activity One, staff have presented an alternative working as a part of the options for this paper.

4.2 OPTIONS

All Territorial Authorities are required to have a current WA/WMMP.

Option 1: Approve the Statement of Proposal and the proposed Waikato District Council 2018-2024 WMMP v3. Following approval, begin consultation on the final Draft WMMP commencing 23 April 2018 and consultation closing 23 May 2018 following the special consultative procedure. Submissions on the proposed WMMP will be considered and, if requested, heard by Council at a meeting on 13 June 2018 or as early thereafter as possible. The WMMP is scheduled to be confirmed and a final version adopted by Council at a meeting to be held on 27 June 2018.

Option 2: Change the working of activity one to “*Review funding model for council services to align with waste minimisation activities (to including but not limited to contracting of solid waste services, kerbside refuse, inorganic collection, food waste and drop off collections).*” and approve the Statement of Proposal and the proposed Waikato District Council 2018-2024 WMMP v3. Following approval, begin consultation on the final Draft WMMP commencing 23 April 2018 and consultation closing 23 May 2018 following the special consultative procedure. Submissions on the proposed WMMP will be considered and, if requested, heard by Council at a meeting on 13 June 2018 or as early thereafter as possible. The WMMP is scheduled to be confirmed and a final version adopted by Council at a meeting to be held on 27 June 2018.

Staff recommend Option 2.

5. CONSIDERATION

5.1 FINANCIAL

Failure to adopt a WMMP by 30 June 2018 may impact Council’s access to Waste Levy funding. In the 2017/18 financial year, Council received \$255,184.01 in Waste Levy funding.

Waste Levy funding is used to fund activities and initiatives detailed in the WMMP. Waste Levy funding is also utilised to part fund LTP activities and initiatives such as the development of a Huntly Resource Recovery Centre in 2020-2022.

5.2 LEGAL

Councils have a number of statutory obligations and powers in respect of the planning and provision of waste services. These include the following:

- Under the WMA each Council “must promote effective and efficient waste management and minimisation within its district” (s 42). The WMA requires TAs to develop and adopt a Waste Management and Minimisation Plan (WMMP).
- The WMA also requires TAs to have regard to the New Zealand Waste Strategy 2010. The Strategy has two high levels goals: ‘Reducing the harmful effects of waste’ and ‘Improving the efficiency of resource use’. These goals must be taken into consideration in the development of the Councils’ waste strategy.
- Under the Local Government Act 2002 (LGA) the Councils must consult the public about their plans for managing waste.
- Under the Resource Management Act 1991 (RMA), TA responsibility includes controlling the effects of land-use activities that have the potential to create adverse effects on the natural and physical resources of their district. Facilities involved in the disposal, treatment or use of waste or recoverable materials may carry this potential. Permitted, controlled, discretionary, non-complying and prohibited activities and their controls are specified within district planning

documents, thereby defining further land-use-related resource consent requirements for waste-related facilities.

- Under the Litter Act 1979 TAs have powers to make bylaws, issue infringement notices, and require the clean-up of litter from land.
- The Health Act 1956. Health Act provisions for the removal of refuse by local authorities have been repealed by local government legislation. The Public Health Bill is currently progressing through Parliament. It is a major legislative reform reviewing and updating the Health Act 1956, but it contains similar provisions for sanitary services to those currently contained in the Health Act 1956.
- The Hazardous Substances and New Organisms Act 1996 (the HSNO Act). The HSNO Act provides minimum national standards that may apply to the disposal of a hazardous substance. However, under the RMA a regional council or TA may set more stringent controls relating to the use of land for storing, using, disposing of or transporting hazardous substances.
- Under current legislation and the new Health and Safety at Work Act the Council has a duty to ensure that its contractors are operating in a safe manner.

The Waikato/Bay of Plenty region Councils, in determining their role, need to ensure that their statutory obligations, including those noted above, are met.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

N/A

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

(Ascertain if the Significance & Engagement Policy is triggered or not and specify the level/s of engagement that will be required as per the table below (refer to the Policy for more detail and an explanation of each level of engagement):

| Highest levels of engagement | Inform | Consult | Involve | Collaborate | Empower |
|---|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i> | S83 consultation with the community | | | | |

State below which external stakeholders have been or will be engaged with:

| Planned | In Progress | Complete | |
|---------|-------------|----------|---|
| | ✓ | | Internal |
| | ✓ | | Community Boards/Community Committees |
| | ✓ | | Waikato-Tainui/Local iwi (provide evidence / description of engagement and response) |
| | ✓ | | Households |
| | | | Business |
| | ✓ | | Other Please Specify |

6. CONCLUSION

Council is required to review and develop a Waste Management and Minimisation Plan every six years. The WMA 2008 outlines the process and content that must be included in the WMMP.

The WMMP outlines the actions that Council will take to meet their obligations to “*promote effective and efficient waste management and minimisation*” (WMA 2008, Section 42). Waste levy funding received by Council from the Ministry for Environment must be spent on activities listed in the WMMP.

Council is also required to adopt the new WMMP by 30 June 2018, which articulates Waikato District Council’s plan to promote waste management and minimisation.

If Council does not have a valid WMMP, there is a risk that Council will lose access to waste levy funding received from Central Government each year.

The consultation on the WMMP must follow the Special Consultative Procedure as outlined in Section 83 of the Local Government Act 2002.

Following consultation on the proposed WMMP the finalised 2018 WMMP will be presented to Council and then recommended to Council for adoption.

7. ATTACHMENTS

Nil.

Open Meeting

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| To | Waikato District Council |
| From | Gavin Ion Chief Executive |
| Date | 17 April 2018 |
| Prepared by | Alison Diaz Finance Manager |
| Chief Executive Approved | Y |
| Reference # | GOV1301 / 1931033 |
| Report Title | Statement of Proposal to amend the 2018/19 Development Contributions Policy Appendices |

I. EXECUTIVE SUMMARY

This report seeks approval to publically notify a Statement of Proposal for proposed changes to the Development Contributions Policy fees and associated appendices, and commence consultation. This report was first received at April's Council meeting, however, further work was requested and the Statement of Proposal and associated appendices will be distributed under separate cover to allow sufficient time to complete that work.

2. RECOMMENDATION

THAT the report from the Chief Executive be received;

AND THAT in accordance with section 82 of the Local Government Act 2002 the Statement of Proposal to amend the 2018/19 Development Contributions Policy Appendices, is approved by Council;

AND FURTHER THAT in accordance with Council's Significance & Engagement Policy that a three week (15 working days) consultation period be used, commencing on 18 April 2018 and closing on 11 May 2018;

AND FURTHER THAT submitters will be able to present their feedback in person to Council on the xx May 2018 (date TBC) with final decisions notified at the Extraordinary Council meeting on 18 May 2018.

3. BACKGROUND

The proposed appendices to the Development Contributions Policy incorporate the draft 2018-2028 Long Term Plan capital works programme and anticipated growth, in order to arrive at the proposed development contribution levies.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

In order to make changes to the appendices Council must give effect to the matters outlined in section 82 of the Local Government Act 2002, making a proposal publically available which:

- a) Outlines the reasons for the proposal;
- b) Provides analysis of the reasonably practicable options;
- c) Gives details of the proposed changes.

Whilst a special consultative procedure is not required, schedule two of Council's Significance & Engagement Policy stipulates that "written submissions will be allowed for a period of up to 4 weeks, and that Council will consider all submissions prior to making decisions."

To ensure any changes related to deliberations on feedback received through this process can be made to Council's Long Term Plan for 2018-28 the period of consultation will be three weeks rather than four.

4.2 OPTIONS

Council could approve the Statement of Proposal as presented, or alternatively request changes to the consultation schedule. Please note that dates for the informal feedback session with submitters will be discussed and agreed with Councillors at the extraordinary meeting.

The proposed appendices relate directly to the capital works programme in Council's draft Long Term Plan, the districts growth assumptions, and areas of service. These variables determine the levies as per policy methodology.

5. CONSIDERATION

5.1 FINANCIAL

The Long Term Plan programme of capital works has an impact on the Development Contributions Policy appendices; in particular the capital works schedule and the resulting charges.

Without updating Council's current fees and associated appendices, there is a risk that the Council will have under or over recovery in relation to the costs outlined in Council's Long Term Plan. This would generate a recovery timing issue or potentially require refunds.

5.2 LEGAL

The Local Government Act 2002 requires Council to undertake a review of its Development Contributions Policy every 3 years. Work on the Policy wording has been consulted on will be provided as context for the appendices.

5.3 ASSESSMENT OF SIGNIFICANCE

The changes are not deemed to be significantly different to the current appendices in terms of the catchment boundaries and growth assumptions. If Council decides to adjust work programmes as a result of consultation feedback, these changes will need to be assessed for significance and incorporated into an Annual Plan or subsequent Long Term Plan (depending on relative timing and whether levels of service are anticipated to change).

Whilst capital work programmes relating to structure plans or private plan changes that are in progress are included where possible in the Long Term Plan, they have not been included in the calculation of development contribution levies. Further work and consultation will be required once these processes are completed.

New catchments are identified for the Lakeside Development Area in Te Kauwhata pending the private plan change outcome (without specified charges) and the Rangitahi Development Area in Raglan pending development agreement outcomes (without specified charges).

5.4 CONSULTATION

The following stakeholders will be engaged with through this process:

| Planned | In Progress | Complete | |
|---------|-------------|----------|-------------------------|
| | ✓ | | Surveyors |
| | ✓ | | Developers |
| | ✓ | | Architects / Designers |
| | ✓ | | Builders / Tradespeople |
| | ✓ | | Planners |
| | ✓ | | Council |
| | ✓ | | Members of the Public |

The Statement of Proposal will seek written submissions for consideration by Council and notify submitters of a date and time where they can present/discuss their feedback with councillors.

6. CONCLUSION

The Statement of Proposal for proposed changes to the Development Contributions Policy fees and associated appendices will be distributed under separate cover, and provided Council are satisfied with the additional work that has been undertaken that consultation commences from 18 April 2018.

7. ATTACHMENTS

Statement of Proposal for the 2018/19 Development Contributions Policy Appendices to be distributed under separate cover