



AGENDA

Strategy, Finance and Risk Committee Meeting Monday, 15 August 2022

I hereby give notice that a Strategy, Finance and Risk Committee Meeting will be held on:

Date: Monday, 15 August 2022

**Time: - WMMP & Waste Bylaw deliberations ONLY
- to start at the conclusion of the Council meeting (but not earlier than 2pm)**

**Location: BoP Regional Council Chambers
Regional House
1 Elizabeth Street
Tauranga**

Please note that this meeting will be livestreamed and the recording will be publicly available on Tauranga City Council's website: www.tauranga.govt.nz.

Marty Grenfell
Chief Executive

Terms of reference – Strategy, Finance & Risk Committee

Membership

Chairperson	Commission Chair Anne Tolley
Deputy chairperson	Dr Wayne Beilby – Tangata Whenua representative
Members	Commissioner Shadrach Rolleston Commissioner Stephen Selwood Commissioner Bill Wasley Matire Duncan, Te Rangapū Mana Whenua o Tauranga Moana Chairperson Te Pio Kawe – Tangata Whenua representative Rohario Murray – Tangata Whenua representative Bruce Robertson – External appointee with finance and risk experience
Quorum	Five (5) members must be physically present, and at least three (3) commissioners and two (2) externally appointed members must be present.
Meeting frequency	Six weekly

Role

The role of the Strategy, Finance and Risk Committee (the Committee) is:

- to assist and advise the Council in discharging its responsibility and ownership of health and safety, risk management, internal control, financial management practices, frameworks and processes to ensure these are robust and appropriate to safeguard the Council's staff and its financial and non-financial assets;
- to consider strategic issues facing the city and develop a pathway for the future;
- to monitor progress on achievement of desired strategic outcomes;
- to review and determine the policy and bylaw framework that will assist in achieving the strategic priorities and outcomes for the Tauranga City Council.

Membership

The Committee will consist of:

- four commissioners with the Commission Chair appointed as the Chairperson of the Committee
- the Chairperson of Te Rangapū Mana Whenua o Tauranga Moana
- three tangata whenua representatives (recommended by Te Rangapū Mana Whenua o Tauranga Moana and appointed by Council)
- an independent external person with finance and risk experience appointed by the Council.

Voting Rights

The tangata whenua representatives and the independent external person have voting rights as do the Commissioners.

The Chairperson of Te Rangapu Mana Whenua o Tauranga Moana is an advisory position, without voting rights, designed to ensure mana whenua discussions are connected to the committee.

Committee's Scope and Responsibilities

A. STRATEGIC ISSUES

The Committee will consider strategic issues, options, community impact and explore opportunities for achieving outcomes through a partnership approach.

A1 – Strategic Issues

The Committee's responsibilities with regard to Strategic Issues are:

- Adopt an annual work programme of significant strategic issues and projects to be addressed. The work programme will be reviewed on a six-monthly basis.
- In respect of each issue/project on the work programme, and any additional matters as determined by the Committee:
 - Consider existing and future strategic context
 - Consider opportunities and possible options
 - Determine preferred direction and pathway forward and recommend to Council for inclusion into strategies, statutory documents (including City Plan) and plans.
- Consider and approve changes to service delivery arrangements arising from the service delivery reviews required under Local Government Act 2002 that are referred to the Committee by the Chief Executive.
- To take appropriate account of the principles of the Treaty of Waitangi.

A2 – Policy and Bylaws

The Committee's responsibilities with regard to Policy and Bylaws are:

- Develop, review and approve bylaws to be publicly consulted on, hear and deliberate on any submissions and recommend to Council the adoption of the final bylaw. (The Committee will recommend the adoption of a bylaw to the Council as the Council cannot delegate to a Committee the adoption of a bylaw.)
- Develop, review and approve policies including the ability to publicly consult, hear and deliberate on and adopt policies.

A3 – Monitoring of Strategic Outcomes and Long Term Plan and Annual Plan

The Committee's responsibilities with regard to monitoring of strategic outcomes and Long Term Plan and Annual Plan are:

- Reviewing and reporting on outcomes and action progress against the approved strategic direction. Determine any required review / refresh of strategic direction or action pathway.
- Reviewing and assessing progress in each of the six (6) key investment proposal areas within the 2021-2031 Long Term Plan.
- Reviewing the achievement of financial and non-financial performance measures against the approved Long Term Plan and Annual Plans.

B. FINANCE AND RISK

The Committee will review the effectiveness of the following to ensure these are robust and appropriate to safeguard the Council's financial and non-financial assets:

- Health and safety.
- Risk management.
- Significant projects and programmes of work focussing on the appropriate management of risk.
- Internal and external audit and assurance.
- Fraud, integrity and investigations.
- Monitoring of compliance with laws and regulations.
- Oversight of preparation of the Annual Report and other external financial reports required by statute.
- Oversee the relationship with the Council's Investment Advisors and Fund Managers.
- Oversee the relationship between the Council and its external auditor.
- Review the quarterly financial and non-financial reports to the Council.

B1 - Health and Safety

The Committee's responsibilities through regard to health and safety are:

- Reviewing the effectiveness of the health and safety policies and processes to ensure a healthy and safe workspace for representatives, staff, contractors, visitors and the public.
- Assisting the Commissioners to discharge their statutory roles as "Officers" in terms of the Health and Safety at Work Act 2015.

B2 - Risk Management

The Committee's responsibilities with regard to risk management are:

- Review, approve and monitor the implementation of the Risk Management Policy, Framework and Strategy including the Corporate Risk Register.
- Review and approve the Council's "risk appetite" statement.
- Review the effectiveness of risk management and internal control systems including all material financial, operational, compliance and other material controls. This includes legislative compliance, significant projects and programmes of work, and significant procurement.
- Review risk management reports identifying new and/or emerging risks and any subsequent changes to the "Tier One" register.

B3 - Internal Audit

The Committee's responsibilities with regard to the Internal Audit are:

- Review and approve the Internal Audit Charter to confirm the authority, independence and scope of the Internal Audit function. The Internal Audit Charter may be reviewed at other times and as required.
- Review and approve annually and monitor the implementation of the Internal Audit Plan.
- Review the co-ordination between the risk and internal audit functions, including the integration of the Council's risk profile with the Internal Audit programme. This includes assurance over all material financial, operational, compliance and other material controls.

This includes legislative compliance (including Health and Safety), significant projects and programmes of work and significant procurement.

- Review the reports of the Internal Audit functions dealing with findings, conclusions and recommendations.
- Review and monitor management's responsiveness to the findings and recommendations and enquire into the reasons that any recommendation is not acted upon.

B4 - External Audit

The Committee's responsibilities with regard to the External Audit are:

- Review with the external auditor, before the audit commences, the areas of audit focus and audit plan.
- Review with the external auditors, representations required by commissioners and senior management, including representations as to the fraud and integrity control environment.
- Recommend adoption of external accountability documents (LTP and annual report) to the Council.
- Review the external auditors, management letter and management responses and inquire into reasons for any recommendations not acted upon.
- Where required, the Chair may ask a senior representative of the Office of the Auditor General (OAG) to attend the Committee meetings to discuss the OAG's plans, findings and other matters of mutual interest.
- Recommend to the Office of the Auditor General the decision either to publicly tender the external audit or to continue with the existing provider for a further three-year term.

B5 - Fraud and Integrity

The Committee's responsibilities with regard to Fraud and Integrity are:

- Review and provide advice on the Fraud Prevention and Management Policy.
- Review, adopt and monitor the Protected Disclosures Policy.
- Review and monitor policy and process to manage conflicts of interest amongst commissioners, tangata whenua representatives, external representatives appointed to council committees or advisory boards, management, staff, consultants and contractors.
- Review reports from Internal Audit, external audit and management related to protected disclosures, ethics, bribery and fraud related incidents.
- Review and monitor policy and processes to manage responsibilities under the Local Government Official Information and Meetings Act 1987 and the Privacy Act 2020 and any actions from the Office of the Ombudsman's report.

B6 - Statutory Reporting

The Committee's responsibilities with regard to Statutory Reporting relate to reviewing and monitoring the integrity of the Annual Report and recommending to the Council for adoption the statutory financial statements and any other formal announcements relating to the Council's financial performance, focusing particularly on:

- Compliance with, and the appropriate application of, relevant accounting policies, practices and accounting standards.
- Compliance with applicable legal requirements relevant to statutory reporting.
- The consistency of application of accounting policies, across reporting periods.
- Changes to accounting policies and practices that may affect the way that accounts are presented.

- Any decisions involving significant judgement, estimation or uncertainty.
- The extent to which financial statements are affected by any unusual transactions and the manner in which they are disclosed.
- The disclosure of contingent liabilities and contingent assets.
- The basis for the adoption of the going concern assumption.
- Significant adjustments resulting from the audit.

Power to Act

- To make all decisions necessary to fulfil the role, scope and responsibilities of the Committee subject to the limitations imposed.
- To establish sub-committees, working parties and forums as required.
- This Committee has **not** been delegated any responsibilities, duties or powers that the Local Government Act 2002, or any other Act, expressly provides the Council may not delegate. For the avoidance of doubt, this Committee has **not** been delegated the power to:
 - o make a rate;
 - o make a bylaw;
 - o borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan (LTP);
 - o adopt the LTP or Annual Plan;
 - o adopt the Annual Report;
 - o adopt any policies required to be adopted and consulted on in association with the LTP or developed for the purpose of the local governance statement;
 - o adopt a remuneration and employment policy;
 - o appoint a chief executive.

Power to Recommend

To Council and/or any standing committee as it deems appropriate.

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- 1 OPENING KARAKIA**
- 2 APOLOGIES**
- 3 PUBLIC FORUM**
- 4 ACCEPTANCE OF LATE ITEMS**
- 5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**
- 6 CHANGE TO ORDER OF BUSINESS**
- 7 DECLARATION OF CONFLICTS OF INTEREST**

8 BUSINESS

8.1 Hearings for Easter Sunday Shop Trading Policy

File Number: A13583113

Author: Sharon Herbst, Policy Analyst

Authoriser: Christine Jones, General Manager: Strategy, Growth & Governance

PURPOSE OF THE REPORT

1. To receive submissions on the draft Easter Sunday Shop Trading Policy.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- a) Receive the written submissions on the draft Easter Sunday Shop Trading Policy (**Attachment 2**).
- b) Receives the verbal submissions from those submitters who wish to speak to their submission.

EXECUTIVE SUMMARY

2. On 16 May 2022, the Strategy, Finance and Risk Committee approved a draft Easter Sunday Shop Trading Policy (draft policy) for community consultation.
3. Submissions were sought from 15 June 2022 to 15 July 2022.
4. 271 submissions were received and are attached in **Attachment 2**. Six of the submitters wish to speak to the Committee at the hearings today.

BACKGROUND

5. The Easter Sunday Shop Trading Policy (the policy) was adopted on 23 November 2017 and allows shops in Tauranga to trade on Easter Sunday if they wish to.
6. The policy was made under the Shop Trading Hours Act 1990, with a review required no later than five years after it was first adopted.
7. On 16 May 2022, the Committee considered early feedback which suggested the policy was generally working well and proposed to retain the status quo. A small change was proposed to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that 'shops' include markets.
8. The Committee approved the draft policy and Statement of Proposal for community consultation, in accordance with the Special Consultative Procedure. Consultation ran from 15 June 2022 to 15 July 2022. The consultation document, which includes the submission form, statement of proposal and draft policy, is attached to this report (**Attachment 1**).
9. 271 Submissions were received and are attached in **Attachment 2**. Six of the submitters wished to speak to the Committee at the hearings today. Table one below provides a list of submitters speaking to the Committee. An updated schedule will be provided at the hearings.

1. Table One

Submission number	Submitter name or organisation
242	Kathryn Macdonald
169	Mrs C McConnell

110	Roz Irwin (Fashion Island Shopping Centre)
013	Matt Cowley (Tauranga Chamber of Commerce)
003	Hugh Robb
269	Nicola Waldren (Restaurant Association of New Zealand)

10. The consultation was advertised widely on the website, through social media and with an advertisement in the Weekend Sun newspaper. A copy of the comments received through social media can be found in **Attachment 2**.
11. Copies of the draft policy and Statement of Proposal were available at the Customer Service Centre, at the libraries and on the Council website.
12. The community was specifically asked:
2. *Should we continue to allow trading on Easter Sunday? Please tick your preferred option and provide any other feedback in the comments section:*
- *Option 1: Keep the policy as it is: Allow trading in all of Tauranga on Easter Sunday and include a minor change to indicate that the policy shows support for events and markets held on Easter Sunday and clarifying that shops also include markets (proposed option).*
 - *Option 2: Remove the policy: Have no policy and trading on this day reverts to being regulated by the Shop Trading Hours Act 1990, which means only certain shops can open.*
 - *Option 3: Amend the policy: Only allow trading in specific areas in our city.*
13. Targeted consultation was carried out with the business, hospitality and tourism sectors, main street organisations and churches in February 2022 to seek feedback prior to the policy coming to the Committee for approval in May for consultation. These stakeholders were also contacted via email on the day the consultation opened and were encouraged to make a submission.
14. Targeted consultation was also carried out with those who had made a submission in 2017 when the policy was first introduced. These previous submitters were contacted via email on the day the consultation opened and were encouraged to make a submission.

STRATEGIC / STATUTORY CONTEXT

15. Currently Council is refreshing its strategic framework and has recently adopted the Vision for Tauranga 'Tauranga, together we can', which has three pillars of prioritising the environment, lifting up our communities, and fuelling opportunities. Council's strategic framework outlines Council's response to the vision for Tauranga. The framework will allow both the organisation and the community to see how the Council's day to day operations deliver on strategic outcomes for the city.
16. The policy aims to bring broader benefits to increase the economic opportunities for Tauranga as a destination city. It aligns with our adopted Community Outcomes and the strategic framework that states we support business and education, we are inclusive, and we work beyond Tauranga.
17. The policy was adopted on 23 November 2017 and must be reviewed no later than five years after the date on which it was adopted.
18. The legislation has the following parameters:
- a) Councils cannot require shops to open, this is the choice of each business
 - b) Easter Sunday is not a public holiday. Employees are not entitled to be paid time and a half or to an alternate paid day off

- c) All employees have a right to refuse to work on Easter Sunday, and can bring a personal grievance if they are compelled to work or treated adversely for refusing to work
- d) Councils cannot decide shop trading hours, liquor licencing parameters, and the types of shops that can open
- e) Policies will not apply to the sale and supply of alcohol from licenced premises on Easter Sunday, which is regulated by the Sale and Supply of Alcohol Act 2012
- f) Councils will not have to enforce the policies. Enforcement will continue to be undertaken by the Ministry of Business, Innovation and Employment (MBIE)
- g) Councils must use the special consultative procedure under the Local Government Act 2002 to adopt, review or revoke the policy.

FINANCIAL CONSIDERATIONS

19. There are no financial considerations in receiving and listening to the submissions.

LEGAL IMPLICATIONS / RISKS

20. The policy is required to be reviewed every five years.

SIGNIFICANCE

21. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.

22. In making this assessment, consideration has been given to the likely impact, and likely consequences for:

3. (a) the current and future social, economic, environmental, or cultural well-being of the district or region
4. (b) any persons who are likely to be particularly affected by, or interested in, the issue.
5. (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

23. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of medium significance. However, the decision to receive and hear the submissions is of low significance.



ENGAGEMENT

24. Taking into consideration the above assessment, that the decision is of low significance, officers are of the opinion that no further engagement is required prior to the Committee receiving the submissions.

NEXT STEPS

25. The Committee will deliberate on the issues raised by submitters on 12 September 2022.

ATTACHMENTS

1. **Easter Sunday Trading Consultation Document (including Submission Form, SOP and Draft Policy) - A13655474** [↓](#) 
2. **Easter Trading Consultation All Submissions and Informal Feedback (PDF) - A13703296** [↓](#) 

8.2 Deliberations on draft Waste Management and Minimisation Bylaw 2022

File Number: A13637038

Author: Josh Logan, Waste Planning Manager

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. To recommend the adoption of the Waste Management and Minimisation Bylaw 2022.
-

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- (a) Receives the report.
- (b) That in relation to the following key deliberations matters that arose from feedback in the consultation period, the Strategy Finance and Risk Committee resolves:

Construction and Demolition Waste

- (i) **Option 1A:** Amend the wording of clause 16.1 Construction and Demolition Waste of the bylaw to reflect the suggested change. So that clause 16.1 of the bylaw would be replaced by:

“16.1 Council may make a control under this Bylaw to require any person that is applying for a building consent for building work exceeding a set estimated value to submit a site waste management plan to the Council for approval as part of the building consent application process and prior to the commencement of any building work.”

or

- (ii) **Option 1B:** No change to the draft Bylaw.

Sub Definition of Waste Streams

- (iii) **Option 2A:** Amend 10.2 of the draft Bylaw to replace the word ‘flies’ with “pest insects.”

or

- (iv) **Option 2B:** No change to the draft Bylaw.

- (c) Recommends to Council that:
 - (i) The Waste Management and Minimisation Bylaw 2022, as released for consultation and included as **Attachment 3** of the agenda report, be adopted and come into force on 01 October 2022.
 - (ii) That pursuant to section 155 of the Local Government Act 2002, the bylaw is the most appropriate way of addressing the perceived problems, is the most appropriate form of bylaw, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
 - (iii) That pursuant to section 56 of the Waste Minimisation Act 2008, the bylaw must be consistent with the territorial authority’s waste management and minimisation plan.
 - (iv) To delegate to General Manager: Infrastructure the authority to make any typographical changes or minor editorial changes for the purposes of correction or clarity, before the bylaw comes into force.
-

EXECUTIVE SUMMARY

2. At its meeting on the 1 August 2022 the Committee received the submissions to the draft Waste Management and Minimisation Bylaw (the 'Bylaw'). 15 submissions were received, and one submitter spoke to their submission.
3. A summary of submissions is attached to this report (**Attachment 2**). It identifies the issues raised by submitters and provides staff comments and recommendations.
4. There is a high level of general support for the proposed changes to the Bylaw.
5. The Committee is now asked to deliberate on the issues raised by submitters and recommend to Council its adoption.

BACKGROUND

6. The current Waste Management and Minimisation Bylaw is due for review. The Local Government Act 2002 (the LGA) requires all bylaws to be reviewed no later than 10 years after their last review.
7. The current Waste Management and Minimisation Bylaw was adopted in 2012 under the Local Government Act 2002 and the Waste Minimisation Act 2008. These Acts give Council the power to make a bylaw to regulate waste and protect public health.
8. On 28 March 2022, the Strategy, Finance and Risk Committee approved the Waste Management and Minimisation Bylaw 2022 and Statement of Proposal for community consultation, in accordance with the Special Consultative Procedure. Consultation was carried out from 7 June 2022 to 7 July 2022.
9. The draft bylaw proposed the following changes from the 2012 bylaw:
 - Be consistent with, and give support to, the policies and actions set out in the draft Waste Management and Minimisation Plan 2022-2028.
 - Introduce controls that allow Council to make, amend or revoke regulations for the management and minimisation of waste throughout our city. This will allow Council to make a resolution to adopt specific controls, pursuant to the adopted Waste Bylaw, without requiring full public consultation each time.
 - Improve waste operator licensing provisions so that there is better data collection and alignment with national legislative changes.
 - Introduce a requirement that any person that is applying for a building consent for building work exceeding a set estimated value (yet to be determined) to submit a construction and demolition site waste management plan to the Council for approval as part of the building consent application process and prior to the commencement of any building work.
 - Introduce of waste management plans and minimum requirements for waste bin storage areas and access for Multi-Unit Developments.
 - Update the regulations associated with the management of waste at events and large public gathering events.
 - Improve the actions that may be undertaken by Tauranga City Council to enforce and control litter and illegal dumping.

SUMMARY OF SUBMISSIONS

10. 15 submissions were received (**Attachment 1**) and one submitter presented their submission at the Committee meeting on the 1 August 2022.
11. There was general support for the changes to the bylaw with respondents answering the set questions in the following way:

Do you agree with the proposed changes to the Draft Waste Management and Minimisation Bylaw 2022?

Answer	Count	%
I strongly agree with the proposed changes	4	36.36%
I agree with the proposed changes	6	54.55%
I disagree with the proposed changes	1	9.09%
I strongly disagree with the proposed changes	0	0.00%
Total	11	100%

Construction and demolition site waste management plan - Do you agree with the proposed change to give Council the power to do this?

Answer	Count	%
I strongly agree with the proposed changes	9	75.00%
I agree with the proposed changes	3	25.00%
I disagree with the proposed changes	0	0.00%
I strongly disagree with the proposed changes	0	0.00%
Total	12	100%

Waste management plans and requirement for bin storage areas for Multi-Unit Developments

Answer	Count	%
I strongly agree with the proposed changes	5	45.45%
I agree with the proposed changes	5	45.45%
I disagree with the proposed changes	1	9.09%
I strongly disagree with the proposed changes	0	0.00%
Total	11	100%

12. The following key issues have been raised by submitters:

- (a) The bylaw in general
- (b) Construction and demolition waste;
- (c) Bin storage areas for multi-unit dwellings;
- (d) Sub definition of waste streams
- (e) Other topics including:
 - (i) targeted waste management systems for large producers of waste;
 - (ii) business waste;

- (iii) data management & privacy;
 - (iv) event waste; and
 - (v) textile waste.
13. Attachment 2 identifies the issues raised by submitters and provides staff comments on the points raised and where appropriate recommends options for responding to them. These recommendations have been incorporated into the bylaw (Attachment 3).

STRATEGIC / STATUTORY CONTEXT

14. Waste Management and Minimisation planning legislation is primarily provided by the following three Acts:
- (a) Local Government Act 2002.
 - (b) Waste Minimisation Act 2008.
 - (c) Litter Act 1979.
15. The Local Government Act 2002 allows for general bylaw-making power for Territorial Authorities. When making, amending, or revoking bylaws made under the Local Government Act 2002, Council must meet the consultation requirements set out in the Act.
16. Section 155 of the Local Government Act 2002 states that, when reviewing a bylaw, Council must be satisfied that the bylaw:
- a) Is the most appropriate way of addressing the perceived problem;
 - b) Is the most appropriate form of bylaw; and
 - c) Does not give rise to any implications under the New Zealand Bill of Rights Act 1990, nor is inconsistent with that Act.
17. In relation to (a), the bylaw is considered to be the most appropriate way of addressing the issue of health and safety and environmental protection caused by waste. The matters in this bylaw are of importance to the community in terms of public health and safety, distress, and nuisance to the community, and for environmental protection. The bylaw is consistent with the approach taken by other councils.
18. In relation to (b), the bylaw is consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw. The bylaw is based on the model bylaw formulated by the Waikato and Bay of Plenty Waste Liaison Group to improve bylaw consistency across these regions.
19. In relation to (c), the proposed amendments to the Waste Management and Minimisation Bylaw are not considered to give rise to any implications under the New Zealand Bill of Rights Act 1990.
20. The Waste Minimisation Act 2008 encourages a reduction in the amount of waste generated and disposed of in New Zealand. The aim of the Act is to reduce the environmental harm of waste and provide economic, social, and cultural benefits for New Zealand. Section 56 of the Waste Minimisation Act 2008 allows for Territorial Authorities to make bylaws.
21. The Litter Act 1979 allows Councils to prosecute the placing, throwing, or dropping of litter. The same applies to litter that is thrown, dropped or escapes from any vehicle or trailer. The definition of litter includes refuse, rubbish, animal remains or waste matter.
22. The amendments proposed to the bylaw are consistent with Council's other policies, strategies, and plans.

OPTIONS ANALYSIS

23. Options for submission points are presented in **Attachment 2**.

FINANCIAL CONSIDERATIONS

24. No adverse funding/budget impacts are expected to arise because of the proposed changes to the bylaw.

LEGAL IMPLICATIONS / RISKS

25. There are no significant risks associated with the decision to adopt the Waste Management and Minimisation Bylaw 2022.

SIGNIFICANCE

26. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
27. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the issue.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
28. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the issue is of medium significance.




ENGAGEMENT

29. Taking into consideration the above assessment, that the issue is of medium significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

NEXT STEPS

30. If the Committee decide to recommend to Council the adoption of the Waste Management and Minimisation Bylaw 2022, the bylaw will take effect on the 1 October 2022.

ATTACHMENTS

1. **WMM Bylaw Submissions 1-15 - A13642534 (Separate Attachments 1)** 
2. **Bylaw Submission Responses - A13688528 (Separate Attachments 1)** 
3. **Draft Waste Bylaw - With tracked changes - A13750005 (Separate Attachments 1)** 

8.3 Deliberation and Adoption Report - Waste Management and Minimisation Plan 2022-2028

File Number: A13637050

Author: Josh Logan, Waste Planning Manager

Authoriser: Nic Johansson, General Manager: Infrastructure

PURPOSE OF THE REPORT

1. To consider submissions made to the draft Waste Management and Minimisation Plan and adopt the final Waste Management and Minimisation Plan.

RECOMMENDATIONS

That the Strategy, Finance and Risk Committee:

- (a) Receive the report.
- (b) That in relation to the following key deliberations matters that arose from feedback in the consultation period, the Strategy Finance and Risk Committee resolves to approve the recommendations in **Attachment 2**, including:
 - (i) To be in alignment with the city vision, amend the of the wording of the Waste Management and Minimisation Plan vision to:
"Tauranga, together we can reduce waste to landfill."
 - (ii) That the following action is added to the action plan as action 17 and then the remaining actions are renumbered from action 18-52:
"Continue to deliver and optimise household kerbside collection service that supports increased diversion and a cost-effective service for households."
 - (iii) That the wording for action 26 regarding energy from waste schemes be updated to the following:
"Consider information, investigate, and develop a position for Council on, energy from waste schemes. This includes bioenergy from biomass, which is energy largely derived from the by-products and residues of plants and animals."
 - (iv) That in relation to the matters that arose from feedback in the consultation period, the Strategy Finance and Risk Committee adopts the revised action plan (**Attachment 3**).
- (c) Adopt the draft Waste Management and Minimisation Plan with amendments contained in **Attachment 4**.

EXECUTIVE SUMMARY

2. Tauranga City Council is required to have an adopted Waste Management and Minimisation Plan by the end of September 2022.
3. The draft Waste Management and Minimisation Plan was adopted for consultation on 28 March 2022 and was consulted on from 7 June 2022 – 7 July 2022.
4. 37 submissions were received, with three speaking to their submissions at the hearings on 1 August 2022.
5. This report is presented to Council to deliberate on the issues raised and feedback received throughout the consultation period and hearings.

6. Recommendations are made to confirm the proposals for inclusion in the Waste Management and Minimisation Plan (2022-2028) and adopt the Waste Management and Minimisation Plan.

BACKGROUND

7. Council is required to review the current Waste Management and Minimisation Plan every six years and prepare a new Waste Management and Minimisation Plan in accordance with the Waste Minimisation Act 2008.
8. As a part of the review process, Council must consult and seek feedback from the community on the draft Waste Management and Minimisation Plan. This must be undertaken in accordance with the Local Government Act 2002, Special Consultative Procedure.
9. The draft Waste Management and Minimisation Plan outlines the current situation and issues and proposes a vision, goals, objectives, targets and a suite of actions to address these issues.
10. Community consultation opened on 7 June 2022 and closed a month later on 7 July 2022.
11. A total of 37 submissions were received. Full copies of the submissions are attached in **Attachment 1**.
12. Multiple topics were raised in the written submissions, including items consulted on in the draft Waste Management and Minimisation Plan and those that were not being consulted on.
13. The key themes from submissions are outlined in summary in the following section. It should be noted that this report provides a summary of key points only and is not intended to replace or represent fully the submissions received by the Council (**Attachment 1**).
14. In addition, the summaries are broken down by either support or oppose questions one to three.

Question One - Do you think our draft Waste Minimisation and Management Plan focuses on the right key waste issues for Tauranga?

15. From the 37 submissions received, 28 provided a response to question one regarding their level of agreement that the Waste Management and Minimisation Plan focuses on the right key waste issues for Tauranga.
16. Nine submitters did not choose an option on the form. Three of those that did not choose an option still provided feedback that was positive.
17. These submissions have been categorised as presenting the following positions:

Answer	Count	%
I strongly agree that the Draft Waste Minimisation and Management Plan focuses on the right key waste issues	3	11%
I agree that the Draft Waste Minimisation and Management Plan focuses on the right key waste issues	13	46%
I disagree agree that the Draft Waste Minimisation and Management Plan focuses on the right key waste issues	5	18%
I strongly disagree that the Draft Waste Minimisation and Management Plan focuses on the right key waste issues	3	11%
Other	4	14%
Total	28	100%

Key themes from submitters that strongly agree or agree with Question One

18. *Construction and demolition waste is growing and likely to increase.*

Overall, there was a range of comments that show that those in support see this as an increasing problem, Comments included themes such as:

- Acknowledgment that it is hard to tackle
- Need for mandated controls to make change
- Need to offer benefits as little incentive in Tauranga

19. *It's up to producers to consider end of life when designing products.*

Overall, there was a range of comments that show that those in support see this as an area of concern. Comments included themes such as:

- That producers need to be in the conversation
- Need for mandated controls to make change
- Need to be talking to the right people

Key themes from submitters that strongly disagree or disagree with Question One

20. *Dislike the Council Kerbside service.*

Comments were received from submitters that didn't like the service or aspects of the service, with key themes including:

- Outside role of local government
- Need "pay as you throw option" like neighbouring councils
- Didn't like choice of provider taken away
- Glass bin too small

21. *Council to extend kerbside to collection to include commercial.*

One submission called for Council to extend its current offering to commercial services.

22. *Need to regulate businesses that don't recycle*

One submission called for all plastics to be one colour to make them easier to recycle.

Key themes from submitters who selected "other" for Question One

23. *Wanted to see e-waste added as a key issue.*

One submission called for Council to add e-waste as a key issue as they felt it was unclear if it was.

Question Two - What is your view on the proposed vision of "reduce waste to landfill"?

24. From the 37 submissions received, 31 provided a response to question two regarding their level of agreement with the vision within Waste Management and Minimisation Plan.

25. Six submitters did not choose an option on the form. Three of those that did not choose an option still provided feedback that was largely positive.

26. These submissions have been categorised as presenting the following positions:

Answer	Count	%
I strongly agree with the vision of "reduce waste to landfill"?	12	39%
I agree with the vision of "reduce waste to landfill"?	13	42%

I disagree with the vision of “reduce waste to landfill”?	1	3%
I strongly disagree with the vision of “reduce waste to landfill”?	2	6%
Other	3	10%
Total	31	100%

Key themes from submitters that strongly agree or agree with Question Two

27. The vision is realistic

Overall, there was a range of comments that show that some of the community are very supportive of the vision.

28. The need for more collection points for reusable waste

Although supportive of the vision some felt that there was a need for more collection points in the city. Some of the other related points included:

- Free recycling opportunities - C&D waste and green waste
- A community-run shop like other councils
- Need for all-of-community involvement
- Need for more options to repair appliances

29. Need to regulate packaging

Many comments were in favour of the vision however, felt that a large emphasis needs to be put into regulating packaging producers.

30. Agreement that kerbside has worked

There was agreement that vision is correct, and that kerbside was working, although one expressed disappointment that the contract was awarded to overseas company.

Key themes from submitters that strongly disagree or disagree with Question Two

31. Vision is not strong enough

Some submitter disagreed with the vision because they believed that it didn't go far enough. Some of the themes included:

- Does not support or drive direction of transitioning to circular economy
- Focuses too much on disposal
- Focus should be reducing resource use and waste minimisation

32. User pays system is the only way to incentivise waste reduction

Another theme from those that didn't agree with the vision was that a user pays system for the kerbside collection should be used instead of the current one.

Key themes from submitters who selected “other” for Question Two

33. User pays system is the only way to incentivise waste reduction

Again, as above a theme from those that selected other was because they believed that a user pays system for kerbside collection should be used instead of the current one.

Question Three - What is your view on the draft plan's goals, objectives, and targets?

34. From the 37 submissions received, 29 provided a response to question three regarding their level of agreement that the Waste Management and Minimisation Plan focuses on the right goals, objectives, and targets.
35. Eight submitters did not choose an option on the form. Three of those that did not choose an option still provided feedback that was positive.
36. These submissions have been categorised as presenting the following positions:

Answer	Count	%
I strongly agree with the draft plan's goals, objectives, and targets	4	14%
I agree with the draft plan's goals, objectives, and targets	17	59%
I disagree with the draft plan's goals, objectives, and targets	4	14%
I strongly disagree with the draft plan's goals, objectives, and targets	1	3%
Other	3	10%
Total	29	100%

Key themes from submitters that strongly agree or agree with Question Three

37. *The focus and measurement in the plan are correct*

Many comments were received from submitters in favour of the proposed goals, objectives and targets.

38. *A culture shift is needed*

Two submitters identified that a culture shift is needed in order to achieve the proposed plan and that involving youth is key to this.

Key themes from submitters that strongly disagree or disagree with Question Three

39. No comments were made by those that chose either of these two options.

Key themes from submitters who selected "other" for Question Three

40. *Neighbourhood recycling vessels in subdivisions*

One submitter suggested that there needs to be neighbourhood recycling vessels in subdivision like in Hutt city.

KEY ISSUES ARISING FROM SUBMISSIONS AND HEARINGS

41. Separate to the themes identified above, submitters commented in written and spoken submissions on a number of waste issues that they believe should be included or addressed further in the draft Waste Management and Minimisation Plan.
42. On reviewing the submissions and listening to those who spoke to the Committee during the hearings, Council staff have identified the following key issues from the consultation:
- WMMP Action Plan
 - Waste fees;

- Improved waste facilities
- Commercial waste;
- Soft plastic recycling
- Packaging;
- Product stewardship;
- Working at the top of the waste hierarchy and toward a circular economy;
- Waste strategy Action
- Learning from and collaborating with other councils and other partnerships;
- Construction and demolition waste
- Waste education;
- Green waste
- Public health;
- Waste to energy schemes;
- Emission reductions;
- Illegal dumping;
- Waste management for disasters and unforeseen events;
- Data collection and reporting
- Research and development centre;
- Language used in the plan
- Re-introducing private waste providers
- Clarifying terminology.

43. Each of the issues identified above have been detailed in **Attachment 2**, with specific reference provided to the section of the draft Waste Management and Minimisation Plan where the issue is addressed.

PROPOSED AMENDMENTS TO THE DRAFT WASTE MANAGEMENT AND MINIMISATION PLAN

44. The proposed amendments to the draft Waste Management and Minimisation Plan have been made as tracked changes (**Attachment 3 and 4**).

45. It is not considered that significant changes are required to the draft Waste Management and Minimisation Plan as a result of the consultation as the submissions generally were in support of the plan and related to one or more of the following:

- clarifications;
- items that are already included; and/or
- items that had not been specifically included but were covered by generic actions (to not limit the scope of the action, e.g. education programs);

46. Some updates were undertaken to the draft Plan (**Attachment 4**), again as tracked changes, to correct grammar and formatting or to provide corrections to the draft Waste Management and Minimisation Plan prepared.

47. It is proposed that the draft Plan with the tracked changes indicated be adopted as the final Waste Management and Minimisation Plan.

STRATEGIC / STATUTORY CONTEXT

48. Waste Management and Minimisation planning legislation is primarily provided by the Waste Minimisation Act 2008.
49. The Waste Minimisation Act 2008 encourages a reduction in the amount of waste generated and disposed of in New Zealand. The aim of the Act is to reduce the environmental harm of waste and provide economic, social, and cultural benefits for New Zealand. Section 43 and 44 of the Waste Minimisation Act 2008 allows for Territorial Authorities to make a Waste Management and Minimisation Plan.
50. The amendments proposed to the Waste Management and Minimisation Plan are consistent with Council's other policies, strategies, and plans.
51. Currently Council is refreshing its strategic framework and developing a City Vision. This work will ensure Council has a current and cohesive strategic framework that provides a clear line of sight from Council activities and policies, to strategy documents and from there to the City's Vision and adopted Community Outcomes.
52. The draft Waste Management and Minimisation Plan is one tool in working towards Council's community outcome of 'a city that values and protects the environment'.
53. As noted above, a Waste Management and Minimisation Plan is required to be reviewed every six years.

OPTIONS ANALYSIS

54. Each of the submission issues identified above have been detailed in **Attachment 2**, with specific reference provided to the section of the draft Waste Management and Minimisation Plan where the issue is addressed or recommendations for any changes have been made as part of this report.

FINANCIAL CONSIDERATIONS

55. No adverse funding/budget impacts are expected to arise because of the proposed changes to the Waste Management and Minimisation Plan.

LEGAL IMPLICATIONS / RISKS

56. There are no significant risks associated with the decision to adopt the Waste Management and Minimisation Plan.

CONSULTATION / ENGAGEMENT

57. This report and attachments respond to issues raised through public submissions and identified by the community.
58. Following adoption of the Waste Management and Minimisation Plan, submitters will be informed where they can access the deliberations report and adopted Waste Management and Minimisation Plan.
59. Community consultation opened on 7 June 2022 and closed a month later on 7 July 2022. Public notice inviting submissions was placed in the following locations:
 - (i) The Weekend Sun on 11,18,25 June 2022 and 2 July 2022
 - (ii) The Bay of Plenty times on 11, 17, 24 June 2022 and 2 July 2022
 - (iii) Tauranga City Council's, Facebook page three times.
 - (iv) Three media advisories were circulated throughout the period encouraging submissions
 - (v) Other channels, such as: paid digital advertising from 4 - 7 July 2022, in article in City News, June Planning Panui and June Tauranga Toolbox.

60. Targeted consultation was carried out in February 2022 with stakeholder groups (Waste operators, construction and demolition waste and other interested parties) to seek feedback prior to the draft Waste Management and Minimisation Plan coming to the Committee for approval in March for consultation. These stakeholders were all contacted via email on the day that the consultation opened and were encouraged to make a submission.
61. An email was sent on behalf of the Sustainability and Waste Team from Te Pou Takawaenga to all Te Rangapu members to inform them that the consultation for the draft Waste Management and Minimisation Plan was open and to provide any feedback prior to consultation closing.
62. Copies of the draft Waste Management and Minimisation Plan were available at the Customer Service Centre, at the libraries and on the Council website. Staff were also advised that the consultation was occurring.
63. A total of 37 submissions were received.

SIGNIFICANCE

64. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
65. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
 - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
 - (b) any persons who are likely to be particularly affected by, or interested in, the matter.
 - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
66. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the matter is of medium significance.





ENGAGEMENT

67. Taking into consideration the above assessment, that the matter is of medium significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

NEXT STEPS

68. Following Strategy Finance and Risk Committee decision, the final Waste Management and Minimisation Plan will be prepared, including any changes as a result of this meeting, and will be made available on Council's website and in hard copy format where requested.
69. The final Waste Management and Minimisation Plan must be adopted by September 2022 to meet statutory obligations.

ATTACHMENTS

1. **Draft WMMP 2022-2028 Submissions 1-37 - A13640167 (Separate Attachments 1)** 
2. **WMMP - Key Issues Arising from Submissions and Hearings - A13721511 (Separate Attachments 1)** 
3. **WMMP Revised Action Plan - A13750794 (Separate Attachments 1)** 
4. **Draft WMMP tracked changes for deliberations - A13750970 (Separate Attachments 1)** 

9 DISCUSSION OF LATE ITEMS

10 CLOSING KARAKIA