



Rangitikei
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Rangitikei District Council

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Policy/Planning Committee Meeting

Order Paper

**Thursday, 9 June 2016,
1.00 pm**

**Council Chamber, Rangitikei District Council
46 High Street, Marton**

Website: www.rangitikei.govt.nz

Email: info@rangitikei.govt.nz

Chair

Cr Lynne Sheridan

Deputy Chair

Cr Richard Aslett

Membership

Councillors Cath Ash, Angus Gordon, Rebecca McNeil, Soraya Peke-Mason
His Worship the Mayor, Andy Watson (ex officio)

Please Note: Items in this agenda may be subject to amendments or withdrawal at the meeting. It is recommended therefore that items not be reported upon until after adoption by the Council. Reporters who do not attend the meeting are requested to seek confirmation of the agenda material or proceedings of the meeting from the Chief Executive prior to any media reports being filed



Rangitikei District Council

Policy/Planning Committee Meeting

Order Paper – Thursday 9 June 2016 – 1:00 p.m.

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The quorum for the Policy/Planning Committee is 4.

At its meeting of 28 October 2010, Council resolved that “The quorum at any meeting of a standing committee or sub-committee of the Council (including Te Roopu Ahi Kaa, the Community Committees, the Reserve Management Committees and the Rural Water Supply Management Sub-committees) is that required for a meeting of the local authority in SO 2.4.3 and 3.4.3.

1 Welcome

2 Apologies/leave of absence

3 Deputy Chair's report

A report will be tabled at the meeting.

4 Confirmation of minutes

Recommendation

That the Minutes of the Policy/Planning Committee meeting held on 14 April 2016 be taken as read and verified as an accurate and correct record of the meeting.

5 Queries raised at previous meeting

Investigations are continuing on the Raglan recycling operations. A report will be provided to the Committee's July meeting.

6 Youth services – transition to co-investment model

A report is attached

File: 4-EN-12-3

Recommendations

- 1 That the report, "Options for the transitional phase of youth development 2016/17", be received.
- 2 That the Committee recommends that Council implements a transitional phase from 1 July to 30 September 2016 for youth development in the District with the following outcomes to be secured by 1 October 2016:
 - The future of the existing provision of after-school and school holiday programmes in Marton and Taihape is known, even if this means that it is discontinued from 1 October 2016.
 - The budget available from external sources for 2016/17 is known and a programme of work from 1 October 2016 – 30 June 2017 is agreed.
 - A District-wide co-governance group has been established, including service agencies and representation from young people, and a Youth Action Plan for the Rangitikei District has been developed.

- A Youth One Stop Shop is established in Marton and Taihape with options to deliver the Youth Action Plan based on the level of funding available.
- 3 That the Committee recommends that Council allocates up to \$17,900 from the annual budget approved of \$60,000 to implement this transitional phase from 1 July to 30 September 2016.

7 Gambling class 4 venue policy – further consideration of submissions

A report is attached

File: 3-PY-1-5

Recommendations

- 1 That the report “Deliberations on submissions to the review of the Gambling (Class 4) Policy” be received.
- 2 That the Committee recommends that Council

Either

Adopt the Gambling (Class 4) Venue Policy without amendment.

Or

Adopt the Gambling (Class 4) Venue Policy, amended to reduce the cap on EGM numbers from 83 to 70.

Or

Amend the Gambling (Class 4) Venue Policy, to apply a sinking lid on EGM numbers and, because this represents a substantial change to the policy that was circulated for consultation during April/May 2016, to undertake a further special consultative procedure.

Or

Amend the Gambling (Class 4) Venue, to apply a sinking lid on EGM numbers until a minimum of one venue in Taihape, Hunterville, Marton and Bulls is reached and, because this represents a substantial change to the policy that was circulated for consultation during April/May 2016, to undertake a further special consultative procedure.

8 Section 17A (service delivery) reviews

The amendments to the Local Government Act in 2014 included a new requirement to conduct periodic reviews of delivery of services to ensure that the means of delivery was the most efficient, effective and appropriate. A presentation will be provided to the meeting summarising the work so far on these reviews and suggesting an approach to complete the first round by the prescribed time (8 August 2017).

9 Activity management:

- Community leadership
- Environmental services
- Community well-being

Note: The RFS statistics for May 2016 will be uploaded to the Councillor website prior to the meeting.

Recommendation

That the activity management templates for Community Leadership, Environmental and Regulatory Services and Community Well-Being (April-May 2016) be received

10 Update on communications strategy

A memorandum is attached

File: 3-CT-15-1

Recommendation

That the Update on communications strategy to the Policy/Planning Committee meeting on 9 June 2016 be received.

11 Legislation and governance issues

A report is attached

File: 3-OR-3-5

Recommendations

1. That the report 'Update on legislation and governance issues' to the Policy/Planning Committee's meeting of 9 June 2016 be received.
2. That Te Roopu Ahi Kaa be informed at its meeting on 14 June 2016 of the views of the Policy/Planning Committee on Te Ture Whenua Māori Bill.
3. That the Mayor be authorised to sign, on behalf of the Council, the submission[as amended/without amendment] to the Healthy Homes Guarantee Bill No. 2 (2015).
4. That the Policy/Planning Committee recommends to Council that a formal review of the Earthquake-prone buildings policy be conducted, in terms of section 132 of the Building Act 2004, and that compliance with the policy be verified as part of this process.

12 Bulls Multi-purpose Community Centre – project update

A further iteration of the design, with representatives from Bulls and District Community Trust, Bulls Community Committee and local iwi, took place at a meeting with the architects

on 23 April 2016. The layout design is near to the point where it can be usefully put to the wider community for feedback: this is planned for 24 June 2016.

Further information has been sought from Council by the Community Facilities Fund. Council's application is for \$700,000 and the Council has confirmed with the Fund that an award of this scale is necessary. An application has also been submitted to JBS Dudding Trust for \$190,000 towards the capital build.

13 Update on the Path to Well-being Initiative

A memorandum is attached

File ref: 1-CO-4

Recommendation

That the memorandum 'Update on the Path to Well-Being initiative and other community development programmes – June 2016' be received.

14 Late items

15 Future items for the agenda

16 Next meeting

Thursday 14 July 2016, 1.00 pm

17 Meeting closed

Attachment 1

Rangitikei District Council

Policy/Planning Committee Meeting

Minutes – Thursday 14 April 2016 – 1:10 p.m.

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Present: Cr Lynne Sheridan (Chair)
Cr Richard Aslett
Cr Cath Ash
Cr Angus Gordon
Cr Rebecca McNeil
His Worship the Mayor, Andy Watson

In attendance: Mr Michael Hodder, Community & Regulatory Services Group Manager
Mr David McMillan, Solid Waste Officer
Ms Carol Downs, Executive Officer
Ms Denise Servante, Strategy & Community Planning Manager
Ms Katrina Gray, Policy Analyst
Ms Samantha Whitcombe, Governance Administrator

Unconfirmed

1 Welcome

The Chair welcomed everyone to the meeting.

2 Apologies/leave of absence

That the apology for absence from Cr Peke-Mason be received.

Cr Aslett / Cr Sheridan. Carried

3 Confirmation of minutes

Resolved minute number **16/PPL/029** File Ref

That the Minutes of the Policy/Planning Committee meeting held on 17 March 2016 be taken as read and verified as an accurate and correct record of the meeting.

Cr Gordon / Cr Sheridan. Carried

4 Chair's report

Resolved minute number **16/PPL/030** File Ref 3-CT-15-1

That the Chair's report to the meeting of the Policy/Planning Committee on 14 April 2016 be received.

Cr Sheridan / Cr McNeil. Carried

The Chair agreed to take item 9 after item 5.

5 Queries raised at previous meeting:

The Committee discussed the various options available for promoting Council business and the District online. The Committee requested that Ms Downs add further information to the Communications Strategy on expanding Council's online presence and developing the Council website.

Resolved minute number **16/PPL/031** File Ref 1-CO-4

That the memorandum 'Development of a Council mobile app promoting Council services and facilities and the wider Rangitikei District' be received.

Cr Aslett / Cr McNeil. Carried

Resolved minute number **16/PPL/032** **File Ref** **1-CO-4**

That the Policy/Planning Committee does not believe that the development of a mobile app warrants any further investigation at this point.

Cr Sheridan / Cr Gordon. Carried

9 Update on communications strategy

Ms Downs spoke briefly to the update. The training was being re-scheduled to early 2017.

Resolved minute number **16/PPL/033** **File Ref** **3-CT-15-1**

That the Update on communications strategy to the Policy/Planning Committee meeting on 14 April 2016 be received.

Cr Gordon / Cr Sheridan. Carried

6 Council-initiated Plan change – update on process

Ms Gray spoke briefly to the memorandum. One further submission had been received since the report was written taking the total to 23. The Committee appreciated the effort put into providing opportunities for people to speak with the Planner.

Resolved minute number **16/PPL/034** **File Ref** **1-PL-2-5**

That the memorandum 'Council-initiated Plan change – update on process' be received

Cr Sheridan / Cr McNeil. Carried

7 Waste Minimisation – possible strategies for consideration

Mr McMillan and Ms Servante spoke briefly to the item. One challenge is the volatility of recycling prices.

Raglan was considered a useful example of what could be achieved in waste minimisation: a report on its operation (including its finances) was requested for a future meeting. The Committee supported continuing the education programme.

The Committee discussed the need for clearer signage at some of the Waste Transfer Stations around hazardous substances (e.g. batteries and florescent light bulbs) and how best to promote the availability of Council's brochure on the Waste Transfer Stations.

8 Activity management:

Ms Servante spoke briefly to the activity management templates for Community leadership, Environmental services and Community well-being.

Resolved minute number 16/PPL/035 **File Ref**

That the activity management templates for Community Leadership, Environmental and Regulatory Services and Community Well-Being (March 2016) be received

Cr Ash / Cr Aslett. Carried

10 Legislation and governance issues

Mr Hodder spoke briefly to the report. The Bill to articulate the proposed changes to the Local Government Act ("Better local services") was expected to be introduced into Parliament

Resolved minute number 16/PPL/036 **File Ref** 3-OR-3-5

That the report 'Update on legislation and governance issues' to the Policy/Planning Committee's meeting of 14 April 2016 be received.

Cr Ash / Cr Gordon. Carried

11 Bulls Multi-purpose Community Centre – project update

His Worship the Mayor presented a model of the proposed Bulls Multi-Purpose Community Centre from the architects engaged to design the building.

Cr Ash 3.04pm / 3.10pm

12 Update on the Path to Well-being Initiative

Ms Servante spoke briefly to the memorandum.

Resolved minute number 16/PPL/037 **File Ref** 1-CO-4

That the memorandum 'Update on the Path to Well-Being initiative and other community development programmes – April 2016' be received.

His Worship the Mayor / Cr Ash. Carried

13 Late items

Nil

14 Future items for the agenda

External risk to roading – reflections on response from Roding team

15 Next meeting

16 June 2016, 1.00 pm.

Council has scheduled Monday 16 May 2016 (replacing Thursday 12 May 2016) for oral hearings of submissions to the Consultation Document for the 2016/17 Annual Plan and other proposals being consulted on simultaneously.

16 Meeting closed – 3.31 pm

Confirmed/Chair: _____

Date: _____

Attachment 2

REPORT

SUBJECT: **Options for the transitional phase of youth development 2016/17**

TO: Policy/Planning Committee

FROM Denise Servante, Strategy and Community Planning Manager

DATE: 1 June 2016

FILE: 4-EN-12-3

1 Executive Summary

- 1.1 At its meeting on 26 May 2016, Council agreed to an allocation of up to \$60,000 to support youth development, whilst continuing to seek co-funding from external sources. The proposed youth development programme offers an alternative to the current Council-funded provision of after-school and school holiday programmes in Taihape and Marton. It remains aspirational until such a time as co-funding is secured.
- 1.2 Council requested that Policy/Planning Committee consider options for the transition of youth development services from the current provision to the proposed future provision and report back to its meeting on 30 June 2016.
- 1.3 This report considers the options available to Council and suggests a transitional programme from 1 July to 30 September 2016 with the following outcomes:
- The future of the existing provision of after-school and school holiday programmes in Marton and Taihape is known, even if this means that it is discontinued from 1 October 2016.
 - The budget available from external sources for 2016/17 is known and a programme of work from 1 October 2016 – 30 June 2017 is agreed.
 - A District-wide co-governance group has been established, including service agencies and representation from young people, and a Youth Action Plan for the Rangitikei District has been developed.
 - A Youth One Stop Shop is established in Marton and Taihape with options to deliver the Youth Action Plan based on the level of funding available.
- 1.4 The cost of this transition programme is estimated to be \$17,800 plus internal Policy Team staff time to make application to identified potential funders.

2 Background

- 2.1 In the consultation document for the 2016/17 Annual Plan, Council consulted on “Should Council continue to invest in youth development, and if so, to what extent?”

Four options were provided and the response from submissions is outlined in Table 1 below.

- 2.2 The options had been developed from several years of collaborative work across the District which had seen after-school and school holiday programmes established in Marton and Taihape, a series of annual youth action plans, a multi-agency group meeting regularly to look at services for young people and a number of youth engagement initiatives. The gap that had been identified was for a dedicated youth development resource which could facilitate multi-agency partnerships, engage with young people to seek their input into services and activities for young people and to develop and maintain services and activities for young people to meet their needs¹.

Table 1: Response to the question "Should Council continue to invest in youth development, and if so, to what extent?" during the 2016-17 Annual Plan consultation										
	Total	Marton	Bulls	Taihape	Mangaweka	Turakina	Huntermville	Ratana	outside of District	%
Option 1 – Yes I support Council's proposal of developing the Marton Youth Club and Taihape Youth Club into Youth One Stop Shops – with a 50% external funding contribution	65	37	5	10		3	3	2	5	53%
Option 2 – I support developing the Marton Youth Club and Taihape Youth Club into Youth One Stop Shops – even if there was no external funding contribution	26	20		3					3	21%
Option 3 – I prefer Council continue to provide the current after-school and school holiday programmes in Marton and Taihape, while acknowledging Council may not secure long-term funding to cover part of the costs	17	7	2	7	1					14%
Option 4 – No I don't support Council delivering youth services.	13	4	3	2		2	2			11%
Do you have an alternative option?	1								1	1%
Total	123	68	10	22	1	6	5	2	9	
	%	55%	8%	18%	1%	4%	4%	2%	7%	

- 2.3 Table 1 indicates that the submitters to the consultation on the 2016-17 draft Annual Plan are strongly in favour of Council continuing to fund youth development to some extent or another. Only about 1 in 10 submitters did not feel that Council should be funding youth development at all.

¹ Whilst the existing after-school and school holiday programmes are seen as an important part of this mix, the intention is that these and other services will be secured and maintained through the dedicated youth development resource.

- 2.4 As a result Council resolved to “provide \$60,000 for funding youth development services in the 2016-17 Annual Plan and continues to seek an equivalent contribution from external sources on a co-funded basis, and that it requests a proposal from the Policy/Planning Committee to its meeting on 30 June 2016 outlining how this funding can be used to transition from its current provision towards a Youth One Stop Shop”.²
- 2.5 This report provides background information and potential options to support the Committee’s discussion.

3 Level Up Rangitikei – Youth Forum 2016

- 3.1 Youth development was the theme for Council’s annual Path to Well-being conference which took place on 27 May 2016 at Bulls Golf Club. The event was organised through the Bulls and District Community Trust by a group of young people from the south of the District.
- 3.2 It was attended by about 50 young people and 30 service agencies and independently facilitated by two youth development workers from Drummond Street Services in Melbourne.
- 3.3 A report will be forthcoming from that event but the young people present confirmed their priorities to have
- Spaces to “hang out” with their friends,
 - A range of age appropriate activities, and
 - A say in the decisions that affect them.
- 3.4 This aligns extremely well with Council’s proposal as outlined in the supporting documents to the 2016-17 Annual Plan consultation.

4 External sources for co-funding youth development

- 4.1 Council is seeking an external contribution of at least \$70,000 to implement the proposals outlined in the 2016/17 Annual Plan. In the past few years, it has been heavily reliant upon reaching an agreement through the Community Investment programme at the Ministry of Social Development (MSD) to support youth development in the District.
- 4.2 However, this has not been forthcoming and the latest information from the Ministry is that investment will focus on interventions that support vulnerable children with very high support needs. It is unlikely to trickle down to support preventative interventions (particularly at the level of investment that Council is seeking through its youth development proposals). MSD have indicated that this situation is not going to change in the short-term but that it is expected to reap benefits that can be

² Unconfirmed minutes of Council meeting 26 May 2016.

reinvested in lower level interventions in due course. However, this is by no means certain.

- 4.3 The Department of Internal Affairs run a Community Development Scheme which offers 3-5 years of funding for salaries of up to \$80,000 per annum³. The most recent application process closed in mid-May 2016. Council has submitted an application:

*“To develop two youth one-stop shops (in Marton and Taihape) with outreach services in Bulls, Ratana, Mangaweka and Hunterville. The focus will be to develop, coordinate and extend services and activities for children, young people, young parents and particularly targeting the emerging Samoan community in the District. Our vision is that **“Every child in our community grows into an adult who knows their worth and is able to take their place confidently in the world”**.”*

- 4.4 The application has been previously circulated to Councillors. In essence, it requests matched funding to employ 2FTE youth development workers to:

- Engage young people and their families in developing a plan for youth services in the District delivered through two Youth One Stop Shops (YOSS), in Taihape and Marton, and outreach services in Bulls, Ratana, Mangaweka and Hunterville
- Implement this plan through working with young people and their families and local service providers in co-governance to guide, evaluate and monitor progress
- Ensure that all services and facilities are accessible to the Samoan community, particularly in southern Rangitikei

- 4.5 The 2FTE youth workers would broadly be working ½ FTE in Taihape, ½ FTE in Marton, ½ FTE to coordinate outreach services and ½ FTE to coordinate and facilitate engagement with the Samoan community. The aim would be to have a more systematic, sustained and District-wide approach to youth development and youth services.

- 4.6 A decision on this application is not anticipated before the end of August 2016 and with recruitment processes etc. may not begin until October 2016. If successful, it would enable Council to implement the proposal outlined in the 2016-17 Annual Plan.

- 4.7 If neither MSD nor DIA are able to be Council’s co-funder in the youth development space, other potential sources of funding are:

- COGS, closing date 8 June \$5,000 - \$10,000
- Youth Development Partnership Fund, closing date 30 June 2016, \$10,000 - \$70,000

³ Council has previously been in receipt of this funding through the Marton Community Development Programme which ran from 2009 – 2012 and successfully established a number of community-led development projects, including the first youth space in Marton, providing after-school and school holiday programmes for young people.

- Whanganui Community Foundation, closing dates 5 June, 5 August, average grant \$11,000
- The Todd Foundation, two stage process – no closing date, \$10,000 - \$100,000
- The Mazda Foundation Trust, closing dates 30 June, 30 September, average grant \$8,000
- The Sargood Bequest, closing date 31 December, up to \$5,000
- The Tindall Foundation, always open, first grants \$10,000 - \$20,000

5 Issues

5.1 The issues are:

- Council is funding the after-school and school holiday programmes in Marton and Taihape until 30 June 2016. What happens to this service from 1 July 2016?
- No co—funding is currently in place that can be accessed from 1 July 2016 to begin the transition from what we have now to the Youth One Stop Shop model. However, as above, applications can be made which may secure interim funding for a transitional phase.
- It seems likely that the earliest opportunity to secure the required co-funding to implement the full proposal is through the application to the DIA and probably not commencing before 1 October 2016.
- Therefore the transitional period is for at least three months, July – September 2016.
- Further, the outcome from this transitional phase must be capable of being scaled up or down as funding decisions are known from the various applications.

5.2 The Committee should make recommendations to Council on the outcomes required from this transitional phase which address these issues and the costs.

6 Outcomes sought from transitional phase

6.1 By 1 October 2016, the future of the existing provision of after-school and school holiday programmes in Marton and Taihape is known, even if this means that the service is discontinued.

In the proposal that Council is working towards, any activity-based services would be co-ordinated through the youth development workers but not delivered by them. Delivery would be through a combination of volunteers, parents and other service agencies, including young people who have asked for the opportunity to deliver these activities themselves.

The mix of activities would be developed through engagement and needs analysis carried out by the youth development workers. The after-school and school holiday programmes would take their place with homework clubs, evening activities for young teens, arts activities, sporting activities, health clinics etc. These activities could be

based from Council-owned premises but would be sponsored by other agencies, local businesses or small fundraising events.

Before 1 October 2016, these programmes need to be affordable and sustainable without requiring Council funding (but able to continue to rely on the availability of Council-owned premises). If this is not achieved, then it must be accepted that these services do not form part of the winning mix for our District.

The alternative would be to end these services at 30 June: however, this would immediately reduce the level of service and, if identified as an ongoing need through the process outlined below, would require them to be re-established. The benefits of including this outcome in the transitional phase is that it allows the proposed model of future service delivery to be tested and it maintains the provision of a facility in both Marton and Taihape which is necessary for all the options put forward.

6.2 By 1 October 2016, the budget available from external sources for 2016/17 is known and a programme of work from 1 October 2016 – 30 June 2017 is agreed.

Funding applications should be completed to the identified funding agencies (and any other opportunities that arise), continue to liaise with MSD and DIA over ongoing support.

It is suggested that applications are made to each of the funding agencies listed above (and others that are identified) as follows:

- COGS (\$10,000), Youth Development Partnership Fund (\$5,000), The Mazda Foundation Trust (\$8,000) and Whanganui Community Foundation (\$10,000) for co-funding of the transitional phase
- The Todd Foundation (\$100,000), The Sargood Bequest (\$5,000), Youth Development Partnership Fund (\$65,000) and the Tindall Foundation (\$20,000) for co-funding of fully functioning youth development service

6.3 By 1 October 2016, a District-wide co-governance group has been established, including service agencies and representation from young people, and a Youth Action Plan for the Rangitikei District has been developed.

Following the Level Up conference, there is a group of youth leaders who are interested to take the actions forward as an emerging youth council/forum. Agencies at the Level Up conference also indicated their intention to support the young people in this aspiration – particularly Bulls and District Community Trust, Taihape Community Development Trust, Project Marton and Ngati Apa Rangatahi coordinator.

Multi-agency groups in both Marton and Taihape exist informally. These groups need to be formalised with Terms of Reference which include a commitment from each agency about their ongoing involvement in youth development services in the District.

The group/s would be required to produce an Action Plan with priorities for action that have been agreed by agencies and youth leaders and costed.

- 6.4 By 1 October 2016, a Youth One Stop Shop is established in Marton and Taihape with options to deliver the Youth Action Plan based on the level of funding available.

The potential levels of service are:

1. A FTE youth development role ($\frac{1}{2}$ FTE in each of Taihape and Marton) + commitments from agencies to contribute existing staff resources to implement the Youth Action Plan.
2. 1 $\frac{1}{2}$ FTE youth development roles ($\frac{1}{2}$ FTE in each of Taihape and Marton and $\frac{1}{2}$ for either outreach or within the Samoan community) + commitments from agencies to contribute existing staff resources to implement the Youth Action Plan.
3. Two FTE youth development role ($\frac{1}{2}$ FTE in each of Taihape, Marton, outreach and within the Samoan community) + commitments from agencies to contribute existing staff resources to implement the Youth Action Plan.

The arrangement going forward would depend upon the availability of funding as at 1 October 2016: The impact would be on the pace of implementation and the breadth of services that could be provided but not on the actual mode of delivery. If the level of funding secured as at 1 October 2016, does not meet the level of cofunding sought, then ongoing fundraising would be needed.

The FTE roles could be either employees of Council or contracts with external agencies with capability to deliver but would be advertised through an open recruitment/tendering process.

7 Financial Implications

Outcome 1: The future of the existing provision of after-school and school holiday programmes in Marton and Taihape is known, even if this means that it is discontinued from 1 October 2016.

- 7.1 The existing cost of the after-school and school holiday provision for July – September (including two school holiday programmes) is \$9,725 for Marton and \$8,540 for Taihape (total \$17,815). Given the expectation that the service would move, over the three months, towards a self-sustaining model, it is suggested that the service be funded maximum 50% (i.e. \$8,900 could be allocated to this outcome). In addition, Council would continue to provide premises.

Outcome 2: The budget available from external sources for 2016/17 is known and a programme of work from 1 October 2016 – 30 June 2017 is agreed.

- 7.2 Completing funding applications to the identified funders is a significant body of work that would need to be completed during June/July. It is suggested that this would require about 40 hours of dedicated staff time but could be managed within existing staff resources within Council.

Outcome 3: A District-wide co-governance group has been established, including service agencies and representation from young people, and a Youth Action Plan for the Rangitikei District has been developed.

- 7.3 This requires a lead agency to drive and coordinate the group and the Action Plan. It is suggested that this is potentially a role that would require 2 days each week to facilitate properly. Council staff could not undertake this role within existing workloads and staffing levels so additional support would be needed. The cost of this for three months, based on existing staff roles, would be \$7,500 + travel costs (total \$9,000).

Outcome 4: A Youth One Stop Shop is established in Marton and Taihape with options to deliver the Youth Action Plan based on the level of funding available.

- 7.4 This outcome has no specific costs attached to it – it is a product of Outcome 3. It should be associated with the role contracted to deliver Outcome 3.
- 7.5 The total cost of the transitional phase is, therefore, \$17,900. Some or all of these costs may be recoverable from external funding applications.

8 Next Steps

- 8.1 HYPE Academy have indicated that they would welcome the opportunity to support the transition phase. They understand that Council will be requiring outcomes above and beyond the delivery of existing services and that any contractual arrangements beyond 30 September 2016 would be subject to application through an open tender/recruitment process.
- 8.2 The advantage of contracting with HYPE Academy to deliver Outcomes 1, 3 and 4 is the continuity with the current Council provision and the ease of transition from where we are now to where we want to be in three months' time.
- 8.3 In addition, HYPE Academy has a track record of delivery against every contractual arrangement to date, from the after-school and school holiday programmes to the one-off events funded through the Ministry of Youth Development (including most recently, the youth-led 7 Day Makeover in Centennial Park). Finally, HYPE Academy are likely to continue to be part of the mix of agencies that take this programme forward.
- 8.4 Alternative providers for all three outcomes are not obvious. Potentially, one or more of the MOU agencies may be interested to deliver outcomes 3 and 4 or Council could contract temporary staff to work from the Policy Team. None of these options provide the necessary continuity for the transition phase.

9 Recommendations

- 9.1 That the report, "Options for the transitional phase of youth development 2016/17", be received.
- 9.2 That the Committee recommends that Council implements a transitional phase from 1 July to 30 September 2016 for youth development in the District with the following outcomes to be secured by 1 October 2016:
- The future of the existing provision of after-school and school holiday programmes in Marton and Taihape is known, even if this means that it is discontinued from 1 October 2016.
 - The budget available from external sources for 2016/17 is known and a programme of work from 1 October 2016 – 30 June 2017 is agreed.
 - A District-wide co-governance group has been established, including service agencies and representation from young people, and a Youth Action Plan for the Rangitikei District has been developed.
 - A Youth One Stop Shop is established in Marton and Taihape with options to deliver the Youth Action Plan based on the level of funding available.
- 9.3 That the Committee recommends that Council allocates up to \$17,900 from the annual budget approved of \$60,000 to implement this transitional phase from 1 July to 30 September 2016.

Denise Servante
Strategy and Community Planning Manager

Attachment 3

Report

Subject: Deliberations on submissions to the review of the Gambling (Class 4) Policy

To: Policy/Planning Committee

From: Alex Staric, Policy Analyst

Date: 2 June 2016

File: 3-PY-1-5

1 Executive Summary

- 1.1 Council has a statutory obligation to review its Gambling (Class 4) Policy at least every three years. It is required to use a special consultative procedure as part of this review. Council's current Policy permits new venues to be established, subject to certain conditions, provided that the total number of Electronic Gaming Machines (EGM) does not exceed 83. The current number of EGM in the District is 70.
- 1.2 Council agreed to release the Policy without amendment in order to seek out specific evidence of gambling harm within the District from relevant agencies and the public. Evidence in the public domain provided little, if any, evidence of a particular issue of problem gambling or gambling harm in the District. Written submissions were received between 4 April and 6 May 2016 and oral hearings took place on 16 May 2016.
- 1.3 Eight written submissions were received and three of these presented at oral hearings. The majority of submitters (5/8) were supportive of a sinking lid policy for Gambling (Class 4) venues and one supported a reduction in the current cap on EGM in the District from 83 to 70.
- 1.4 As this is a substantial change to the Policy that was released for consultation, Council requested that the Policy/Planning Committee consider all submissions in detail and make recommendations to Council about an appropriate response at its next scheduled meeting on 30 June 2016.
- 1.5 The purpose of this report is to provide the Planning/Policy Committee with an analysis of submissions received during the consultation on the review of the Gambling (Class 4) Policy, together with other research, in order to enable its discussion on a suitable recommendation to Council.

2 Analysis

Submissions

- 2.1 The majority of submitters (five out of eight, including all three who presented to oral hearings) suggested that Council introduce a sinking lid in its approach to regulating Gambling (Class 4) Venues. This would require that as venues are closed, or machines are removed from a venue, then the maximum number of permitted EGM would be reduced. The end result of a sinking lid policy is the removal of all EGM from the District.
- 2.2 Two submitters proposed no changes to the current policy, and one submitter supported a sinking lid in the Policy until such a time as the number of EGM in the District reached 60. Nga Tai o Te Awa preferred a sinking lid but would accept a reduced cap (to 70).
- 2.3 The submissions have all been circulated previously but a summary of comments and staff responses can be found attached as [Appendix 1](#).

Social Impact Assessment (SIA) and submitter provided material

- 2.4 Council officers appreciate the research provided by the Gambling Foundation of New Zealand and Nga Tai o Te Awa. Much of the information and research provided and cited coincides with Council's Social Impact Assessment (SIA) that was developed concurrently with the review of the Gambling (Class 4) Venue and TAB Venue policies.
- 2.5 Additional information was supplied regarding associated harms such as anxieties, stress, depression, suicide tendencies and the hidden nature of gambling harm. This is an area where Council's SIA can be improved in the future.

Gambling harm within the District

- 2.6 Two submitters, (one submitter identified as a problem gambler and one a recovering gambler) provided their personal experience of the negative and harmful impacts of gambling. Their comments supported the anecdotal evidence provided by Margaret Ryniker's of the experiences of local people that sought help from her in her role as a Problem Gambling counsellor for the Rangitikei District.
- 2.7 The evidence provided by the Problem Gambling Foundation of New Zealand provides an overview of national and international research into gambling harm rather than actual evidence of gambling harm specifically within the Rangitikei District. However, their projections on harm are significant. Based on national data, there are 262 people in the Rangitikei who are problem gamblers – and the number of people they impact on could be between 524 (i.e. one other person) and 2096 (7 other people) or over 10% of the resident population.
- 2.8 In their submission to Council, Nga Tai o Te Awa outlined the results of a specific survey undertaken in the District during 2015. 122 people completed the survey, and within these responses several self-reported that they experienced some form of harm that is associated with problem gambling (domestic violence, employment issues, mental/ physical health, crime/theft, financial hardship). However, these issues are not only related to gambling harm: for example, alcohol and substance abuse is also associated with these harms. Based purely on whether respondents

identified themselves with these related harms, does not necessary equate to prevalence of problem gambling within the District.

- 2.9 Research has found EGMs to be the most addictive form of gambling.
- 2.10 Submissions provided by Nga Tai o Te Awa an and Problem Gambling Foundation of New Zealand successfully examines the difficulties in gathering gambling related harm data at a local District level as the problem is often hidden and problem gamblers often feel shame impacting on their ability to engage with services.

Other Considerations

- 2.11 Council may also consider the benefits that the community experiences through the presence of EMG and Class 4 gambling venues in the District. These are specifically:
- The recreational benefit to the casual user of EGMs
 - The additional revenue source for businesses which are marginal in our communities
 - The funding that comes back to the community through the gaming trusts
- 2.12 For the latter, Pub Charity redistributed \$94,295 and the Lion Foundation redistributed \$94,965 between April and November 2015.
- 2.13 During the previous review, concern was expressed by the Community Boards and Committees (which is echoed by Marton Community Committee's submission to this review) that the policy should not preclude the possibility of retaining at least one Class 4 gambling venue in each of Bulls, Marton, Taihape and Hunterville (i.e. those settlements which currently have a Class 4 venue).
- 2.14 These are quantifiable benefits which would eventually be lost from the District if a sinking lid policy is applied to the Gambling (Class 4) Venue Policy compared to an unquantified but nonetheless real issue of local people affected by gambling harm. This is the critical issue for Council to address.
- 2.15 Nga Tai o Te Awa report an increase in the number of people self-excluding from venues and seeking support from problem gambling services. This is not necessarily indicative of an increase in the problem but may be a welcome growing awareness of support services available to problem gamblers. However, the increasing takes from each machine suggests caution about that assumption.

3 Options

3.1 Option 1: Status Quo

This would effectively retain the current Policy without amendment. This option is appropriate if the Committee believes that the evidence of gambling harm in the District is insufficient to forego the quantifiable benefits.

The recommendation to Council would be to adopt the Gambling (Class 4) Venue Policy without amendment.

3.2 Option 2: Reduce current cap on EGM numbers from 83 to 70

This would mean reducing the permitted number of EGM from the current restriction of 83 machines in the District to 70. This precludes additional venues with additional machines but does not preclude new venues if machine numbers drop below the cap. This option is appropriate if the Committee believes that there is enough evidence of gambling harm to merit some restrictions on venues or EGM numbers.

This does not affect existing businesses and does not preclude new businesses being established if one closes. Hence it does not impact on the concerns expressed previously that towns will lose the benefits associated with Class 4 gambling. It allows a “breathing space” between now and the next review in three years’ time to gather more evidence of harms vs benefits of Class 4 gambling.

In reality, it is equivalent to the status quo since the likelihood of an increase in the numbers of EGM is very low.

The recommendation to Council would be to adopt the Gambling (Class 4) Venue Policy, as amended to reduce the cap on EGM numbers from 83 to 70. Because existing businesses are not affected, it would not necessarily be necessary to go out for another round of consultation.

3.3 Option 3: Sinking Lid

This would mean that the current Policy is replaced and instead no new gambling (Class 4) venues can be established and as EGM are lost to the District, they cannot be replaced. The end point would be that there are no Class 4 venues or EGM in the District. This option should be preferred if the Committee believes that Council’s SIA and evidence presented by submissions demonstrates significant gambling harm associated with Class 4 venues and EGM numbers in the District.

The recommendation to Council would be to amend the Gambling (Class 4) Venue Policy, to apply a sinking lid on EGM numbers. Because this represents a substantial change to the policy that was circulated for consultation, it is recommended that a further special consultative procedure is undertaken.

3.4 Option 4: Sinking Lid to a cap sufficient only to maintain one venue in each of Taihape, Hunterville, Marton and Bulls

This option applies a sinking lid until such a time as only one venue remains in each of the towns that currently has a class 4 gambling venue. If it is assumed that each venue would have no more than 9 EGM, this implies a minimum cap of 32 EGM in the District.

The recommendation to Council would be to amend the Gambling (Class 4) Venue Policy, to apply a sinking lid on EGM numbers until a minimum of one venue in Taihape, Hunterville, Marton and Bulls is reached. Because this represents a substantial change to the policy that was circulated for consultation, it is recommended that a further special consultative procedure is undertaken.

4 Recommendations

4.1 That the report “Deliberations on submissions to the review of the Gambling (Class 4) Policy” be received.

4.2 That the Committee recommends that Council

Either

Adopt the Gambling (Class 4) Venue Policy without amendment.

Or

Adopt the Gambling (Class 4) Venue Policy, amended to reduce the cap on EGM numbers from 83 to 70.

Or

Amend the Gambling (Class 4) Venue Policy, to apply a sinking lid on EGM numbers and, because this represents a substantial change to the policy that was circulated for consultation during April/May 2016, to undertake a further special consultative procedure.

Or

Amend the Gambling (Class 4) Venue, to apply a sinking lid on EGM numbers until a minimum of one venue in Taihape, Hunterville, Marton and Bulls is reached and, because this represents a substantial change to the policy that was circulated for consultation during April/May 2016, to undertake a further special consultative procedure.

Alex Staric
Policy Analyst

Appendix 1

Summary of Submitter Comments and related information: Gambling (Class 4) Policy Consultation 2016

The following tables provide submitter comments, where provided by submitters, accompanied by Officer comments.

Question: Would you like to see any other changes to Council's Gambling Venue (Class 4) policy?

Submitter No.	Submitter	Submitter comments	Officer comments
002	Carolyn Bates	"The wording of paragraph 4.1 indicates that when a machine ceases to operate then it cannot be replaced. This implies that if a machine breaks down, the site cannot obtain a replacement machined, this appears unfair - that the site is penalised, that it cannot replace faulty equipment. There should be an opportunity to allow faulty equipment to be replaced - the same as if your car is faulty - beyond economic repair, you would replace it, ensuring you still have transport."	This is not the intention of 4.1 as it relates to the fact that when a premises decides to close its doors that at any given time no more than 83 machines would be allowed to operate in the District as at present with the current Gambling (class 4) Venue policy.
003	Eru Loach (Problem Gambling Foundation of New Zealand)	"A sinking lid policy that covers both machine numbers and venues is appropriate. That the proposed population-ratio is rejected. This will allow more new venues in new locations, and newer more-addictive machines. In the Rangitikei district this is a recipe for an increase in gambling harm. Allowing venues to transfer will not lead to a reduction of venues, and therefore will not reduce harm from gambling in the way that a strong "sinking lid" policy would. Venue transfers are primarily a way of maximising revenue and taking machines from quiet venues to busier venues. They are not a harm-reduction measure."	Noted and agree with aim of harm reduction, however in practice there has been no evidence or any desire for more venues to open or for an increase access to machines. In the last 18 months Council has had one application from an existing premises to increase their machines, this application was declined.
006	Bruce McPherson	"Pokie machines banned completely"	Noted

General Comments

Submitter No.	Submitter	Submitter comments	Officer Comments
001	Carolyn Bates (Marton Community Committee)	"If a TAB venue closes a new one should be allowed up to the current maximum number of venues. I have no objection to temporary (for a special event) venue(s) being allowed, to a maximum of five throughout the district at any one time."	The TAB policy is aimed at reducing and minimising gambling harm. Council's current policy and including the non-allowance of temporary venues achieve these objectives in a manner as required by the Gambling Act 2003.
002	Carolyn Bates	No comments provided	
003	Eru Loach (Problem Gambling Foundation of New Zealand)	<ol style="list-style-type: none"> 1. Gambling expenditure details nearly 40% of is lost to non-casino gaming. 2. Rangitikei District lost over \$2,738 million to non-casino gambling machines in the last year, or approximately \$7,693 per day. 3. District Machine density is 1 machine per 149 4. Approximately 262 people in Rangitikei could be problem or moderate risk gamblers. 5. 524 to 2,096 people harmed from others' gambling in Rangitikei. 6. In Rangitikei, approximately 344 people would have better mental health without gambling. 7. Submitter makes the difference between people accessing gambling help services and people who actually need help. Submitter cites when gambling help associations are active, those seeking help and provided help are greater. 8. National statistics and figures are provided in relation to problem gambling. 	<ol style="list-style-type: none"> 1. Noted. 2. Noted. 3. Noted. 4. The submitter has come to this total by applying the percentage of people identified as a problem and moderate-risk gambler from New Zealand 2012 National Gambling Study to Rangitikei District. 5. As above. 6. As above. 7. Noted that counts driven by community reach programs would be higher. As no figures were provided by the submitter, it remains difficult to assess whether the incidence of gambling harm within the District is higher or lower than national norms. 8. Noted. For the most part, this information was captured in Council's SIA.

	<p>9. Submitter has presented information on the psychological techniques deployed by gaming machines.</p> <p>10. Submitter provides “access thesis” from a study that specifies there is an increase of 0.8 problem gamblers by every new machine.</p> <p>11. Maori and Pacific peoples are more vulnerable populations.</p> <p>12. Low socioeconomic communities are another factor associated with problem gambling.</p> <p>13. Other demographic factors include age bracket 35-44, youth, mental illnesses, lack of education, and workforce status.</p> <p>14. Submitter has provided an account of personal and social costs of problem gambling.</p> <p>15. Evidence provided stating a strong relationship between the distance of a gambling venue and gambling behaviour.</p> <p>16. Supports Government’s role as one factor in influencing gambling harm.</p> <p>17. Distribution of gaming proceeds detailed.</p> <p>18. In 2005 almost 8% (over \$20million) went to horse racing, mostly for stake money for races!</p> <p>19. No aggregate statistics on allocation of community are available.</p> <p>20. The submitter supports the classification of the</p>	<p>9. Noted and acknowledged.</p> <p>10. Noted. Acknowledged that controls placed on EGM density, and preventive measures (adaptation), will effect problem gambling prevalence.</p> <p>11. Agreed and supported by Council’s SIA.</p> <p>12. Agreed and supported by Council’s SIA.</p> <p>13. Agreed - was not captured in Council’s SIA.</p> <p>14. Noted. The information provides greater detail of problem gambling factors and associated phenomena, complimenting Council’s SIA that was more focused on evidence at a District level than an overall or international scale.</p> <p>15. Agreed. Rangitikei District has less concentration of EGMs than for example, Wellington, but the basic principle of accessibility to EGMs and gambling behaviour is accepted.</p> <p>16. Agreed.</p> <p>17. Noted.</p> <p>18. Noted.</p> <p>19. Agreed, but the granted funds from Pub Charity and Lion Foundation are found on respective websites (found in SIA) which can be used for the purposes of reviewing the current</p>
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		<p>current gambling funded grants as regressive nature; income is redistributed away from low income communities.</p> <p>21. Submitter supports the distribution of gambling revenue is distributed in more affluent communities.</p> <p>22. Submitter proposes the proposed policy will have relative low impacts on gambling revenue grants in the short term. Preference is giving to community fund raising and Lottery grants.</p> <p>23. Overview of public perceptions of gambling from various parts of New Zealand.</p> <p>24. Recommends sinking lid policy.</p> <p>25. Article, <i>The Shame and Stigma of Gambling</i>, provided as part of the submitter's written submission notes the onerous responsibility of gamblers to self-diagnose a gambling harm and the stigma attached to attaining help</p>	<p>policy.</p> <p>20. Agreed based on the notion most gamblers are from low socioeconomic backgrounds. This group, and problem gamblers, are disproportionally more likely to be funding EGM proceeds grants.</p> <p>21. Disagree. In the context of Rangitikei, gaming proceeds based funding has been dispersed to low socioeconomic areas. <i>Hunterville Sport & Recreation Trust</i> Received the 2nd highest grant (\$18,000) from the Lions Foundation in 2015, Hunterville Dep Index stands at 9.</p> <p>22. Agreed a sinking lid may not impact grants in the near future.</p> <p>23. Noted.</p> <p>24. Noted.</p> <p>25. Noted.</p>
004	Margaret Ryniker (Problem Gambling Foundation of New Zealand)	<p>1. Submission provides account of submitter's role as a Problem Gambling Counsellor</p> <p>2. Cites majority of gamblers can be categorised as social gamblers</p> <p>3. Problem gamblers sustain anxieties, stress, depression, suicide tendencies, impact on others including relationships, financially, fear or causation to violence, emotional abuse, psychological torment.</p> <p>4. Gambling is normalised</p> <p>5. Gambling programmes are made for poker machines to entice persons to play</p> <p>6. Recommendation- sinking lid policy is fair with natural attrition.</p>	<p>1. Noted.</p> <p>2. Noted and supported by evidence.</p> <p>3. Noted and supported by national evidence. Council's SIA does not include this evidence due to the lack of availability of sources.</p> <p>4. Noted and agreed.</p> <p>5. Noted and agreed.</p> <p>6. Noted.</p>

005	Andre Taylor (Nga Tai o te awa)	<ol style="list-style-type: none"> 1. Recommendations- CAP at 70 and Sinking lid both supported. 2. Accounts since 2014 the organisation has seen a growing number of people excluding themselves from venues. 3. Gambling has stigma attached that hinders people seeking help. 4. Outlined local research undertaken in 2015 in the Rangitikei, surveying 122 people- seven people reported domestic violence, unemployment, mental/physical health, crime/theft. Research showed 15 people reported financial hardship and nine people reported family neglect. Submitter advises there is a strong relation to the findings and problem gambling. 5. Median income for the District is \$25,700 compared to national median \$28,500. 6. Unemployment rate for the District is 6.1% compared to national 7.1% 7. Maori income is relatively the same to national figures. Exception identified is Maori aged 15 and over earning an annual income of \$50,000 is 14.4% for the District compared to 18.1% nationally. 8. Supports: Council wishes to reduce the number of gaming machines in the District through a process of natural attrition as machines cease operating. 9. Does not support: New venues may apply for a licence to operate up to 9 gaming machines, providing that the total number of gaming machines in the District does not exceed 83. 10. The submitter states their organisation believes an increase of gambling harm for the period 2013-2015 	<ol style="list-style-type: none"> 1. Noted. 2. Noted. 3. Agreed as supported by research. This can give reason as to why the district has relatively low levels of persons identified as experiencing gambling harm. 4. Noted and agreed to some extent. Noted that the correlated factors identified are also factors associated to other health issues including alcohol related harm. It is understood a total of 31 persons reported circumstances connected with problem gambling. 5. Noted 6. Noted 7. Noted 8. Noted 9. Noted. 10. Figures captured in Council's SIA show a reduction in persons accessing gambling harm. No figures or counts of person's accessing gambling harm services were provided to support to
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		<p>due to people accessing gambling harm services.</p> <p>11. Total amount taken out of Rangitikei's economy over 2013-2015 is nearly \$8 million.</p> <p>12. \$189,260.70 was provided to the local economy by way of grants from the Lion Foundation and Pub Charity.</p>	<p>the submitter's statement.</p> <p>11. Officer notes the figures provide account for the total gaming machine proceeds for the period noted, but does not include proceeds invested back into the local economy through grants.</p> <p>12. Referring to Council's SIA, the figures provided correlate to the Lion Foundation's grants for the period of April 2014 to March 2015 and Pub Charity grants ranging from April 2015 to November 2015. As the dates do not cover the entirety of the years stated, it is given the figures are taken as near actuals than actuals.</p>
006	Bruce McPherson	<p>1. Accounts personal problem with gambling</p> <p>2. Anecdotal evidence of children asking for money when parents are patronising a pub.</p> <p>3. Provided personal account of money won through gambling was a fraction of money lost</p> <p>4. Dismay in attempting to "win back" losses</p> <p>5. Free spins of EGMs are tantalising</p> <p>6. Never hear how much some has lost</p> <p>7. Perception bar staff are unwelcoming if persons frequent the bar without using EGMs.</p>	<p>1. Noted</p> <p>2. Noted and research highlights this as an occurrence, but more generally associated is also related to alcohol harm.</p> <p>3. Noted.</p> <p>4. Noted.</p> <p>5. Noted. Research is supportive of the submitter's comments</p> <p>6. Noted.</p> <p>7. Noted.</p>
007	Jessica Cotter	<p>1. Accounts personal struggle with gambling</p> <p>2. Supports sinking lid policy</p>	<p>1. Noted</p> <p>2. Noted.</p>
008	Robert Martin (Te Maru o Ruahine Trust)	No comments provided	

Verbal submissions

Submitter No.	Submitter	Submitter comments	Officer Comments
003	Eru Loach (Problem Gambling Foundation of New Zealand)	<ol style="list-style-type: none"> 1. Discussed first-hand account of gambling harm in former role as police officer 2. Studies and health data don't capture problem gamblers 3. Health agencies don't capture gambling harm as there is not documentation 4. Gambling harm includes crime, theft, and suicide 5. Lowering the accessibility low socioeconomic persons have to gambling 6. 40% of gambling revenue goes back into the community as grants 7. Recommendation: sinking lid policy 8. Recommendation: No relocation of class 4 machines <p><u>Document provided</u> <i>Rangitikei District- Quick Facts about pokies</i></p> <ol style="list-style-type: none"> 1. Provides a quick overview of class 4 gambling in the District. <p><u>Document provided</u> <i>Productivity Commission 2010, Gambling, Report no. 50, Canberra.</i></p> <ol style="list-style-type: none"> 1. The report distinguishes between gambling as a fun activity and problem gambling, providing the analysis that government sponsored gambling is only done so with the thought that a large portion of the revenue does not come from addicted and vulnerable 	<ol style="list-style-type: none"> 1. Noted. 2. Agreed. Officer discussions with health officers indicates a lack of robust data collecting practices. The Ministry of Health has signalled the need to collect more data on gambling harm in their 2016 consultation document <i>Strategy to Prevent and Minimise Gambling Harm 2016/17 to 2018/19</i>. 3. Noted as discussed above. 4. Agreed; studies indicate gambling harm includes crime, theft, and suicide. 5. Council can affect this through its policy 6. Noted. 7. Noted. 8. Noted. <p><u>Document provided</u> <i>Rangitikei District- Quick Facts about pokies</i></p> <ol style="list-style-type: none"> 1. This information was provided earlier to Councillors in the form of Council's SIA. <p><u>Document provided</u> <i>Productivity Commission 2010, Gambling, Report no. 50, Canberra.</i></p> <ol style="list-style-type: none"> 1. Agreed.

		<p>populations.</p> <p>2. If problem gamblers are a major source of revenue it may weaken incentives to deal with the problem.</p> <p>3. Triangulating various forms of data originating from Australia, 41 per cent of spending was accounted by problem gamblers.</p>	<p>2. Agreed.</p> <p>3. Noted.</p>
004	Margaret Ryniker (Problem Gambling Foundation of New Zealand)	<p>1. Gambling harm also impacts others</p> <p>2. People are desensitised to gambling</p> <p>3. Supportive of a sinking lid policy</p> <p>4. Problem gambling and gambling harm is hidden</p> <p>5. Placing a sinking lid policy will limit choices available</p>	<p>1. Agreed.</p> <p>2. Agreed and commonly evidenced in research.</p> <p>3. Noted.</p> <p>4. Agreed.</p> <p>5. Noted. Studies show the better access people have to EGM venues is associated with increase gambling harm¹.</p>
005	Hine Potaka (Nga Tai o Te Awa)	<p>1. Explanation of role and visiting venues; involvement in harm minimisation and host responsibility policies</p> <p>2. 27 people are excluded; Six people are self-excluded</p> <p>3. From research conducted within the district, seven people identified as enduring gambling harm</p> <p>4. Recommendation to reduce current cap from 83 to 70.</p>	<p>1. Noted.</p> <p>2. Noted.</p> <p>3. Noted.</p> <p>4. Noted.</p>

¹ Young, Martin, Francis Markham, and Bruce Doran. "Too close to home? The relationships between residential distance to venue and gambling outcomes." *International Gambling Studies* 12.2 (2012): 257-273.

Attachment 4

COMMUNITY LEADERSHIP GROUP OF ACTIVITIES 2015/16			May-16
Major programmes of work outlined in the LTP/Annual Plan 2015/16			
Major programmes of work outlined in the LTP/Annual Plan			
What are they:	Targets	Progress for this reporting period	Planned for the next two months
Strategic Planning Activity	Annual Report 2014/15	Completed.	
	Annual Plan 2016/17	Oral hearings and deliberations	Adoption
Elections	Preparation for the 2016 elections	Inclusions of an elections section on the website.	Preparation for elections.
Iwi/Maori Liaison	Key outcomes from Maori Community Development Programme (to be identified)	Workshop day in April written up for discussion document to go to TRAK in June	Continue process as advised by the Komiti
Council	Delivery of programme of policy and bylaw review (see below)	On track	See below
	Preparation of order papers that ensure compliant decision-making	Bulls and Marton Community Committee's. Erehwon Rural Water Supply. Finance/Performance Committee. Council.	
Policy and Bylaw Review	Compliance date	Progress for this reporting period	Planned for the next two months
Scoping report on the level of service for different ONRC classifications	30 June 2016	Not to be done this year	
Rates Policy	31 December 2015	Rates Legal Compliance module completed - awaiting peer review	Develop Policy
Legal Compliance Project	31 December 2015	LGIOMA and National Dog Database completed.	Complete Privacy and Property Sales modules.
Rates remission policy	30 June 2016	Adopted at Council's meeting on 26 May.	Public notification
Review the Heritage Strategy	30 June 2016	Adopted by Council 31 March 2016.	Completed.
Koitiata Waste Water Reference Group	30 June 2017	Water bore testing on ongoing. Testing occurred in May.	Further water bore testing scheduled for August. Following this testing trends should be able to be established.
Review TAB venue policy	28 February 2016	Oral hearings, deliberation and adoption.	Public notification
Review Gambling venue (class 4) policy	30 May 2016	Oral hearings and deliberations	Further consideration by PPL in June.

Versus survey (including new process and questions for 2015/16)	31 March 2016	Benchmarking report prepared.	Individual activity management performance improvement plans to be prepared
Review Earthquake Prone Buildings Policy	30 June 2016	Not started yet	The Building (Earthquake Prone Buildings) Amendment Bill is expected to be enacted by the end of this year. From this time Council's Earthquake-prone Buildings Policy (last revised in 2011) will lapse.
Development of reserve management plans: Marton Park	31 December 2016	Consultation period open until 20 May.	Workshop, draft Plan prepared.
Other pieces of work	Reference for inclusion	Progress for this reporting period	Planned for the next two months
Review of Animal Control Bylaw	Following enforcement of the Bylaw in Turakina, residents through the Community Committee have asked for a review of this Bylaw to accommodate the rural nature of the Turakina Settlement.	Completed.	
Investigation of proposal to establish CCO for Infrastructure Shared Services	Policy Team are involved in the Local Government Requirements workstream of this investigative programme.	Nothing further to report	Ongoing
Treasury Policies	Implement the agreed Engagement Plan on the new policies.	Completed	Completed
Review of Control of Dogs Bylaw and Dog Onwership Policy	As a result of the Dog Control legal compliance module.	Oral hearings, deliberation and adoption.	Public notificaiton
Submissions on key issues affecting local government	As a result of various central government, agency/Horizons consulting on a number of issues.	No submissions submitted during this time.	Submissions due on: Te Ture Whenua Maori Bill, Healthy Homes Guarantee Bill.
Speed Limit Bylaw: Parewanui Road	Request from residents	Deliberations and adoption	Public notificaiton

COMMUNITY LEADERSHIP GROUP OF ACTIVITIES 2015/16			May-16
Performance measures in LTP/Annual Plan			
What are they:	Targets	Progress for this reporting period	
Make decisions that are robust, fair, timely, legally compliant and address critical issues, and that are communicated to the community and followed through	83% of Annual Plan actions substantially undertaken or completed during the year, all groups of activities to achieve at least 75% of identified actions	Result at 31 December 2015: Of 81 actions identified in the Annual Plan, 61 are being actively progressed. 11 are fully complete. 1 action will not be achieved Next quarterly result due 30 March 2016.	
	75% of planned capital programme expended, all network utilities groups of activities to achieve at least 60% of planned capital expenditure	Result at 31 December 2015: Total capital expenditure for the first six months was \$1.978 million from a total pro-rate budget of \$9.394 million i.e. 21% Next quarterly result due 30 March 2016.	
Requests for Service			
What are they:	Completed on time	Completed late	Overdue
General enquiry	8	1	0
Feedback requested:	Email/Telephone/Letter	In Person	Not Required
Animal Control	9	12	15
Council Housing/Property	0	1	3
Cemeteries	1	0	0
Culverts, Drainage and Non-CBD Sumps	0	0	3
Environmental Health	0	0	6
Footpaths	0	0	0
General enquiry	2	0	4
Halls	0	0	0
Parks and Reserves	1	0	0
Public Toilets	0	0	0
Road Signs	0	0	2
Roads	2	0	4
Roadside Berm Mowing	0	0	1
Roadside Weeds/ Vegetation/Trees	0	0	0
Solid Waste	0	0	0
Stormwater	0	1	0
Street Cleaning and Litter Bins	0	0	0
Street Lighting	0	0	0
Wastewater	0	0	0
Water	1	1	0
Grand Total	16	15	38

COMMUNITY WELL-BEING GROUP OF ACTIVITIES 2015/16			May-16
Performance measures in LTP/Annual Plan			
What are they:	Targets	Progress for this reporting period	
Provide opportunities to be actively involved in partnerships that provide community and ratepayer wins	A greater proportion (than in the previous year) of the sample believe that Council's service is getting better: 37% in 2012, 30% in 2013, 16% in 2014, 17% in 2015	Survey to be undertaken in March 2016 Survey has been mostly returned. Data inputted. Analysis ongoing.	
Identify and promote opportunities for economic growth in the District	The District's GDP growth: In 2013, Rangitikei's GDP growth was -0.8% and trending downwards with an increasing divergence from the national trend.	Result as at 31 December 2015: GDP growth: the Rangitikei GDP grew sharply during 2015, compared to New Zealand GDP growth and the trend is now upwards. (Infometrics data for 2013, 2014 and 2015). Completed.	
	A greater proportion of young people living in the District are attending local schools. Based on latest available Statistics New Zealand population estimates (June 2013) and school enrolments for 2014 (TKI), 56% of residents of high school age were enrolled in local schools and trending upwards.	Result as at 31 December 2015: School rolls: latest school rolls (July 2015) compared to population estimates indicate that the upward trend of residents enrolled in local high schools stabilized in 2015. Completed	
	More people living in the District (than is currently projected by Statistics New Zealand). Based on population projections from Statistics New Zealand (medium projection based on 2013 Census), the resident population is projected to decline from 14,450 in June 2013 to 13,900 in June 2028.	Result as at 31 December 2015: Population estimates from Statistics New Zealand show a small increase in the population since the Census 2013, tracking at above the high estimates produced from Census data. Estimates updated in October.	
Requests for Service			
What are they:	Completed on time	Completed late	Overdue
None			

COMMUNITY WELL-BEING GROUP OF ACTIVITIES 2015/16			May-16
Major programmes of work outlined in the LTP/Annual Plan 2015/16			
What are they:	Targets	Progress to date	Planned activities
Community Partnerships	Facilitation of Path to Well-being groups	See below	
	Delivery of work programme through the MOU	See below	
Key elements of the work outlined in Path to Well-being and MOU workplans			
What are they:	Targets	Progress to date	Planned activities
Advocacy to support the economic interests in the District at regional and national level	To actively promotes the District through multi-media advertising and the Mayor and Chief Executive undertake promotional tours on behalf of the District	Nothing further to report.	To be determined
	Lead partner in regional collaborative initiatives around economic development	Nothing further to report	Action Plan to be implemented.
Timely and effective interventions that create economic stability, opportunity and growth	Increased investment into economic development, e.g. partnering in rural water storage, seeding retail initiatives ('pop-up shops')	Inaugural Youth Awards Scheme completed. 4 awards given to young people.	Implement Digital Enablement Plan.
A wide range of gainful employment opportunities in the District	Facilitate and lead on a Rangitikei Growth Strategy that also aligns with and contributes to a regional Agribusiness Strategy	Nothing further to report	Align/fine tune to Regional Growth Study/Strategy and begin implementation.
Attractive and vibrant towns that attract business and residents	Provision of good infrastructure, well-maintained streets in the CBD of main towns	Marton, Taihape and Hunterville Placemaking Groups planning next projects.	Monitor progress and continue to facilitate and administer as required.
	Events, activities and projects to enliven the towns and District	Reports received from Infometrics for all high profile events.	Analyse the results of the events reports and impact of Council sponsorship
Up to date and relevant information for visitors and residents on a range of services, activities and attractions	Maintain information centres in Taihape and Bulls, the gateways to the District.	Tpe May 2016 444 (2015,425) Bulls May 2016 342 (2015,397)	
	Develop an information centre in Marton as part of the "libraries as community hubs" concept.	Completed	Work with Project Marton to develop Marton webpages.
	Contract with local organisations to provide a range of information, including: * Up-to-date calendar of events, and * Community newsletters, for local distribution	Quarterly reports to end March due	Circulate quarterly reports to Councillors
An up to date, relevant and vibrant on line presence with information about services, activities and attractions, the District lifestyle, job	Maintain a website that provides information about Council and community services and activities	Work to update policy pages underway.	Systematically review all community, information pages on the Council website and update. Maintain regular review process.

opportunities and social media contacts	Provide a website that is a gateway to the District, with links through to more local web pages, with information about living in the District and social media opportunities.	Nothing further to report	Develop the District promotion strategy and identify role of the web portal. Continue to develop Be Happy Taihape. Further develop Promotional Strategy
Opportunities for residents to remain socially and physically active into their retirement years, to enable them to stay in the District for as long as possible	Facilitate and lead on a Positive Ageing Strategy that aims to enhance quality of life for older people in the District	Nothing further to report	Nothing planned
Opportunities for people with children to access the quality of life they desire for their families	Facilitate and lead on a Youth Action Plan that aims to enhance quality of life for children and young people in the District	Youth Leadership Forum held.	Continue to pursue external funding for youth development services for the District. Analyse and implement outcome of the Annual Plan consultation. Analyse and report upon Swim-4-All programme.
A more equal and inclusive community where all young people are thriving, irrespective of their start in life	Council will facilitate and lead on a Community Charter that supports all young people in our District to become the best adult that they can	Analysis of response to options for future youth development in the District completed.	Complete process to identify Action Plan to address pre-school and primary aged age groups. Continue to develop engagement with young people in the Charter.
Cohesive and resilient communities that welcome and celebrate diversity	Develop high trust contracts with agencies in each of the three main towns to undertake community development	Organisation of Samoan Independence Day.	Samoan Independence Day in early June, look for additional funding to provide ongoing support. Continue to work and liaise with the the Town Coordinators.
Funding schemes which have clear criteria, which are well publicised, and where there is a transparent selection process	Facilitate at least an annual opportunity for community organisations to apply for funding under the various grant schemes administered by the Council	Completed	
	Publish the results of grant application process to a Council-run forum showcasing the results of grant application processes where successful applicants provide brief presentations and are open to questions	Nothing further to report	Organise a meeting for grant recipients.
To see Council civil defence volunteers and staff at times of emergency (confidence in the activity)	Contract with Horizons to provide access to a full-time Emergency Management Officer	Ongoing and is on track. New business plan for 2016/17 currently being reviewed.	
	Arrange regular planning and operational activities	Participation at facilitation level approved by CE for the upcoming National exercise in 31 August 2016 . Draft Community response plan received for Taihape for comment	
To be assured of adequately trained, resourced and responsive rural fire force to reduce the incidence of life and property threatening fire	Provide fully trained and adequately resourced volunteer personnel who are in a position to respond to rural fire call-out with the minimum of delay	Ongoing and is on track	Training for rural fire volunteers taking place regularly.

ENVIRONMENTAL AND REGULATORY SERVICES TEAM			May-16
Major programmes of work outlined in the LTP/Annual Plan 2015/16			
What are they:	Targets	Progress for this reporting period	Planned for the next two months
District Plan (and other) review processes conducted frugally	Continuous monitoring of operative District plan for minor changes.	Complete - work now focused on DP Change	Nothing planned - focus on Plan Changes.
	District Plan change process complete by 30 June 2016	Pre-hearing meetings, set hearing date, preparing hearing reports.	Hearing.
Give effect to the provisions of the Food Bill, when enacted	Implement the Food Premises Grading Bylaw	Regulations now in effect.	
Other regulatory functions			
What are they:	Targets	Statistics for this month	Narrative (if any)
Building Consents	Report on number of building consents processed, the timeliness and the value of consented work	36 BC's processed in March, 100% processed within 20 days, average days to process = 10 days. Value of work = \$2,293,166	Building new Drystore for commercial premises valued at \$969,000, Edale upgrade valued at \$250,000, 3 x new house builds valued at \$567,000, various house alterations, lots of garages, polesheds and woodburner installations
	Code of compliance certificates, notices to fix and infringements issued.	15 CCC issued, 0 NTF issued, 0 infringement issued	
Resource Consents	Report on: a) number of land use consents issued and timeliness	2 Land use consents issued with 100% processing time frame, average processing days = 20	
	b) subdivision consents and timeliness	1 Subdivision consents issued with 100% processing time frame, average processing days = 19	
	c) section 223 and 224 certification and timeliness,	1x s223 and 1x s224 certificates issued within 100% timeframe	
	d) abatement and infringements issued.	0	
Dog Control	Report on number of new registrations issued, dogs impounded, dogs destroyed and infringements issued.	32 New Dogs Registered, 13 Impounded, 8 Infringements, 8 Destroyed	839 New Dogs Registered, 133 Impounded, 58 Deceased, 42 Infringements, 4694 Dogs Registered, 231 Unregistered
Bylaw enforcement	Enforcement action taken	Letter sent regarding stock faecal on the road. 0 infringement issued	
Liquor Licensing	Report on number and type of licences issued .	1 Special Licences, 5 Renewal of Managers, 1 New Managers, 1 Renewal Off licence	55 Special Licences, 24 New Managers Certificates, 47 Renewal of Managers Certificates, 19 Renewals of Club Licences, 15 Renewals Off Licences, 12 Renewals On Licences, 1 New On Licence

<h1 style="margin: 0;">ENVIRONMENTAL AND REGULATORY SERVICES GROUP OF ACTIVITIES 2015/16</h1>	<h2 style="margin: 0;">May-16</h2>
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Performance measures in LTP/Annual Plan			
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What are they:	Targets	Progress to date
Timeliness of processing the paperwork (building control, consent processes, licence applications)	At least 92% of the processing of documentation for each of Council’s regulatory and enforcement services is completed within the prescribed times	100% of all building and resource consents issued within statutory timeframes
Possession of relevant authorisations from central government	Accreditation as a building consent authority maintained	Maintained
Timeliness of response to requests for service for enforcement call-outs (animal control and environmental health); within prescribed response and resolution times	Improvement in timeliness reported in 2013/14 (84% were responded to in time and 61% completed in time)	To be calculated

Requests for Service			
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What are they:	Completed on time	Completed late	Overdue
Animal Control	93	6	11
Animal Control Bylaw matter	1	0	0
Animal welfare	2	0	0
Attacks on animal	2	2	0
Attacks on humans	1	0	0
Barking dog	10	0	0
Dog Property Inspection (for Good Owner status)	9	0	8
Found dog	7	1	0
Lost animal	14	1	2
Microchip dog	0	0	1
Property Investigation - animal control problem	2	0	0
Rushing at animal	1	0	0
Rushing at human	2	0	0
Stock worrying	2	0	0
Wandering stock	11	2	0
Wandering/stray dog	29	0	0
Building Control	0	0	0
Dangerous or Insanitary Building	0	0	0
Environmental Health	29	3	5
Abandoned vehicle	1	0	0
Dead animal	0	0	0
Dumped rubbish (outside town boundary)	3	0	0
Dumped rubbish (within town boundary)	2	0	0
Fire permit - rural	0	0	0
Fire Permit - urban (restricted fire season only)	0	0	0
Food premises health issue	0	1	1
Hazardous substances	0	0	0
Livestock (not normally impounded)	1	0	2
Noise - day and night	22	1	1
Pest Problem (Council Property)	0	0	0
Untidy/overgrown section	0	1	1
Vermin	0	0	0
Grand Total	151	12	21

Attachment 5

Update on Communications

This regular report provides the Committee with an update with progress on the Council's Communications Strategy; media and communication activity.

Update on Action Plan – to 30 May 2016

<i>Action Description</i>	<i>Expected Completion</i>	<i>Lead Responsibility</i>	<i>Status</i>
Develop the Council intranet as the primary internal business support tool	Ongoing	Information Services Team Leader (Janet Greig)	<ul style="list-style-type: none"> A new intranet has been rolled out following an enhancement to Council's Sharepoint (document storage system) improvements to the intranet will be ongoing
Develop and implement Corporate Identity guidelines to reinforce our professionalism	Ongoing	Executive Officer (Carol Downs)	<ul style="list-style-type: none"> Style guides are being developed to ensure a consistent look to all Council documents Council brand being investigated
Develop the Council website as the primary customer/resident self-help tool	Ongoing	Information Services Team Leader (Janet Greig)	<ul style="list-style-type: none"> As one of the goals defined in the Information Services Strategy, the IS team have been developing the solution to deliver online payment options to our ratepayers from our website. This functionality is available from within our current enterprise system - Magiq. The payment gateway has been established with Westpac, and RDC has signed up to the All of Government contract for Banking Services during this process, to ensure the best finance rates possible are achieved. It is expected to have the Online Payments for rates

<i>Action Description</i>	<i>Expected Completion</i>	<i>Lead Responsibility</i>	<i>Status</i>
			<i>available within four weeks. Followed shortly after that by dog registration payments.</i>
Provide Elected members and staff with training to ensure appropriate standards are maintained (after the 2016 elections)	Early 2017	Executive Officer (Carol Downs)	• <i>Currently on hold</i>
Key staff to have undertaken appropriate communications training	Early 2017	Executive Officer (Carol Downs)	• <i>Currently on hold</i>
Investigate and implement (where appropriate) the most effective ways of communicating within and beyond Council	Ongoing	Executive Officer (Carol Downs)	• <i>The EO is work with the IS Team Leader on communication opportunities and the use of technology for this.</i>

Website

Our ranking in the recent ALGIM 2016 Web Audit increased to number 67 this year, from 77 last year. A better result was expected, but the focus of the improvements made to our website over the last eight months was in our content, presentation and usability. Online services is the biggest weighting factor now, and, as mentioned above, RDC will be well into this space for the audit next year.

Following a request at the last meeting a link to Rangitikei Tourism has been put on the front page of Council's website.

Network Security

Further security hardening measures have been implemented for protecting Council's network against the threats of ransomware Trojans (commonly called Locky) and other malware. This has included:

- Configuration on our Firewall to block known likely source countries for malware
- Blocking of IP address based URLs
- Enabled quarantine for encrypted emails and attachments
- Enabled quarantine for all suspicious and restricted attachments

This is an ongoing process as new threats through the internet and email become known.

May Media Activity

The table below outlines the media activity during May, including printed media articles and website activity:

- Rangitikei Bulletin – These were published at the end of April and May, covering the key decisions from the April and May Council meetings and featured in the Feilding - Rangitikei Herald and District Monitor.
- Rangitikei Line – issues were distributed in April and early June, a major feature being the outcome of the draft Annual Plan submission process.
- Council's website and social media channels (Facebook and Twitter) are used to keep residents up to date with Council happenings.
- There were 14 media articles during the month, of these 3 were positive, 1 was negative and 10 were neutral.
- A regular update from the Taihape Community Board meetings will be featured in the District Monitor, which will now be distributed in Taihape.

Date	Media Channel	Article Heading and Topic
4/5/16	Manawatu Standard Wanganui Chronicle x2	Flytippers spoiling public area - Rubbish dumped under the Bulls Bridge. Students use video to lobby council - Rangitikei College students draft Annual Plan submission. Speak up about chilly Taihape Town Hall - Heating in the Taihape Town Hall.
5/5/16	Rangitikei Feilding Herald District Monitor x3 Wanganui Chronicle	Fire merger leads to calls to cut rates At The Council: <ul style="list-style-type: none"> • Rangiwhai School Hall - MOE. • Keep the loo open – keep Hunterville public toilets open longer. • District Promotion - funding Rangitikei.com as the group is already funded. • Flood repair contracts • Election year Schools launch Rangitikei Sports turf website - Rangitikei College and Nga Tawa Schools Rangitikei Youth Awards launched Centennial Park new look result of co-operation
18/5/16	District Monitor	Marton roading projects on-going - Update on Wanganui Road project.
25/5/16	Wanganui Chronicle	Librarian coaxes young off internet - RDC librarian project for youth week.
26/5/16	District Monitor	Record submissions give council clear path for Annual Plan
31/5/16	Wanganui Chronicle x3	Services for youth get \$60,000 Deal for defunct school moves big step closer - old Taihape area School site Sports turfs score \$200k for council

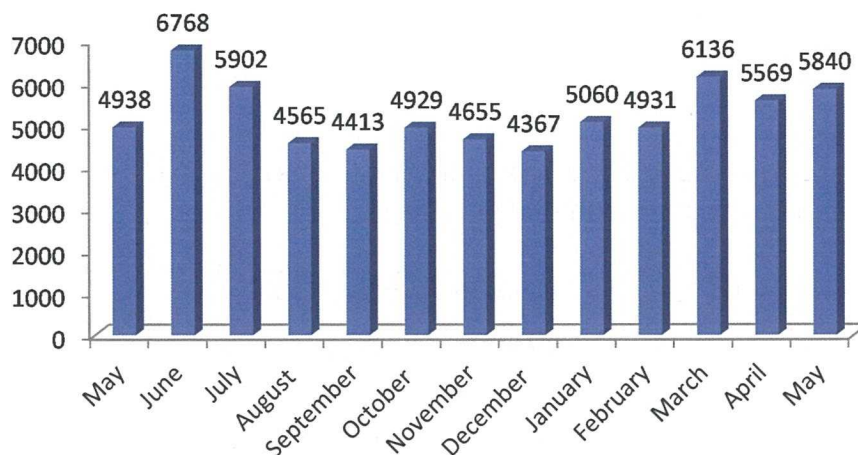
Current Consultations Underway:

After a busy couple of months there are no consultations underway at present.

Website Statistics

Activity on Council's website for May:

Website Visits 2015-16



In May 48% of those who visited Council's website were new visitors to the site.

Top Council Webpages Visited (May)

1. Rates/My property
2. Cemeteries
3. Cemetery database
4. District Plan
5. Rubbish/Recycling – transfer stations

Top Six Geographical Locations

Visiting the Website (May)

1. Palmerston North area
2. *Auckland
3. *Wellington
4. Christchurch
5. Napier
6. Tauranga

* note smaller areas can be recorded as Auckland or Wellington

Carol Downs
Executive Officer

Attachment 6



Rangitikei
RESPONSIBLY...

REPORT

SUBJECT: **Update on legislation and governance Issues**

TO: Policy/Planning Committee

FROM: Michael Hodder, Community & Regulatory Services Group Manager

DATE: 2 June 2016

FILE: 3-OR-3-5

1 Executive summary

- 1.1 This update notes legislative and regulatory changes in the past two months which impact on the Council's operations.
- 1.2 The Bill with proposed amendments to the Local Government Act to facilitate greater collaboration is still expected to be introduced into Parliament this month.
- 1.3 Submissions have been called for Te Ture Whenua Māori Bill. Council's main interest is on proposed changes to rating and valuation of Maori land, but Te Roopu Ahi Kaa may wish Council to express a view on the more fundamental issues addressed by the Bill.
- 1.4 Council has agreed that the Committee may authorise the Mayor to sign a submission on the Healthy Homes Guarantee Bill No. 2 (2015).
- 1.5 The projected work programme on policies and bylaws for 2016 is contained within the activity template for Community Leadership.

2 'Better local services'

- 2.1 When commenting (on 31 May 2016) on the decision taken by the Local Government Commission on the application from residents on Waiheke Island to form a unitary authority, the Minister of Local Government reiterated that the amendment Bill would be introduced in June (and that it would contain a wider range of structural models for local councils.
- 2.2 Local Government New Zealand has written to the Minister to request that this Bill address the sector's concerns around the interpretation of the extent of the mayoral powers under section 41A, a lack of effective sanctions under the Code of Conduct, and the inability for use infringements to enforce general bylaws.

- 2.3 In her announcement on 31 May 2016 that Kaipara District Council will participate in the 2016 elections in the same way as other local councils, the Associate Minister of Local Government noted that the intervention powers contained in subpart 1 of Part 10 of the Local Government Act will be used – a Crown Manager (to address some outstanding legal matters) and a Crown Observer (to provide guidance and advice to the newly elected council). There is no statutory obligation on the Minister to publicly notify the use of these intervention powers: the requirement is to publish (in the Gazette) a list of matters relevant to determining what action, if any, to take under these provisions, including –
- the guiding principles;
 - the matters or circumstances relating to the management or governance of local authorities that the Minister considers are likely to detract from the ability of local authorities to give effect to the purpose of local government within their districts and regions: and
 - the types and sources of information that the Minister is likely to consider when making decisions under these provisions.
- 2.4 This first list was published on 28 March 2013 (attached as [Appendix 1](#)). It must be reviewed within five years and, when doing this, the Minister must consult with Local Government New Zealand.
- 2.5 A council may request the Minister to exercise these intervention powers. Christchurch City Council made this request in 2013 when IANZ withdrew the council's accreditation as a building consent authority.

3 Te Ture Whenua Māori Bill

- 3.1 After considerable consultation and hui around the country, Te Ture Whenua Māori Bill was introduced into Parliament on 14 April 2016, had its first reading on 11 May 2016 and has been referred to the Māori Affairs Select Committee. Submissions are due by 23 June 2016. This large and complex Bill will eventually be divided into three separate pieces of legislation. The explanatory note to the Bill (attached as Appendix 2) summarises the context, intentions and major changes proposed. This is identical to the Departmental Disclosure Statement prepared by Te Puni Kokiri.
- 3.2 The aims of the Bill include ensuring owners of Māori land have the right to take advantage of opportunities to develop their land for the benefit of present and future generations of owners, their whanau and their hapu. There is an overt objective of reducing reliance on judicial decisions and redefining the role of the Māori Land Court so it concentrates on judicial matters. This will give greater autonomy for owners of Māori land to make final decision about their land and allow administrative matters to be assigned to a Māori Land Service,

which will manage a Māori Land Register. The merits or otherwise of these reforms is a matter for Te Roopu Ahi Kaa to advise.

- 3.3 Council's specific interest with this Bill is in the proposed consequential amendments which will alter the rating and valuation of Māori land. The best guide to the thinking behind the provisions is Te Puni Kokiri's 'Regulatory Impact Statement: Enabling better utilisation of Māori land (rating and valuation)'.¹
- 3.4 Changes to rating are intended to reduce administration issues for local councils as well as removing a barrier for owners of Māori land in relation to identifying their ownership interests (including for succession purposes). In 2014, rates arrears on Māori land across New Zealand were estimated at approximately \$65 million. 45% of this was in the Far North District Council. This excludes the amount of foregone rates – i.e. where the liability to pay rates has been waived through application of a rates remission policy – as is the case in Rangitikei, where the amount remitted in 2015/16 was just over \$50,000 for 34 493 ha. (A further 8,446 ha was deemed non-rateable.)
- 3.5 However, while the Regulatory Impact Statement from Te Puni Kokiri considered mandatory non-rating for wholly and partially unused and unoccupied Māori land, this was not the recommended option and has not carried through into the Bill. Councils "may" adopt a policy on the non-rateability of unused Māori freehold land and /or a policy on the write-off of rates owed for unused Māori freehold land. They are associated with a new schedule of matters which need to be included in such policies. This brings more precision to Schedule 11 in the Local Government Act 2002 ('Matters relating to rates relief on Māori freehold land'). Making land non-rateable rather than requiring applications for remissions offers a savings in administration costs (because of the monthly reconciliations required with Quotable Value), although it remains necessary from time to time to review the status of the land, which ever approach is taken.
- 3.6 Te Puni Kokiri acknowledged that the impact on councils would vary because of different uptake of discretionary (to non-rate unoccupied and unused Māori land) as well as the quality and existing use of Māori land. It was not feasible to undertake detailed calculations in the impacts on councils. But the voluntary nature of these provisions makes it hard to see how the provisions in the Bill will change the current situation for owners of Māori land which is currently unused and unoccupied: as noted in the Regulatory Impact Statement, "the key risk is that councils will not apply the [discretionary] policy, and the existing barriers to engagement and use of Māori land by its owners will remain." The Committee may feel that there should be national consistency over this.

¹ <http://www.tpk.govt.nz/en/a-matou-mohiotanga/land/regulatory-impact-statements-ttwmb>

- 3.7 Consideration is also given in the Bill to Māori land used for cultural purposes. Marae and urupā are currently deemed non-rateable in Schedule 1 of the Local Government (Rating) Act 2002, but to a maximum of 2 ha. Te Puni Kokiri's recommended option was to remove that restriction so it was unlimited (like churches). But the 2 ha limit remains in the Bill. The original proposal would have had minimal impact on rates revenue in Rangitikei, so presumably this would not be the case in some other councils.
- 3.8 Changes to valuation are intended to address an inequality issue – i.e. that there is a disproportionate rates burden on Māori land. The starting point for all valuations is the highest and best use land can be put to. With Māori land the 'Mangatu adjustments'² provide for deductions using two factors – the number of owners and sites of significance. Te Puni Kokiri recommended introducing a downward adjustment to take into account the circumstances associated with multiple ownership and Māori Land Court processes (expressed as a percentage); applying this probably cost councils between \$10 and \$20 per property. This approach is taken up in the Bill (clause 482). The option of valuing against actual use was not recommended, despite its greater precision, because of the uncertainty around costs to implement.
- 3.9 Clause 319 addresses the provision of reasonable access to Māori land, but it is still a matter where the Māori Land Court has jurisdiction without any certainty of the outcome. However the Minister has made it clear that there is more to come on this matter.
- 3.10 A draft submission is attached as Appendix 3. It is a topic for the meeting of Te Roopu Ahi Kaa on 14 June 2016. Because submissions close on 23 June 2016, a revised draft submission, taking into account the views of both committees, will be put to the Mayor, Deputy Mayor and Chief Executive for consideration. If sent, it will be included in the Council Order Paper for 30 June 2016.

4 Healthy Homes Guarantee Bill No. 2 (2015)

- 4.1 This is a Private Member Bill, being introduced by Andrew Little. It proposes a higher standard of insulation than that in the Government Residential Tenancies Amendment Bill (just enacted). The timeframe for all tenancies to comply is five years, so two years longer than prescribed in the Government Bill. However, the costs could be higher as the standards will be higher than the minimum in the Government Bill (1978) The Council's submission to that Bill expressed concern at the greater cost for owners of rental properties where rents were lower, and may wish to do the same with this Private Member's Bill.
- 4.2 A draft submission is attached for consideration (at Appendix 4).

² This was an outcome of *Mangatu Incorporation and others v. Valuer-General* [1997]. It sets criteria for adjusting valuations of Maori land up to a maximum of 15% - based on the number of owners (up to 10%) and sites of significance (up to 5%).

5 Other legislation and central government policy initiatives.

- 5.1 The Building (Earthquake-prone Buildings) Amendment Act was assented to on 13 May 2016. It comes into force on the earlier of (i) a date appointed by the Governor-General by Order in Council or (ii) the day that is two years after the date on which the Act received the Royal assent. Draft regulations have yet to be issued for public consultation. The statement on the Ministry of Business, Innovation and Employment's (MBIE) website (attached as Appendix 5) is specific that before the Act takes effect, consultation on supporting regulations will be undertaken and guidance material will be developed.
- 5.2 Until the Act is in effect, the requirements in section 132 of the Building Act remain – i.e. the Council must continue to have an earthquake-prone buildings policy and review it at least every five years. The last review of the Council's policy was in May 2011.
- 5.3 Section 132(5) of the Building Act specifically provides that such a policy does not cease to have effect because it is due for review or being reviewed. However, undertaking the review would have the benefit of signalling to building owners the forthcoming statutory prescriptions as well as verifying whether parapets and masonry chimneys have been checked and either strengthened or removed if deemed necessary – the policy set a five-year time-frame for this. The special consultative procedure must be used in conducting a review of Council's policy.
- 5.4 The Residential Tenancies Amendment Bill passed its third reading on 31 May 2016. It now goes to the Governor General for assent and the Bill is expected to become law on 1 July 2016. MBIE is committed to an information and education campaign to promote the new smoke alarm and insulation requirements, as well as to provide information about other existing requirements, remedies available to tenants, and ways to prevent dampness and mould.
- 5.5 The next step will be gazetting the finalised Residential Tenancies Regulations so they also commence on 1 July 2016 to set minimum requirements for all residential tenancies for insulation and smoke alarms.
- 5.6 The Building (Pools) Amendment Bill is currently at the second reading stage. The Local Government and Environment Committee presented its report to Parliament on 14 April 2016.
- 5.7 Part 3 of the Vulnerable Children Act 2014 requires safety checking of people employed or engaged by a 'specified organisation' in work that involves regular or overnight contact with children.³ Section 24 of the Act is explicit that it

³ The 33 'regulated services' are detailed in Schedule 1 of the Act.

applies to local authorities.⁴ The Ministry of Education is considering bringing forward the commencement date for this checking from 1 July 2017 to 1 September 2016. As a result there has been liaison with the local government sector about which roles which fall within the scope of those where checking should be mandatory. Cost for checking will lie with councils. There are fines for non-compliance.

- 5.8 Last year the Government's Rules Reduction Taskforce called for submissions about annoying rules. The submission from Local Government New Zealand (LGNZ) included comment about uncertainty in the law around road encroachments, and that this had led to inconsistent interpretation and variation in the fees that councils charge to property owners. The Department of Internal Affairs looked into this and confirmed the view put forward by LGNZ. The Department has highlighted the policy adopted in 2011 by the Wellington City Council as an existing example of good practice:

<http://wellington.govt.nz/~media/your-council/plans-policies-and-bylaws/plans-and-policies/a-to-z/roadencroachsale/files/roadencroach.pdf?la=en>

- 5.9 Last month the Associate Minister of Local Government wrote to council mayors advising that the Department of Internal Affairs is looking at the Dog Control Act 1996 to identify changes which would help reduce dog attacks and asking for thoughts for improvements to that Act. She wanted this by 30 May 2016. The letter sent is attached as Appendix 6.
- 5.10 On 2 June 2016 the Minister for the Environment announced the National Policy Statement on Urban Development for consultation (closing 15 July 2016). It is targeted to those local authorities which have at least one medium or high-growth urban area.

6 Recommendations

- 6.1 That the report 'Update on legislation and governance issues' to the Policy/Planning Committee's meeting of 9 June 2016 be received.
- 6.2 That Te Roopu Ahi Kaa be informed at its meeting on 14 June 2016 of the views of the Policy/Planning Committee on Te Ture Whenua Māori Bill.
- 6.3 That the Mayor be authorised to sign, on behalf of the Council, the submission[as amended/without amendment] to the Healthy Homes Guarantee Bill No. 2 (2015).

⁴ 'Specified organisation' is any of the State services, an individual or organisation funded (wholly/partly directly/indirectly) by a State service, a local authority and individuals/organisations funded (wholly/partly directly/indirectly) by a local authority to provide any of the 'regulated services' listed in Schedule 1.

- 6.4 That the Policy/Planning Committee recommends to Council that a formal review of the Earthquake-prone buildings policy be conducted, in terms of section 132 of the Building Act 2004, and that compliance with the policy be verified as part of this process.

Michael Hodder
Community & Regulatory Services Group Manager

Appendix 1

Notice Regarding Ministerial Powers of Assistance and Intervention

Background

Section 258O of the Local Government Act 2002 ("the Act") requires the Minister of Local Government (the "Minister") to publish in the New Zealand Gazette a list of matters relevant to determining what action, if any, to take under subpart 1 of Part 10 of the Act, which relates to Ministerial powers of assistance and intervention in relation to local authorities.

The Minister may consider any relevant information in addition to the matters set out in this notice.

The Minister may also, pursuant to section 258N of the Act, consult any person, group or organisation on any aspect of the decision whether to provide assistance or to intervene, including on the development of the terms of reference

for a Ministerial body, and on the selection of Ministerial appointees. Taking into account a broad picture of a local authority's circumstances, the final decision, whether to act or otherwise, rests with the Minister.

List of matters to which the Minister must have regard

(a) Guiding principles

In making decisions under Part 10 of the Act and determining what action, if any, to take under Subpart 1

of Part 10 of the Act, the Minister is likely to adopt the following guiding principles:

- Ministerial action should be informed by the purpose of local government and the role of, and principles relating to, local authorities, as set out in Subparts 1 and 2 of Part 2 of the Act;
- local authorities are responsible for preventing and solving their own problems;
- local authorities' accountability is to their ratepayers and residents;
- elections are the primary mechanism for communities to express satisfaction or dissatisfaction with elected representatives;
- Ministerial assistance or intervention should have regard to:
 - what the local authority has done, is doing, or plans

to do about the problem; and

- the costs and benefits of assistance or intervention;
- Ministerial assistance or intervention should be proportionate to:
- the nature and magnitude of the problem;
- its potential consequences; and
- its duration to date and its likely duration if not addressed;
- Ministerial assistance or intervention should endure for only as long as necessary to resolve the problem and provide for a transition back to normal democratic processes; and
- Ministerial decisions regarding assistance or intervention should be transparent.

(b) Matters likely to detract from the ability of local authorities to give effect to the purpose of local government

The matters or circumstances relating to management or governance of local authorities that the Minister considers are likely to detract from the ability of local authorities to give effect to the purpose of local government within their districts or regions are:

- financial mismanagement; and/or
- a significant failure in service delivery; and/or
- dysfunctional governance, which includes:
- failure or breakdown of key relationships; and/or
- serious capability deficiencies of elected members or the chief executive of the local authority.

(c) Types and sources of information

When making decisions under Part 10 of the Act, the Minister is likely to consider the following types and sources of information:

- Plans or reports from the local authority, which are voluntarily supplied, required under section 257 of the Act or any other enactment, or requested under any enactment;
- audit reports, including assessment of the accuracy and adequacy of financial reporting required by Regulations made under section 259 of the Act; and
- reviews, reports or communications from any person, group or organisation.

Dated at Wellington this 17th day of March 2013.

HON CHRIS TREMAIN, Minister of Local Government.

Appendix 2

Te Ture Whenua Māori Bill

Government Bill

Explanatory note

General policy statement

This is a Bill to restate and reform the law relating to Māori land.

There have been more than 180 statutes relating to Māori land. The subject matter of these statutes has ranged from specific technical matters to substantial law reform, reflecting the changing nature of Māori land policy over the past 162 years. This Bill has had to be developed in the context of the historical regime for Māori land with all its complications.

Currently, the primary law relating to Māori land is contained in Te Ture Whenua Maori Act 1993. Te Ture Whenua Maori Act 1993 reflects a significant change of legislative focus from a legal framework that, historically, tended to regulate the ways in which Māori land could be assimilated and alienated and, instead, established a legal framework with retention of Māori land as its central policy premise.

This Bill recognises the intrinsic cultural dimension to Māori land. The Bill continues to have retention of Māori land as a central focus but its protection mechanisms are built more around procedural safeguards than around extensive reliance upon the exercise of judicial discretion.

Te Ture Whenua Maori Act 1993 has more than 200 operative provisions creating discretionary decision-making situations. In reports such as *Ko Ngā Tumanako o Ngā Tāngata Whai Whenua Māori: Owner Aspirations Regarding the Utilisation of Māori Land* (Te Puni Kōkiri, 2011) it has been noted that extensive reliance on judicial discretion creates uncertainty for owners of Māori land in the development of aspirations for their land and in the implementation of actions to achieve those aspirations.

Utilisation goes hand-in-hand with retention and Te Ture Whenua Maori Act 1993 expressly refers to the dual kaupapa of retention and utilisation of Māori land in its Preamble. However, the Act treats the two objectives quite differently. Provisions in the Act relating to alienation are given a clear focus in order to avoid ambiguity in their

application but provisions associated with utilisation have not been given the same focus.

The Bill addresses this imbalance with new provisions associated with the governance and utilisation of Māori land that set clear and unambiguous parameters for decision making and action. The Bill's provisions are designed to support and promote the use of Māori land by its owners and future generations and to more closely align legislative policy with the principle of rangatiratanga by facilitating the pursuit by Māori land owners of their aspirations for their land.

The policy settings for Te Ture Whenua Maori Act 1993 drew on advice contained in *The Māori Land Courts: Report of the Royal Commission of Inquiry* (1980) and the New Zealand Māori Council's discussion paper *Kaupapa Te Wahanga Tuatahi* (February 1983). The policy for this Bill continues to draw on that advice together with advice contained in the report of *Te Ture Whenua Māori Act 1993 Review Panel* (March 2014), and feedback from multiple rounds of consultation, workshops, and engagement with relevant Māori organisations. The Bill has been strongly influenced by submissions on an exposure draft released for public consultation in May 2015.

The development of this Bill has also been informed by advice and information contained in a number of other reports, including the Māori Land Investment Group's *Securing Finance on Multiple-Owned Māori Land: Options for Government* (1996), the Federation of Māori Authorities' *Māori Land Court and Utilisation Options Under Te Ture Whenua Māori Act 1993* (1997), the Māori Multiple-Owned Land Development Committee's *Māori Land Development* (1998), Te Puni Kōkiri reports arising from the 1998 review of Te Ture Whenua Maori Act 1993 including feedback reports on consultation hui, *Report of the National Wānanga Held to Discuss the Principles to Underpin Māori Land Legislation* (1999), the New Zealand Institute of Economic Research's *Māori Economic Development: Te Ōhanga Whanaketanga Māori* (2003), the Controller and Auditor-General's *Māori Land Administration: Client Service Performance of the Māori Land Court Unit and the Māori Trustee* (2004), the Hui Taumata's *Māori Land Tenure Review: Report on Issues* (2006), Te Puni Kōkiri's *Ko Ngā Tumanako o Ngā Tangata Whai Whenua Māori: Owner Aspirations Regarding the Utilisation of Māori Land* (2011), the Ministry of Agriculture and Forestry's *Māori Agribusiness in New Zealand: A Study of the Māori Freehold Land Resource* (2011), and the Ministry for Primary Industries' *Growing the Productive Base of Māori Freehold Land* (2013).

Whenua Māori/Māori land

The total amount of Māori freehold land is now reduced to 1.456 million hectares out of a total land mass of 26.771 million hectares. This is approximately 5.5% of all land in New Zealand. Ninety-five percent of Māori freehold land, 1.390 million hectares, is in the North Island, and makes up approximately 12% of all land in the North Island. The greatest concentrations of Māori freehold land are in the Bay of Plenty/East Cape region, the central North Island, and Northland.

In *Kaupapa Te Wahanga Tuatahi*, the New Zealand Māori Council described Māori land in the following terms:

Māori land has several cultural connotations for us. It provides us with a sense of identity, belonging and continuity. It is proof of our continued existence not only as a people, but as tangatawhenua of this country. It is proof of our tribal and kin group ties. Māori land represents turangawaewae.

It is proof of our link with the ancestors of our past, and with the generations yet to come. It is an assurance that we shall forever exist as a people, for as long as the land shall last.

But also land is a resource capable of providing greater support for our people – to provide employment – to provide us with sites for our dwellings – and to provide an income to help support our people and to maintain our marae and tribal assets.

The Bill reflects these special characteristics by keeping Māori land retention as a core focus and by continuing to regulate transactions where retention may be placed at risk. This is done using the same high thresholds for sales and permanent alienations applying under Te Ture Whenua Maori Act 1993 and building on those thresholds by enabling owners of Māori land to set even higher thresholds within the governance arrangements for their land. The Bill prescribes a clear decision-making process and provides the Māori Land Court with jurisdiction to ensure due process is followed and legal protections are complied with. The Bill also provides the Māori Land Court with some discretion over whether Māori freehold land status can be removed and over whether partitions will assist owners of Māori freehold land to retain, occupy, or develop their land.

In order to reflect the dual kaupapa expressed by the New Zealand Māori Council, the Bill reflects a policy shift to more clearly support land utilisation as determined by the owners themselves. This is done by providing a new framework within which owners of Māori land are themselves better able to determine, design, establish, and operate effective governance arrangements for their land. The new framework establishes a clear and explicit governance environment, providing certainty for those working within it, flexible options for governance structures, the ability to reflect tikanga Māori in governance arrangements, baseline thresholds for certain decisions, appropriate measures for governor accountability, and new dispute resolution procedures.

Tikanga Māori

One of the principles of the Bill is that tikanga Māori is central to matters involving Māori land. The Bill expressly defers to tikanga Māori for a range of matters including, as examples, the way associations with Māori customary land are determined, the way preferred recipients of Māori freehold land are determined, the way relationships of descent are determined, and the way disputes are resolved.

While the common law as applied in New Zealand has always been amenable to development to take account of tikanga Māori, which is considered to be part of the values of the New Zealand common law (*Takamore v Clarke* [2012] NZSC 116), stat-

ute law has tended to be less cognisant of tikanga Māori. However, a statute dealing with Māori land is one in which tikanga Māori should clearly be recognised and applied.

In making references to tikanga Māori in the Bill, care has been taken to avoid a statutory codification of what constitutes tikanga Māori. The Bill directs courts to determine any question as to the tikanga Māori that applies in a particular situation on the basis of evidence.

As noted by the Chief Justice, Rt Hon Dame Sian Elias, in *Takamore v Clarke*, what constitutes tikanga Māori in any particular case is a question of fact for expert evidence and a court asked to identify the content of tikanga Māori by evidence is not engaged in a process of interpretation or law-creation.

Whenua tāpui

The Bill provides for whenua tāpui, which are the equivalent of Māori reservations under Te Ture Whenua Maori Act 1993 but with some differences.

Under the Bill a Māori Land Court order is required in order to reserve land as whenua tāpui but in most cases the process will no longer require the 2 steps of a court recommendation and, then, a notice by the Chief Executive of Te Puni Kōkiri published in the *Gazette*.

Unless the relevant land is Crown land, the court will have jurisdiction to make, rather than merely recommend, the reservation of whenua tāpui and a subsequent notice in the *Gazette* will not be required.

In the case of Crown land, the Bill provides that the Minister responsible for that land is able to reserve it as whenua tāpui by publishing a declaration to that effect in the *Gazette* without requiring a Māori Land Court order.

The Bill enables land owners to agree that the underlying beneficial ownership of land reserved as whenua tāpui for the purposes of a marae or urupā may vest in the collective group for whom the marae or urupā is established. For this to occur, the holders of at least 75% of the pre-existing beneficial ownership interests must agree.

The Bill provides for court-appointed administering bodies, rather than individual trustees, to administer whenua tāpui. This is more consistent with the administration of reserves, generally.

The Bill provides that land reserved as whenua tāpui cannot be disposed of or vested under an Act or in any other way. This does not prevent cancellation of the reservation or any vesting associated with the cancellation, nor the granting or cancellation of certain easements and leases, nor the disposition of an individual freehold interest in the underlying beneficial ownership.

To avoid undue complexity, Māori freehold land held by a governance body cannot be reserved as whenua tāpui but the Bill provides an alternative mechanism in that case through a new instrument called a kawenata tiaki whenua.

A kawenata tiaki whenua may apply to an area of cultural or historical interest or a place of special significance according to tikanga Māori and requires the area to be managed so as to preserve and protect those values.

Status of Māori land

The Bill continues to provide specific land statuses for the Māori land categories of Māori customary land and Māori freehold land, both of which are unique forms of private land with characteristics that differ significantly from other private land.

The focus of the Bill is Māori land and accordingly the statuses of general land and general land owned by Māori are not provided for. They are no longer required.

The status of Māori customary land is a statutory recognition of land held by Māori in accordance with tikanga Māori. It is neither a codification of the common law doctrine of aboriginal title nor an extinguishment of aboriginal title.

The Bill continues the jurisdiction of the Māori Land Court to determine whether land is Māori customary land and makes important changes to other aspects of the court's jurisdiction in relation to Māori customary land.

The jurisdiction of the Māori Land Court to determine and vest ownership of Māori customary land on the basis of individual interests is discontinued and replaced with a jurisdiction to determine ownership only on a collective basis. If the court exercises its jurisdiction to change the status of Māori customary land to Māori freehold land, the land must remain in collective ownership. This provides a closer alignment of the law with tikanga Māori and ends the process of individualisation of customary land, the implementation of which has been found to have been inconsistent with the principles of the Treaty of Waitangi.

Since 1909, Māori customary land has been deemed to be Crown land for the purposes of preventing trespass or other injury to the land, recovering damages for trespass or injury, and recovering possession from anyone in wrongful occupation. The Bill discontinues this method of dealing with trespass and related matters affecting Māori customary land and, instead of deeming such land to be Crown land, enables the Māori Land Court to appoint a kaiwhakahaere to act as the agent of the owners to deal with those matters. If there is no kaiwhakahaere, the Bill empowers the Māori Trustee to represent owners for those purposes.

The Bill provides that Māori customary land cannot be disposed of or vested under an Act or in any other way. This does not prevent recognition of customary transfers, the establishment of whenua tāpui, a change of status to Māori freehold land, or the creation and cancellation of certain easements and access arrangements.

Under the Bill, all land that has previously become, or subsequently becomes, Māori freehold land under any enactment continues to have that status until it ceases to be Māori freehold land by declaration of the Māori Land Court, or as a consequence of an exchange or boundary adjustment, or under an enactment. The Bill places limitations on the jurisdiction of the Māori Land Court to make an order declaring that Māori freehold land ceases to have that status.

The Bill places protective restrictions on a wide range of dispositions of Māori freehold land.

Māori land tenure

Unlike other forms of private land, Māori land tenure is derived from customary rights that have their basis in tikanga Māori rather than from the Crown through a system of estates. Owners of Māori customary land hold their interests on the basis of tikanga Māori, not on the basis of an originating Crown grant.

Owners of Māori freehold land hold individual or collective freehold interests that, with a few exceptions arising from historical anomalies in the law, are based on connections with the land and with one another that are derived through whakapapa.

The Bill reflects these unique factors through the principles that tikanga Māori is central to matters involving Māori land and that Māori land endures as a taonga tuku iho by virtue of whakapapa and by providing that a parcel of Māori freehold land does not vest in the Crown as *bona vacantia* but, instead, vests in the collective owners who would, in accordance with tikanga Māori, hold it if it were Māori customary land. Similarly, the Bill provides that individual freehold interests in Māori freehold land do not vest in the Crown as *bona vacantia* but, instead, vest proportionately in the remaining owners.

The nature of property rights in the context of Māori land

The Bill strikes a balance between two important public policy issues. First, laws that enable ancestral Māori land to be held as individual personal property are inconsistent with the principles of the Treaty of Waitangi and, secondly, those who have acquired a property interest through the historic legal framework applying to Māori land should not be arbitrarily deprived of their interest.

Property interests in Māori land, even individualised interests, are not the same as interests in a freely tradable economic commodity and, in particular, are not the same as property interests in other private land.

As a rule, notions of “ownership” of Māori land tend to be regarded by Māori in terms of stewardship and connection, rather than proprietorship, and in terms of permanence rather than transience.

Property interests in Māori land are characterised by the cultural importance of the land as a taonga tuku iho, as a source of connection and of identity, and by the fact that, despite individualisation in the late 19th century, the ongoing multiplicity of interests has meant there remains a collective characteristic to Māori land ownership.

In the context of legal theory, “property” is not a thing in itself. It is a legal relationship with a thing. The registered proprietor of an estate in fee simple in land does not own the land itself but, rather, owns an abstract thing called an estate in land. In the same context, “property rights” have come to be regarded as a “bundle of rights”.

It is necessary to take into account the bundle of rights and obligations that make up a property interest in Māori land in order to strike an appropriate balance between the two public policy issues referred to above.

Generally accepted elements of the bundle of rights, which include obligations, and how they relate to Māori land include the following.

The right to exclude—collectively, the owners of Māori land are entitled to exclude non-owners from using or enjoying their land but in practice the right is constrained by the multiple nature of Māori land ownership (individually, owners cannot exclude other owners or those who are invited or have the permission of other owners) and if the land is vested in a governance body the right passes to the governance body and becomes a right, at law at least, to exclude not just non-owners but also owners.

The right to possess—to the extent that the right to possess includes the right to occupy, this is a constrained right for multiple owners of Māori land due to the practical issue that when everyone has the same right they cannot all exercise it at once without interfering with each other's rights (in effect the right is held collectively, not individually).

The right to use—for the same reasons that the right to possess is constrained, the right to use is also a constrained right for multiple owners of Māori land individually and, as it can only be exercised collectively, generally requires a governance body to exercise the right on behalf of the owners or the creation of a third party right to use through an instrument such as a lease.

The right to alienate—

- in relation to a whole parcel of land, the right to alienate is constrained, first, by the practical difficulty of requiring every owner to participate in the transaction, secondly, by a legal framework that places restrictions on the alienation of Māori land and, thirdly, by the widely accepted view that Māori land is taonga and should be protected from alienation:
- in relation to individual shares in Māori freehold land, the right to alienate is constrained by a legal framework that places restrictions on the capacity to alienate shares, and that has historically included the requirement to obtain an order from the Māori Land Court, which must satisfy itself on a range of jurisdictional threshold requirements and has been given a discretion as to whether, ultimately, to make the order.

The right to receive income—in principle, the owners of Māori land enjoy the right to receive income but the effect of fragmentation and ever-diminishing interests renders the right meaningless for many and the ability to generate income is constrained by the practical limitations arising from multiple ownership. If a governance body is in place, the right may also be affected by the discretion of the governance body to retain earnings for future investment (the right to receive income passes to the governance body).

The duty to refrain from using property in a way that harms others—in the context of Māori land, this duty can be likened to a duty to a wider, inter-generational commu-

nity of interest associated with Māori land, given its generally accepted status as taonga tuku iho, and includes a duty to care for the land and ensure it remains to be passed to future generations.

Many legal frameworks that have general application to land, such as the Rating Valuations Act 1998, are not well aligned with the unique characteristics of Māori land and the Bill contains measures designed to lead to a more equitable application of those frameworks to Māori land.

Ownership of Māori freehold land

In the case of Māori freehold land in multiple ownership (other than a collective class of owners), the Bill contains a presumption of a tenancy in common in equal shares unless there is other proof to the contrary. This provides a closer alignment of the law with principles of tikanga Māori.

Existing ownership interests in Māori freehold land are preserved but the Bill provides a new option for the owners to convert to collective ownership. If the land is owned by tenants in common, converting to collective ownership will require the agreement of owners holding at least a 75% share of the land. If the land is owned by joint tenants they will all need to agree.

Establishing whānau trusts for ownership interests in Māori freehold land is an important mechanism for mitigating the effects of fragmented interests and whānau trusts are continued under the Bill, but instead of requiring a Māori Land Court order to establish them they will be able to be set up by owners by registering a declaration of trust or by making provision for them under a will. Whānau trusts also become the default mechanism on intestate succession unless members of the whānau enter into an alternative family arrangement.

The Bill replaces the jurisdiction of the Māori Land Court to establish kai tiaki trusts for owners under a disability with a new jurisdiction to appoint kaiwhakamarumaru to act as managers for owners needing protection, being owners under 18 years of age or owners who, in the opinion of the court, wholly or partly lack the legal capacity or competence to manage their own affairs in relation to their land interests. The new jurisdiction aligns more closely with the provisions for the appointment of managers under the Protection of Personal and Property Rights Act 1988.

Preferred recipients and preferred entities

The Bill continues the policy of limiting those who may acquire, or have preference to acquire, Māori freehold land or individual freehold interests in Māori freehold land. This approach is consistent with the principles of retention of Māori freehold land in Māori ownership, of tikanga Māori being central to matters involving Māori land, and of Māori land enduring as a taonga tuku iho by virtue of whakapapa.

There are important differences in the way the Bill defines “preferred recipients” when compared with Te Ture Whenua Māori Act 1993. In particular, no-one can be a preferred recipient under the Bill unless they have an association with the relevant Māori freehold land in accordance with tikanga Māori.

In addition to a change in terminology from “preferred classes of alienees” (Te Ture Whenua Maori Act 1993) to “preferred recipients” (the **Bill**), the main changes made by the Bill are summarised as follows:

Bill

Children, grandchildren, and other descendants of the owner if the children, grandchildren, or other descendants are associated with the land in accordance with tikanga Māori.

Grandparents, parents, uncles, aunts, siblings, nieces, nephews, and first cousins of the owner if the grandparents, parents, uncles, aunts, siblings, nieces, nephews, or first cousins are associated with the land in accordance with tikanga Māori.

Other owners of the relevant land if those owners are associated with the land in accordance with tikanga Māori.

Former owners of the relevant land if those owners are associated with the land in accordance with tikanga Māori.

Descendants of former owners of the relevant land or any former parcel the land formed part of if the descendants are associated with the land in accordance with tikanga Māori.

Te Ture Whenua Maori Act 1993

Children and remoter issue of the owner whether or not the children or issue are associated with the land in accordance with tikanga Māori.

Whanaunga of the owner if the whanaunga are associated with the land in accordance with tikanga Māori.

Other owners of the relevant land if those owners are members of the hapū associated with the land.

No equivalent.

Descendants of former owners if the former owner is or was a member of the hapū associated with the land.

Under Te Ture Whenua Maori Act 1993, a Māori incorporation has a second right of preference, behind members of the preferred classes of alienees, to acquire shares in the incorporation (ie, individual freehold interests in the land). The Bill extends this right to “preferred entities”. Preferred entities are a “rangatōpū” and a “representative entity”. A rangatōpū is a new type of governance body. To qualify as a preferred entity a rangatōpū must be managing the relevant Māori freehold land or any other Māori freehold land that has one or more owners who are preferred recipients in relation to the relevant land. A representative entity is an entity that represents a hapū or an iwi associated with the relevant land in accordance with tikanga Māori and that is recognised by the owners of the land as having authority to represent the hapū or iwi.

Decision making by owners of Māori land

Under the Bill, the role of the Māori Land Court changes from having final discretion over a range of decisions to one of ensuring due process and legal requirements are complied with. The Bill provides greater autonomy for owners of Māori land and their own entities to make final decisions about their land. This change recognises the

principle of rangatiratanga, articulated by the late Dr Apirana Tuahae Mahuika as follows (Te Ture Whenua Māori hui, Pakirikiri Marae, Tokomaru Bay, 15 August 2014):

Nooku te whenua, kei a au te korero...Nooku te whenua, ko au te rangatira.
The land is mine, I have all the say...The land is mine, I make all the decisions.

There are more than 2.5 million individual freehold interests in Māori freehold land. The number of owners for each parcel ranges from one through to 14,286, with an average of nearly 100 owners per parcel. This presents a unique set of challenges for decision making.

Under the Bill, owners of Māori freehold land with a governance body are able to prescribe decision-making processes of their own choice or preferences to be included within the governance agreement for their land. If a process is not included in the governance agreement or if the land is not managed by a governance body, the Bill prescribes a default decision-making process designed to ensure as many owners as possible are aware that a decision is to be made and have the opportunity to participate.

The Bill provides that owners may participate in decision making using postal or email voting forms or by using an electronic voting system and may attend meetings of owners in person, via a nominated representative, or via telephone or Internet-based technology.

Certain decisions require the agreement of a minimum threshold of all the ownership interests in the relevant parcel of Māori freehold land. Those decisions are, for the most part, decisions that will affect the ownership and retention of the land and include decisions to apply to the Māori Land Court for an order declaring that the land ceases to be Māori freehold land, decisions to convert to collective ownership, decisions to offer the land for sale, and decisions to agree to a disposition of the land under an Act other than Te Ture Whenua Maori Act, all of which require the agreement of owners together holding a 75% or more share in the land.

Decisions to exchange Māori freehold land, to agree to a boundary adjustment that changes the area of the parcel by more than 2%, to partition the land, or to grant a long-term lease of more than 52 years require the agreement of owners together holding more than a 50% share in the land.

The Bill also provides for certain decisions, mostly to do with the management and utilisation of the land, to be made with the agreement of a minimum threshold of the ownership interests of owners who actually participate in making the decision (referred to in the Bill as the “participating owners”) as distinct from all the owners.

Decisions that can be made by “participating owners” include decisions to appoint a governance body, to approve a governance agreement, to change the name of a parcel of Māori freehold land, or to amalgamate parcels of Māori freehold land (all of which require the agreement of owners who together hold more than 50% of the combined share in the land of the participating owners) and decisions to set a land management plan, to revoke the appointment of a governance body, or to aggregate the ownership of Māori freehold land or cancel an aggregation (which require the agreement of

owners who together hold 75% or more of the combined share in the land of the participating owners).

Prescribed thresholds are included in the Bill rather than subjective criteria such as “a sufficient degree of support” or “no meritorious objection” used in Te Ture Whenua Māori Act 1993. The Bill provides an objective framework with clear and unambiguous decision-making criteria so as to facilitate final decision making by the owners themselves rather than having the final decision dependent on a subjective assessment by the court.

For decisions that can be made by “participating owners” the Bill provides a graduated set of participation thresholds. These are not the same as the decision thresholds and set the minimum level of participation needed before a decision can be considered.

If there are 10 or fewer owners, they are all required to participate. If there are more than 10 but not more than 100 owners, at least 10 owners together holding a 25% or more share in the land are required to participate. If there are more than 100 but not more than 500 owners, at least 20 owners together holding a 25% or more share in the land are required to participate. If there are more than 500 owners, at least 50 owners together holding a 10% or more share in the land are required to participate.

If the applicable participation threshold is not met, the Bill provides that the decision-making process can be re-run without the required threshold requirement provided the second process is commenced within 20 working days and is notified to the owners in a way that clearly explains that the resulting decision will be valid if it is agreed to by the required majority of the participating owners, irrespective of how many owners participate in making the decision.

The “participating owner” provisions are designed to address the practical difficulties associated with owner decision making for parcels of Māori freehold land.

Representation of owners of Māori land

The Bill continues to provide a mechanism for court-appointed agents for owners of Māori land that does not have a governance arrangement in place. The Bill refers to agents as kaiwhakahaere.

The role of a kaiwhakahaere is to represent owners for mostly one-off, specific issues such as responding to a notice issued by a local authority or the Crown, or when the land is affected by a process under the Resource Management Act 1991, or implementing a decision of the owners.

The kaiwhakahaere process under the Bill involves the owners, is within the purview of the court, and is a protective mechanism.

Governance of Māori freehold land

The Bill contains important reforms for the governance of Māori freehold land, moving from a regime of trusts and incorporations appointed by the court to a regime of

owner-appointed governance bodies operating under owner-approved governance agreements.

The Bill's approach continues and builds on an ongoing policy direction first noted by Mahon J in *Alexander v Maori Appellate Court* [1979] 2 NZLR 44 (SC) at 53 when he said—

...I should think it no longer safe to rely upon the historical view that members of the Māori race are incapable of managing their own affairs without supervision. As I see it, there has been a shift in legislative policy directed towards liberating the Māori race from juridical control of their transactions in relation to Māori land and for that reason, as already stated, I should think it unsatisfactory to place too much reliance today upon those judicial opinions expressed many years ago, which stressed the parental role of the Māori Land Courts in relation to matters within their jurisdiction.

The Bill's framework for Māori land governance bodies is based on—

- enabling owners to easily appoint whatever form of governance body they choose, with compliance measures limited to those things essential to ensure the process is fair and transparent:
- providing options for owners to form their own legal entity and design its constitution to reflect their aspirations and their culture:
- enabling existing trusts and incorporations to transition as simply as possible without disrupting their ongoing operations:
- providing a clear, straightforward legal framework within which to operate and that protects the interests of owners if things go wrong.

Owners forming new governance bodies will have a wide choice of entity. They may choose to form a new entity referred to in the Bill as a rangatōpū or they may appoint an existing rangatōpū. A rangatōpū may take the form of a private trust or an entity registered under another Act (such as a company, a limited partnership, or an incorporated society) or the owners may choose to register it as a body corporate under new provisions contained in the Bill.

Instead of forming a rangatōpū, owners have the option to appoint an existing statutory body, namely a Māori Trust Board, the Māori Trustee, Public Trust or a trustee company, or to appoint a representative entity. The Bill defines a representative entity as an entity that represents a hapū or an iwi associated with the land in accordance with tikanga Māori and that is recognised by the owners of the land as having authority to represent the hapū or iwi.

Existing ahu whenua trusts, whenua tōpū trusts, and Māori incorporations will transition as they are, with the terms of their existing trust orders or constitutions preserved. After a transition period, existing trustees and incorporation committee members will need to meet eligibility criteria contained in the Bill and trustees' terms will be for a finite period.

Under the Bill, appointing and forming governance bodies is a matter for the owners of the relevant Māori freehold land themselves through a process of decision making and registration instead of requiring a discretionary decision from the Māori Land Court by way of application, hearing, and adjudication. This change provides consistency with the principle of rangatiratanga and contributes to a new framework in which Māori land utilisation in accordance with the aspirations of the owners is supported and facilitated.

The appointment process for governance bodies requires the appointing owners to approve a governance agreement under which the body is to operate. The Bill sets out minimum, as well as default, provisions for governance agreements while providing owners with the flexibility to set up governance arrangements tailored specifically for their own circumstances and preferred way of operating, whether that be with a commercially oriented focus or with a strong tikanga focus.

In terms of accountability, the Bill continues to provide the Māori Land Court with jurisdiction to investigate governance bodies within prescribed parameters. The court's powers include a new power to disqualify individual governors, referred to as kaitiaki, from holding such a position on any governance body. That power can be exercised in specified circumstances, such as fraudulent, reckless or incompetent performance, and is consistent with similar powers under the Companies Act 1993 relating to the disqualification of company directors.

In addition to the right of owners or governance bodies to initiate cancellation of a governance agreement, the Māori Land Court is given power to do so if it is satisfied the governance body is insolvent, the governance body has failed to comply with statutory duties or obligations, or continuation would materially prejudice the owners.

Māori freehold land and succession

The Bill's succession provisions reflect policy preferences that the community of ownership of Māori freehold land should comprise individuals who have an association with the land that accords with tikanga Māori and whakapapa links, that intestate succession should not result in excessively fragmented individual interests, and that as far as possible succession should be an administrative process.

The Bill provides that individual freehold interests in Māori freehold land may be gifted under a will but only to a preferred recipient or to the rangatōpū, if there is one, managing the land in which the interest is held. A whole parcel of Māori freehold land may only be gifted to a preferred recipient or a preferred entity.

The Bill makes changes to the way eligible beneficiaries are determined on intestacy and the way in which individual freehold interests or parcels of Māori freehold land devolve on intestacy. The determination of who might be an eligible beneficiary does not go further back than the descendants of the deceased owner's grandparents, after which the interest vests in all the other owners of the relevant land. This differs from Te Ture Whenua Maori Act 1993 under which the determination traces back through the chain of title of the deceased owner until a beneficiary is found.

Descent relationships are crucial to determinations about whether a person is an eligible beneficiary or a preferred recipient in relation to Māori freehold land. Descent relationships by birth are clear but when there is an adoption, whether by custom (whāngai) or by adoption order, descent relationships are more complex.

The Bill provides that it is the tikanga of the relevant iwi or hapū that determines whether a whāngai relationship at any link in the chain of descent is to be treated as a relationship of descent for the purposes of any provision that refers to a child, grandchild, brother, sister, parent, grandparent, whānau, or descendant, or that refers to an association with land in accordance with tikanga Māori.

The Bill overrides the Adoption Act 1955 by providing that it is the tikanga of the relevant iwi or hapū, rather than that Act, that determines whether an adopted child is in a relationship of descent with either or both of the adopting parents or the birth parents.

Under the Bill, there is an automatic whānau trust if there is more than one eligible beneficiary on intestacy unless one or more beneficiaries do not want to participate in a whānau trust. If that is the case, a family arrangement may be entered into and the Māori Land Court has jurisdiction to give effect to the family arrangement.

This approach is consistent with the aim of mitigating or reducing excessive fragmentation of ownership interests in Māori freehold land and also reflects the nature of property rights in the context of Māori land described above. It aligns with views such as those expressed by the late Sir Robert Mahuta in *He Matapuna* (New Zealand Planning Council, 1979; cited in the report of the 1980 *Royal Commission of Inquiry on the Māori Land Courts*) when he said, “Perhaps we should be subscribing to some kind of title structure which ensures group inheritance; trusteeship rather than individual ownership.”

Generally, successions under the Bill do not require an application to the Māori Land Court and can simply be registered administratively in the Māori land register. Transparency remains important so a succession on intestacy cannot be registered without publication of notice of the application to register it.

Māori incorporations will continue to be able to process transfers of, and testate successions to, shares in the incorporation.

The special powers of the Chief Judge of the Māori Land Court to correct errors or omissions is continued under the Bill and extended to include errors or omissions in the Māori land register arising from the new administrative processes.

Māori land register

Historically, details about Māori freehold land title and ownership have been held in the records of the Māori Land Court. The Bill establishes a formal Māori land register of Māori land title, ownership, and governance. The establishment of the Māori land register is important because, under the Bill, many of the dealings affecting Māori land title, ownership, and governance will be transacted by the owners themselves

and their governance bodies without requiring Māori Land Court orders so they will not be recorded in the records of the court.

The Māori land register will record both legal and beneficial interests in Māori freehold land. Māori freehold land will continue to be subject to, and registered under, the Land Transfer Act 1952. Legal interests in Māori freehold land will be recorded in the land transfer system as well as in the Māori land register.

The Māori land register will—

- enable owners of Māori land and interests affecting Māori land to be identified:
- enable people to know whether a parcel of Māori freehold is managed by a governance body and, if so, to access information about the body and the governance agreement under which it operates:
- enable people to know whether Māori freehold land or an interest in Māori freehold land is managed by any other person such as a kaiwhakamarumarū and, if so, to access information about that person and the land or interest:
- facilitate—
 - decision making, by enabling owners of Māori freehold land and other interested persons to be identified when decisions need to be made in relation to the land:
 - dealings with beneficial interests in Māori freehold land:
 - giving effect to the purpose of the Act:
- assist the court, the chief executive, Registrars of the Māori Land Court, and the Registrar-General of Land in the exercise or performance of their powers, functions, or duties under the Act or any other enactment:
- enable compliance with the requirements of the Act or any other Act for recording instruments or other matters affecting Māori land or interests in Māori land.

Given the broad nature of its content, the Māori land register will have a public part and an administrative part. The administrative part will be accessible by Māori land governance bodies and those authorised to act on behalf of owners of Māori land or to arrange meetings of owners of Māori land.

Dispute resolution

The Bill establishes a new dispute resolution mechanism for disputes about Māori land. The approach to dispute resolution is based on a concept of *mātauranga takawaenga*, which is a process to assist people and groups to resolve disagreements and conflicts in accordance with the *tikanga*, values, and *kawa* of the relevant hapū or whānau, both as to process and in substance.

The dispute resolution process recognises that the parties will often be connected with one another in an ongoing relationship and mitigating the risk of relationship damage is important. The process is designed to reflect the principle of *rangatiratanga* and to

empower parties to achieve their own solutions and outcomes rather than having to accept an outcome imposed on them by a court.

The Bill makes it mandatory for certain disputes to be referred to dispute resolution before the court has jurisdiction to consider them on a litigated basis. Examples include disputes over whether a person is a whāngai or whāngai descendant.

Mandatory mediation is not a new concept. It has been operating successfully in a number of jurisdictions such as the Canadian province of Ontario where it applies to a range of civil disputes, such as disputes related to estates and trusts.

The Bill also provides Judges of the Māori Land Court with a previously unavailable power to hold judicial settlement conferences in which the Judge is able to assist parties to negotiate their own settlement.

Māori Land Court

The Māori Land Court remains a key institution for the determination of matters relating to Māori land. Both the Māori Land Court and the Māori Appellate Court are continued under the Bill.

In addition to jurisdiction conferred under the Bill, the Māori Land Court continues to have jurisdiction under more than 25 other Acts.

The Bill provides for the jurisdiction of the Māori Land Court along lines similar to that first suggested by the 1980 *Royal Commission of Inquiry on the Māori Land Courts*, which recommended (among other things)—

There should be as far as possible a separation of the administrative and judicial functions relating to Māori land. This would minimise the necessity for Judges to be involved in other than judicial matters. The court should aim at being a court of law and not an administrative body.

The focus of the Bill is Māori land and its ownership, protection, and governance. The Māori Land Court and the Māori Appellate Court are provided for as part of the supportive institutional framework rather than as the central focus of the legislation, as has tended to be the case historically.

Omnibus Bill to be divided into 3 Bills

The Bill is an omnibus Bill introduced in accordance with Standing Order 263.

It is intended to divide the Bill at the committee of the whole House stage so that—

- *Parts 1 to 9 and Schedules 1 to 4* become Te Ture Whenua Māori Bill:
- *Parts 10 to 15 and Schedules 5 to 7* become Te Kooti Whenua Māori Bill:
- *Part 16 and Schedules 8 to 12* become Te Ture Whenua Māori (Repeals and Amendments) Bill.

Appendix 3

2 June 2016

File No: 3-OR-3-5

Tutehounuku Korako
Chair
Māori Affairs Committee
Parliament Buildings
Private Bag 18041
Wellington 0

Tena Koe Nuk

Te Ture Whenua Māori Bill

The Rangitikei District Council thanks the Committee for the opportunity to comment on this highly important Bill.

At an operational level, the Council's interest in this Bill is in the proposed consequential amendments which will alter the rating and valuation of Māori land. In the Rangitikei District in 2015/16, the amount remitted in 2015/16 on unoccupied and unproductive Māori land was just over \$50,000 over an area of 34,493 ha. (A further 8,446 ha was deemed non-rateable.)

The Council supports the proposed changes allowing a policy on the non-rateability of unused Maori freehold land and a policy on the write-off of rates owed for unused Māori freehold land. Being able to deem this land non-rateable will slightly reduce administration costs for the Council.

However, we question why these policies continue to be discretionary. As is noted in the Regulatory Impact Statement from Te Puni Kokiri, "the key risk is that councils will not apply the [discretionary] policy, and the existing barriers to engagement and use of Māori land by its owners will remain".

While Council accepts that owners should have the right to determine how their land is used, we are acutely aware that productive use of much of the large blocks of Māori land in the northern Rangitikei is impossible because of being land-locked. Council hopes the Minister's intention to address this issue later in the year is achieved: clause 319 of the Bill does not seem likely to secure resolutions to these long-standing anomalies.

An earlier version of the Bill envisaged lifting the 2 ha limit for Māori land used for cultural purposes such as urupa and marae, and we were comfortable that its rating impacts would be negligible. So we wonder why the 2ha limit has been retained.

Council supports the proposed changes in valuation. It is appropriate to take into account circumstances of multiple ownership and Māori Land court processes, particularly while the land is unused and unoccupied.

But in addition to these specific matters, Council has a strong interest in seeing the objectives of the Bill's proposal achieve the success intended, in particular that all owners of Māori land have the right to take advantage of opportunities to develop their land for the benefit of present and future generations of owners, their whanau and their hapu – and do so.

There is an overt objective of reducing reliance on judicial decisions and redefining the role of the Māori Land Court so it concentrates on judicial matters. We understand that this is intended to give greater autonomy for owners of Māori land to make final decision about their land and allow administrative matters to be assigned to a Māori Land Service, which will manage a Māori Land Register. The merit or otherwise of these proposals is a matter which we have discussed with Te Roopu Ahi Kaa (the Council's standing Iwi Advisory Committee) and these are the points they have suggested are put to your Committee for consideration.

I hope these comments are useful and that there is an opportunity for me to talk with the Committee.

Nāku noa, nā

Andy Watson
Mayor of the Rangitikei District

Appendix 4

9 June 2016

File No: 3-OR-3-5

Hon Ruth Dyson
Chair
Government Administration Committee
Parliament Buildings
Private Bag
WELLINGTON 6140

By email: select.committees@parliament.govt.nz

Dear Ruth

Healthy Homes Guarantee Bill No. 2 (2015)

The Rangitikei District Council thanks the Committee for the opportunity to comment on the Healthy Homes Guarantee Bill No. 2 (2015).

The Council has already taken steps to insulate its community housing (where feasible in terms of the construction of the building), and ensures that there are functioning smoke alarms in all rental units. So, in principle, Council supports the proposals in the Bill, to make it mandatory to ensure there are minimum standards of heating and insulation in all residential tenancies made within a year of the Act coming into force and all tenancies after five years.

However, we wish to express a concern about the potential financial implications for lower value properties in locations where rental values are lower: the costs of installing the required heating and insulation (to a higher standard than in the recently enacted Government's Bill) will not be less because of these factors – and may, indeed be more because of the limited availability of suitable contractors.

It would be unfortunate if these requirements caused the number of rental properties to drop.

Yours sincerely

Andy Watson
Mayor of the Rangitikei District

Appendix 5

Earthquake-prone buildings

The Building (Earthquake-prone Buildings) Amendment Bill

The Building (Earthquake-prone Buildings) Amendment Bill has been passed by Parliament. Before it takes effect, consultation on supporting regulations will be undertaken and guidance material will be developed.

This new legislation addresses problems with the system for managing earthquake-prone buildings under the Building Act 2004 identified by the Canterbury Earthquakes Royal Commission and as part of a comprehensive Government review. It also takes account of the views of the many submissions made during the Bill's development.

The new legislation standardises the rules and processes that apply to identifying and remediating earthquake-prone buildings. It avoids a 'one-size-fits-all' approach, prioritising geographic areas, buildings and parts of buildings that pose the greatest risk. It ensures the Government's response is proportionate to risk, costs are minimised, and New Zealand retains as much of its built heritage as possible.

Under the new legislation:

- the threshold for defining an earthquake-prone building remains, with amendments to clarify certain aspects (including that it applies to parts of buildings). In practice, an earthquake-prone building is often referred to as one that is less than 34 per cent of the new building standard
- New Zealand will be categorised into areas of high, medium and low seismic risk (with timeframes for identifying potentially earthquake-prone buildings of five, 10 and 15 years, and timeframes for strengthening earthquake-prone buildings of 15, 25 and 35 years, dependent on the seismic risk of the area).

The new legislation:

- excludes certain buildings (including most residential buildings). The methodology for identifying earthquake-prone buildings, to be set by the chief executive of MBIE under the new legislation, will further target buildings that pose the greatest risk
- prioritises earthquake-prone education buildings, emergency service facilities, certain hospital buildings and buildings located on strategic routes, by requiring that in medium and high seismic risk areas they are identified and remediated in half the standard time. Where sufficient vehicle and pedestrian traffic could be affected, certain parts of unreinforced masonry buildings (such as parapets

or verandas) in areas of medium and high seismic risk will also be prioritised

- introduces a new requirement to remediate earthquake-prone buildings when substantial alterations are undertaken
- provides for an opt-in extension of up to 10 years to remediate Category 1 listed heritage buildings and those buildings on the National Historic Landmarks List
- provides for opt-in exemptions from the requirement to remediate for some buildings
- provides for a publicly available national register of earthquake-prone buildings and enhanced notices to be issued for such buildings to help the public better differentiate between earthquake-prone buildings and encourage owners to remediate their buildings.

Attachment 7



Rangitikei
UNFOLDED...

MEMORANDUM

TO: Policy/Planning Committee

FROM: Samantha Whitcombe

DATE: 30 May 2016

SUBJECT: **Update on the Path to Well-Being initiative and other community development programmes – June 2016**

FILE: 1-CO-4

1 Background

- 1.1 This report identifies meetings that have taken place involving members of the Policy Team through the Community Partnerships activity, focussing on the Path to Well-being initiatives. Added commentary is provided where necessary.
- 1.2 This report also covers applications for external funding as required by the Policy on external grant applications made by Council.

2 Meetings

What?	When/Where?	Why?
Rangitikei Heritage Meeting	5 April Marton	Bi-monthly meeting: local issues, WW1DVD, Heritage Weekend, heritage catalogue.
Health Networking meeting	6 April Taihape	Regular networking meeting.
Meeting with Jan Harris	6 April Bulls	Level Up Rangitikei – organisation for the event.
Meeting with Dave Craig from BCC	12 April Marton	To discuss potential for the District to contribute to Global Entrepreneur Week
Samoan Community Support Committee	12 April Marton	Meeting to discuss support programme for the Samoan community.
Healthy Families WRR Prevention partnership	14 April Whanganui	Multi-agency meeting to develop Healthy Families programme
Regional community development networking meeting	15 April Levin	Regular networking meeting of TA community development officers.

What?	When/Where?	Why?
Southern Rangitikei Health Networking Meeting	18 April Marton	Regular networking meeting.
Enjoying Life in the Rangitikei	20 April Huntermville	Focus on promotional strategy
Marton Community Charter	20 April Marton	Bi-monthly meeting, held at Rangitikei College, updates on Samoan Community Support Committee and various projects/funding applications
Healthy Families WRR Governance Hui	27 April Whanganui	Regular governance meeting
Samoan Community Support Committee	3 May Marton	Meeting to discuss support programme for the Samoan community.
Safe and Caring Community	4 May Taihape	Regular meeting.
Taihape Health Networking Group	4 May Taihape	Regular networking meeting.
Samoan Community Support Committee	10 May Marton	Meeting to discuss support programme for the Samoan community.
Meeting with Youth Forum organisation group.	11 May Bulls	Youth Forum organisation meeting.
Samoan Community Support Committee	17 May Marton	Meeting to discuss support programme for the Samoan community.
Julie Nitschke, Whanganui Regional Health Network	23 May Marton	Irregular but very welcome networking coffee
Samoan Community Support Committee	24 May Marton	Meeting to discuss support programme for the Samoan community.
Regional Collaboration meeting	24 May Palmerston North	Regional TA economic development officers – agreed to act as driver for “Enabling Business” strand of Accelerate 25
Meeting with Level Up group	26 May Bulls	Meeting with the facilitators for the Youth Forum.
Meeting with Trevor Nicholls (Marton Pool)	26 May Marton	Swim for all.

What?	When/Where?	Why?
Level Up Rangitikei Youth Forum	27 May Bulls	Path to well-being conference reported below.
Samoan Community Support Committee	31 May Marton	Meeting to discuss support programme for the Samoan community.
Health Families WRR governance meeting	1 June Whanganui	Monthly governance meeting

3 Youth Leadership Forum

- 3.1 The Level Up Rangitikei Youth Forum, was organised Bulls and Community District Trust, with the support of Rangitikei District Council as the 2015/16 Path to Well-being Conference. Previous work with the Marton Community Charter and MSD has highlighted a need for youth development to have increased direction from youth.
- 3.2 The forum was held on Friday 27 May 2016. Approximately 40 year 9 and 10 students from Nga Tawa and Rangitikei College attended the event, as well as 20 representatives from various youth related agencies. The event was facilitated by Drummond Street Family Services from Melbourne, an organisation experienced in working with youth.
- 3.3 More detail is provided elsewhere on the agenda and the Bulls and Community Development Trust will be writing up a fuller report of the day which will be reported on when available.

4 Swim-4-All

- 4.1 The Swim-4-All programme aims to provide free or subsidised swimming lessons to primary school students in the Rangitikei District, to ensure that they are confident and capable to stay safe in the water. During this season, 14 out of 16 state schools, and approximately 920 school children in years 1-8, took part directly in the Swim-4-All programme managed at one of the two Council-owned pools in Marton and Taihape.
- 4.2 Whanganui Community Foundation and COGS each provided \$10,000. KiwiSport provided up to \$10,000 additional funding to ensure all schools could participate with any balance to be held over to support the school swim programme for 2016/17.
- 4.3 In addition, Council agreed to waive pool entry fees for any student using the pool for swimming lessons – not only for the school programmes but for the pre-school swim programmes and the regular swim school lessons. Council provided free pool entry for approximately 920 students to have 8 lessons each. A pool entry (for ages 5-18 years) costs \$2.40 so this amounted to approximately \$17,700 in foregone income.

4.4 Each child received up to 8 subsidised lessons and all schools were reimbursed their transport costs.

5 Funding

5.1 An update on all funding applications is summarised in Appendix 1.

6 Recommendations

6.1 That the memorandum 'Update on the Path to Well-Being initiative and other community development programmes – June 2016' be received.

Samantha Whitcombe
Governance Administrator

Appendix 1

Appendix 1

Fund	Project description	How much	Desired outcomes and milestones	Lead Agency	Council role	Policy Team Role	Final report due
MSD - Quality Services and Innovation Fund	Taihape Community Connections; to develop better collaborative and referral practices amongst local health and social service providers, collation and provision of information about services within Taihape.	\$120,000	Central information resource, improved access to services	Taihape Community Development Trust	Support Agency	Prepared application, project steering group: no reporting responsibilities	Dec-13
Whanganui Community Foundation	Swim 4 All	\$10,000	Swimming lessons for Primary School aged children in the Rangitikei District	RDC	Lead agency, fund holder	Prepared application, holds funds, manages project, reports back to funder	Completed
Lottery Community Committee	Swim 4 All	\$10,000	Swimming lessons for Primary School aged children in the Rangitikei District	RDC	Lead agency, fund holder	Prepared application, holds funds, manages project, reports back to funder	Completed
MYD - Youth Development Fund	Youth Action Plan	\$15,000	Delivery of one youth-led civic projects in Taihape, District-wide training in place-making	RDC	Lead agency, fund holder	Prepared application, holds funds, manages project, reports to funder. In kind support from Council. Cash support from TCP budget for Place-making training sessions.	Jun-16
KiwiSport	Swim 4 All	\$10,000	Swimming lessons for Primary School aged children in the Rangitikei District	RDC	Lead agency, fund holder	Prepared application, holds funds, manages project, reports back to funder	Jun-16

Fund	Project description	How much	Desired outcomes and milestones	Lead Agency	Council role	Policy Team Role	Final report due
MPI Irrigation Assessment Fund	Pre-feasibility study for Tutaenui Community irrigation/Stockwater Scheme	\$75,000	Part of strategic water assessment programme	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Jul-17
Horizons Road Safety Fund	Driver Licensing Programme	\$15,960	Young people to be supported to achieve full drivers licences	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Submitted - outcome unknown
DIA Support For Volunteers Fund	Extension of above programme to Samoan migrants, support for Samoan Community Support Committee	\$9,056	Conversion of Samoan drivers licenses to NZ full licences, monthly information sessions with Samoan interpreters	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Submitted - outcome unknown
DIA Community Development Scheme	Youth development programme in the District	\$240,000	To implement Council's youth development proposals	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Submitted - outcome unknown
Whanganui Community Foundation	Transitional phase for youth development	\$10,000	To transition the youth services programme	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	To be submitted June
COGS	Transitional phase for youth development	\$10,000	To transition the youth services programme	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	To be submitted June
MYD - Youth Development Fund	Transitional phase for youth development To contribute towards youth development service in the future	\$70,000	To transition the youth services programme To contribute to youth development in the future	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	To be submitted June

Fund	Project description	How much	Desired outcomes and milestones	Lead Agency	Council role	Policy Team Role	Final report due
Community Facilities Fund, Lottery	Capital contribution to the Bulls multi-purpose community centre	\$700,000	To develop the centre in Bulls	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Submitted - outcome unknown
JBS Dudding trust	Capital contribution to the Bulls multi-purpose community centre Contribution towards community libraries	\$199,000	As above + ongoing support to libraries	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Submitted - outcome unknown
as at 02/09/2015	Confirmed	\$240,000					