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**WELLINGTON REGIONAL COUNCIL SUBMISSION
TO
WASTE MANAGEMENT WAIRARAPA

SOLID WASTE MANAGEMENT (REFUSE DISPOSAL)
FOR WAIRARAPA
PROPOSED WASTE PLAN**

To: Waste Management Wairarapa (“WMW”)

Address for Service: C/- Masterton District Council
PO Box 444
MASTERTON

1. Introduction:

The Regional Council congratulates WMW on the preparation of the Proposed Waste Plan, and supports the ongoing work of WMW to develop an effective waste management strategy for the Wairarapa, and the eventual implementation and development of the desired solid waste disposal option/s. As stated in the submission (dated 14 September 1999) on the Public Discussion Document, the Regional Council generally supported (and continues to support) the development of a **single regional landfill** for the Wairarapa, combined with **waste minimisation options** such as those advocated through “Zero Waste”. The Regional Council would therefore like to see progress towards securing a site for a regional landfill as soon as possible.

The Regional Council notes that a number of the actions in the Proposed Waste Plan are written so as to *encourage* the district councils to undertake various waste management practices, rather than providing a *direct recommendation* of desired practices. The Local Government Act requires territorial authorities to “**Make provision for the collection and reduction, reuse...of waste in the district**”, rather than simply **encouraging** collection and recycling practices. These points raise questions as to the relative weight to which the content of the Proposed Waste Plan will be given by the respective councils. It is the Regional Councils contention that a number of the Goals and Actions included in the Plan should be more explicitly worded, ie. more specific direction about what each council will do to provide for the collection, and reduction, reuse, recycling, recovery, treatment, or disposal of waste in the

districts. The Regional Council would welcome participating in further discussion on this.

The Regional Council requests the following amendments to the Plan:

2. Submission:

2.1 Executive Summary (page 5, paragraph 1, sentence 2)

“It is our intention that this Proposed Waste Plan provides the best framework to achieve our objective of providing for the waste management needs of the Wairarapa community in a sustainable manner, and ensuring waste management practices do not adversely affect human health, animal and plant health, amenity values and cultural values.”

Comments

Environmental health is also an important consideration when considering waste management practices.

Decision Sought

(i) Amend sentence to read:

“It is our intention that this Proposed Waste Plan provides the best framework to achieve our objective of providing for the waste management needs of the Wairarapa community in a sustainable manner, and ensuring waste management practices do not adversely affect human health, animal and plant health, **environmental health**, amenity values and cultural values.”

2.2 Glossary (page 8, paragraph 5)

"Leachate

When water seeps through a landfill it may become contaminated with minerals and other substances. Leachate is the resultant liquid that seeps into the ground and may enter groundwater (i.e. the water table)."

Comments

Leachate can seep into both ground and surface water, and this should be noted in the definition.

Decision Sought

- (i) Amend leachate definition to read:

"Leachate

When water seeps through a landfill it may become contaminated with minerals and other substances. Leachate is the resultant liquid that seeps into the ground and may enter groundwater (i.e. the water table) **and surface water.**"

2.3 Introduction (page 12, paragraph 3)

"There are four operating landfills in the Wairarapa – at Masterton, Carterton, Martinborough and a small local landfill at Tinui."

Comment

The Regional Council considers that there are currently *five* landfills operating in the Wairarapa, as the Greytown landfill is still receiving waste.

Decision Sought

- (i) Amend sentence to read:

"There are **five** operating landfills in the Wairarapa – at Masterton, Carterton, **Greytown**, Martinborough and a small local landfill at Tinui."

2.4 What is Solid Waste Management? (Page 12, paragraph 3)

"Clean Fill inorganic material such as construction and demolition wastes, bricks, gravel, concrete, soil."

Comment

Material such as 'construction and demolition wastes' do not always satisfy the Ministry for the Environment definition of what constitutes a clean fill.

Decision Sought

- (i) Amend clean fill definition to reflect above comment.

2.5 Legislation (page 14)

"The Local Government Amendment Act (No 4) (1996)"

Comments

The requirements for waste management are set out in Part XXXI (Sections 537 to 544) of the Local Government Act (1974). The bullet points on page 14 of the Plan all

refer to sections of the Local Government Act, *not* the Local Government Amendment Act, as referred to in the title. It is recommended that the heading of this section be changed to Local Government Act (1974).

Also, it is considered that Part XXXI of the Local Government Act should be described in more detail in this section of the Plan. Part XXXI is what gives territorial authorities their statutory obligation to prepare a Waste Management Plan, and to provide for the collection etc. of rubbish. It is not considered sufficient to describe only sections 538 and 539.

Decision Sought

- (i) Amend the heading to the Local Government Act (1974).
- (ii) Describe in more detail the statutory responsibilities of territorial local authorities under the Local Government Act (1974).

2.6 Legislation (page 14)

“The Resource Management Act (1991)

Section 31 requires District Councils to be responsible for achieving integrated management of the use of land and associated natural and physical resources of their District.”

Comments

Section 31 is important in that it defines the **functions** of territorial authorities. Accordingly, Section 31 should not be paraphrased. As currently worded, District Councils are “responsible for achieving integrated management ...”, when in fact it is their function to “establish, implement and review objectives, policies and methods to achieve integrated management ...”. This point needs to be clarified.

Of similar importance, is the function of territorial authorities “to control any actual or potential effects of the use development, or protection of land”. This is not mentioned in this section of the Plan.

Decision Sought

- (i) Add to the Plan a note that Section 31 of the Resource Management Act (RMA) defines the functions of territorial authorities, and include those functions of relevance (un-paraphrased) to waste management in the Waste Plan.

2.7 Legislation (page 14)

“The Health Act 1956

Section 25 requires Territorial Authorities to ensure the provision of sanitary works, including works for collection and disposal of refuse.

Section 38 empowers the Authority to undertake or contract for the collection and disposal of refuse.”

Comments

Section 25 of the Health Act does not require territorial authorities to ensure the provision of sanitary works. Section 25 states rather that “The [Minister may, by notice in the Gazette,] from time to time require any local authority to provide for the benefit of its district, whether within or beyond the boundaries thereof, such sanitary works as the [Minister] may specify in the requisition or to alter or extend any sanitary works previously provided by the local authority.” Therefore it is recommended that the wording be amended to reflect that the Minister **may** require sanitary works. It may be useful to add what specific requirements the Minister has made of the territorial authorities in the Wairarapa with respect to the collection and disposal of refuse.

Please note section 38 of the Health Act was repealed by the Local Government Amendment Act 1979. These powers are set out in Part XXXI of the Local Government Act.

Relief Sought

- (i) Amend bullet point one so that it more accurately reflects the purpose of Section 25.
- (ii) Add to the bullet points a description of what requirements the Minister has made on Wairarapa territorial authorities with respect to the collection and disposal of refuse.
- (iii) Delete the reference to Section 38.

2.8 Figure 2: Linkages to Council Planning Processes (page 15)

Comments

Figure 2 shows Waste Management Plans lying between district plans and annual plans. This is not correct, as waste management plans are not developed under the Resource Management Act, they are developed, like annual plans and long term financial strategies, under the Local Government Act. Waste management plans relate to the provision of systems to manage waste, and need to be linked explicitly to the financial plans of the councils. The diagram should show how this plan fits in with annual plans and long term financial strategies.

Decision Sought

- (i) Amend Figure 2 to more accurately reflect the position of waste management plans in the statutory framework.

2.9 Roles of Central, Regional and Local Government (page 16)Comments

The heading implies that regional councils are not local government. The heading should be changed to reflect that regional councils are also local government.

Decision Sought

- (i) Delete “Regional and” from the heading.

2.10 Regional Councils and District Councils (page 16)Comments

Under each sub heading the plan says “the Wellington Regional Council has **a role to**” and “District Councils have **a role to**”. These headings are misleading because some of the “roles” cited are actually statutory obligations, and some are not roles at all. The existing wording is too loose and should be changed to more accurately reflect the respective functions and responsibilities of the regional and district councils with regard to waste management.

Decision Sought

- (i) Amend the Plan to read:

“Functions and responsibilities of the Wellington Regional Council for waste management are:” and

“Functions and responsibilities of District Councils for waste management are:”.

2.11 Regional Councils (page 16)Comments

The third stated “role” of the regional council is incorrect. The wording implies that regional councils should be actively preventing or mitigating adverse effects arising from hazardous substances. This is not the case. The regional council’s function is to: “**control the use of land** for the purpose of the prevention or mitigation of any adverse effects any adverse effects of the storage, use, disposal, or transportation of hazardous substances”. The regional council and territorial authority functions in this matter have been clarified, as required by the Act, in the Regional Policy Statement for the Wellington Region. Essentially, on dry land, the regional council has the policy making function, while territorial authorities have the rule making function.

Section 31 specifies that regional councils have a function to control discharge of contaminants into air. Specific controls are included in the Regional Air Quality Management Plan for the Wellington Region. Reference to the regional council's responsibility for odour should be included in the Waste Plan.

Decision Sought

- (i) Amend bullet point three to accurately reflect the role of the regional council with respect to hazardous substances.
- (ii) Add to the functions and responsibilities of the Regional Council, a reference to 'odour'.

2.12 District Councils (page 16)

Comments

Bullet point one understates the district councils' statutory responsibilities. Section 539 of the Local Government Act **requires** territorial authorities to adopt a waste management plan. Section 539 (2) states that the Plan **shall** —

- (a) ***Make provision for the collection and reduction, reuse, recycling, recovery, treatment, or disposal of waste in the district:***
- (b) ***Provide for its effective and efficient implementation, or for activities considered appropriate for that purpose to be undertaken by, or under contract to, the territorial authority.***

The first bullet point should be replaced with “make provision for the collection and reduction, reuse, recycling, recovery, treatment, or disposal of waste in their districts”.

As noted above, section 539 (2) requires territorial authorities to **make provision for** reduction, reuse, recycling, and resource recovery, not just promote it as bullet point two suggests. This responsibility should be more accurately reflected.

The third bullet point misrepresents the role of district plans. With respect to waste management, district plans can provide for the designation of land for a public work. If the territorial authority is the requiring authority, it must have financial responsibility for the works, or the restriction must be necessary for the safe or efficient functioning or operation of the public work. This bullet point should be re-written as “authorise the use of land for waste management in their district plans.”

Decision Sought

- (i) Amend bullet point one to accurately reflect the role of territorial authorities with respect to waste collection and disposal services under section 539 of the Local Government Act.
- (ii) Amend bullet point two to reflect the requirement upon territorial authorities to make provision for waste reduction etc. rather than just the promotion.

- (iii) Amend bullet point three to accurately reflect the role of the territorial authority with regard to the designation of land for waste management purposes.

2.13 Zero Waste Management (page 17 and throughout plan)

Comments

As stated in the Regional Council submission on the Public Discussion Document, the Regional Council supports the waste minimisation options such as those advocated through Zero Waste. However, the Regional Council wishes to emphasise that Zero Waste is not an immediate or absolute solution. Progress must continue to be made with addressing current waste management issues, particularly as achieving Zero Waste will require a significant change in community attitudes and practices. WMW must ensure that it remains focussed on providing for the waste management needs that will be necessary in *combination* with Zero Waste philosophies, eg. a regional landfill.

Very little attention is given to the financial costs that will be associated with extensive reduction, re-use, recycling and recovery programmes. Also, the costs of dealing with residual waste may be significantly greater, as it is likely to be waste that is difficult to dispose of.

Decision Sought

- (i) Add to the Plan a more comprehensive discussion recognising that other waste management practices are required in addition to Zero Waste, and that the financial costs of extensive reduction, reuse, recycling and recovery programmes can be significant.

2.14 Part Two – Goals and Actions (page 18)

Waste Management Practices

Comments

The Waste Plan currently has no goals or actions relating to discouraging the unconsented burning of solid waste in the Wairarapa. Environmental monitoring has shown that air quality in the Masterton urban area exceeds Ministry for the Environment ambient air quality guidelines during winter periods. This could be a problem in other Wairarapa urban centres. It is considered important that this particular issue is addressed in the Waste Plan.

Decision Sought

- (i) Add Goals and Actions to the Plan that address the issue of unconsented burning of solid waste on ambient air quality.

2.15 Goal C, Action 4 (page 19)Comment

The recovery of dumped vehicles is a frequent and costly problem for both regional and district councils. It is suggested that vehicles are included in the annual collection of other residual waste products.

Decision Sought

- (i) Add vehicles to Goal C, Action 4.

2.16 Goal D, Action 3 (page 20)

“Hazardous chemicals are widely used in rural areas for control of pests on farms.”

Comments

Hazardous chemicals are used on other rural properties in addition to farms.

Decision Sought

- (i) Amend sentence one to read as follows:

“Hazardous chemicals are widely used in rural areas for control of pests on farms **and other rural properties.**”

2.17 Difficult and Hazardous Wastes: Goal K (page 27)Comments

Goal K, Action 2 implies that the overlapping roles between territorial authorities and the Regional Council with respect to hazardous waste have not been clarified. The areas of uncertainty related specifically to land use controls for places that use, store, transport or dispose of hazardous substances. The roles of territorial and regional authorities were clarified in the Regional Policy Statement (operative May 1995). The Regional Council has no role in the collection, storage, and disposal of hazardous waste unless it is specifically contracted to do so under section 37SB of the Local Government Act by territorial authorities.

Decision Sought

- (i) Amend Goal K Action 2 to reflect that the roles of the Regional Council and District Councils with regard to the use, storage, transport and disposal of hazardous substances have been clearly defined.

2.18 Funding and Finance: Goal M (page 30)

Comments

Goal M states that the charges for disposal of refuse will be set as an incentive for people to reduce the amount of waste they dispose. Care needs to be taken to ensure that landfill fees are not set at a level that they discourage use of the landfill in favour of illegal dumping (fly dumping).

Decision Sought

- (i) That careful consideration is given in the Proposed Waste Plan to the setting of landfill charges in order to minimise fly dumping.

3. The Regional Council wishes to be heard in support of its submission.



.....
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Date

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