



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA


Strategy and Policy Committee Meeting

Tuesday, 23 March 2021

Time: 9.30 am
Location: Council Chamber
Memorial Avenue
Kaikohe

Membership:

Cr Rachel Smith - Chairperson
Cr David Clendon
Mayor John Carter
Deputy Mayor Ann Court
Cr Dave Collard
Cr Felicity Foy
Cr Kelly Stratford
Cr Moko Tepania
Cr John Vujcich
Bay of Islands-Whangaroa Community Board Belinda Ward

 Far North District Council <i>Te Kaunihera o Tai Tokerau ki te Raki</i>	Authorising Body	Mayor/Council
	Status	Standing Committee
COUNCIL COMMITTEE	Title	Strategy and Policy Committee Terms of Reference
	Approval Date	19 December 2019
	Responsible Officer	Chief Executive

Purpose

The purpose of the Strategy and Policy Committee (the Committee) is to set direction for the district, determine specific outcomes that need to be met to deliver on that vision, and set in place the strategies, policies and work programmes to achieve those goals.

In determining and shaping the strategies, policies and work programme of the Council, the Committee takes a holistic approach to ensure there is strong alignment between the objectives and work programmes of the strategic outcomes of Council, being:

- Better data and information
- Affordable core infrastructure
- Improved Council capabilities and performance
- Address affordability
- Civic leadership and advocacy
- Empowering communities

The Committee will review the effectiveness of the following aspects:

- Trust and confidence in decision-making by keeping our communities informed and involved in decision-making;
- Operational performance including strategy and policy development, monitoring and reporting on significant projects, including, but not limited to:
 - FN2100
 - District wide strategies (Infrastructure/ Reserves/Climate Change/Transport)
 - District Plan
 - Significant projects (not infrastructure)
 - Financial Strategy
 - Data Governance
 - Affordability
- Consultation and engagement including submissions to external bodies / organisations

To perform his or her role effectively, each Committee member must develop and maintain his or her skills and knowledge, including an understanding of the Committee's responsibilities, and of the Council's business, operations and risks.

Power to Delegate

The Strategy and Policy Committee may not delegate any of its responsibilities, duties or powers.

Membership

The Council will determine the membership of the Strategy and Policy Committee.

The Strategy and Policy Committee will comprise of at least seven elected members (one of which will be the chairperson).

Mayor Carter
Rachel Smith – Chairperson
David Clendon – Deputy Chairperson
Moko Tepania
Ann Court
Felicity Foy
Dave Collard
John Vujcich
Belinda Ward – Bay of Islands-Whangaroa Community Board
Non-appointed councillors may attend meetings with speaking rights, but not voting rights.

Quorum

The quorum at a meeting of the Strategy and Policy Committee is 5 members.

Frequency of Meetings

The Strategy and Policy Committee shall meet every 6 weeks, but may be cancelled if there is no business.

Committees Responsibilities

The Committees responsibilities are described below:

Strategy and Policy Development

- Oversee the Strategic Planning and Policy work programme
- Develop and agree strategy and policy for consultation / engagement;
- Recommend to Council strategy and policy for adoption;
- Monitor and review strategy and policy.

Service levels (non regulatory)

- Recommend service level changes and new initiatives to the Long Term and Annual Plan processes.

Policies and Bylaws

- Leading the development and review of Council's policies and district bylaws when and as directed by Council
- Recommend to Council new or amended bylaws for adoption

Consultation and Engagement

- Conduct any consultation processes required on issues before the Committee;
- Act as a community interface (with, as required, the relevant Community Board(s)) for consultation on policies and as a forum for engaging effectively;
- Receive reports from Council's Portfolio and Working Parties and monitor engagement;
- Review as necessary and agree the model for Portfolios and Working Parties.

Strategic Relationships

- Oversee Council's strategic relationships, including with Māori, the Crown and foreign investors, particularly China
- Oversee, develop and approve engagement opportunities triggered by the provisions of Mana Whakahono-ā-Rohe under the Resource Management Act 1991
- Recommend to Council the adoption of new Memoranda of Understanding (MOU)
- Meet annually with local MOU partners
- Quarterly reviewing operation of all Memoranda of Understanding
- Quarterly reviewing Council's relationships with iwi, hapū, and post-settlement governance entities in the Far North District
- Monitor Sister City relationships
- Special projects (such as Te Pū o Te Wheke or water storage projects)

Submissions and Remits

- Approve submissions to, and endorse remits for, external bodies / organisations and on legislation and regulatory proposals, provided that:
 - If there is insufficient time for the matter to be determined by the Committee before the submission “close date” the submission can be agreed by the relevant Portfolio Leaders, Chair of the Strategy and Policy Committee, Mayor and Chief Executive (all Councillors must be advised of the submission and provided copies if requested).
 - If the submission is of a technical and operational nature, the submission can be approved by the Chief Executive (in consultation with the relevant Portfolio Leader prior to lodging the submission).
- Oversee, develop and approve any relevant remits triggered by governance or management commencing in January of each calendar year.
- Recommend to Council those remits that meet Council's legislative, strategic and operational objectives to enable voting at the LGNZ AGM. All endorsements will take into account the views of our communities (where possible) and consider the unique attributes of the district.

Fees

- Set fees in accordance with legislative requirements unless the fees are set under a bylaw (in which case the decision is retained by Council and the committee has the power of recommendation) or set as part of the Long Term Plan or Annual Plan (in which case the decision will be considered by the Long Term Plan and Annual Plan and approved by Council).

District Plan

- Review and approve for notification a proposed District Plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), First Schedule of the Resource Management Act 1991);
- Withdraw a proposed plan or plan change under clause 8D, First Schedule of the Resource Management Act 1991;
- Make the following decisions to facilitate the administration of proposed plan, plan changes, variations, designation and heritage order processes:
 - To authorise the resolution of appeals on a proposed plan, plan change or variation unless the issue is minor and approved by the Portfolio Leader District Plan and the Chair of the Regulatory committee.
 - To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by council and authorise the resolution of any such appeal.
 - To consider and approve council submissions on a proposed plan, plan changes, and variations.
 - To manage the private plan change process.
 - To accept, adopt or reject private plan change applications under clause 25 First Schedule Resource Management Act (RMA).

Rules and Procedures

Council's Standing Orders and Code of Conduct apply to all the committee's meetings.

Annual reporting

The Chair of the Committee will submit a written report to the Chief Executive on an annual basis. The review will summarise the activities of the Committee and how it has contributed to the Council's governance and strategic objectives. The Chief Executive will place the report on the next available agenda of the governing body.

STRATEGY AND POLICY COMMITTEE - MEMBERS REGISTER OF INTERESTS

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Hon John Carter QSO	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
Rachel Smith (Chair)	Friends of Rolands Wood Charitable Trust	Trustee		
	Mid North Family Support	Trustee		
	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member and Treasurer		
Rachel Smith (Partner)	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		
David Clendon (Deputy Chair)	Chairperson – He Waka Eke Noa Charitable Trust	None		Declare if any issue arises
	Member of Vision Kerikeri	None		Declare if any issue arises
	Joint owner of family home in Kerikeri	Hall Road, Kerikeri		
David Clendon – Partner	Resident Shareholder on Kerikeri Irrigation			
David Collard	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		
Deputy Mayor Ann Court	Waipapa Business Association	Member		Case by case
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	Case by case
	Kerikeri Irrigation	Supplies my water		No
	Top Energy	Supplies my power		No other interest greater than the publics
	District Licensing	N/A	N/A	N/A
	Top Energy Consumer Trust	Trustee	Crossover in regulatory functions, consenting economic development and contracts such as street lighting.	Declare interest and abstain from voting.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Ann Court Trust	Private	Private	N/A
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.
	Properties on Onekura Road, Waipapa	Owner Shareholder	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Property on Daroux Dr, Waipapa	Financial interest	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Flowers and gifts	Ratepayer 'Thankyou'	Bias/ Pre-determination?	Declare to Governance
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
	Staff	N/A	Suggestion of not being impartial or pre-determined!	Be professional, due diligence, weigh the evidence. Be thorough, thoughtful, considered impartial and balanced. Be fair.
	Warren Pattinson	My husband is a builder and may do work for Council staff		Case by case
Ann Court - Partner	Warren Pattinson Limited	Director	Building Company. FNDC is a regulator	Remain at arm's length
	Air NZ	Shareholder	None	None
	Warren Pattinson Limited	Builder	FNDC is the consent authority, regulator and enforcer.	Apply arm's length rules
	Property on Onekura Road, Waipapa	Owner	Any proposed FNDC capital work in the vicinity or rural plan change. Maybe a link to policy development.	Would not submit. Rest on a case by case basis.
Felicity Foy	Director - Northland Planning & Development	I am the director of a planning and development consultancy that is based in the Far North and have two employees.		I will abstain from any debate and voting on proposed plan change items for the Far North District Plan.
				I will declare a conflict of interest

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
		Property owner of Commerce Street, Kaitia		with any planning matters that relate to resource consent processing, and the management of the resource consents planning team. I will not enter into any contracts with Council for over \$25,000 per year. I have previously contracted to Council to process resource consents as consultant planner.
	Flick Trustee Ltd	I am the director of this company that is the company trustee of Flick Family Trust that owns properties Seaview Road – Cable Bay, and Allen Bell Drive - Kaitia.		
	Elbury Holdings Limited	This company is directed by my parents Fiona and Kevin King.	This company owns several dairy and beef farms, and also dwellings on these farms. The Farms and dwellings are located in the Far North at Kaimaumau, Bird Road/Sandhills Rd, Wireless Road/ Puckey Road/Bell Road, the Awanui Straight and Allen Bell Drive.	
	Foy Farms Partnership	Owner and partner in Foy Farms - a farm on Church Road, Kaingaroa		
	Foy Farms Rentals	Owner and rental manager of Foy Farms Rentals for 7 dwellings on Church Road, Kaingaroa and 2 dwellings on Allen Bell Drive, Kaitia, and 1 property on North Road, Kaitia, one title contains a cell phone tower.		

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	King Family Trust	This trust owns several titles/properties at Cable Bay, Seaview Rd/State Highway 10 and Ahipara - Panorama Lane.	These trusts own properties in the Far North.	
	Previous employment at FNDC 2007-16	I consider the staff members at FNDC to be my friends		
	Shareholder of Coastline Plumbing NZ Limited			
Felicity Foy - Partner	Director of Coastline Plumbing NZ Limited			
	Friends with some FNDC employees			
Kelly Stratford	KS Bookkeeping and Administration	Business Owner, provides book keeping, administration and development of environmental management plans	None perceived	Step aside from decisions that arise, that may have conflicts
	Waikare Marae Trustees	Trustee	Maybe perceived conflicts	Case by case basis
	Bay of Islands College	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Karetu School	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Māori title land – Moerewa and Waikare	Beneficiary and husband is a shareholder	None perceived	If there was a conflict, I will step aside from decision making
	Sister is employed by Far North District Council			Will not discuss work/governance matters that are confidential
	Gifts - food and beverages	Residents and ratepayers may 'shout' food and beverage	Perceived bias or predetermination	Case by case basis
	Taumarere Counselling Services	Advisory Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	Sport Northland	Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	Chef and Barista	Opua Store	None perceived	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Kelly Stratford - Partner	Māori title land – Moerewa	Shareholder	None perceived	If there was a conflict of interest I would step aside from decision making
Moko Tepania	Teacher	Te Kura Kaupapa Māori o Kaikohe.	Potential Council funding that will benefit my place of employment.	Declare a perceived conflict
	Chairperson	Te Reo o Te Tai Tokerau Trust.	Potential Council funding for events that this trust runs.	Declare a perceived conflict
	Tribal Member	Te Rūnanga o Te Rarawa	As a descendent of Te Rarawa I could have a perceived conflict of interest in Te Rarawa Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga o Whaingaroa	As a descendent of Te Rūnanga o Whaingaroa I could have a perceived conflict of interest in Te Rūnanga o Whaingaroa Council relations.	Declare a perceived conflict
	Tribal Member	Kahukuraariki Trust Board	As a descendent of Kahukuraariki Trust Board I could have a perceived conflict of interest in Kahukuraariki Trust Board Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga ā-lwi o Ngāpuhi	As a descendent of Te Rūnanga ā-lwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā-lwi o Ngāpuhi Council relations.	Declare a perceived conflict
John Vujcich	Board Member	Pioneer Village	Matters relating to funding and assets	Declare interest and abstain
	Director	Waitukupata Forest Ltd	Potential for council activity to directly affect its assets	Declare interest and abstain
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company services	Declare interest and abstain
	Director	Kaikohe (Rau Marama) Community Trust	Potential funder	Declare interest and abstain

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Partner	MJ & EMJ Vujcich	Matters where council regulatory function impacts on partnership owned assets	Declare interest and abstain
	Member	Kaikohe Rotary Club	Potential funder, or impact on Rotary projects	Declare interest and abstain
	Member	New Zealand Institute of Directors	Potential provider of training to Council	Declare a Conflict of Interest
	Member	Institute of IT Professionals	Unlikely, but possible provider of services to Council	Declare a Conflict of Interest
	Member	Kaikohe Business Association	Possible funding provider	Declare a Conflict of Interest
Belinda Ward	Ward Jarvis Family Trust	Trustee		
	Kenneth Jarvis Family Trust	Trustee		
	Residence in Watea			
Belinda Ward (Partner)	Ward Jarvis Family Trust	Trustee and beneficiary		
	Kenneth Jarvis Family Trust	Trustee and beneficiary		
	Residence in Watea	Trustee		

Far North District Council
Strategy and Policy Committee Meeting
will be held in the Council Chamber, Memorial Avenue, Kaikohe on:
Tuesday 23 March 2021 at 9.30 am

Order Of Business / Te Paeroa Mahi

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1 KARAKIA TIMATANGA – OPENING PRAYER**2 APOLOGIES AND DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Committee and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Team Leader Democracy Support (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

3 DEPUTATION

No requests for deputations were received at the time of the Agenda going to print.

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A3109949

Author: Kim Hammond, Meetings Administrator

Authoriser: Aisha Huriwai, Team Leader Democracy Services

TE TAKE PŪRONGO / PURPOSE OF THE REPORT

The minutes of the previous Strategy and Policy Committee meeting are attached to allow the Committee to confirm that the minutes are a true and correct record.

NGĀ TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee agrees that the minutes of the meeting held 9 February 2021 be confirmed as a true and correct record.

1) TE TĀHUHU KŌRERO / BACKGROUND

Local Government Act 2002 Schedule 7 Section 28 states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

2) TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The minutes of the meeting are attached. Far North District Council Standing Orders Section 27.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

Te Take Tūtohunga / Reason for the recommendation

The reason for the recommendation is to confirm the minutes are a true and correct record of the previous meeting.

3) NGĀ PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision.

NGĀ ĀPITI HANGA / ATTACHMENTS

- 1. 2021-02-09 Strategy and Policy Committee Unconfirmed Minutes [A3076846] - A3076846**  

Te Hōtaka Take Ōkawa / Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance requirement	Te Aromatawai Kaimahi / Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This is a matter of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report complies with the Local Government Act 2002 Schedule 7 Section 28.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications on Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	This report is asking for the minutes to be confirmed as true and correct record, any interests that affect other people should be considered as part of the individual reports.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

**MINUTES OF FAR NORTH DISTRICT COUNCIL
STRATEGY AND POLICY COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE
ON TUESDAY, 9 FEBRUARY 2021 AT 9.30 AM**

PRESENT: Cr Rachel Smith, Cr David Clendon, Cr Dave Collard, Cr Felicity Foy, Cr Kelly Stratford, Cr John Vujcich, Bay of Islands-Whangaroa Community Board Belinda Ward

IN ATTENDANCE: Adele Gardner Te Hiku Community Board Chairperson

STAFF PRESENT: Shaun Clarke (Chief Executive Officer), William J Taylor, MBE (General Manager Strategic Planning and Policy - Acting), Janice Smith (General Manager Corporate Services - Acting), Dean Myburgh (General Manager District Services)

1 KARAKIA TIMATANGA – OPENING PRAYER

Cr Stratford opened the meeting with a karakia.

2 APOLOGIES AND DECLARATIONS OF INTEREST

APOLOGY

COMMITTEE RESOLUTION 2021/1

Moved: Cr John Vujcich

Seconded: Cr Felicity Foy

That the apology received from His Worship the Mayor John Carter, Deputy Mayor Ann Court and Cr Moko Tepania be accepted and leave of absence granted.

CARRIED

3 DEPUTATION

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A3052670, pages 14 - 19 refers

COMMITTEE RESOLUTION 2021/2

Moved: Cr Rachel Smith

Seconded: Cr Kelly Stratford

That the Strategy and Policy Committee agrees that the minutes of the meeting held 1 December 2020 be confirmed as a true and correct record.

CARRIED

5 REPORTS

5.1 OPTIONS REPORT TREATED WATER SUPPLY REGULATION

Agenda item 5.1 document number A3042053, pages 20 - 27 refers

COMMITTEE RESOLUTION 2021/3

Moved: Cr Kelly Stratford

Seconded: Cr John Vujcich

That the Strategy and Policy Committee recommend to Council, under section 155 of the Local Government Act 2002:

- a) agrees that making a new Treated Water Supply Bylaw is the most appropriate way to regulate reticulated water supply in the Far North District.
- b) requests that staff prepare a statement of proposal to make a new Treated Water Supply Bylaw.

CARRIED

At 9:49 am, Cr Dave Collard joined to the meeting.

6 INFORMATION REPORTS

6.1 BRIEFING PAPER ON-SITE WATER STORAGE FEBRUARY 2021

Agenda item 6.1 document number A3038395, pages 28 - 96 refers

RESOLUTION 2021/4

Moved: Cr Felicity Foy

Seconded: Cr Dave Collard

That the Strategy and Policy Committee:

- a) receive the report 'Briefing Paper On-Site Water Storage February 2021'.
- b) request Council receive a report, outlining the scope, resourcing and delivery timeframe's, relating to the in-depth report referenced.
- c) request a workshop be held to discuss opportunities and risks for private water supplies, and options for the provision of water tanks for the Far North district before November 2021.

CARRIED

The amendment became the substantive motion.

COMMITTEE RESOLUTION 2021/5

Moved: Cr Kelly Stratford

Seconded: Cr David Clendon

That the Strategy and Policy Committee:

- a) receive the report 'Briefing Paper On-Site Water Storage February 2021'.
- b) request Council receive a report, outlining the scope, resourcing and delivery timeframes, relating to the in-depth report referenced.
- c) request a workshop be held to discuss opportunities and risks for private water supplies, and options for the provision of water tanks for the Far North district before November 2021.

CARRIED

7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

Cr Smith closed the meeting with a karakia.

8 MEETING CLOSE

The meeting closed at 10.45 am.

The minutes of this meeting will be confirmed at the Strategy and Policy Committee meeting to be held on 23 March 2021.

.....
CHAIRPERSON

5 REPORTS

5.1 SOLID WASTE BYLAW REVIEW

File Number: A3111502

Author: Briar Macken, Planner

Authoriser: Janice Smith, Chief Financial Officer

TE TAKE PŪRONGO / PURPOSE OF THE REPORT

To agree that the Solid Waste Bylaw should continue without amendment.

TE WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The Solid Waste Bylaw (the Bylaw) is due for review by 05 May 2021.
- The Bylaw has been mostly effective in regulating people's behaviour to address identified problems relating to solid waste.
- The current Bylaw has not been effective in regulating minimising recyclables in the landfill waste stream. The components of the Bylaw that refer to waste separation are not monitored or enforced due to a lack of available staff.
- There are several Central Government policies due to be finalised in 2021 which may require amendments to the Bylaw.
- The Bylaw is the most appropriate way of addressing solid waste problem in the Far North District.
- The Bylaw should continue without amendment.

NGĀ TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee recommends that the Council:

- a) **agree, under section 155(1) of the Local Government Act 2002, the Solid Waste Bylaw 2016 is the most appropriate way of addressing solid waste problems in the Far North District**
- b) **agree, under section 155(2) of the Local Government Act 2002, the Solid Waste bylaw 2016:**
 - i) **is the most appropriate form of bylaw**
 - ii) **does not give rise to any implications under the New Zealand Bill of Rights Act 1990**
- c) **Agree the provisions of the Solid Waste Bylaw be reassessed in conjunction with the Waste Management and Minimisation Plan review, which is due by 2023, or after central government legislation comes into effect.**

1) TE TĀHUHU KŌRERO / BACKGROUND

The Solid Waste Bylaw 2016 was made on 05 May 2016 utilising the Council's discretionary functions under the following Acts:

- Local Government Act 2002
 - section 146 specifically allows for a bylaw regulating solid waste
- Waste Minimisation Act 2008
 - section 56 allows for a bylaw to regulate the collection, transportation and disposal of waste
- Health Act 1956

- section 64 allows for a bylaw to regulate solid waste to protect public health and prevent nuisance
- Litter Act 1979
 - section 12 allows for a bylaw to give effect to the provisions of the Litter Act which regulates the control of litter.

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. Under section 160(1) of the Local Government Act 2002, a review requires the Council to make the determinations required by section 155 of the Act, namely:

(a) is the Bylaw the most appropriate way of addressing the perceived problem with respect to solid waste; and, if it is:

(b) the bylaw is the most appropriate form of bylaw; and

(c) whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

As per section 56 of the Waste Minimisation Act 2008, any bylaw must not be inconsistent with the Council's waste management and minimisation plan. The Waste Management and Minimisation Plan is due for review by 2023.

To inform solid waste related decisions, the Council will be undertaking a review under section 17A of the Local Government Act 2002 for solid waste services.

2) TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Problem to be addressed

The Determination Report (June 2015) for the Bylaw identified a number of problems relating to solid waste in the Far North District. Following a consultation process, a bylaw was determined 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.

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 and cannot be further regulated by a bylaw.

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

However, Central Government is in the process of consulting on and implementing several waste-related proposals that may need to be addressed in a bylaw, as outlined below:

Government proposal	Overview	Report due	Impact on the Council
Improve data collection	- Create a centralised database	March 2021	- May require Bylaw amendment

	- National consistency of data		
Increase Waste Disposal Levy	<ul style="list-style-type: none"> - Include additional landfill types - Increase levy to \$60 per tonne by 2024 	Consultation in 2021	<ul style="list-style-type: none"> - Increase revenue for the Council - Amendments to Waste Minimisation Act 2008
Standardisation of kerbside rubbish collections	<ul style="list-style-type: none"> - National consistency in kerbside rubbish collections 	Mid-2021	<ul style="list-style-type: none"> - May require changes to kerbside rubbish collections including provisions for food scraps - May require Bylaw amendment
Container return scheme	<ul style="list-style-type: none"> - Consumers receive financial incentive for returning containers 	Early 2021	<ul style="list-style-type: none"> - May require changes to kerbside rubbish collections - May have regulatory impact

Review findings

The Bylaw has been effective in regulating people's behaviour to address the following problems:

- 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.

The Bylaw has not been effective in regulating minimising recyclables in the landfill waste stream. The components of the Bylaw that refer to waste separation are not monitored or enforced due to a lack of available staff. Budgetary constraints mean that it is not possible to employ staff to enforce this component of the Bylaw.

Therefore, the form of the bylaw may no longer be the most appropriate. This report considers what other options for the form of the bylaw may be more appropriate to deal with that problem.

Option One: Status quo: The Bylaw stays in force with no changes (recommended option)

It is highly likely that once the Central Government proposals are finalised (later in 2021), the Bylaw will need to be amended to accommodate legislative changes to the Waste Minimisation Act 2008.

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 a future opportunity to have regional consistent solid waste bylaws.

Advantages and disadvantages of the status quo

- Advantages
- Waiting to amend the bylaw will allow for the bylaw to:
 - meet any new legislative requirements
 - be informed by the section 17A of the Local Government Act 2002 review
 - align better with the Waste Management and Minimisation Plan
 - be more cost effective in that there will be less consultation costs than if the Bylaw was amended now

- Disadvantages
- Bylaw continues to have provisions that are unnecessary because the Council does not enforce them

Option Two: Amend the Bylaw

The provisions of the Bylaw referring to waste separation are revoked because they are unnecessary if the Council cannot assign resources to enforce them.

However, it is possible that future Central Government policy will require the Council to regulate waste separation.

Amending the Bylaw now to revoke the provisions about waste separation will have little effect on the public (as it is not enforced). However, if the Council needs to reinstate the provisions following legislative changes, it may lead to reputational risk as it may appear the Council is not knowledgeable of Central Government proposals.

Advantages and disadvantages of amending the Bylaw

- Advantages
- Removing provisions that are unnecessary because the Council does not enforce them

- Disadvantages
- Extra consultation and resource costs in amending bylaw now and again in after Central Government policy changes
 - Risk of consultation fatigue
 - Reputational risk

Option Three: Do nothing: Revoke the Bylaw

If the Bylaw is not reviewed by May 2021, the Bylaw will automatically revoke in May 2023.

The problems that the Bylaw is addressing are not controlled by other bylaws, policies or legislation.

The Council does not contract services for the collection and transportation of waste and so has no other means to address issues relating to solid waste collection.

Advantages and disadvantages of revoking the Bylaw

Advantages - None

Disadvantages

- Extra consultation and resource costs in making a new bylaw if required by upcoming Central Government policy changes
- Less authority to manage commercial waste collection services
- Risk of increased health and safety, and nuisances' issues related to solid waste
- Risk of not meeting current and upcoming legislative changes under the Waste Minimisation Act 2008
- Reputational risk

Te Take Tūtohunga / Reason for the recommendation

The bylaw is still the most appropriate way of addressing the problems with solid waste and is in the most appropriate form for now. A new form of bylaw may be needed when Central Government proposals are finalised.

New Zealand Bill of Rights Assessment

The Bylaw may potentially have implications on the rights to freedom of movement and freedom of expression. For example, the bylaw limits the times and specific locations in which approved containers can be placed for collection.

The Bylaw limits these rights only to the extent they create:

- a danger to health and safety
- a nuisance to others or the public generally

In addition, while the Bylaw will require waste collectors and operators to be licensed and comply with minimum standards, it does not limit public access to these services. The Bylaw only controls the methods used to carry out these services in order to meet waste management goals.

Therefore, any limitations of the rights in question are justified in accordance with the New Zealand Bill of Rights Act 1990.

Next steps

If the Council agrees with the recommendation, a Proposal will be presented to the Strategy and Policy Committee outlining the low significance public consultation process as per section 82 of the Local Government Act 2002. The proposal is planned for the 20 July 2021 committee meeting.








Following consultation, presentation of final documents is planned for the 16 December 2021 Council meeting.

Proposed timeframes and governance touchpoints are subject to organisation wide priorities.

3) NGĀ PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

The cost of consulting on retaining the status quo will be met from existing operation budgets.

NGĀ ĀPITI HANGA / ATTACHMENTS

1. Review Report - Solid Waste - A3071885  
2. Solid Waste Bylaw 2016 - A2674692  
3. Solid Waste Bylaw 2016 Control 1 Containers - A2674694  
4. Solid Waste Bylaw 2016 Control 2 Waste Separation - A2674695  

Te Hōtaka Take Ōkawa / Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance requirement	Te Aromatawai Kaimahi / Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	As retaining the status quo will have little effect on ratepayers or level of service, the level of significance as determined by the <i>Significance and Engagement Policy</i> is low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The following legislation applies to the decision recommended in this report: <ul style="list-style-type: none"> • Local Government Act 2002, section 146, 155 and 160 • Waste Minimisation Act 2008, section 56 • Health Act 1956, section 64 • Litter Act 1979, section 12.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	As the recommendation is to maintain status quo, the Community Boards views have not been sought.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Seeking the views and input of iwi in the development of bylaws is integral. Māori will be provided an opportunity to contribute during the consultation stage of the bylaw development process.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Affected and interested parties will be given an opportunity to share their views and preferences during the consultation phase including: <ul style="list-style-type: none"> • Waste collection service providers • Community groups concerned about solid waste in their community • Ngā Tai Ora – Public Health Northland • Ministry for the Environment • Northland Regional Council

State the financial implications and where budgetary provisions have been made to support this decision.	The cost of consulting on retaining the current bylaw will be met from existing operation budgets.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

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:

- anything 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, "anything 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.
- 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.

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

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

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

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 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).

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

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

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.

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

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:

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.

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

⁶ [Waste Minimisation Act 2008](#)

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.

Solid Waste Bylaw 2016



**Far North
District Council**

Te Kaunihera o Tai Tokerau Ki Te Raki



Solid Waste Bylaw 2016

for the collection, transport and disposal of solid waste

Pursuant to the Local Government Act 2002, section 56 of the Waste Minimisation Act 2008, section 64 of the Health Act 1956, section 12 of the Litter Act 1979 and any other enactments.

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1 TITLE

This bylaw is the Solid Waste Bylaw 2016.

2 COMMENCEMENT

This bylaw comes into force on 1 July 2016.

3 APPLICATION

This bylaw applies to the Far North District.

PART 1**PRELIMINARY PROVISIONS****4 PURPOSE**

- (1) The purpose of this bylaw is to contribute to:
- (a) the regulation of the collection, transportation and disposal of waste;
 - (b) the protection of the health and safety of waste collectors, waste operators and the public;
 - (c) the management of litter and nuisance.

5 INTERPRETATION

- (1) In this bylaw, unless the context otherwise requires,—

Act means the Waste Minimisation Act 2008.

Approved container means any container approved by the council for the collection of any type of domestic type waste from a public place, with approval criteria based on the prevention of nuisance and the protection of the health and safety of waste collectors and the public.

Authorised Officer means any person appointed or authorised by the Council to act on its behalf and with its authority, including a member of the Police.

Clean fill material means waste that:

- (a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and
- (b) is not diverted material; and
- (c) includes virgin materials such as clay, soil, rock, and other inert materials such as concrete or brick that are free of:
 - (i) combustible, putrescible, degradable or leachable components;
 - (ii) hazardous waste;
 - (iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - (iv) materials that may present a risk to human health or the environment; and
 - (v) liquid waste; and
- (d) has less than two per cent by volume by load of tree or vegetable matter.

Clean fill site means the land used for the disposal of clean fill material.

Commercial waste means waste that results from a commercial enterprise and includes waste generated by the carrying on of any business, manufacture, process, trade, market, or other undertaking.

Construction and demolition waste means waste generated from any building construction or demolition works; and includes any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.

Council means the Far North District Council or any person delegated or authorised to act on its behalf.

Council collection points mean places or containers in locations such as high density areas, marine areas or rural areas where approved containers may be left for collection or waste may be deposited if collection from a public place is unfeasible or impractical.

Cover material means material specified by Council under clause 20 as suitable for use as cover material at a landfill site, managed fill site, clean fill site or mono-fill site, as the case may be.

Deposit means to cast, place, throw or drop any waste or diverted material.

Disposal has the meaning given by the Waste Minimisation Act 2008.

Diverted material has the meaning given by the Waste Minimisation Act 2008.

Domestic type waste means waste consisting of refuse, recyclable material or organic matter (food waste and/or greenwaste) originating from any household or from the cafeteria, lunchroom or canteen of any commercial enterprise.

Event means any organised temporary activity of significant scale that is likely to create litter in a public place including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration.

Food waste means domestic waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food waste.

Green waste means waste that is organic in origin and that results from domestic gardening activities or arboricultural business activities and includes lawn clippings and plant material.

Hazardous waste means waste that:

- (a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001 under the Hazardous Substances and New Organism Act 1996; or
- (b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433:1999 Transport of Dangerous Goods on Land; or
- (c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982; or it does not include domestic waste, commercial-domestic waste, inorganic material, construction and demolition waste or commercial waste.

Home composting means the activity of creating decaying organic matter from domestic green waste and/or food waste into compost.

Landfill site means land used for the disposal of waste by burying it, or placing it upon land or other waste.

Licence means a licence, consent, permit or approval to do something under this bylaw and includes any conditions to which the licence is subject.

Litter means any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth or waste matter or any other thing of a like nature.

Litter receptacle means a receptacle provided for the collection of refuse, recyclable material or organic matter.

Managed fill site means land used for the disposal of soil with low levels of contamination.

Manager means a person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.

Mono-fill site means land used for the disposal or storage of waste of a category specified by the council and that originates from a specified source or location.

Multi-unit development means a development consisting of 10 or more residential or residential and commercial units on any premises. It includes a unit title development and any development with controlled or restricted access.

Natural hardfill material means materials specified by Council as suitable for use as natural hardfill material at a clean fill site.

Nuisance has the meaning given by the Health Act 1956.

Occupier in relation to any property or premises, means the inhabitant occupier of that property or premises.

Organic matter means food waste and/or green waste that is specified by Council under clause 19 as organic matter.

Other hardfill material means materials other than natural hardfill material specified by Council under clause 19 as suitable for use as hardfill material at a clean fill site.

Owner in relation to any property or premises, means the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent.

Person includes an individual, a corporation sole, a body corporate, and an unincorporated body.

Premises means any separately occupied land, building, or part of the same.

Prohibited waste means waste containing –

- (a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;
- (b) any material capable of causing damage to the approved container or likely to shatter in the course of collection material unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;
- (c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or disposal;
- (d) any liquid or any viscous fluid;
- (e) any radioactive wastes, but excluding domestic smoke detectors;
- (f) any used oil and lead-acid batteries;
- (g) any hazardous waste;
- (h) medical waste (as defined in New Zealand Standard 4304:2002 Management of Healthcare Waste);
- (i) any material prohibited by Council under clause 19.

Public place means

- (a) a place that is-
 - (i) under the control of Council and/or
 - (ii) that is open to or being used by the public, whether or not there is a charge for admission and
- (b) includes:
 - (i) a road, whether or not the road is under the control of Council, and
 - (ii) any part of the public place.

Recyclable material means waste specified by Council under clause 19 as suitable for recycling. It does not include diverted material.

Recycling means the reprocessing of waste to produce new materials.

Refuse means waste which:

- (a) subject to (b), is not organic matter, recyclable material, prohibited waste, construction and demolition waste, or inorganic material; and
- (b) may include organic matter and/or recyclable material that does not exceed the maximum allowable limits specified by Council under clause 19 of this bylaw.

Resource recovery facility means any facility that receives, collects, sorts, stores or processes waste to ensure waste minimisation and includes a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot.

Waste has the meaning given by the Act. It does not include diverted material.

Waste collector means any person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste.

Waste operator means a person who owns or manages a landfill site, cleanfill site, managed fill site, monofill site or a resource recovery facility.

Waste management and minimisation plan means the waste management and minimisation plan adopted by Council under section 43 of the Act.

- (1) Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.
- (2) Explanatory notes and attachments are for information purposes only and do not form part of this bylaw.
- (3) The Interpretation Act 1999 applies to this bylaw.

PART 2

GENERAL

6 CONTROLS SPECIFIED UNDER THE BYLAW

- (1) Any control specified by Council under clauses 14, 19 and 21:
 - (a) must, after consultation pursuant to the Local Government Act 2002, be made by a Council resolution that is publicly notified; and
 - (b) may:
 - (i) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;
 - (ii) apply to all waste or to any specified category of waste;
 - (iii) apply to all of the Far North District or to a specified part of the District;
 - (iv) apply at all times or at any specified time or period of time.

7 COMPLIANCE WITH BYLAW

- (1) No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this bylaw.
- (2) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.

PART 3**COLLECTION, TRANSPORTATION AND DISPOSAL OF WASTE****SUBPART 1 – SEPARATION OF WASTE FOR COLLECTION AND USE OF APPROVED CONTAINERS****8 USE OF APPROVED CONTAINERS FOR DOMESTIC TYPE WASTE COLLECTION FROM A PUBLIC PLACE**

- (1) The Council may approve the type, size and construction of containers for the collection of domestic type waste from a public place.
- (2) The owner, occupier and/or the manager of a premises must ensure that the domestic type waste from the premises is separated and deposited for collection in the correct approved containers for refuse and recyclable material.
- (3) No person may deposit in the approved containers material that is not approved for them.

9 DEPOSIT OR REMOVAL OF DOMESTIC TYPE WASTE

- (1) No person may put waste into an approved container provided to any other person without that other person's consent.
- (2) No person may remove waste from, or interfere with any waste deposited in, an approved container, except the Council, a licensed waste collector or the person who deposited the waste.
- (3) Except with the prior written approval of the Council, no person may remove a container provided by the Council from the premises to which it has been allocated.
- (4) The owner, occupier and/or manager of any premises is responsible for any waste generated on the premises until it has been collected.

10 RESPONSIBILITIES OF OWNERS, OCCUPIERS AND MANAGERS

- (1) The owner, occupier and/or manager of any premises must ensure that:
 - (a) waste is stored in a suitable container that is fit for purpose;
 - (b) reasonable steps are taken to prevent the waste from escaping from any waste container;
 - (c) there are minimal adverse effects of waste on surrounding occupiers;
 - (d) any waste container is regularly emptied when it is full;
 - (e) the contents of any waste container, excluding containers for green waste, are protected from rain or ingress or egress of flies and animals.
- (2) In addition, the owner, occupier and/or manager of any premises who is in control of an approved container must ensure that:
 - (a) the container is kept in a safe location, is hygienic, in good repair, and without any modifications or alterations to its appearance;
 - (b) waste is deposited in the container in a manner that allows the whole of the contents to fall out easily and cleanly when the container is emptied;
 - (c) every owner, occupier and/or manager of a building needs to ensure that sufficient space for the storage of waste receptacles is provided;
 - (d) unless the container is placed at a Council collection point, the container is placed for collection in an upright position off the roadway at the collection point for the premises from which the waste originated and as close to the kerbside as possible;
 - (e) reasonable steps are taken to prevent the container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises;

- (f) the container is placed for the collection of waste and retrieved in accordance with any applicable control and/or instruction specified by the Council.

11 DEPOSIT OF WASTE AT COUNCIL COLLECTION POINTS

- (1) The Council may specify:
 - (a) any place or receptacle in a public place or on a barge in a marine area, as a Council collection point for the collection of domestic type waste;
 - (b) controls relating to the deposit of waste at the Council collection point including the use of specified containers.
- (2) No person may deposit waste at a Council collection point other than in accordance with any applicable control.

SUBPART 2 – COLLECTION AND TRANSPORTATION OF WASTE

12 LICENSING OF THE COLLECTION AND TRANSPORTATION OF WASTE

- (1) Any person who collects or transports waste from and to land in the Far North District must obtain a licence to do so from the Council if the total amount of waste collected by that person in a 12 month period exceeds 20 tonnes.

13 DEPOSIT AT AND COLLECTION OF WASTE FROM A PUBLIC PLACE

- (1) Waste that can be placed in a public place for collection includes:
 - (a) domestic type waste; and
 - (b) green waste.
- (2) Prohibited waste, diverted material, construction and demolition waste or commercial waste may not be placed in a public place for collection unless authorised by Council under this bylaw.
- (3) Any waste collector who collects or transports domestic type waste from a public place may:
 - (a) not collect or dispose of at a landfill site any domestic type waste which has not been separated into refuse and recyclable material unless the amount of recyclable material mixed with the refuse does not exceed the maximum allowable limits specified by the Council under clause 19.
 - (b) not dispose to a landfill site, managed fill site, monofill site or cleanfill site recyclable material that is capable of being reused or recycled.

14 USE OF A PUBLIC PLACE FOR COLLECTION OF WASTE

- (1) The Council may specify controls for the following matters in relation to the collection or transportation of waste from a public place:
 - (a) the area to which the control applies;
 - (b) the type, size and construction of approved containers that may be used for the storage and collection of refuse and recyclable materials;
 - (c) the categories of recyclable material and refuse that may be deposited at or collected from a public place;
 - (d) the conditions applicable to any collection service from a public place, including the placement and retrieval of approved containers for collection, collection times and restrictions on the number and weight of approved containers;
 - (e) requirements to ensure the correct separation of refuse and recyclable materials into approved containers;
 - (f) the locations, access times and conditions of use of Council waste collection points;

- (g) any other operational matter required for the safe and efficient operation of a collection service from a public place.
- (2) Any person providing or using a waste collection service in or from a public place must comply with all controls made by the Council relating to that collection.

SUBPART 3 – DISPOSAL OF WASTE ON LAND

15 DISPOSAL OF WASTE ON LAND

- (1) Waste must be disposed of on land in accordance with this bylaw.
- (2) This clause does not apply to the disposal:
 - (a) of less than 30 cubic metres on the land, or such greater amount as the Council may approve, of clean fill material measured over any continuous 12 month period;
 - (b) of waste for home composting;
 - (c) of dead companion animals and nuisance pests;
 - (d) of dead farm animals in rural areas.

SUBPART 4 – LICENSING PROCESS AND CONDITIONS

16 APPLICATION FOR LICENCE

- (1) Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the application and processing fees and such further supporting information as the Council may require to enable processing of the application.
- (2) The holder of an existing licence may apply to the Council for a renewal of that licence.
- (3) Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council thinks fit.
- (4) A licence is personal to the holder and is not transferable.

17 CONSIDERATION OF APPLICATION FOR LICENCE

- (1) When considering an application for a licence and the conditions to be imposed under it, the Council may take into account matters relating to the suitability of the applicant to hold a licence including but not limited to the following:
 - (a) the extent to which the licensed activities will promote public health and safety and achievement of the Council's Waste Management and Minimisation Plan and waste reduction initiatives;
 - (b) the applicant's experience, reputation and track record in the waste industry, including any known past operational issues which may affect, or may in the future affect, the applicant's performance;
 - (c) the type of waste to be collected or transported;
 - (d) the manner of treatment (if any) and disposal of the waste type, and the identity of the resource recovery facility, landfill site, managed fill site, mono fill site or cleanfill site at which it is proposed that treatment or disposal will occur;
 - (e) the terms and conditions under which such disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations or consents required to be held or complied with in respect of such disposal;
 - (f) the frequency and location of the waste collection, transportation or disposal services;

- (g) the specifications of the vehicles, equipment and approved containers to be used for the collection, transportation or disposal of waste.

18 CONDITIONS OF LICENCES

- (1) The terms and conditions upon which a licence may be granted include, but are not limited to the following:
 - (a) term – a licence may be granted for a term of up to five years;
 - (b) licence fee – the licensee must pay an annual licence fee in an amount determined by the Council from time to time and be publicly notified;
 - (c) bond – the Council may from time to time and on a case by case basis require a licence holder to post a bank guaranteed bond;
 - (d) compliance with standards – the licence holder must comply with the Council's standards and policies for waste collection, transportation or disposal services including, in respect of collection services:
 - (i) the collection of any litter within five metres of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process;
 - (ii) provision of waste collection services within reasonable times specified by Council;
 - (e) provision of information – the licence holder must provide waste data to the Council during the term of the licence in the form and at the times determined by the Council from time to time including the following data:
 - (i) waste log books for each vehicle operated in accordance with the licence recording the quantity, composition and destination of each waste type and the point in time when such data was recorded during the waste collection, transportation or disposal process;
 - (ii) weighbridge receipts;
 - (iii) gate records of waste tonnage.
- (2) The Council will take all reasonable measures to keep commercially sensitive information confidential including by the aggregation of such information for recording purposes.

SUBPART 5 – ADDITIONAL CONTROLS RELATING TO THE COLLECTION, TRANSPORTATION AND DISPOSAL OF DOMESTIC TYPE WASTE

19 CONTROLS FOR THE COLLECTION, TRANSPORTATION AND DISPOSAL OF DOMESTIC TYPE WASTE

- (1) The Council may specify controls for the following matters in relation to the collection, transportation or disposal of waste:
 - (a) domestic type waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable material or refuse;
 - (b) maximum allowable limits of recyclable material or organic matter that may be disposed of at a land fill site, managed fill site, mono fill site or clean fill site;
 - (c) categories and types of waste that may be received, collected, stored, sorted, processed or disposed of at any landfill site, managed fill site, clean fill site, mono-fill site and material that may be used as cover material at any such site;
 - (d) materials that are suitable for use as natural or other hardfill material at a clean fill site;
 - (e) types of waste originating from a specified single source or location that may be disposed of at a monofill site;
 - (f) types of waste that are prohibited.

SUBPART 6 – MULTI-UNIT DEVELOPMENTS**20 COLLECTION FROM MULTI-UNIT DEVELOPMENTS**

- (1) The developer, owner and/or manager of a multi-unit development must make provision for the management of all waste generated within the property.
- (2) The owner and/or manager of a multi-unit development must obtain approval from the Council for a waste management and minimisation plan for the development unless they comply with clause 20(5).
- (3) A waste management and minimisation plan must include but is not limited to:
 - (a) identification of an adequate area on the premises including carpark or hardstanding for the storage of containers that is readily accessible to the occupiers of units and to a licensed waste operator to enable separate collection and transportation of refuse, recyclable material and/or organic matter;
 - (b) the methods to be used to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism;
 - (c) identification of the means and route of access and egress to the waste storage area;
 - (d) an estimate of the volumes of refuse, recyclable material and organic matter that will be generated;
 - (e) the steps which will be taken to further the objective of waste minimisation.
- (4) Any person who owns, occupies or manages a multi-unit development must comply with an approved waste management and minimisation plan.
- (5) The Council may provide a written exemption on application to any person who owns and/or manages a multi-unit development from full compliance with the requirements of this clause if:
 - (a) in the opinion of the Council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or
 - (b) the manager or owner demonstrates to the satisfaction of the Council that refuse, recyclable material and organic waste are separately and regularly collected; or
 - (c) the manager or owner arranges for co-collection services from an adjacent property, to the satisfaction of the Council.

21 MULTI-UNIT DEVELOPMENTS CONTROLS

- (1) The Council may specify controls for the following matters in relation to the collection or transportation of waste from multi-unit developments:
 - (a) the categories of recyclable material, organic matter and refuse that may be deposited at or collected from a multi-unit development;
 - (b) the times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of containers for collection, collection times and restrictions on the number and weight of approved containers;
 - (c) requirements to ensure the correct separation of refuse, organic matter and recyclable materials into containers;
 - (d) any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.
- (2) Any person who manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation and management of waste in the multi-unit development made by the Council.

SUBPART 7 – EVENTS**22 WASTE MANAGEMENT AND MINIMISATION PLANS FOR EVENTS**

- (1) Any organiser of an event must obtain prior approval from the Council of a Waste Management and Minimisation Plan for the event.
- (2) The Council may require a Waste Management and Minimisation Plan to set out:
 - (a) an estimate of the types and amounts of waste to be generated by the event;
 - (b) how waste generated by the event is to be minimised;
 - (c) the steps that will be taken to maximise the collection and use of recyclables and re-usable material;
 - (d) the equipment to be provided for the storage, collection and transportation of waste and diverted material;
 - (e) the person responsible for the collection and disposal of waste and the methods to be used;
 - (f) a waste analysis following the conclusion of the event.
- (3) The organiser of an event must comply with the approved Waste Management and Minimisation Plan.

SUBPART 8 – NUISANCE AND LITTER**23 NUISANCE**

- (1) No person may-
 - (a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to escape, to become offensive, to be a nuisance or be likely to be injurious to health;
 - (b) use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health;
 - (c) dispose of any waste on any premises except at –
 - (i) a landfill site, clean fill site, managed fill site, mono-fill site, or
 - (ii) on any premises they own, occupy or manage, for the purposes of home composting.

24 LITTER

- (1) No person may-
 - (a) deposit any waste arising from that person's household or that person's domestic or business activities in any litter receptacle provided by the Council in any public place;
 - (b) remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the receptacle unless authorised by the Council to do so;
 - (c) deposit or attempt to deposit any litter in any receptacle provided by the Council in any public place if:
 - (i) the receptacle is full; or
 - (ii) the litter is likely to escape.
 - (d) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the council in any public place; or
 - (e) damage any litter receptacle provided by the Council in any public place.

- (2) The owner, occupier and/or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean up any litter caused by the display.

PART 4

ENFORCEMENT POWERS

25 NON-COMPLIANCE WITH CONDITIONS OF A LICENCE

- (1) Where a licence holder does not comply with the terms and conditions of the licence, the Council may take one or more of the following steps:
 - (a) Issue a written warning to the licence holder, which may be considered as evidence of a prior breach of a licence condition during any subsequent review of the licence;
 - (b) Review the licence, which may result in:
 - (i) amendment of the licence; or
 - (ii) suspension of the licence; or
 - (iii) withdrawal of the licence.
 - (c) Have recourse to any performance bond or security where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
 - (d) Review the amount and nature of the performance bond or security, which may result in:
 - (i) an increase of the amount of the performance bond or security;
 - (ii) a change to the nature of the security that has been provided;
 - (e) Enforce any offence that may have been committed under the Litter Act 1979;
 - (f) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

26 NON-COMPLIANCE WITH CONDITIONS FOR COLLECTION OF WASTE FROM A PUBLIC PLACE

- (1) Where a person does not comply with clauses 8, 9, 10, 13 or 14 the waste collector may:
 - (a) Reject (i.e. not collect) the contents of any approved container left out by that person for collection from a public place if the contents or placement of the container is noncompliant;
 - (b) Remove the contents of any approved container left out for collection from a public place, where the contents or placement of the container is noncompliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount due for the collection of the largest available size of approved container of refuse from that premises;
 - (c) Withdraw or suspend the collection service provided by the waste collector to that person.
- (2) Where a person does not comply with clauses 8, 9, 10, 13 or 14 the Council may:
 - (a) Enforce any offence that may have been committed under the Litter Act 1979;
 - (b) Enforce any breach of this bylaw as provided for in the Health Act 1956.

27 NON-COMPLIANCE WITH CONTROLS FOR COUNCIL COLLECTION POINTS

12

- (1) Where a person does not comply with a control made by the Council under clause 11 the Council may-
 - (a) Issue a trespass notice to that person to prevent them from using the collection point;
 - (b) Suspend that person's use of any service provided by the Council at any or every waste collection service;
 - (c) Enforce any offence that may have been committed under the Litter Act 1979;
 - (d) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

PART 5

OFFENCES AND PENALTIES

28 BYLAW BREACHES

- (1) A person who fails to comply with Part 2 or Part 3 of this bylaw commits a breach of this bylaw and is liable to a penalty under the Waste Minimisation Act 2008, the Local Government Act 2002 and/or the Health Act 1956.
As at 1 July 2016, the penalty for breach of a bylaw made under the Waste Minimisation Act 2008 is a fine not exceeding \$20,000.
- (2) A person who commits a breach of this bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.

PART 6: EXCEPTIONS, REVOCATION AND SAVING PROVISIONS

29 EXCEPTIONS

- (1) A person is not in breach of this bylaw if that person proves that the act or omission was in compliance with the directions of an authorised officer.
- (2) A product stewardship scheme accredited under the Act may be exempted from the requirements of this bylaw.

30 REVOCATION

- (1) The following bylaws are revoked:
 - (a) Collection and Transportation of Waste and Diverted Material: 1 December 2009.
 - (b) Disposal of Solid Waste: 1 July 2010

31 SAVINGS AND TRANSITIONAL PROVISIONS

- (1) Any resolution or other decision made under the bylaws referred to in clause 30 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Council under this bylaw.
- (2) Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in clause 30 continues in force but:
 - (a) expires on the date specified in that approval; or
 - (b) if no expiry date is specified, expires on 1 December 2016; and
 - (c) can be renewed only by application made and determined under this bylaw.
- (3) Any application for a consent, permit, dispensation, permission or other form of approval made under a bylaw referred to in clause 30 that was filed before the day on which this

bylaw commences must be dealt with by the Council as if it had been made under this bylaw.



Far North
District Council

Te Kaunihera o Tai Tokerau Ki Te Raki



Solid Waste Bylaw 2016

Controls made under the Solid Waste Bylaw 2016 for approved containers for waste collected from a public place

Control 1 Containers

Explanatory note: Clauses 6, 14(2) and 19 of the Solid Waste Bylaw 2016 provide that Council may establish Controls containing detailed provisions by resolution. This Control contains detailed provisions in relation to approved containers that may be placed for collection from a public place.

Pursuant to section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956 and section 12 of the Litter Act 1979.

DOCUMENT CONTROL

REVISION HISTORY

The following table outlines the revision history of this document:

REVISION	PUBLICATION DATE	COMMENTS
First draft	Feb 2015	Draft
Updated draft	April 2015	Revised draft
Updated draft (v3)	June 2015	For Council workshop
Revision 5	September 2015	Updated after Council workshop
Revision 6	June 2016	Updated after Waste Collector consultation

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Attachment 1C Standards for containers: for the collection from public places of waste other than domestic waste

1 TITLE

This control is entitled: *Controls made under the Solid Waste Bylaw 2016 for containers collected from a public place* and may be referred to as the *Containers for Kerbside Collection Control*.

2 COMMENCEMENT

This control comes into force on 1 August 2016.

3 APPLICATION

This control applies to the Far North District.

4 PURPOSE

This control regulates the placement and collection of waste in approved containers from a public place.

5 INTERPRETATION

- (1) In this control, unless the context otherwise requires-

Bylaw means the Solid Waste Bylaw 2016.

Container means a container approved by Council for the collection of domestic or commercial waste from a public place.

Public place means

- (a) a place that is-

- (i) under the control of Council and/or

- (ii) that is open to or being used by the public, whether or not there is a charge for admission and

- (b) includes:

- (i) a road, whether or not the road is under the control of Council, and

- (ii) any part of the public place\

- (2) Unless the context requires another meaning, a term or expression that is defined in the Act or the bylaw used, but not defined, in this control has the meaning given by the Act or bylaw.

- (3) Explanatory notes are for information purposes only and do not form part of this control.

PART 1 – DOMESTIC AND COMMERCIAL WASTE

6 COMMERCIAL, URBAN AND RURAL WASTE COLLECTION AREAS

Council may from time to time specify commercial, urban and rural waste collection areas.

7 STANDARDS FOR CONTAINERS

- (1) The following weight requirements apply for the collection of domestic and commercial waste from a public place:

Type Capacity	Maximum weight
----------------------	-----------------------

Bins

1L – 80L bin	<20kg
81L- 120L bin	<30kg
121L – 140L bin	<35kg
140L – 240L bin	<60kg
241L – 360L bin	<90kg

Bags

1L - 80L bag	<10 kg
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- (2) Any container used for the collection of any domestic or commercial waste must meet the relevant minimum standards required by the Council, contained in Attachments 1A to 1C.

8 PLACEMENT AND COLLECTION OF DOMESTIC WASTE IN RURAL AND URBAN WASTE COLLECTION AREAS

- (1) A container deposited for collection of domestic waste from a public place must be placed directly adjacent to the premises from which it emanates, as close to the kerbside as possible and without restricting the access to any premises or footpath or due to compliance with the Code of Practice for Temporary Traffic Management (COPTTM) requirements, at a Council approved collection point.
- (2) Except with the approval of Council, no container containing domestic waste may be placed for collection or collected from any part of a public place except as provided in subclause (1). Council may, from time-to-time, approved suitable collection points in any areas where there is no kerbside collection service available, as per Clause 11 of Bylaw.
- (3) Except with the approval of Council, any container containing domestic waste may only be placed on a public place in a rural or urban waste collection area for collection between 12 noon of the day before collection and 7am on the morning of the collection.
- (4) Except on arterial routes and streets approved by Council, the collection of any container containing domestic waste in a rural or urban collection area must take place between 7 am and 7 pm on any day, except Sunday. Council may on application approve the collection of any container containing domestic waste on any arterial route or street in a rural and urban collection area to commence from 6am on any day, except Sunday.
- (5) Regardless of whether the waste has been collected, the owner or occupant of the premises from which domestic waste has been set out for collection in a rural or urban collection area must remove the container from the public place by 7am of the day following the scheduled collection day.

9. PLACEMENT AND COLLECTION OF DOMESTIC AND COMMERCIAL WASTE IN COMMERCIAL CENTRE

- (1) A container deposited for collection of domestic or commercial waste from a public place must be placed directly adjacent to the premises from which it emanates, as close to the kerbside as possible and without restricting the access to any premises or footpath or due to COPTTM requirements, at a Council approved collection point.
- (2) Except with the approval of Council, no container containing domestic or commercial waste may be placed for collection or collected from any part of a public place except as provided in subclause (1).

Domestic waste

- (3) Any container containing domestic waste may only be placed on a public place for collection in a commercial waste collection area between 12 noon on the day before collection and 7am on the morning of the collection.
- (4) The collection of any container containing domestic waste in a commercial waste collection area must take place between 7am and 7pm on any day, except Sunday.

Commercial waste normally collected by day

- (5) Any container containing commercial waste that is normally collected by day that Council deems as a nuisance must be placed for collection on a public place in a commercial waste collection area up to one hour before the start of the collection and must be removed within one hour after collection.
- (6) Regardless of whether the waste has been collected, the owner or occupant of the premises from which domestic or commercial waste has been set out for collection must remove the container from the public place as soon as reasonably possible after the scheduled collection time.
- (7) Council may on application approve the extension of the hours for the placement and collection of any container containing domestic or commercial waste on a specific route or street in a commercial waste collection area or high density commercial collection area.

PART 2 – RESPONSIBILITIES OF WASTE COLLECTORS

10. RESPONSIBILITIES OF WASTE COLLECTORS FOR COMMERCIAL AND DOMESTIC WASTE COLLECTION

- (1) Every waste collector must provide its customers on an ongoing basis with current information on collection deadlines, as well as providing adequate signage information at every collection point approved under 8(2) above, relating to times of collections and times that waste may be placed at the collection point. Waste collectors shall ensure that their customers are adequately notified of the location of all collection points.
- (2) The waste collector is responsible for removing any spillage that results from the deposit or collection of waste on a public place including at a collection point approved under 8(2) above, before, during or after collection.
- (3) The waste collector is responsible for the removal of any illegal dumping at a collection point approved under 8(2) above within 4 days of it being dumped. The waste collector may claim waste disposal costs from Council for the disposal of the illegal dumping based on landfill disposal costs. The collector may investigate and pass on information regarding identity of the illegally dumped rubbish to Council, who may issue an infringement notice to the person identified.
- (4) The waste collector is responsible for the collection of waste deposited on a public place in any container provided by the collector regardless of the day or time of deposit. The waste must be removed within 4 days of it being placed. The collector

may pass on information regarding the identity of the person who dumped the rubbish to Council who may issue an infringement notice to the person identified. This includes the deposit on days that the waste collector does not provide a collection service, or on days affected by public holidays, or due to the early or late deposit of waste by the customers for collection.

- (5) The waste collector must not initially collect waste or recycling that is not compliant with Control 1 clause 7(1), Control 2 clauses 6(1) and 6(2), Control 2 clauses 8(1) and 8(3). The waste collector must attach a sticker to the bag or container explaining why the bag or container has not been collected and asking the owner to remove the container. If the bag or container is not removed by the owner within 2 days, the waste collector must collect it within a further 2 days. The contractor may pass on information regarding identity of the person who dumped the rubbish to Council, who may issue an infringement notice to the person identified.
- (6) Regardless of subclauses (2), (3), (4) and (5) of this clause, if any waste or container causes a nuisance or affects public health and safety, Council may collect the waste or remove the container as soon as practically possible.
- (7) Council may recover the costs incurred under subclause (6) above from the waste collector for the removal of waste or any container that belongs to or is provided by that waste collector.

Attachment 1A

STANDARDS FOR APPROVED CONTAINERS: DOMESTIC WASTE BINS FOR COLLECTION FROM PUBLIC PLACES

Mobile garbage bins (the "bin") used for the collection of domestic waste from a public place must meet the following requirements:

1. The bin will have the waste collector's name (and logo, if any) printed on the bin in such a manner that the responsible waste collector may easily be identified from a collection vehicle on a roadway when the bin is deposited on a public place for collection. The waste collector may identify the premises on the bin to which the bin has been allocated.
2. Every waste collector must place a durable educational sticker on the inside of the bin lid at time of issue informing the customer of the material that may be collected as refuse, recyclable material or food waste (relevant to whatever the purpose of the specific bin may be) as well as the standard collection times provided by the waste collector.
3. Bins must meet the latest edition of BS EN 840-6:2012 *Mobile waste containers. Safety and health requirements* or its replacement.
4. Bins must also either:
 - a) meet the latest editions of either of the following standards or their replacements:
 - BS EN 840-1:2012 *Mobile waste and recycling containers* (2 wheels up to 400litres);
 - AS 4123: 2008 (Multiple parts): *Mobile Waste Containers* (Addresses dimensions and design, performance requirements, testing methods, colours, markings and recycled content of a mobile waste container);
 - AS 4123.1:2008 Containers with two wheels and a capacity up to 400 L for lifting devices - Dimensions and design
 - AS 4123.2:2008 Containers with four wheels with a capacity from 500 L to 1200 L with flat lid(s), for trunnion and/or lifting devices - Dimensions and design
 - AS 4123.3:2008 Containers with four wheels with a capacity from 770 L to 1300 L with dome lid(s), for trunnion and/or lifting devices - Dimensions and design
 - AS 4123.4:2008 Containers with four wheels with a capacity from 750 L to 1700 L with flat lid(s), for wide trunnion or BG and/or wide comb lifting devices - Dimensions and design
 - AS 4123.5:2008 Performance requirements and test methods
 - AS 4123.6:2008 Health, safety and environment
 - or,
 - b) be approved in writing by Council.
5. Council shall approve the bins under 4(b) if,
 - a) the bins are demonstrated to be 'fit-for-purpose', i.e. operationally efficient, durable and are able to securely contain the waste until collection, and it can be ensured that the contents are not trapped when the bin is emptied; and
 - b) the bins do not create a risk of injury to any person (including employees of the waste collector) or damage to the public place or anything in the public place.
6. Every bin supplied to a customer will be free from defects that might affect its performance. Bins which have been damaged or which are incomplete or faulty and that are no longer fit for purpose may not be placed in a public place for the collection of waste.

Attachment 1B

STANDARDS FOR APPROVED CONTAINERS: DOMESTIC WASTE BAGS FOR COLLECTION FROM PUBLIC PLACES

Bags used for the collection of domestic waste from a public place must meet the following requirements:

1. The bag will have the waste collector's name (and logo, if any) printed on the bag in such a manner that the waste collector responsible may easily be identified from a collection vehicle on a roadway when the bag is deposited on a public place for collection.
2. From December 2016, every waste collector must print on the bag the standard collection times provided by the waste collector. The waste collector must provide public notice to customers regarding collection days and places.
3. Bags must either;
 - (a) meet the latest edition of either of the following standard or their replacements:
 - BS EN 13592: 2003 *Specification for disposable plastics refuse sacks made from polyethylene* or its replacement, or
 - NZS 7603:1979 *Specification for refuse bags for local authority collection (low density polyethylene)*, or
 - (b) be approved by Council.
4. Council shall approve the bag under 3(b) if,
 - (a) the bag is demonstrated to be 'fit-for-purpose' i.e. operationally efficient, durable and able to securely contain the waste until collection; and
 - (b) the bag does not create an unreasonable risk of injury to any person (including employees of the waste collector) or damage to the public place or anything in the public place.
5. Bags must be of a standard that does not allow liquid contents to leak in the public place.
6. Every bag supplied to a customer will be free from defects that might affect its performance. Bags which have been damaged or which are incomplete or faulty and that are no longer fit for purpose may not be placed on a public place for the collection of waste.

Attachment 1C

STANDARDS FOR CONTAINERS: FOR THE COLLECTION FROM PUBLIC PLACES OF WASTE OTHER THAN DOMESTIC WASTE

Bins used for the collection from a public place of waste other than domestic waste must meet the following requirements:

1. The bin will have the waste collector's name (and logo, if any) printed on the bin in such a manner that the responsible waste collector may easily be identified from a collection vehicle on a roadway when the bin is deposited on a public place for collection. The waste collector may identify the premises on the bin to which the bin has been allocated.
2. Mobile garbage bins must either;
 - (a) meet the latest edition of each of the applicable following standards or their replacements:
 - BS EN 840-1:2012 *Mobile waste and recycling container* (2 wheels up to 400 litres)
 - BS EN 840-2:2012 *Mobile waste and recycling containers* (4 wheels up to 1300 litres)
 - BS EN 840-3:2012 *Mobile waste and recycling containers* (4 wheels up to 1300 litres)
 - BS EN 840-4:2012 *Mobile waste and recycling containers* (4 wheels up to 1700 litres)
 - BS EN 840-5: 2012 *Test Methods*
 - BS EN 840-6:2012 *Mobile waste containers. Safety and health requirements*;
 - AS 4123: 2008: *Mobile Waste Containers* (Addresses dimensions and design, performance requirements, testing methods, colours, markings and recycled content of a mobile waste container);
 - or,
 - (b) be approved by Council.
3. Council shall approve the mobile garbage bins under 2(b) if,
 - (a) the bins are demonstrated to be 'fit-for-purpose'. i.e. operationally efficient, durable and are able to securely contain the waste until collection, and able to ensure that the contents are not trapped when the bin is emptied; and
 - (b) the bins do not create a risk of injury to any person (including employees of the waste collector) or damage to the public place or anything on the public place.
4. Stationary bins must either;
 - (a) meet the latest edition of each of the applicable following standards or their replacements:
 - BS EN 13071-1:2008 Stationary waste containers up to 5000 litres, top lifted and bottom emptied. General requirements
 - BS EN 13071-2:2008 Stationary waste containers up to 5000 litres, top lifted and bottom emptied. Additional requirements for underground or partly underground systems
 - BS EN 12574-3:2006 Stationary waste containers. Safety and health requirements
 - BS EN 12574-2:2006 Stationary waste containers. Performance requirements and test methods
 - BS EN 13071-3:2011 Stationary waste containers up to 5000 litres, top lifted and bottom emptied. Recommended lifting connections

- BS EN 13071-1:2008 Stationary waste containers up to 5000 litres, top lifted and bottom emptied. General requirements
- BS EN 13071-2:2008 Stationary waste containers up to 5000 litres, top lifted and bottom emptied. Additional requirements for underground or partly underground systems
- BS EN 12574-1:2006 Stationary waste containers. Containers with a capacity up to 10000 litres with flat or dome lid(s), for trunnion, double trunnion or pocket lifting device.

or,

(b) be approved by Council.

5. Council shall approve the stationary bins under 4(b) if,

- (a) the bins are demonstrated to be 'fit-for-purpose', i.e. operationally efficient, durable and are able to securely contain the waste until collection, and able to ensure that the contents are not trapped when the bin is emptied; and
- (b) the bins do not create a risk of injury to any person (including employees of the waste collector) or damage to the public place or anything on the public place.

6. Every bin supplied to a customer will be free from defects that might affect its performance. Bins which have been damaged or which are incomplete or faulty and that are no longer fit for purpose may not be placed in a public place for the collection of waste or diverted material.



**Far North
District Council**

Te Kaunihera o Tai Tokerau Ki Te Raki



Solid Waste Bylaw 2016

Controls made under the Solid Waste Bylaw 2016 concerning the separation of waste collected from a public place and the disposal of waste at public waste disposal facilities

Control 2 – Waste Separation

Explanatory note: Clauses 6, 14(2) and 20 of the Solid Waste Bylaw provide that Council may establish controls containing detailed provisions by resolution. This control contains detailed provisions in relation to the separation of waste in containers for collection from a public place.

Pursuant to section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956 and section 12 of the Litter Act 1979.

DOCUMENT CONTROL

REVISION HISTORY

The following table outlines the revision history of this document:

REVISION	PUBLICATION DATE	COMMENTS
Revision 3a	March 2015	Draft
Revision 4	June 2015	For Council workshop
Revision 5	September 2015	Updated after Council workshop
Revision 6	June 2016	Updated after Waste Collector consultation

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Attachment 2A Public waste handling facilities

Attachment 2B Prohibited wastes

1 TITLE

This control is entitled: *Controls made under the Solid Waste Bylaw 2016 concerning the separation of waste collected from a public place and the disposal of waste at public waste disposal facilities*, and may be referred to as the *Separation of Waste and Waste Disposal Controls*.

2 COMMENCEMENT

This control comes into force on 1 August 2016.

3 APPLICATION

This control applies to the Far North District.

4 PURPOSE

This control regulates the separation of waste collected from a public place.

5 INTERPRETATION

- (1) In this control, unless the context otherwise requires;

Bylaw means the Solid Waste Bylaw 2016.

Public place means

- (a) a place that is-
 - (i) under the control of Council and/or
 - (ii) that is open to or being used by the public, whether or not there is a charge for admission and
- (b) includes:
 - (i) a road, whether or not the road is under the control of Council, and
 - (ii) any part of the public place.

Unless the context requires another meaning, a term or expression that is defined in the Act or the bylaw used, but not defined, in this control has the meaning given by the Act or bylaw.

Recycling container means a container approved by Council for the collection of recyclable material from a public place.

Refuse container means a refuse bag or a stationary or mobile garbage bin approved by Council for the collection of refuse from a public place.

- (2) Unless the context requires another meaning, a term or expression that is defined in the Act or the bylaw used, but not defined, in this control has the meaning given by the Act or bylaw.
- (3) Explanatory notes are for information purposes only and do not form part of this control.

6 MAXIMUM PERMITTED AMOUNTS OF RECYCLABLE MATERIAL AND FOOD WASTE ALLOWED IN REFUSE CONTAINER

- (1) The total proportion of recyclable material in a refuse container left for collection from a public place must not exceed twenty per cent by volume of waste in that container.
- (2) The total proportion of food waste in a refuse container left for collection on a public place must not exceed twenty per cent by volume of waste in that container.

7 CLASSIFICATION AND DISPOSAL OF MATERIALS THAT ARE SUITABLE OR UNSUITABLE FOR RECYCLING

- (1) Materials that are classified as being suitable for recycling on Council's web site should not be deposited in a refuse container left for collection from a public place.
- (2) Materials that are classified as being unsuitable for recycling will be any material that is not currently listed as suitable on Council's web site must not be deposited in a recycling container left for collection from a public place.
- (3) Materials that are suitable for recycling that have been separated out of the waste stream must not be recombined with waste and/or disposed of to landfill.

8 PROHIBITION ON GREEN WASTE IN CONTAINERS USED FOR REFUSE AND RECYCLABLE MATERIAL

- (1) Subject to the exemption in sub-clauses 8(2) and 8(3), no green waste may be deposited in a refuse container left for collection from a public place.
- (2) Pest plants listed on the Northland Regional Council's web site may be deposited in a refuse container left for collection from a public place.
- (3) No green waste may be deposited in a recycling container left for collection from a public place unless the recycling container is specifically dedicated to the collection of green waste.

9 SEPARATION OF WASTE DEPOSITED AT A PUBLIC WASTE HANDLING FACILITY

- (1) The total proportion of recyclable material deposited for disposal at a public waste handling facility may not exceed twenty per cent by volume of waste.
- (2) The total proportion of food waste deposited for disposal at a public waste handling facility may not exceed twenty per cent by volume of waste.
- (3) Subject to the exemption in sub-clause 9(4), no green waste may be placed in a waste container deposited for disposal at a public waste handling.
- (4) Pest plants listed on the Northland Regional Council web site may be placed in a waste deposited for disposal at a public waste handling facility.

10 DISPOSAL CONTROLS AT PUBLIC WASTE HANDLING FACILITIES

- (1) The disposal of waste at any public waste handling facility listed in Attachment 2A shall be subject to such conditions as Council may by resolution publicly notified from time to time decide in respect of:
 - (a) The hours of opening and closing;
 - (b) The nature of the waste which may be disposed of therein;
 - (c) The nature of the waste to be directed to a recycling area;
 - (d) The charges in respect of any disposal;
 - (e) The position in any such place, in which waste may be placed; and
 - (f) Any other matter which Council may consider necessary or desirable to determine by any such resolution.Council may amend or revoke a resolution made under Clause 10(1) at any time. Council will publicly notify any resolution made under Clause 10(1).
- (2) No refuse shall be deposited at any of the public waste handling facilities listed in Attachment 2A to this part of the Bylaw Control without paying the required fee as set by the Council or the Chief Executive or by way of an account with the site contractor.
- (3) Any person using a public waste handling facility shall abide by notices and the instructions of an authorised officer or operator of that facility for the placing or disposing of different classes of waste.
- (4) No person shall:

- (a) Deposit or dispose of any waste, recyclables or organic material at a public waste handling facility or any other waste that is not permitted to be disposed of at that facility;
- (b) Deposit or dispose of any particular type of waste, recyclables or organic material at any location within a public waste handling facility which has been marked off and designated for the depositing or disposal of a different type of waste;
- (c) Deposit or dispose of any trade refuse or prohibited wastes as listed in Attachment 2B at a public waste handling facility unless authorised to do so by the operator of that facility;
- (d) Enter a waste handling facility without authorisation from the operator of that facility;
- or,
- (e) Move or remove any article, waste or recyclables or organic material found in a public waste handling facility without the permission of the operator of that facility.
- (5) On any land or premises set aside by Council for the disposal of refuse, it shall be unlawful for any unauthorised person to enter, loiter or to disturb any deposit of refuse or to remove any article or materials of any kind.
- (6) No person shall light any fire upon or near any public waste handling facility without the express permission of the Chief Executive.

Attachment 2A**PUBLIC WASTE HANDLING FACILITIES**

List of Public Waste Handling Facilities at which refuse can only be deposited in accordance with the provisions of Bylaw Control Clauses 9 and 10.

Council Refuse Transfer Stations

- Ahipara
- Awanui
- Houhora
- Herekino
- Kaikohe
- Kaitaia
- Kohukohu
- Opononi
- Panguru
- Russell
- Taipa
- Te Kao
- Whangae
- Whatuwhiwhi
- Whitehills

Council Landfill Facilities

- Ahipara
- Russell

Attachment 2B**PROHIBITED WASTES**

Wastes prohibited from being deposited at public waste handling facilities unless deposited into containers designated for the receipt of such wastes:

A. SUBSTANCES HAZARDOUS TO THE ENVIRONMENT

1. Substances with one or more of the following intrinsic properties:
 - An explosive nature
 - Flammability
 - An oxidising mixture
 - Acute or immediate toxicity (including ecotoxicity)
 - Delayed or chronic toxicity (including carcinogenicity, mutagenicity, teratogenicity or ecotoxic effects)
 - Radioactivity
 - Corrosivity
 - Environmental persistence
 - Infectious or pathogenic.
2. Any substance emitting or breaking down to a substance with any of the above properties upon entering the environment.
3. Any substance or group of substances prescribed as hazardous by the Hazardous Substances Regulations (Minimum Degrees of Hazard) 2001.

B. LIQUID WASTES

Bulk liquid waste of any kind or emulsions in liquid.

C. ODOUROUS WASTE

Highly odorous wastes.

D. OTHER WASTES

- glue
- oil
- caustic water
- lime
- resin
- bitumen waste
- electroplating wastes
- acids
- any scheduled poison (as defined by the Hazardous Substances Regulations (Minimum Degrees of Hazard) 2001)
- any dangerous goods (as defined by the Hazardous Substances Regulations (Minimum Degrees of Hazard) 2001)
- any other chemical (in liquid or powder form, whether of agricultural or industrial use, in sealed drums or otherwise)
- hazardous inorganic chemicals (including heavy metals and blue asbestos)
- septic tank sludge

5.2 UPDATE OF POLICY - APPOINTMENT OF DIRECTORS TO COUNCIL ORGANISATIONS

File Number: A3111889

Author: Janice Smith, Chief Financial Officer

Authoriser: Jaime Dyhrberg, General Manager - Corporate Services (Acting)

TE TAKE PŪRONGO / PURPOSE OF THE REPORT

Policy 2117 outlines the process for the appointment or re-appointment of Directors to Council Organisations. The policy was created in June 2003 and has not been updated.

TE WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The current policy was created in June 2003.
- It has not been updated to reflect changes to Council Organisations covered by the policy or changes in names of Committees.
- The proposed amendments will update the policy to the current requirements for Council Organisations.
- This report was presented to the Assurance, Risk and Finance Committee at their meeting on 10 February 2021 for consideration. The Committee asked that matters related to promoting board diversity and the remuneration of directors are considered further. Officers have looked at practice across the sector and the updated policy presented for the Committee's consideration addresses these matters.

NGĀ TŪTOHUNGA / RECOMMENDATION

That the Strategy and Policy Committee recommend Council to agree that the updated Policy 2117 – Appointment and Remuneration of Directors for Council Organisations be approved.

1) TE TĀHUHU KŌRERO / BACKGROUND

Policy 2117 – Appointment and Remuneration of Directors for Council Organisations was originally developed in 2003 when Council was only responsible for Far North Holdings as a Council Controlled Trading Organisation. It has not been updated to reflect changes in either Council Organisations or Committee structures.

2) TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Policy 2117 is now required to cover a broader range of Council Organisations and this may change in the future. The Policy also references an approving Committee that no longer exists.

It is important that the Policy be flexible so that an amendment is not needed if Council decides to amend the Committee structure in the future. The current delegations to Committees identify what each Committee is responsible for and that is the appropriate mechanism for identifying where the responsibility for the appointment of directors lies.

Te Take Tūtohunga / Reason for the recommendation

To update the policy to enable future appointment of Directors to Council Organisations.

3) NGĀ PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

None.

NGĀ ĀPITI HANGA / ATTACHMENTS

1. **Appointment and Remuneration of Directors for Council Organisations Policy Proposal March 2021 - A3113686** [↓](#) 

Te Hōtaka Take Ōkawa / Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance requirement	Te Aromatawai Kaimahi / Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Policy 2117 – Appointment and Remuneration of Directors for Council Organisations.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	Not applicable.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Not applicable.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Not applicable.
State the financial implications and where budgetary provisions have been made to support this decision.	None.
Chief Financial Officer review.	The Chief Financial Officer prepared this report.

Appointment and Remuneration of Directors for Council Organisations (#2117)

Date Issued: 19 June 2003

Updated March 2021

Purpose

The purpose of this policy is to set out, in accordance with section 57 (1) of the Local Government Act 2002 (LGA), an objective and transparent process for the:

- a) identification and consideration of the skills, knowledge and experience required of directors of a council organisation.
- b) appointment of directors to a council organisation; and
- c) remuneration of directors of a council organisation.

Policy Objectives

The objectives of this policy are to ensure:

- that the process of appointing board members is undertaken in an objective and transparent manner, while protecting individual privacy.
- that board appointments:
 - are made on the basis of an assessment of skills, knowledge and experience, having regard to the nature of scope of the organisation's objectives and activities.
 - consider the contribution that directors can make to the board as a whole and to the achievement of the organisation's objectives and activities.
 - take into account the context in which council, as a publicly accountable body operates.
- continuity through smooth succession of board members and board chairs.

Background

"Candidate" is a person who has been nominated, submitted a written application or identified through search activities.

"Council Organisation" is defined in section 6 of the LGA as an organisation in which the council has a voting interest or the right to appoint a director, trustee or manager (however described).

“**Council Controlled Organisation**” is defined in section 6 of the LGA in which the council controls, directly or indirectly, 50% or more of the votes or has the right, directly or indirectly, to appoint 50% or more of the directors.

Board Diversity and Inclusion

Far North District Council (FNDC) values and supports the benefits that diversity of thought, experience and skills bring to our CCO boards as well as the council as a whole; that a culture of inclusion and diversity is cultivated through clear tone from the top, with the Council and elected members, SLT and boards championing diversity and inclusion in support of FNDC’s values.

FNDC recognises that increasing diversity and fostering inclusive board culture is an essential element in supporting high performing boards, driving long-term success, making improved decisions and delivering better outcomes for the communities of the Far North District.

A diverse board will include, but is not limited to skills, experience, perspectives, gender, race, age, ethnicity and other qualities of directors. The board will make good use of these differences and distinctions among individuals in determining the optimum composition of the board.

All board appointments must collectively reflect the diverse nature of the business environment in which FNDC and its CCOs operates and be made on merit in the context of the skills, experience and knowledge which the board requires to be effective.

FNDC is committed to supporting and/or providing initiatives:

- that lead to an inclusive recruitment and selection process of board appointments;
- support a diverse range of aspiring directors to develop skills, knowledge, board room experience and to establish relationships and networks; and
- build a diverse pool of experienced directors for Far North District organisations and companies.

Policies

1. Skills

The council considers that any person that it appoints to be a director of a CO should, as a minimum, have the following skills:

- Intellectual ability
- An understanding of governance issues
- Business experience/experience relevant to the organisation
- Sound judgment
- A high standard of personal integrity
- The ability to work as a member of a team.
- Commitment to the principles of good corporate citizenship
- Understanding of the wider interests of the publicly accountable shareholder.
- A demonstrable commitment to the Far North District.

2. Appointment Process

When vacancies arise in any council organisation (CO) the council will follow the following process for appointing directors. A report will be prepared that will, in most cases, include information relating to current Directors therefore it will be submitted to the Publicly Excluded agenda of Council to seek a decision on whether to advertise a particular vacancy or make an appointment without advertisement. When making this decision the council will consider:

- The costs of any advertisement and process
- The availability of qualified candidates
- The urgency of the appointment (e.g. a CO that is without a quorum cannot hold board meetings).

Once the decision has been made on the appointment process, it must be notified in the public portion of the meeting

- **Advertisement of Appointed Director's Position**

Where the council decides to advertise a vacancy, it will establish an Appointment Panel, approved by the Chief Executive, subject to consulting with the Mayor.

An advertisement seeking expressions of interest will be placed in the appropriate media sites and be open for a minimum of 3 weeks.

Where the council decides not to advertise a particular vacancy it will refer the matter to council or the relevant committee that is responsible for monitoring the CO. The council committee will consider the appointment at its next scheduled meeting and make a recommendation to Council in relation to the appointment.

- **Appointment Panel Composition**

The Appointment Panel will be made up of:

- two elected members; and
- the existing Chair of the CCO or their nominee; and
- one independent person who brings particular knowledge of skills that can add value to the process.

- **Appointment Panel Responsibilities**

The appointment panel will be responsible for:

- approving the criteria against which applications will be assessed;
- approving an independent recruitment consultant to assist with the selection process, if it decides it is warranted;
- preparing a shortlist of candidates to interview;

- interviewing the shortlisted candidates and evaluating them against the approved criteria; and
- reporting on its assessment of each candidate against its criteria and recommending appointments of directors to council.

3. Final Appointment

The council will make a decision in committee (thus protecting the privacy of natural persons). Public announcement of the appointment will be made as soon as practicable after the council has made its decision.

4. Reappointment

Where a director's term of appointment has expired and he or she is offering him or herself for reappointment, the Council will consult with the Chairperson of the CO with regard to:

- Whether the skills of the incumbent add value to the work of the organisation
- Whether there are other skills the organisation needs
- Succession issues

Council will then consider the information obtained and, taking into account the director's length of tenure, form a view on the appropriateness of reappointment or making a replacement appointment.

Council may reappoint an existing director for a further term without activating the formal appointment process. Where it is not intended to reappoint the incumbent, the appointment process outlined above will apply.

5. Rotation of Directors and Length of Tenure

The Directorship shall be reviewed by the board of the relevant organisation each year at the time of the Annual Report of the Company.

Directors will normally be appointed for periods of three years. Subject to a review of the director's performance after the first three-year period, the normal tenure for a director will be six years.

Following six years of services, a director may be appointed for a further three years if the benefit of such an extension is considered to outweigh the potential advantages of seeking and appointing a new candidate.

It is desirable that a director not be reappointed to the same organisation after nine years of service.

6. Appointment of a Chairperson

Council will appoint the Chair and deputy Chair of each CCO board, taking into account the experience and skills of the existing board. Council will seek input from the current board members, as appropriate.

If a suitable Chair cannot be appointed from the current board for any reason, or if there is more than one suitable candidate on the current board, an appointment process and panel will be established as per the Appointment Process in section 2.

- **Specific skills and attributes sought**

In general terms, the skills and attributes sought for CCO Chairs are the same as those sought for CCO Directors (see section 1), but in addition would include the following:

- strong leadership skills, with the ability to work collaboratively with the board and General Manager to create a sustainable enterprise;
- ability to think in a visionary and strategic manner;
- have a strong understanding of, and experience in, governance; and
- ability to ensure that the organisation is accountable and delivers high quality products, facilities and services.

7 . Conflicts of Interest

Far North District Council expects that directors of Council-controlled organisations will avoid situations where their actions could give rise to a conflict of interest. To minimise these situations, the council requires directors to follow the provisions of the New Zealand Institute of Directors' Code of Ethics. All directors are appointed 'at the pleasure of the council' and may be dismissed for breaches of this code.

8 . Remuneration

Far North District Council will decide whether directors on CCO boards are to be remunerated. The level of remuneration of directors will be set by council in accordance with the factors below.

To ensure transparency, fees will be set by the council for the board members and Chairs, rather than allocating a pool to be distributed by the board. Fees are to be met from the council organisation's own resources.

In exceptional circumstances, where elected members and council employees may have been appointed as directors of a CCO, they will not be remunerated for that role unless provided for by specific council resolution.

The council supports the payments by CCOs of directors' liability insurance and the indemnification of directors.

Travel costs for meetings are generally not reimbursed, other than in exceptional circumstances approved by the Chair.

- **Level of remuneration**

Where CCO directors are remunerated, the level of remuneration will be set taking into account the following factors:

- the need to attract and retain appropriately qualified directors
- the levels of remuneration paid by comparable organisations in New Zealand
- any changes in the nature of the CCO's business
- any other relevant factors.

Remuneration of directors of all CCOs will be reviewed at least once per triennium, or whenever the performance of the CCO or the role of the CCO and its board changes significantly.

6 PUBLIC EXCLUDED**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 - Kaikohe Civic Hub Working Party Terms of Reference	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

7 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

8 MEETING CLOSE