

Council Briefing Agenda

Date: Thursday, 14 August, 2025

Time: 9:00 am

Location: Civic Centre, Te Iwitihi, 9 Rust Avenue

Elected Members: His Worship the Mayor Vince Cocurullo
Cr Gavin Benney
Cr Nicholas Connop
Cr Ken Couper
Cr Jayne Golightly
Cr Phil Halse
Cr Deborah Harding
Cr Patrick Holmes
Cr Scott McKenzie
Cr Marie Olsen
Cr Carol Peters
Cr Simon Reid
Cr Phoenix Ruka
Cr Paul Yovich

For any queries regarding this meeting please contact the Whangarei District Council on (09) 430-4200.

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2.1 Food Businesses Grading Bylaw review

Meeting: Council Briefing
Date of meeting: 14 August 2025
Reporting officer: Shireen Munday (consultant)

1 Purpose / Te Kaupapa

To provide the findings of the review of the Food Businesses Grading Bylaw for discussion and direction.

2 Background / Horopaki

Council's Food Businesses Grading Bylaw (the Bylaw) (Attachment 1) was last reviewed in October 2015 and subsequently amended in December 2015. The Bylaw is made under the Local Government Act 2002 (LGA) and must therefore be reviewed before October 2015 in accordance with s159 of the LGA.

If the review of the Bylaw is not completed by this time, then s160A of the LGA will apply and the current Bylaw will automatically expire in October 2027. Council would then have until October 2027 to have a new Bylaw in place to avoid a regulatory gap. That new Bylaw would then be subject to a 5 year review period under s158 of the LGA.

The Bylaw requires food businesses to display a grading certificate that is issued following a scheduled verification process undertaken in accordance with the requirements of the Food Act 2014 (the Act).

The Environmental Health Team within the Health and Bylaws Department undertakes the verification and inspection processes required under the Act, to ensure food operators are providing food that is safe to eat.

3 Discussion / Whakawhiti kōrero

3.1 Overview

The purpose of the Bylaw is to support public health and safety from foodborne illness by requiring food businesses in the Whangārei District verified by Council to display a grading certificate issued following their verification process undertaken in accordance with the requirements of the Act.

The public display of a grading certificate is intended to raise public awareness and incentivise food businesses to maintain safe food handling practices.

The grade included in a grading certificate is issued based on the Food Business Scoring Matrix provided in Appendix 1 of the Bylaw. The verification or inspection process under the Act provides the information required to establish the grade to be issued.

The Bylaw includes a provision for food businesses to appeal the grading they have received.

At the time of writing, Council verifies 356 operators who are required to display a grading certificate. The requirement to have a grading certificate applies only to operators who operate under a Food Control Plan under section 39 of the Act, which focuses on high risk operators such as restaurants, cafes and takeaways.

Operators who are registered and verified by other parties and those operating under a Custom Food Control Plan or a National Programme are not required to display a grading certificate.

3.2 Legislative framework

The introduction of the Act in 2014 resulted in significant changes to the way food businesses must operate to ensure that the food they provide meets the necessary requirements to ensure public health and safety.

Prior to the Act coming into force, the Food Hygiene Regulations 1974 (with some exemptions) required all food businesses in the Whangārei District to register with Council.

In accordance with the Regulations, the Bylaw prior to 2015 required most businesses that served the public to display a food grade but also included provisions allowing the closure of business premises where there was a failure by an operator to protect food from contamination.

The Act established a national registration and verification framework to ensure food operators provide safe food. This is supported by powers and penalties that are higher than those available under a Bylaw and includes infringement fines.

While the Act received royal assent in June 2014, the Act included transitional provisions with some of the sections of the Act not coming into force until 1 March 2016 to allow both councils and food businesses to transition to the new requirements.

Currently the Act only requires the display of a registration certificate to show that the business has registered under the Act, it does not require the business show anything that identifies that they are selling safe food.

The Ministry for Primary Industries (MPI) is however authorised to make regulations to introduce a national food safety grading scheme, which could include display requirements. Currently however, there is no scheme and it is uncertain whether such a scheme will be developed.

3.3 Findings

The review asked the following key questions to meet Council's statutory review requirements under section 155 of the LGA.

1. Is there still a problem and is the problem the same?
2. Has the Bylaw helped to address the problem?
3. Is a bylaw still the best way to address the problem (no better alternatives)?
4. Is the Bylaw 'fit for purpose' (no change required)?
5. Does the Bylaw comply with legislation?

The research and analysis undertaken for this review has been informed by a desktop analysis of the legislative framework, the approaches taken by other local authorities in New Zealand on this topic and stakeholder engagement with the Environmental Health Team.

In response to questions 1 to 3 above, the research shows:

- The Bylaw remains authorised by s145 of the LGA which enables Council to make bylaws in the interest of public health and safety.
- Risks of foodborne illnesses from food supplied by operators remain, however it is uncertain that the grading certificate requirement of the Bylaw reduces foodborne illnesses.
- People who are concerned about food safety, both in general but in particular those who are more vulnerable, such as children, the elderly and people with health issues, should be supported to be able to make informed choices about the food they are purchasing.
- Having a food grading system that requires the grade issued to be displayed is a well-established approach in the Whangārei District that the community and food operators are familiar with and understand.
- The requirement to display a grading certificate is widely supported by operators and acts as an incentive for operators to improve their systems and processes in addition to meeting the requirements of the verification process under the Act.
- The administration resources required to implement and enforce the Bylaw are not significant due to the links to the verification process that the appropriately qualified Council staff are required to provide and implement.

In summary, the problem of risks associated with foodborne illnesses from food provided by food operators remains, and while it is not possible to determine whether the Bylaw has a positive impact on the reduction of such illnesses, it ensures that people are able to make informed decisions about their choices when eating food provided by the specified food operators.

As MPI has yet to introduce regulations as provided for in the Act for a national scheme that could include a certificate display requirement, a bylaw remains the only regulatory tool available to ensure grading certificates are displayed by operators.

In terms of whether the Bylaw remains 'fit for purpose' and complies with legislation (key questions 4 and 5), the research has found:

- The Bylaw includes references to the now repealed Food Hygiene Regulations 1974 which includes the definition of a 'food business' in the Bylaw. This means that the Bylaw is inconsistent with, and does not appropriately reflect, the current legislative framework provided by the Act.
- The Bylaw includes the scoring matrix utilised by staff to establish the grading. This matrix is operational in nature and can be subject to change as a result of any changes to legislation, the verification programme or other operational matters. The matrix is an operational tool that is applied by suitably qualified staff who undertake the verification assessment. It does not need to be in the Bylaw.
- The inclusion of an appeal process to the Chief Executive both duplicates the provisions of the Act and is inconsistent with the requirement of the Act which requires a Food Safety Officer to carry out the functions and activities in relation to the Act. The process to change a grading certificate is to repeat the verification assessment required under

the Act. The ability for an operator to request a review of the assessment, and therefore a change to the grading certificate as a result is already provided for in the Act.

- Some additional clauses of the Bylaw are operational in nature, or again duplicate the provisions of the Act, such as the ability for a Food Safety Officer to undertake an inspection as a result of a complaint. These clauses do not need to be in the Bylaw.
- Staff have advised that the provisions of the Bylaw that indicate where a grading certificate must be displayed are not sufficiently clear and could be improved.
- Due to the changing nature of how food operators promote their offers, staff have recommended that the provisions of the Bylaw should include a requirement for a grading certificate to be published on the food operator's website.

3.4 Conclusion

This findings report has found that the Bylaw remains the most appropriate way to help protect the public from foodborne illnesses. However, the Bylaw in its current form is not the most appropriate form of bylaw as it is inconsistent with the Food Act 2014 and associated regulations, unnecessarily includes operational matters and does not provide sufficient clarity on how and where food operators have to display grading certificates.

4 Next steps

To be able to meet statutory review requirements, Council must make the relevant decision under section 155(1) of the LGA prior to October 2025. Subject to the discussion and direction at this Briefing an item is scheduled for the August Council meeting to ask Council to decide on this matter. Subject to this process, staff will in the future report back to Council to consider potential options for amendments to the Bylaw.

5 Financial/budget considerations / Ngā pānga pūtea/tahua

The matters discussed in this item do not have significant financial implications for Council. The process to review the Bylaw is required by legislation and is supported through operational budgets. Subject to future decisions of Council, the continuation of a Bylaw requiring the display of grading certificates will not impact any existing operational functions or activities.

6 Significance and engagement / Te Hira me te Arawhiti

The matters contained in this Briefing report are not significant as provided in Council's Significance and Engagement Policy, and the public will be informed via agenda publication on the website.

7 Attachments / Ngā Tāpiritanga

Attachment 1 – Food Businesses Grading Bylaw

Whangarei District Council

Food Businesses Grading Bylaw 2016

Pursuant to the Local Government Act 2002, Whangarei District Council makes the following bylaw about the grading of food premises.

Title

This bylaw is the Food Businesses Grading Bylaw 2016.

Commencement

This bylaw will come into force on 1 March 2016.

Application

This bylaw applies to the Whangarei District.

Purpose

This bylaw is to make provision for all Food Businesses registered with the Whangarei District Council to be issued with a food hygiene Grade following their audit or inspection. This includes mobile Food Businesses. This bylaw also requires Food Businesses to display their grading certificate.

Interpretation

In this bylaw, unless the context otherwise requires:

AUTHORISED OFFICER means an Environmental Health Officer appointed by Council pursuant to section 28 of the Health Act 1956.

COUNCIL means the Whangarei District Council.

FOOD shall have the same meaning as it has in Section 9 of the Food Act 2014.

FOOD BUSINESS shall have the same meaning as it has in Section 10 of the Food Act 2014. It shall also include food premises as listed in Regulation 4 of the Food Hygiene Regulations 1974 which are required to be registered under the Health (Registration of Premises) Regulations 1966.

GRADE and GRADING means the allocated grade resulting from a verification visit of a food business by an authorised officer, assessed using the Food Business Grading System attached to the bylaw as Appendix 1.

GRADING CERTIFICATE means a certificate issued to each food business reflecting the grade allocated by the authorised officer following a verification of the food business concerned.

OPERATOR OF A FOOD BUSINESS means the owner or other person in control of the business.

VERIFICATION shall have the same meaning as it has in Section 8 of the Food Act 2014.

Generally a verification visit will be an 'audit' but will also include inspections as referred to in the Food Hygiene Regulation 1974.

Grading of Food Businesses

- 1) Every Food Business must have a food hygiene grading and obtain a Grading Certificate under this bylaw.
- 2) During the scheduled Verification of a Food Business the Authorised Officer will provide a Grading for each Food Business, using the Food Business Scoring Matrix in Appendix 1.
- 3) A Food Business may be visited by an Authorised Officer outside of their scheduled Verification intervals, for example if a complaint is received. The Authorised Officer may re-grade the Food Business as a result of such a visit should hygiene conditions have changed.
- 4) A Grading certificate will be issued to the Operator of the Food Business as soon as practicable after the Verification or other visit.
- 5) An application for a re-grading of a Food Business may be made in writing to the Chief Executive Officer at any time. This may attract an additional re-grade fee in accordance with the approved fees and charges.

- 6) The current Grading certificate must be conspicuously displayed at the principal entrance to the Food Business to which it relates, so as to be readily visible to members of the public visiting the Food Business. It must be in full and unobstructed view.
- 7) The Grading certificate shall be deemed to be current until its expiry date unless a new Grading certificate is issued. Grading certificates remain the property of the Whangarei District Council and may be removed by an Authorised Officer.
- 8) Grading certificates are not to be transferred from one Food Business to another or between different Operators of Food Businesses.
- 9) It is an offence under this bylaw to display a Grading certificate that is not current.

Appeals

Any Operator of a Food Business in respect of which any decision has been made by an Authorised Officer under this bylaw may appeal in writing to the Chief Executive against that decision within 14 days after receiving notice thereof.

On hearing the appeal, the Chief Executive may confirm, reverse or modify the decision made by the Authorised Officer and the decision of the Chief Executive is final.

This right of appeal is in addition to any other statutory right made available to the Operator of a Food Business.

Offences

The Operator of any Food Business commits an offence against this bylaw who:

- a. Fails to conspicuously display at the principal entrance to the Food Business the current Grading certificate, so as to be readily visible to members of the public visiting the food business; or
- b. displays a Grading certificate that is not current.

Penalties

Any person who acts in breach of any provision of this bylaw commits an offence and is liable upon conviction to a fine not exceeding \$20,000 (Local Government Act 2002 section 242(4)).

Appendix 1

Food Business Scoring Matrix

A: Assessment of confidence in management	Score
Food Control Plan (FCP)/Appropriate systems with excellent procedures, documentation and an excellent history of compliance.	5
FCP/appropriate systems in place with good procedures, documentation and a good history of compliance.	4
FCP/appropriate systems generally in place with adequate procedures and some documentation. Reasonable history of compliance	3
Limited FCP/appropriate systems in place. Some poor conduct or practices observed. Poor history of compliance.	2
No FCP/appropriate systems in place and areas of significant concern presenting a potential public health risk. Poor history of compliance.	1
B. Assessment of businesses (structural):	Score
Premises excellent and in all respects suitable for the purpose and able to be registered.	5
Good premises and facilities with only minor maintenance items to address and able to be registered.	4
Adequate premises and facilities with some maintenance items requiring attention but able to be registered.	3
Areas of disrepair/poor maintenance and/or inadequate facilities preventing registration.	2
Critical maintenance work required and/or premises in many respects unsafe for food preparation.	1
C. Assessment of cleaning and sanitising:	Score
Excellent overall standard of cleanliness with an effective cleaning plan/system and an appropriate recording method.	5
Premised and appliance in a clean and tidy condition with a fully effective cleaning plan in use.	4
Premises and appliances maintained to an adequate standard of cleanliness but improvement required in some areas	3
General standard of cleanliness and sanitation poor. Significant improvement required.	2
General standard of cleanliness and sanitation unsatisfactory, presenting a potential public health risk	1
D: Assessment of training:	Score
Excellent knowledge and awareness of food hygiene with comprehensive training records available on all staff	5
Good knowledge and awareness of food hygiene with training records available on most staff	4
Adequate knowledge, awareness and evidence of food safety training but improvement required in some areas	3
Generally poor knowledge, awareness and evidence of food safety training with significant improvement required	2
Unsatisfactory level of food safety training demonstrated. Very poor knowledge and awareness of food safety evidenced by poor practices	1

Notes:

To score an 'A' grade, a food business must score at least 4 in each category of the matrix.

To score a 'B' grade, a food business must score at least 3 in each category of the matrix.

A grade = 'excellent' - food business scoring 17-20.

B grade = 'good' - food business scoring 14-16.

C grade = 'adequate' - food business scoring 12-13.

D grade = 'poor' - food business scoring 11 or less.

2.2 Local Government Reform

Meeting:	Council Briefing
Date of meeting:	14 August 2025
Reporting officer:	Aaron Taikato, General Manager – Strategy and Democracy Bronwyn Bayne, Manager – Corporate Planning Rebecca Vertongen, Matatau – Legal Counsel

1 Purpose / Te Kaupapa

To update Elected Members on three pending local government legislative reforms that may significantly affect Council's corporate planning and democratic processes. These reforms include the Local Government (System Improvements) Amendment Bill, the Regulatory Standards Bill, and the Regulatory Systems (Internal Affairs) Amendment Bill.

2 Summary of proposed legislation and potential impacts

Collectively, these reforms signal a shift toward greater central oversight of local government, fiscal discipline, and regulatory accountability. However, they do not provide Councils with other revenue raising tools, something that has been recommended by previous reviews into local government¹ and by agencies such as the Infrastructure Commission². Even the Department of Internal Affairs, in the Regulatory Impact Statement accompanying the Local Government (System Improvements) Amendment Bill suggests that the core problem facing local government is *how to fund* core-services. Commentators on the Bill have therefore suggested that the proposals, in isolation, may have limited impact on limiting rates increases.

The reforms present risks and challenges for Council especially given the current lack of transitional arrangements and lack of guidance of how they should be implemented or how they exactly apply to local government. These include planning disruption, funding constraints, increased compliance burdens, and the need to manage community expectations.

Submissions on the Regulatory Standards Bill and the Regulatory Systems (Internal Affairs) Amendment Bill have closed. Sector bodies such as Taituarā and Local Government New Zealand are expected to make submissions on the remaining bill. Staff do not propose that Council submit due to a lack of clarity with many elements of the bill and the difficulty in arriving at a common position on the proposals given the time available before submissions are due on 27 August.

¹ The Future of Local Government Final Report *He piki tūrangā, he piki kotuku* (June 2023); New Zealand Productivity Commission. (2019). Local government funding and financing: Final report.

² New Zealand Infrastructure Commission | Te Waihanga. (2022). Rautaki Hanganga o Aotearoa – New Zealand Infrastructure Strategy 2022–2052.

Local Government (System Improvements) Amendment Bill

This Bill refocuses the statutory purpose of local government on the cost-effective delivery of infrastructure, public services, and regulatory functions, removing the four well-beings from the Local Government Act. It reinstates a list of core services councils must prioritise and introduces new financial management principles and reporting requirements. Councils will need to reassess strategic planning, budgeting, and community engagement processes. The Bill may come into force as early as December 2025, potentially affecting the development of the 2026–27 Annual Plan.

Regulatory Standards Bill

This Bill introduces principles for responsible regulation and establishes a Regulatory Standards Board. While not targeted specifically at local government, it may apply to bylaws and other secondary legislation. Councils could face new compliance obligations, including consistency assessments and explanatory statements, with potential resource and cost implications.

Regulatory Systems (Internal Affairs) Amendment Bill

This omnibus Bill proposes technical amendments to multiple Acts, including an increase to the contracting threshold under the Local Authorities (Members' Interests) Act 1968. This change modernises the legislation and may reduce barriers to elected member participation, particularly for small business owners. Broader conflict-of-interest rules remain unchanged.

3 Discussion / Whakawhiti kōrero

3.1 Local Government (System Improvements) Amendment Bill

The Local Government (System Improvements) Amendment Bill was introduced to Parliament on 17 July with submissions to the Governance and Administration Select Committee closing on 27 August. The Bill was signaled by the Government as part of its broader commitment to addressing cost-of-living pressures and improving the efficiency of local government. The Bill forms part of the Government's Quarter Four 2024 Action Plan, which included a directive to "get local councils back to basics".

The Bill was developed in response to concerns that the current statutory purpose of local government — particularly the inclusion of the four aspects of community well-being, contributed to rising rates by enabling councils to engage in activities beyond core infrastructure and regulatory functions. Ministers expressed a view that councils were increasingly spending on "nice-to-haves" rather than focusing on essential services.

To address these concerns, the Minister of Local Government directed officials to prepare legislative amendments that would:

- Narrow the statutory purpose of local government to focus on **cost-effective delivery of infrastructure, public services, and regulatory functions**.
- Reinstates a list of "**core services**" that councils **must have particular regard to**.
- Support improved **performance measurement and reporting**.
- Strengthen **transparency and accountability**.
- Provide **targeted regulatory relief to councils**.

The new Bill is intended to complement other system improvements, including potential future tools to limit council revenue growth such as rate capping mechanisms, and possibly structural changes to local government.

For an assessment of the quality of the policy analysis, consultation and data and evidence used to inform the proposed changes, see the **Disclosure Statement on the Bill**³ and the **Regulatory Impact Statement** on the refocused purpose for local government.⁴ The Disclosure Statement notes that the Department was precluded from considering any other options to the revised purpose for local government. For example, sector self-regulation, education campaigns, partnership agreements (such as 'piggy-backing' on Regional Deals), and voluntary codes of practice or standards.

This briefing focuses on the revised purpose for local government (s.10) where the four well-beings are removed and the list of 'core services' that is added (s11A). The focus is on what this might mean for Council decisions for Annual and Long-Term Plans.

3.1.1 The Four Well-beings

The four well-beings refer to the social, economic, environmental, and cultural well-being of communities setting out the purpose of local government in section 10 of the Local Government Act 2002 (LGA). These were included in the LGA in 2002 (then removed in 2012 and reinstated in 2019) to reflect a sustainable development approach, where councils were expected to consider:

- Social well-being: Supporting community cohesion, health, safety, and inclusion.
- Economic well-being: Promoting local economic development, employment, and financial resilience.
- Environmental well-being: Protecting and enhancing the natural environment and responding to climate and ecological challenges.
- Cultural well-being: Recognising and supporting cultural identity, heritage, and diversity, including Māori values and traditions.

These well-beings were embedded across various provisions of the Act, including the purpose statement, principles, and financial management sections.

Council has been contacted by community groups concerned about the removal of the four well-beings from the Act.

3.1.2 Core Services and Purpose of Local Government

The Bill proposes to narrow the statutory purpose of local government. It removes all references to the four aspects of community well-being (social, economic, environmental, and cultural) and reinstates a purpose focused on **cost-effective** services:

1. Enabling **democratic local decision-making**.
2. Meeting the **current and future needs of communities** for **good-quality local infrastructure, public services, and regulatory functions** (defined as 'community outcomes').
3. Supporting **local economic growth and development**, where consistent with the above.

³ <https://disclosure.legislation.govt.nz/bill/government/2025/180/>

⁴ [https://www.dia.govt.nz/diawebsite.nsf/Files/Regulatory-Impact-2024/\\$file/RIS-Refocusing-the%20purpose-of-local-government_Redacted.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Regulatory-Impact-2024/$file/RIS-Refocusing-the%20purpose-of-local-government_Redacted.pdf)

In addition, the Bill reinstates a list of “core services” that councils **must have particular regard to** when performing their role. This reinstates a slightly modified version of clause that was in force prior to the 2019 amendments. These include:

- Network infrastructure (roads, transport, water, wastewater, stormwater)⁵.
- Public transport services.
- Waste management (replaced *solid waste collection and disposal*).
- Civil defence emergency management (replaced *avoidance or mitigation of natural hazards*).
- Libraries, museums, reserves, and other recreational facilities.

This change is intended to provide clearer direction for councils and encourage prioritisation of essential services in financial decision-making.

The Bill’s explanatory note acknowledges that rates rises have been primarily driven by the rising costs of critical infrastructure and analysis included in the Regulatory Impact Statement found that around ‘two-thirds of capital expenditure for councils is applied to core infrastructure, not including libraries and other community facilities, or parks and reserves’⁶.

3.1.3 Impact on Council Services

The Bill does not prevent councils from delivering services beyond the defined core services. However, key terms such as “good-quality local infrastructure”, “public services”, and “local economic growth and development” are not clearly defined. This provides councils with some flexibility to justify services that align with community outcomes, particularly where they also support local economic development.

That said, the Bill introduces a stronger expectation that councils prioritise core services in planning and budgeting. Non-core activities may face increased scrutiny—especially if they contribute to rate increases or are seen as discretionary. Councils will also need to make decisions about service levels and timing within core services and demonstrate that all services are delivered in the most cost-effective way.

Ultimately, councils must assess whether non-core activities align with the revised purpose and can be justified as cost-effective responses to community needs.

3.1.4 Continuing Non-Core Activities

If Council chooses to continue delivering services that are not defined as “core”, it will need to:

- Ensure financial management decisions give particular regard to core services.
- Demonstrate how those ‘non-core’ services contribute to the revised statutory purpose.
- Be prepared for increased public and central government scrutiny, especially if such services are perceived to contribute to rate increases.

When considering ‘community needs’ councils may not need to take account of the four well-beings but will need to continue to take account of the *diversity* of the community, and the community’s interests; and the interests of *current* and *future* communities; and the *likely impact* on those decisions on those interests (s 14).

⁵ Noting that the implementation of the Local Government (Water Services) Bill will result in changes to the range of ‘core services’ to be delivered by Council.

⁶ Department of Internal Affairs analysis of forecast and actual capital expenditure for councils based on 2021 – 2031 long-term plans (LTPs) and annual reports

While the Bill does not impose a formal cap on rates, it signals the Government's interest in exploring tools such as a "rate peg" (used in New South Wales) to limit council revenue growth.

3.1.5 Financial/Budget Considerations

The Bill introduces a **new financial management principle** requiring councils to have particular regard to the purpose of local government and core services when determining their financial approach.

This may influence budget prioritisation in annual and long-term plans; justification for expenditure on non-core activities and reporting obligations, including new requirements to **disclose consultant and contractor expenditure**.

While the Bill does not mandate immediate changes to funding structures, it lays the groundwork for future reforms that could affect Council's revenue and expenditure flexibility. A second amendment bill is expected in December or early 2026. It is unclear when the current Bill will come into effect. As currently drafted, there are no transitional arrangements and the Government plans to have the Bill enacted by December, so the new provisions could apply for next year's Annual Plan.

3.1.6 Risks and Challenges

The proposed changes present several risks and challenges to Council's corporate planning and budget processes:

Planning Disruption: The timing for when the provisions will come into force remains uncertain, though implementation could occur as early as December. The likely removal of the well-being framework will necessitate adjustments to Council's strategic planning processes, including significant community engagement to establish new 'community outcomes'. Taituarā is expected to advocate for transitional arrangements that would defer the application of new provisions until the next Long-Term Plan (LTP) cycle. Otherwise, if a Council were required to make changes to services to comply with the new law, it might be required to consult on an amendment to the LTP, which would also trigger the need for an audit of that amendment.

Given the time needed to induct new Elected Members following the election and ongoing changes to Council's responsibilities for water services, if the new Council were minded to significantly depart from the financial parameters and Levels of Service set for Year 3 of the LTP for next year's Annual Plan, the capacity of staff to deliver the necessary analysis, engagement, and consultation will be a critical consideration for the incoming Council given the short timeframes remaining until adoption of the Annual Plan would be required.

Funding Constraints: Prioritising core services may limit Council's ability to fund discretionary or innovative programmes, even where they are valued by the community. The future introduction of a rate cap as signalled by the Government, may add further constraints on Council revenue. Council may need to reconsider its overall Revenue and Financing Policy, Funding Needs Analysis and Financial Strategy as well as Council's ability to maintain current levels of service. This may include re-considering debt limits and other sources of revenue.

Compliance Burden: Councils may need to undertake internal reviews to ensure alignment with the revised purpose, which could require additional staff time and resources. An audit of LTP Amendment may also be required, if council decided to make significant changes to the financial parameters and Levels of Service set for Year 3 of the LTP. It is also not clear how the proposals might fit with council procurement policies, which may have objectives other than simple cost-effectiveness, like supporting local businesses or local job creation.

Community Expectations: Communities may expect Council to continue delivering services that fall outside the defined core services. If Council were to make decisions to scale back or cease these, managing these expectations will require clear communication, engagement and consultation.

3.1.7 Consistency with Te Tiriti / Treaty of Waitangi obligations

According to the Departmental Disclosure Statement on the Bill, work on Local Government System Improvements will uphold existing Treaty settlement arrangements and Council participation in, and obligations under, Treaty settlement arrangements will be considered in the programme. It also confirms that existing requirements under the Local Government Act 2002 relating to the contribution to decision-making by Māori, and processes for consulting with Māori, will generally continue to apply. The government acknowledges that the proposal relating to tikanga Māori knowledge in council-controlled organisation governance may affect Māori participation in local government decision-making. An assessment against the New Zealand Bill of Rights Act 1990 is in progress.

The proposed removal of all references to the four aspects of community well-being — including cultural well-being — may have implications for how councils engage with Māori and uphold their obligations under Te Tiriti o Waitangi.

While the Bill does not directly amend Treaty settlement legislation or the statutory obligations of councils under other Acts (such as the Resource Management Act 1991 or the Local Government Act 2002 itself), the removal of well-being language may:

- Reduce the visibility of cultural considerations in council decision-making frameworks, particularly where cultural well-being has been a basis for partnership, engagement, or investment in Māori outcomes.
- Impact relationships with iwi and hapū, particularly where Treaty settlement arrangements or local governance agreements have referenced or relied on the well-being provisions as part of their engagement model.

The Department of Internal Affairs has acknowledged that around 50 Treaty settlement Acts use language similar to the four well-beings. While these references typically appear in acknowledgements or apologies and are not legally linked to the purpose of local government, there is concern that the legislative shift could affect the tone and substance of council–Māori relationships.

In practice, councils will still be required to meet their obligations under Te Tiriti and related legislation. However, the removal of explicit well-being language may require councils to reframe their engagement strategies, reassess how Māori outcomes are incorporated into planning, and ensure that Treaty principles are upheld through other statutory or policy mechanisms.

3.2 Regulatory Standards Bill

The Regulatory Standards Bill (RS Bill) was introduced to Parliament in May 2025 and is currently before the Finance and Expenditure Committee. Submissions on the Bill closed on 23 June. The Committee is expected to report back on the Bill in November 2025.

The progression of a RS Bill formed part of the coalition agreement. The current RS Bill represents the latest in a series of attempts to legislate for improved regulatory quality and accountability. Earlier versions of the RS Bill, or similar proposals, were introduced in 2006, 2011, 2021 and earlier in the current term.

The RS Bill proposes to establish a set of principles for responsible regulation, require consistency assessments for new and existing legislation, and create a new oversight body — the Regulatory Standards Board — to review and report on legislative quality. It also

strengthens the role of the Ministry for Regulation in monitoring and supporting regulatory systems.

Although the RS Bill is not targeted specifically at local government, it has potential implications for councils, particularly in relation to **bylaw-making, regulatory stewardship, and compliance with new legislative standards**.

The RS Bill has attracted significant public and sector feedback. During consultation:

- Approximately 88% of submissions opposed the RS Bill.
- Concerns included the RS Bill's narrow focus on individual rights, lack of recognition of Treaty of Waitangi obligations, duplication of existing mechanisms, and potential to undermine democratic processes.
- Concerns were raised about the cost and feasibility of compliance, particularly in relation to secondary legislation.

The Ministry for Regulation has expressed a preference for an alternative approach that would rely on existing disclosure mechanisms under the Legislation Act 2019, rather than codifying principles in primary legislation.

3.2.1 Discussion / Whakawhiti kōrero

The RS Bill sets out a series of principles that legislation should be assessed against. These include:

- Consistency with the rule of law.
- Protection of individual liberties and property rights.
- Proportionality and cost-effectiveness of regulatory interventions.
- Proper use of delegated powers and administrative discretion.
- Transparent and consultative law-making processes

These principles are intended to serve as benchmarks for good legislative design. However, they are not enforceable in court, and non-compliance does not affect the validity of legislation.

3.2.2 Application to Local Government

While the RS Bill primarily applies to central government legislation, it also covers secondary legislation — which may include bylaws and other instruments made by local authorities. The RS Bill allows for classes of secondary legislation to be brought within scope by Ministerial notice, subject to approval by Parliament.

If bylaws are included, councils may be required to:

- Prepare consistency accountability statements (CAS) for new or amended bylaws.
- Review existing bylaws for consistency with the principles.
- Publish explanatory statements where inconsistencies are identified.

In addition, councils may be subject to information requests from the Ministry for Regulation to support regulatory reviews, particularly where they administer or support regulatory functions.

3.2.3 Regulatory Stewardship

The RS Bill reinforces expectations for agencies to proactively monitor and review their regulatory frameworks. This includes developing plans for regular review of legislation and reporting on progress. Councils may need to assess how their current stewardship practices align with these expectations and whether additional resourcing or process changes are required.

3.2.4 Financial / Budget Considerations

The Regulatory Impact Statement prepared with the RS Bill identifies significant cost implications, including for local government, if secondary legislation such as bylaws is brought within scope of the Bill's requirements.

Key financial considerations include:

- The cost of preparing CAS for new and amended bylaws.
- The cost of reviewing existing bylaws for consistency with the principles.
- Resource implications.

The RIS notes that these costs are currently uncoded for local government and that implementation within existing baselines may be challenging or unworkable without additional funding.

3.3 Regulatory Systems (Internal Affairs) Amendment Bill

The Regulatory Systems (Internal Affairs) Amendment Bill proposes amendments to 23 Acts, including legislation relating to local government, internal affairs, citizenship, gambling, public records, and identity verification. This briefing paper focuses primarily on the proposed amendment to the Local Authorities (Members' Interests) Act 1968 (LAMIA), which governs the **conduct of elected members in relation to pecuniary interests and contractual relationships with their councils**. A brief overview of other relevant amendments is also provided. Submissions on the Bill closed on 29 July and it is not known when the Bill is expected to be reported back to Parliament.

The Local Authorities (Members' Interests) Act 1968 (LAMIA) is a longstanding statute that regulates two key areas of elected member conduct:

1. Contracting Rule (Section 3): Disqualifies a person from being elected or appointed to a local authority if they are concerned or interested in contracts with the authority exceeding a specified monetary threshold in a financial year.
2. Discussing and Voting Rule (Section 6): Prohibits elected members from participating in discussions or voting on matters in which they have a pecuniary interest, unless the interest is in common with the public.

Breaches of these provisions can result in disqualification from office and, in some cases, criminal liability. LAMIA is routinely included in induction briefings for incoming councils and is a key reference point for managing conflicts of interest.

3.3.1 Proposed Amendment

The Bill proposes to amend section 3 of LAMIA by **increasing the disqualifying threshold for contracts from \$25,000 to \$100,000** (excluding GST). This change reflects inflationary adjustments since the limit was last reviewed in 1982. The amendment is intended to modernise the legislation and reduce unnecessary barriers to participation in local government.

3.3.2 Implications for Elected Members

The increased threshold may enable a broader pool of candidates, including small business owners, to stand for election without requiring prior approval from the Auditor-General.

The amendment does not alter the underlying policy rationale of ensuring decisions are made in the public interest, free from undue personal influence.

The discussing and voting rule remains unchanged, meaning elected members must still declare and manage pecuniary interests in council decision-making.

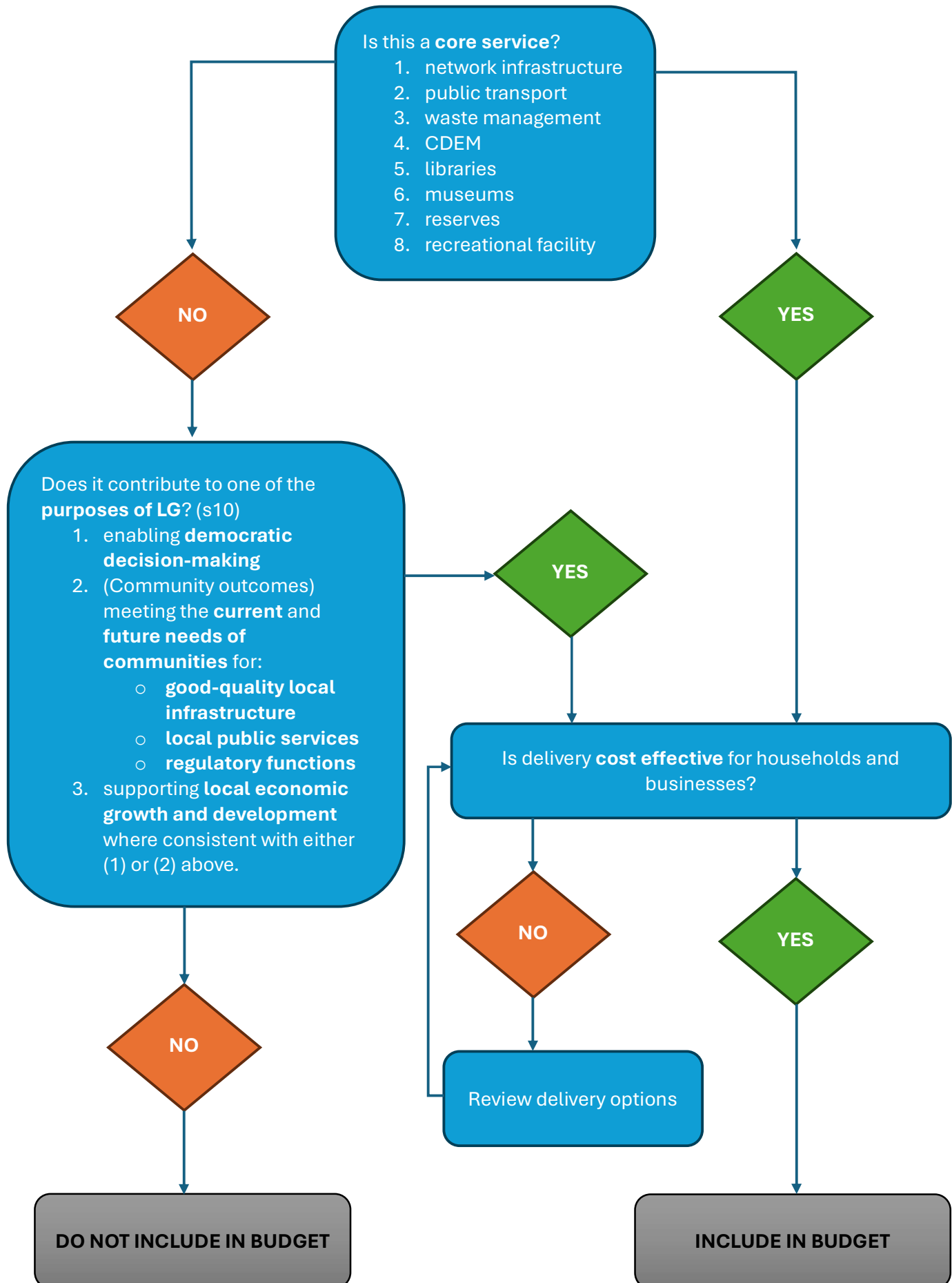
Taituarā – Local Government Professionals Aotearoa supports the amendment and has advocated for a broader first-principles review of LAMIA. Their submission notes that the current contracting rule may be outdated and overly restrictive, particularly given the availability of other mechanisms for managing conflicts of interest (e.g. codes of conduct, standing orders, interest registers).

4 Significance and Engagement / Te Hira me te Arawhiti

This Agenda item does not trigger the Significance and Engagement policy and will be made available online through the Briefing Agenda.

5 Attachments / Ngā Tāpiritanga

Attachment 1: Revised LG purpose and core-services budget decision tree



2.3 Response to Central Government's "Plan Stop" Direction

Meeting:	Council Briefing
Date of meeting:	14 August 2025
Reporting officer:	Yvonne Masefield, Manager - District Plan Rob Burgoyne, Kaiārahi Pūkenga - Planner

1 Purpose / Te Kaupapa

To update Elected Members of work that has been undertaken in response to the Central Government's "Plan Stop" announcement on 16 July 2025.

2 Background / Horopaki

On 16 July 2025, the Minister responsible for RM reform, Chris Bishop, released a statement (referred to as the "Plan Stop" direction) advising that "the Government will stop councils wasting their officers' time and their ratepayers' money on plan changes in advance of the new planning system coming into force".¹ The intention of this legislative change is to allow local government to focus on preparing for the new resource management system.

The Plan Stop direction will be introduced through an amendment to the Resource Management (Consenting and Other System Changes) Bill, which is currently at its third reading, and is expected to be passed into law in August 2025 with immediate legal effect.

The Ministry for the Environment "Plan Stop Fact Sheet"² states that plan changes under the Resource Management Act 1991 will only be authorised in a limited range of circumstances based on automatic exemption criteria. However, there will be an opportunity for councils to apply for a "plan-stop exemption" where they are not automatically exempt. Exemptions will only be granted on the discretion of the Minister and applications for exemptions must be made within three months of the legislation being passed into law.

Since these announcements, and following feedback on this matter at the July Strategy, Planning and Development Committee meeting, staff have worked through what this means for the District Plan work programme. In response to this, Councillors were updated in the 'Going for Housing Growth' Briefing, with a letter setting out Council's position on the Plan Stop direction then being drafted and sent to the Minister (Attachment 1). Given the timeframes for the Bill to come into effect, and the fact that the 3-month window for exemptions will likely coincide with the election period, work has commenced on a delegation to enable applications to the Minister for an exemption to the Plan Stop direction during the election shut down period.

¹ [Government to stop Council plan changes | Beehive.govt.nz](https://www.beehive.govt.nz/sites/default/files/2025-07/Plan%20Stop%20Fact%20Sheet.pdf)

² <https://www.beehive.govt.nz/sites/default/files/2025-07/Plan%20Stop%20Fact%20Sheet.pdf>

In this Briefing, Elected Members will be provided a high-level overview of plan changes that could be put forward for an exemption, before considering the potential for a delegation to enable exemption applications. It is noted that applying for an exemption will not change the delegations for Elected Members of the incoming Council to make decisions on whether to progress draft plan changes.

3 Discussion / Whakawhiti kōrero

The Plan Stop direction can be supported in its general intent of freeing up Council to focus on readiness for the new system. However, it has the potential to halt work that would enable us to do just that – be ready to transition to the new RM system. In this regard it is noted that, unlike several other Councils which undertake full District Plan reviews, Whangarei District Council undertakes a roiling review of chapters/topics within its District Plan. This has enabled a District Plan work programme to be developed that prioritises 10 yearly topic reviews that:

- have topics and proposals that align with the direction of the RM Reform; and
- keep the District Plan as up to date and efficient as possible in anticipation of District Plans being “deemed” as transitional plans in the replacement RM system for a number of years before new plans are developed; and
- work with hapū to define sites and areas of significance, work that has been many years in the making.

In some instances, this work is significantly advanced prior to the Plan Stop direction being announced. For certain pipeline plan changes, the Plan Stop direction also poses a risk of discontinuity, where essential work, including initiatives that would logically inform a future spatial plan in the new RM system are halted without a clear or timely pathway for resumption, or changes that would improve the effectiveness and effectiveness of our District Plan during the transitional period are lost. There is also a risk to Council’s relationship with hapū where work toward a sites and areas of significance plan change cannot be progressed due to the Plan Stop direction.

To manage risk associated with these matters discussions with Elected Members have highlighted that Council needs to be actively working with Central Government’s Plan Stop, where possible seeking an exemption for relevant work. To prepare for the change in front of us the following work has been undertaken to date:

- **Letter sent to the Minister in response to the Plan Stop direction**

There is no opportunity for formal submissions on the Plan Stop direction. However, in response to the direction a letter has been sent from His Honourable Worship the Mayor and the Chair of the Strategy, Planning and Development Committee to Minister Bishop outlining general support for the intent of the Plan Stop, raising concerns with the blanket approach in our local context, and requesting further consideration in relation to the exemption framework and process (see Attachment 1).

- **New delegation proposed for plan-stop exemption applications**

As noted above, it is anticipated that the Plan Stop direction will come into effect in August or September 2025 and applications for exemptions must then be made within three months. Therefore, this is a process that will only be available for a fixed and limited timeframe. Due to the upcoming local election shutdown period, the power to submit an exemption application will need to be delegated.

The plan-stop exemption application will be a new process under the Resource Management Act 1991, and therefore there is currently no delegation for this within Council’s delegations register. Accordingly, it is proposed to create a new delegation for this power at the Council meeting on 28 August 2025.

At this Briefing, Elected Members will be worked through the plan change programme, with a focus on those where an exemption could be sought from the Minister (notably Plan Change 4 and the Matters of Importance to Māori package), before considering the potential for a delegation. It is important to note that if exercised the new delegation would only be in relation to an application for an exemption. If the Minister grants an exemption to proceed with a particular plan review, then the delegation to formally notify any plan change stemming from that work would still sit with the Strategy, Planning and Development Committee.

4 Financial/budget considerations / Ngā pānga pūtea/tahua

There is no financial impact from submitting exemption applications to the Minister. There will be minor additional staff resource reallocated to preparing any applications. At this stage it is unknown what information will be required to support an application; however, it is likely that much of the necessary information will have already been prepared in the plan review work undertaken to date. It is expected that further details relating to the exemption application process will be provided in the coming months.

The financial implications of not submitting any exemption applications are that for current plan reviews that cannot continue through automatic exemptions, any work undertaken to date may be squandered.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda publication on the website.

6 Attachments / Ngā Tāpiritanga

Attachment 1: Letter to the Minister Responsible for RMA Reform on the Plan Stop Direction



In reply please quote:

Plan Stop Direction

Or ask for:

Dominic Kula – General Manager Planning and Development

24 July 2025

Hon Chris Bishop
 Freepost Parliament
 Private Bag 18 888
 Parliament Buildings
 Wellington 6160
 Email: C.Bishop@ministers.govt.nz

Rust Avenue, Whangārei
 Private Bag 9023, Te Mai,
 Whangārei 0143, New Zealand
 P +64 9 430 4200
 E mailroom@wdc.govt.nz
www.wdc.govt.nz/ContactUs

Dear Minister Bishop,

Plan Stop Direction

Whangarei District Council (**Council**) welcomes the Government's direction to prepare for the transition to a new resource management system. We support efforts to streamline planning and ensure that councils are focused on work that aligns with future legislative frameworks.

Council supports the general intention of the 'plan stop' proposed to be enacted under the Resource Management (Consenting and Other System Changes) Bill (**the Bill**). However, Council is concerned about the implications of this taking effect before clarity is provided on the replacement system to the RMA.

There is a risk that essential work, including initiatives that would logically inform a future spatial plan and/or would improve the effectiveness of our District Plan, is halted without a clear and timely pathway for resumption. Our current plan change work programme has been developed to prioritise chapters/ topics in response to Government's reform direction with a focus on ensuring our District Plan is as up to date as possible for transition to the new system. This includes plan changes specifically focussed on streamlining and simplifying resource consenting processes

Our Council has made great strides in recent years to build relationships with our local hapū, with the planning work that our staff have been carrying out playing a key part in this. To put a hold on all plan changes for local government, could have damaging effects on these relationships. Council therefore requests that the Government:

1. Develops criteria for the ministerial exemption process that explicitly accommodate plan changes that:
 - Are consistent with the anticipated direction of the new planning system;
 - Have involved significant resource investment and community engagement;
 - Would be materially compromised by a pause in progress;
 - Protect cultural heritage and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
 - Provide for effectiveness and efficiency improvements for resource consenting processes.
2. Provides clarity as soon as possible on the exemption application process, including:

- What documentation is required to support an application;
- Whether a plan review that does not yet have a decision to notify a plan change can be considered for an exemption;
- Whether the criteria will be flexible and sensitive to the unique circumstances councils face;
- How existing agreements with hapū and iwi will be considered;
- The timeframes that will apply to Government in making a decision on an exemption application.

This clarity is critical given the timing of upcoming local body elections. Providing only three months for local government to apply for exemptions from when Bill is enacted means that local government elected members most likely will be left out of the exemption application process.

Council remains committed to ensuring that our planning framework is fit for purpose and future-ready. To assist in that we are seeking that the Government provides an exemption pathway for plan change work that ensures a smoother transition of current plans into the new system.

Yours faithfully



HWM Vince Cocurullo

His Worship the Mayor



Cllr Ken Couper

Strategy, Planning and Democracy Chair

2.4 Waste Management and Minimisation Bylaw Control 2025

Meeting:	Council Briefing
Date of meeting:	14 August 2025
Reporting officer:	Ross Flanagan – Manager Waste Management and Minimisation

1 Purpose / Te Kaupapa

To present the draft Waste Management and Minimisation Bylaw Control 2025 for discussion and direction.

2 Background / Horopaki

Council made the new Waste Management and Minimisation Bylaw 2025 (the Bylaw) at the 24 July Council meeting. The Bylaw is scheduled to come into force on 28 August 2025, when the current Solid Waste Management Bylaw automatically expires.

The Solid Waste Management Bylaw includes a provision that allows Council to make decisions from time to time on a range of operational matters including the weights, types and contents of waste containers as well as when bins may be placed for collection in public places. This type of provision is provided for under section 151(2) of the Local Government Act 2002 as well as section 13 of the Bylaws Act 1910.

The Bylaw includes a similar provision, largely covering the range of matters provided for in the current Bylaw. In line with current best practice approaches, these types of documents are now usually referred to as 'controls'.

This report provides an overview of the draft Waste Management and Minimisation Bylaw Control 2025 (the Controls) (Attachment 1) for discussion and direction.

3 Discussion / Whakawhiti kōrero

Controls are rules that a council has decided to determine or make under, but separately from the bylaw, often at a later date.

Controls are an effective and efficient way to maintain rules that may require updates between bylaw reviews (for example, relating to technical or prescriptive matters that may change from time to time) because they allow for a greater responsiveness to change than a bylaw.

A control provision in a bylaw details the scope of the matters that a council can make rules for within the control, to ensure clarity and transparency.

Clause 11 of the Bylaw lists the following matters that Council can make controls for:

- a. prescribing types of approved containers;
- b. prescribing the types of waste that may be deposited in approved containers;

- c. prescribing the maximum weights of waste that may be deposited in an approved container;
- d. prescribing the way an approved container must be placed on or retrieved from a public place, including times, locations and days;
- e. prescribing the disposal or deposit of waste that may be placed for public collection that does not require being placed in an approved container (for example paper and cardboard);
- f. prescribing types of prohibited waste;
- g. providing for the management of waste in multi-unit buildings and developments; or
- h. any other operational matter required for the safe and efficient operation of a waste collection service from a public place.

In the case of the Waste Management and Minimisation Bylaw, a range of the matters of the control clause can be subject to other decisions of Council, including, but not limited to, Council's Waste Management and Minimisation Plan, Long Term Plan or Annual Plan and contract renewals for waste related matters.

The flexibility to change these rules through a decision of Council rather than an amendment to the Bylaw ensures that the rules can align with other decisions of Council in a timely manner.

The draft Controls provided in Attachment 1 address the matters provided in points a. to e. above, but do not incur any changes to what happens 'on the ground' already and what is provided for on Council's website and other relevant information sources. They combine all the necessary operational matters currently in place into a single document and which will be approved by Council for transparency and certainty purposes.

The types of prohibited waste included in the draft Controls under f. have been reviewed and updated based on the prohibited items in the current Bylaw, further input from staff and stakeholders and a review of the relevant regulatory matters.

The control provision in the Bylaw also provides for Council to make controls relating to the management of waste in multi-unit developments and buildings. This matter is provided for in the current Bylaw but has not been relied on by staff to date.

Staff are undertaking further research to determine whether a control mechanism on this matter should be recommended to Council for consideration. Depending on the outcome of this research and analysis, staff will report back to Council for further direction on whether Council wishes to develop and approve a control for this topic.

4 Financial/budget considerations / Ngā pānga pūtea/tahua

There are no financial implications in relation to this item.

5 Significance and engagement / Te Hira me te Arawhiti

Council is not being asked to make a decision at this Briefing. For completeness, the matters of this item do not have a high degree of significance as the draft Controls are largely operational in nature, give effect to the current status relating to waste collection issues and therefore have very limited impact on the community.

6 Attachments / Ngā Tāpiritanga

Attachment 1 – Draft Waste Management and Minimisation Bylaw Control 2025

Whangarei District Council

Waste Management and Minimisation Bylaw Control 2025

Approved by Whangarei District Council

XX Month 2025

Control made under clause 11 of the Whangarei District Council Waste Management and Minimisation Bylaw 2025.

Attachment 1

1. Title

- 1.1. This Control is the Waste Management and Minimisation Bylaw Control 2025.

2. Issuing authority

- 2.1. This Control is made under clause 11 of the Whangarei District Council Waste Management and Minimisation Bylaw 2025.

3. Commencement

- 3.1. This Control comes into force on xx Month 2025.

4. Application

- 4.1. This Control applies to disposed of or discarded waste deposited in an approved container for kerbside collection under clause 7 of the Bylaw.

5. Purpose

- 5.1. The purpose of this Control is to manage the appropriate deposit of disposed of or discarded waste for collection from public places.

6. Interpretation

- 6.1. In this Bylaw, unless the context otherwise requires:

Approved container

means any container provided or endorsed by Council for the purposes of kerbside waste collection in the Whangarei District in a control under clause 7 of this Control.

Bylaw

means the Whangarei District Council Waste Management and Minimisation Bylaw 2025

Council

means Whangarei District Council, and includes any person or committee delegated to act on its behalf in relation to this Control.

- 6.2. Unless the context requires another meaning, a term or expression that is defined in the Bylaw and is used, but not defined in this Control, has the meaning given by the Bylaw.
- 6.3. Related information does not form part of this Control and may be inserted, changed, or removed without any formality.

7. Types of approved containers

- 7.1. Approved containers for the disposal of rubbish and recycling for kerbside collection are:
- Council provided official rubbish bags (blue bag with Council logo, 65 and 35 litre sizes)
 - Rubbish bags up to a maximum of 65 litre capacity with a Whangarei District Council official rubbish sticker attached.
 - Council provided recycling bin – red bin with Council logo.

Attachment 1

- d. Council provided recycling bin – blue bin with Council logo.

Related information

The provisions of clause 7.1 a. and b. also apply to any waste deposited at a Council operated transfer station and Resort unless signage or information provided at those locations provides otherwise. These matters are however not regulated by the Bylaw or this Control and this information is included for completeness.

8. Paper and cardboard placed for kerbside collection

- 8.1. Paper and cardboard that is clean and free from food scraps or oil can be placed for kerbside collection.
- 8.2. Paper and cardboard must be flattened and appropriately contained, in a small box, paper bag or other suitable receptacle so that it does not cause a nuisance or litter issue through being dispersed through wind or rain.
- 8.3. The volume of paper and cardboard placed for kerbside collection must not exceed 65 litres (this is the equivalent of a full red recycling crate).
- 8.4. Paper and cardboard placed for kerbside collection is subject to all other relevant provisions of this Control that apply to approved containers.

9. Weight and capacity limits of approved containers (rubbish bags)

- 9.1. Any rubbish bag (approved container) in clause 7.1(a) & (b) must not exceed a maximum weight of 10kgs.
- 9.2. Any rubbish bag (approved container) in clause 7.1(a) & (b) must not be torn or otherwise placed in a public place in a manner that the waste may spill or can escape through wind and rain.
- 9.3. Any approved container in clause 7.1(c) & (d) must not be overloaded in a manner that the waste may spill or can escape through wind or rain.

10. Location of approved containers placed on a public place for collection

- 10.1. An approved container placed on a public place for collection –
 - a. must be placed as close as practicable to the roadway edge (for example the kerbside and not on the roadway) near the premises in a manner that –
 - i. does not restrict access to any premises
 - ii. does not obstruct any footpath, bus stop, cycle path or shared path; and
 - iii. does not obstruct pedestrian and / or vehicular line of sight of any corner, bend, intersection, vehicle crossing, pedestrian crossing or private entrance.
- 10.2. In certain circumstances, Council may designate collection points for households in a defined area and will advise those households of this collection point. Where a household has been advised of a collection point for their waste, they must place this in the location advised.

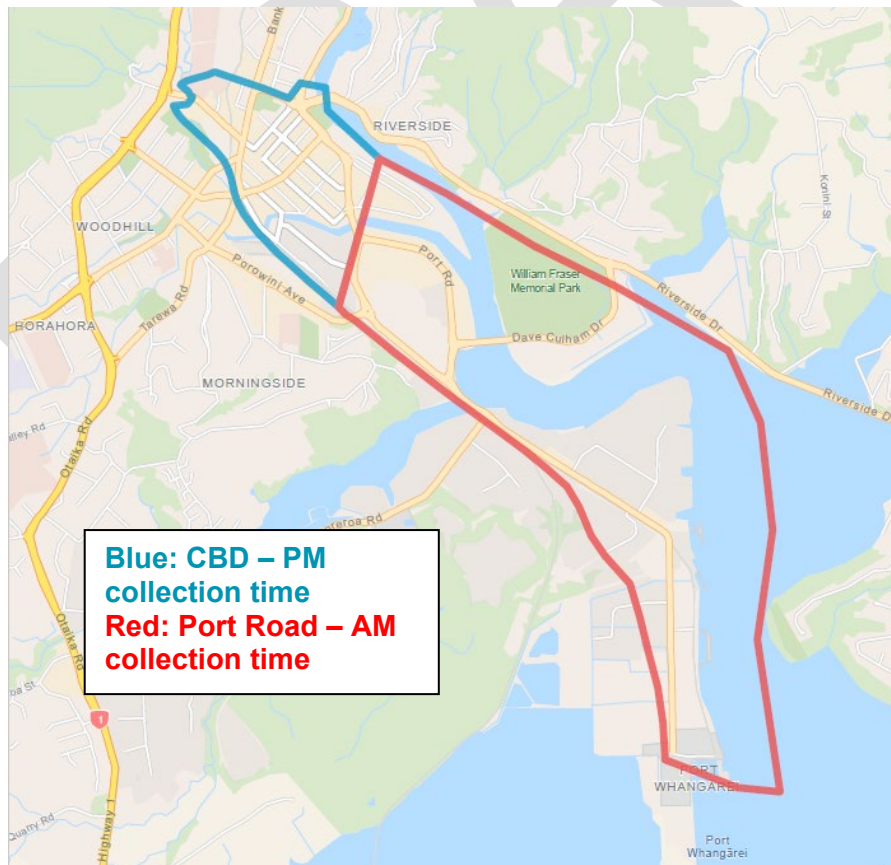
Attachment 1

11. Times approved containers may be placed on a public place for collection

- 11.1. An approved container and paper and cardboard may be placed on a public place for collection during the times specified in this table.

Day(s) of scheduled collection	Placement (set-out) time	Retrieval (removal) time (Whether or not material is collected)
CBD		
Monday, Wednesday, Friday	No earlier than 4.30pm	By 9am on the following day
Port Road Area		
Monday, Wednesday, Friday	No earlier than 5pm of the day before the scheduled collection but before 7.30 am on the day of collection.	By 9am of the day following scheduled collection.
All other areas		
In accordance with the schedule collection day as provided on Council's website or advised through other methods (e.g. local newspaper)	No earlier than 5pm of the day before the scheduled collection but before 7.30am on the day of collection.	By 9am of the day following scheduled collection.

Central Collection Areas – CBD and Port Road Areas



Attachment 1

12. Types of kerbside collections available by location

- 12.1. For the CBD area and Port Road areas as defined in the map in Clause 11, kerbside collection services is limited to rubbish bags as provided in clauses 1.1.a and 1.1.b of this Control and paper and cardboard in accordance with Clause 2 of this Control.

13. Types of material that may be deposited in approved containers

- 13.1. The types of waste in this table may be deposited in accordance with this clause in an approved container for council collection from a public place.

Rubbish bags	Any material, excluding prohibited material listed in Appendix A
Red recycling bin	<ul style="list-style-type: none"> Plastic bottles, trays and containers of plastic resin identification codes 1,2 and 5 Aluminium and steel tins and cans
Blue recycling bin	Glass bottles and jars

Related information about types of material approved for council collection as recycling

Central government has standardised the materials accepted in council-managed kerbside recycling collections in the [Standard Materials for Kerbside Collections Notice 2023 \(Notice No.1\)](#).

In the Standard, dry recycling accepted materials are:

- ✓ glass bottles and jars
- ✓ paper and cardboard
- ✓ plastic bottles, trays and containers of plastic resin identification codes 1, 2, and 5
- ✓ aluminium and steel tins and cans.

In the Standard, dry recycling excluded materials are:

- X all three dimensional items smaller than 50mm at their widest point
- X all two dimensional items smaller than 100mm by 140mm
- X all glass, plastic, steel and aluminium containers larger than four litres
- X lids, caps, and tops (excluding tethered lids); aerosol cans
- X liquid paperboard
- X aluminium foil and trays
- X plastics with resin identification codes 3, 4, 6, or 7
- X soft plastics
- X plant pots
- X paint containers
- X hazardous substance containers.

Related information

The provisions of this clause also apply to any waste deposited at a Council operated transfer station and Re:sort unless signage or information provided at those locations provides otherwise. These matters are however not regulated by the Bylaw or this Control and this information is included for completeness.

Attachment 1

Appendix A – Prohibited waste

It is prohibited to deposit any material listed in this table in:

- a. an **approved container** for collection from a public place, unless approved by the council (for example for a special collection); and
- b. a public waste bin.

Prohibited waste	
a.	Any material that may endanger any person, animal or vehicle prior to, during or following collection, transportation, storage, sorting or disposal, including: <ol style="list-style-type: none"> (i) any material capable of causing injury, infection or harm to any person or animal; (ii) fireworks; either discharged or not discharged; unless previously soaked in water (iii) any material capable of causing damage to the approved container or collection vehicle; (iv) any material likely to shatter and cause injury during collection; (v) any radioactive waste with the exception of smoke detectors; (vi) any batteries, including but not limited to lead-acid or lithium batteries; (vii) any broken glass, floor-sweepings and pet litter, unless these materials are sufficiently contained (for example securely wrapped to avoid the risk of material dispersing into the air and coming into contact with the eyes of the waste collector or others during collection); (viii) any medical waste that is not sufficiently contained to prevent injury or infection; (ix) any asbestos and asbestos containing materials; (x) any hot ashes; and (xi) any mercury-containing light bulbs, light globes, CFLs, fluoro or fluorescent tubes.
b.	Any hazardous waste, meaning any substance that: <ol style="list-style-type: none"> (i) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organisms Act 1996; (ii) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 2005 and NZ Standard 5433: 2020 – Transport of Dangerous Goods on Land; or (iii) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982; or (iv) meets the definition for controlled waste or hazardous waste in NZS 4304:2002 Management of Healthcare Waste.
c.	Any liquid or viscous fluid; including (but not limited to), used oil and paints.
d.	Any medicine (whether expired or not).
e.	Building waste such as lengths of timber, posts, concrete, bricks, and windows that may damage compacting equipment.
f.	Gas containers whether full or empty, including LPG containers but excluding empty aerosol containers.