

POLICY/PLANNING
COMMITTEE MEETING

ORDER PAPER

THURSDAY, 11 April 2019,
to follow the Assets/Infrastructure Committee meeting
Council Chamber, Rangitikei District Council
46 High Street, Marton

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Chair - Councillor Angus Gordon

Deputy Chair - Councillor Richard Aslett

Membership

Councillors Cath Ash, Nigel Belsham, Jane Dunn, Graeme Platt, and
Lynne Sheridan.

Ms Tracey Hiroa (Te Roopu Ahi Kaa representative).

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.

Making this place home.



Rangitikei District Council

Policy/Planning Committee Meeting

Agenda – Thursday 11 April 2019 – to follow Assets/Infrastructure meeting

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The quorum for the Policy and Planning Committee is 5.

Council's Standing Orders (adopted 3 November 2016) 10.2 provide: The quorum for Council committees and sub-committees is as for Council, ie half the number of members if the number of members (including vacancies) is even or a majority if the number of members is odd.

1 Welcome

2 Public Forum

3 Apologies/Leave of Absence

4 Members' conflict of interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of items on this agenda.

5 Confirmation of order of business

That, taking into account the explanation provided why the item is not on the meeting agenda and why the discussion of the item cannot be delayed until a subsequent meeting, be dealt with as a late item at this meeting.

6 Confirmation of Minutes

The minutes of the Policy/Planning Committee meeting on 21 March 2019 are attached.

File ref: 3-CT-15-2

Recommendation:

That the Minutes of the Policy/Planning Committee meeting held on 21 March 2019 [as amended/without amendments] be taken as read and verified as an accurate and correct record of the meeting.

7 Chair's Report

A report will be tabled at the meeting.

File ref: 3-CT-15-1

Recommendation:

That the 'Chair's Report' to the Policy/Planning Committee meeting on 11 April 2019 be received.

8 Progress with strategic issues – Update

With priority 4 projects (Earthquake-Prone buildings), Council agreed to undertake consultation on the location of priority areas in the urban centres over the period 7 October to 7 November 2017, with oral submissions being heard by this Committee at its meeting on 9 November 2017. As well as advising the Bulls, Marton and Hunterville Community Committees and the Taihape Community Board and making letter drops to all potentially

affected businesses and property owners, there were public meetings held in Taihape and Marton. At its meeting on 30 November 2017, Council resolved not to adopt any priority areas under section 133AF of the Building Act 2004 and to send a strong message to Government about the severe impacts of the legislation on the viability of many businesses and sustainability of the District's towns. Rangitikei was a participant in the September forum of regional mayors with the Minister of Building and Construction, Jenny Salesa, who undertook to review how the legislation affects rural towns. The initial formal assessments of building in Marton's CBD area started in September and is now complete. *The process following these assessments is outlined later in this meeting agenda.*

An application was submitted to the Lotteries Heritage and Environment Fund in February 2018 for a grant towards a feasibility study on establishing the Marton Heritage Precinct Project as a collaborative initiative between private building owners and the Council. Funding of up to \$100,000 had been agreed to between the parties. However, Lotteries declined the application. An approach is being made to the Provincial Growth Fund.

Further work to safeguard water and wastewater treatment plants was included in the 2017/18 Annual Plan programme, continued in the 2018-28 Long Term Plan, with revised timing of elements in the 2019/20 Annual Plan. The major project is the linkage of Marton to Bulls and subsequent discharge to land, which Council confirmed as its preferred option at its meeting on 30 August 2018.

Regarding priority 5 projects, a new agreement for the continued delivery of Infrastructure Services by Manawātū District Council has been finalised between the Chief Executives of both councils. It builds on the original foundation of collaboration, but introduces a more structured arrangement and explicit performance framework. Quarterly reporting is provided to the Finance/Performance Committee, starting April 2018. This is one of the key priorities for the Principal Advisor – Infrastructure, Arno Benadie, who started on 3 September 2018.

A member of Te Roopu Ahi Kaa was appointed to the Assets/Infrastructure Committee (from its February 2017 meeting) with full speaking and voting rights. Discussions last year with the Komiti showed interest in this being extended to other Council Committees. At its meeting on 1 March 2018 Council resolved to formally extend the invitation to Te Roopu Ahi Kaa offering them a seat as contributing members to the Policy/Planning and Finance/Performance Council committees. New members were nominated (and subsequently accepted by Council) for Assets/Infrastructure and Policy/Planning Committees. The Komiti has yet to nominate a member for the Finance/Performance Committee. Last year's appointment of a Strategic Advisor Iwi/Hapu is enabling more meaningful relationships with Māori outside Te Roopu Ahi Kaa; the reorganisation of the delivery of youth programmes is securing greater interest and participation from this target group.

There has been substantial Council involvement with Marton's Centennial Park skateboard park extension, the Marton Memorial Hall playground upgrade and the Hautapu River Parks development proposal in Taihape: both are community-led projects. Complementing this, Council has secured community engagement in projects it has led, notably the planting at Marton's B & C Dams.

A review of the arrangements to support young people in the District resulted in the appointment of a full-time Youth Co-ordinator (instead of two part-time co-ordinators) and the opening of new youth centre 'The Lobby' in both Marton (in 2018) and Taihape (in 2019).

The Rangitikei Youth awards were offered in both 2017 and 2018, and will be again in 2019. A Youth Council has just been formed.

The Policy/Planning Committee recommended to Council that the Significance and engagement policy be adopted for consultation at the same time as the Consultation Document for the 2018-28 Long Term Plan. At its meeting on 1 March 2018, Council decided to defer that consideration until its meeting on 29 March, which it did. Following deliberation on submissions at Council's meeting on 31 May 2018, the policy was adopted.

The Council's role in responding to climate change has been highlighted in the Consultation Document for the 2019/20 Annual Plan and suggestions for further action invited.

A new Council brand is being implemented. The agendas for the October 2018 meetings of Community Boards and Community Committees included clarification on Council's plans and process for town and District signage and sought their views on local icons to be included. *The roll-out of the new signage has started – at Hunterville.*

9 Update on Communication Strategy

An update is attached.

File ref: 3-CT-15-1

Recommendation:

That the 'Communications Strategy Update' to the Policy/Planning Committee meeting on 11 April 2019 be received.

10 Review of the Memorandum of Understanding Partnering Organisations

Presentations will be made by the five MoU partnering organisations (from 2.00 pm):

- Mōkai Pātea Services
- Taihape Community Development Trust
- Project Marton
- Bulls & District Community Trust

The partnerships in Bulls and Marton were approved for three years (i.e. to 30 June 2021). However, the partnerships in Taihape, involving Mōkai Pātea Services and Taihape Community Development Trust, were approved for one year – reflecting Council's concern (at the time) on the sustainability of the arrangement. Having heard the presentations and talked with both organisations, the Committee may feel able to make a recommendation to Council on how these services should be delivered in Taihape for the next two years.

A memorandum is attached.

File ref: 4-EN-10-2

Recommendations:

- 1 That the memorandum 'Review of the Memorandum of Understanding Partnering Organisations' be received.
- 2 That the Policy/Planning Committee recommends to Council that the Bulls and District Community Trust is granted [insert amount] for their [proposed/amended] 2019/2020 work plan.
- 3 That the Policy/Planning Committee recommends to Council that Project Marton is granted [insert amount] for their [proposed/amended] 2019/2020 work plan.
- 4 That the Policy/Planning Committee recommends to Council that Mokai Patea Services [receives/does not receive] a two year extension to their MOU agreement, and is granted [insert amount] for their [proposed/amended] 2019/2020 work plan.
- 5 That the Policy/Planning Committee recommends to Council that the Taihape Community Development Trust [receives/does not receive] a two year extension to their MOU agreement, and is granted [insert amount] for their [proposed/amended] 2019/2020 work plan.

11 Legislation and Governance Update – April 2019

A report is attached.

File ref: 3-OR-3-5

Recommendations:

- 1 That the 'Legislation and Governance Update, April 2019' to the Policy/Planning Committee meeting on 11 April 2019 be received.
- 2 That, under delegated authority, the Policy/Planning Committee authorises the Chief Executive to convey the comments [as amended/without amendment] on the proposal by the Department of Conservation to revoke certain delegations under the Reserves Act 1977 made in 2013 by the then Minister of Conservation.

12 The process following Council's inspection of potentially earthquake-prone buildings

Council's inspection of potentially earthquake-prone buildings distinguishes between those not considered earthquake-prone and those which are. Council issues a request for an engineering assessment to be made of any building considered earthquake-prone, i.e. less than 34% of the National Building Standard. Owners have twelve months to comply (unless subsequently extended by up to a further 12 months – the most likely reason being a shortage of people qualified to conduct engineering assessments). Because Rangitikei is specified in the Building Act as being a high seismic risk area, the Council is required to report to the

Ministry of Business, Innovation and Employment every twelve months on progress with identifying potentially earthquake-prone buildings.

The requirement to place notices on buildings which are earthquake-prone cannot be conveyed to a building owner until after the engineer's assessment has been received and it confirms the Council's findings from its inspection. Council has no ability to waive this requirement. If a building owner fails to provide an engineer's assessment, the building is automatically declared earthquake prone – at the lower of the two categories, i.e. less than 20%.

The deadline for completing seismic work is 15 years from the date of first placing the earthquake-prone building notice (unless the building is a priority building, in which case the time is halved to 7½ years).

13 Review of Water-related Services Bylaw 2013

A report is attached.

Recommendations:

- 1 That the report on the 'Review of the Water Related Services Bylaw 2013' be received.
- 2 That the Policy/Planning Committee recommends to Council, that in accordance with section 155 of the Local Government Act 2002, a Water Related Services Bylaw is the most appropriate way of dealing with the management of water supply, wastewater and stormwater, private drains and watercourses, and trade waste.
- 3 That Policy/Planning Committee recommends to Council, a review of the Trade Waste Operational Guidelines 2013 be carried out and they come back to the Committee for noting.
- 4 That Policy/Planning Committee recommends to Council, a review of the Water Supply Operational Guidelines 2013 be carried out and they come back to the Committee for noting.

14 Review of the Memorandum of Understanding: Tūtohunga

A report is attached.

Recommendation:

That the 'Review of the Memorandum of Understanding: Tūtohunga' to the Policy/Planning committee 11 April be received.

15 Update on State of Environment report

Work on the State of the Environment Report for 2019 at this early stage has consisted mainly of meeting interest groups and gathering background information. Meetings or discussions have been held with staff from Federated Farmers, Horizons Regional Council and the

Department of Conservation. In addition, a discussion with the Iwi Liaison Committee (Te Roopu Ahi Kaa) is scheduled for 9 April.

There are no issues of undue concern arising from the consultation to date.

Data on the resource consents processed over the past few years is also being collated as is background information on the wider context of the report (e.g. census data, national and regional plans, statutory requirements).

The next steps in the process will be to more clearly define the detail of the key indicators and assess what data is, or is not, available in relation to each of them.

16 Questions put at previous meeting for Council advice or action

None.

17 Policy & Community Planning Project and Activity Report – March 2019

A report is attached.

Recommendation:

That the report 'Policy & Community Planning Project and Activity Report – March 2019' to the Policy/Planning Committee on 11 April 2019 be received.

18 Activity Management

A report is attached.

Recommendation:

That the report 'Activity Management' to the Policy/Planning Committee on 11 April 2019 be received.

19 Late items

As agreed in Item 5.

20 Future items for the agenda

Jurisdiction Collaboration Team

Policy options around poor state of unoccupied CBD properties'

21 Next meeting

9 May 2019.

22 Meeting closed

Attachment 1



Rangitikei District Council

Policy and Planning Committee Meeting

Minutes – Thursday 21 March 2019 – 1:00 p.m.

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Present: Cr Angus Gordon (Chair)
Cr Richard Aslett
Cr Nigel Belsham
Cr Jane Dunn
Cr Graeme Platt
Cr Lynne Sheridan
His Worship the Mayor, Andy Watson

In attendance: Mr Michael Hodder, Community & Regulatory Services Group Manager
Mr Blair Jamieson, Strategy and Community Planning Manager
Ms Carol Gordon, Customer Services and Communications Team Leader
Mr George Forster, Policy Advisor
Mr Johan Cullis, Environmental Services Team Leader
Ms Ellen Webb-Moore, Planner
Ms Nardia Gower, Youth Development Officer
Mr Arno Benadie, Principal Advisor – Infrastructure
Mr Tony Thomas, Consultant Planner
Ms Selena Anderson, Governance Administrator

Tabled Documents	Item 6	Chair's Report
	Item 16	Draft submission to Horizons Regional Council's 2019/20 Annual Plan

1 Welcome

The meeting started at 1.03pm. The Chair welcomed everyone to the meeting.

2 Public Forum

Nil

3 Apologies/Leave of Absence

That the apology for the absence of Cr Ash, Ms Hiroa and for lateness for Cr Aslett be received.

Cr Sheridan / Cr Dunn. Carried

4 Members' conflict of interest

There were no conflicts of interest.

5 Confirmation of order of business

The order of business was confirmed.

There were no late items.

6 Confirmation of Minutes

Resolved minute number	19/PPL/014	File Ref
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That the Minutes of the Policy/Planning Committee meeting held on 14 February 2019 [as amended/without amendments] be taken as read and verified as an accurate and correct record of the meeting.

Cr Belsham / Cr Sheridan. Carried

7 Chair's Report

The Chair took his tabled report as read.

The Chair sent his condolences to those affected by the Christchurch attacks. He acknowledged those who have been supporting the Taihape Mosque.

Cr Aslett arrived 1.12pm

Resolved minute number **19/PPL/015** **File Ref**

That the 'Chair's Report' to the Policy/Planning Committee meeting on 21 March 2019 be received.

Cr Gordon / Cr Dunn. Carried

8 Progress with strategic issues – Update

The Committee noted the commentary in the agenda.

9 Update on Communication Strategy

Ms Gordon spoke to her report.

She noted that the Bulls newsletters are ready to go out to residents also that she organising a billboard to acknowledge those who have helped with the Walton St House.

The Committee asked that any newsletters that are sent out that they be kept up to date also that ratepayers are made aware of things like the free water initiative for rural properties that have run out of water.

Resolved minute number **19/PPL/016** **File Ref**

That the 'Communications Strategy Update' to the Policy/Planning Committee meeting on 21 March 2019 be received.

Cr Belsham / Cr Dunn. Carried

10 State of the Environment Report

Mr Thomas supported by Mr Hodder spoke to the report.

They highlighted that this is a mandated process and that work on it has not been completed for over ten years. Mr Thomas went on to mention that this is about the monitoring the efficiency and effectiveness of the District Plan. As there is very little statutory guidance the focus will be on the eight key indicators listed in the report.

Resolved minute number **19/PPL/017** **File Ref**

That the State of the Environment Report for the Rangitikei District, monitoring the efficiency and effectiveness of the District Plan, address the proposed key indicators without amendment.

Cr Sheridan / Cr Aslett. Carried

11 Legislation and Governance Update, February 2019

Mr Hodder noted that the Local Government (Regulatory Systems) Amendment Bill had received royal assent and was now in effect.

Resolved minute number **19/PPL/018** **File Ref**

That the 'Legislation and Governance Update, February 2019' to the Policy/Planning Committee meeting on 21 March 2019 be received.

Cr Belsham / Cr Dunn. Carried

12 Policies, strategies and bylaws for the 2018/2019 and 2019/2020 periods.

The Committee noted the commentary in the agenda.

13 Progress with improvement actions identified from the 2018 Annual Residents and Stakeholders surveys

Resolved minute number **19/PPL/019** **File Ref**

That the 'Progress with improvement actions identified from the 2018 Annual Residents and Stakeholders surveys' report to the Policy/Planning Committee meeting on 21 March 2019 be received.

Cr Aslett / Cr Sheridan. Carried

14 Review of the provision of services in Taihape from MoU organisations

The Committee noted the commentary in the agenda.

15 Options for dealing with unwanted cats

The Committee noted the commentary in the agenda.

16 Draft submission to Horizons Regional Council's 2019/20 Annual Plan

Mr Hodder spoke to the tabled document.

Undertaking	Subject
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Mr Hodder to reword the letter to Horizons reflecting the Committee's discussion and then email back to the Committee members.

Resolved minute number	19/PPL/020	File Ref
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That the 'Draft submission to Horizons Regional Council's 2019/20 Annual Plan' to the Policy/Planning Committee meeting on 21 March 2019 be received.

His Worship the Mayor / Cr Gordon. Carried

Resolved minute number	19/PPL/021	File Ref
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That His Worship the Mayor be authorised to sign, on behalf of the Council, the submission as amended to Horizons Regional Council's draft 2019/20 Annual Plan, and that a copy be included in Council's Order Paper for its meeting on 28 March 2019.

Cr Gordon / Cr Sheridan. Carried

17 Questions put at previous meeting for Council advice or action

None

18 Policy & Community Planning Project and Activity Report

Mr Jamieson spoke to the report.

Points noted from the report were:

- Bulls signage – Conversations are still ongoing with iwi.
- Youth Development
Ms Gower updated the Committee about the Youth Council. They have had a change to their terms of reference to allow students aged 13-18 to be on the Council if they are associated with Rangitikei District.

The Youth Council held their first meeting on 17 March at River Valley Lodge, Taihape supported by His Worship the Mayor and Cr Ash. They elected their Chair and Deputy Chair.

His Worship the Mayor acknowledged the work that Ms Gower has put into the Youth Council.

In regards to the breakfast club, Friday 22 March will be the last day that this will run out of The Lobby due to insufficient numbers being able to get to and from the Lobby and school, it will now be held at Rangitikei College.

Resolved minute number **19/PPL/022** **File Ref**

That the report 'Policy & Community Planning Project and Activity Report - February' to the Policy/Planning Committee on 21 March 2019 be received.

Cr Gordon / Cr Belsham. Carried

Adjourned 3.10 – 3.24pm

19 Activity Management

Resolved minute number **19/PPL/023** **File Ref**

That the report 'Activity Management' to the Policy/Planning Committee on 21 March 2019 be received.

Cr Aslett / Cr Platt. Carried

20 Late items

None

21 Future items for the agenda

Jurisdiction Collaboration Team

Policy options around poor state of unoccupied CBD properties'

22 Next meeting

Thursday 11 April 2019, 1.00 pm.

23 Meeting closed

3.47 pm

Confirmed/Chair: _____

Date:

Attachment 2

Update on Communications Strategy

This report provides the Committee with an update on media activity; current consultation processes underway and progress on the action plan.

March 2019 Media Activity

The table below outlines the media activity during March; printed media articles published during the month and website activity:

- Rangitikei Bulletin – This was published at the beginning of April, covering the key decisions from the March Council meeting and featured in the Feilding - Rangitikei Herald and District Monitor.
- Rangitikei Line – the March edition was distributed via mail chimp. The focus for this edition is the draft Annual Plan.
- There were 8 media articles during March:

Date	Media Channel	Article Heading and Topic
07/03/19	Feilding/ Rangitikei Herald (article)	Criticism over reduced wards A decision whether to reduce the number of voting wards in the Rangitikei is now in the hands of the Local Government Commission.
07/03/19	Feilding/ Rangitikei Herald (article)	Important bridge back in action The Otara bridge, which has provided the crucial link over the Rangitikei River since 1962, has reopened.
21/03/19	District Monitor (media release)	From the Mayor's Desk Mayor Andy welcomes 21 new citizens to the Rangitikei and extended his love to those mourning the tragic events in Christchurch.
26/03/19	Wanganui Chronicle (article)	Marton Community holds Memorial About 150 people showed up to Marton Park to remember those who lost their lives in the Christchurch mosque shootings.
28/03/19	Feilding/Rangitikei Herald (article)	Elderly couple's kitset home nightmare Quickbuild homes
28/03/19	Feilding/Rangitikei Herald and District Monitor (x2) (articles)	Taihapa celebrates the Humble Gumboot DM – Taihapa throws successful gumboot champs DM - Stunning Weather – busy gumboot day

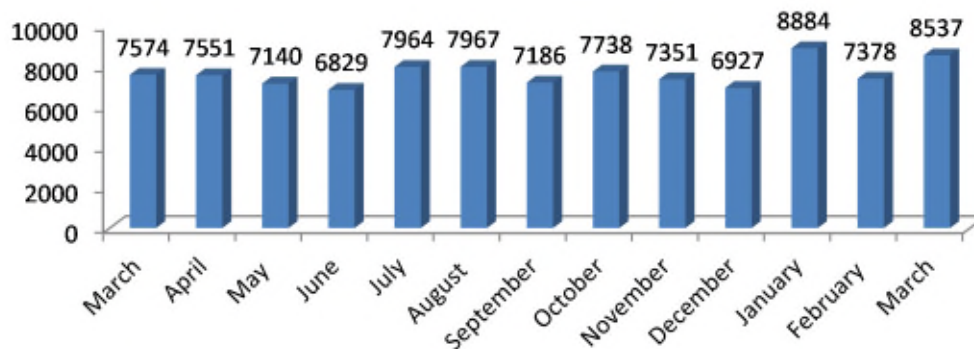
Requests under Local Government Official Information and Meetings Act (LGOIMA)

- As at 31 March, 15 requests have been received this year.

Website Statistics

Activity on Council's website for March 2018 – March 2019:

Website Visits 2018-19



In March 67% of those who visited Council's website were new visitors to the site.

Top Council Webpages Visited (March)

1. Rates
2. Cemeteries database
3. Contact us
4. Cemeteries
5. GIS
6. District Plan
7. Rubbish / Recycling

Top Six Geographical Locations

Visiting the Website (March)

1. Palmerston North
2. * Wellington
3. * Auckland
4. Christchurch
5. Whanganui
6. Hamilton

* note smaller areas can be recorded as Auckland or Wellington

Facebook Stats

Top stories and engagement:

- The top story during March was about the passing of Duncan Hart.
- Total page likes exceeded 2,800 for the month, with over 5,600 engaging with our page.
- Youth stories get good engagement, i.e. the skate park progress.
- The homepage photo is also updated regularly to keep people interested.

Communications Strategy 2018 – 2020 – Update on Actions in the Action Plan

Statutory Communications	Timeframe	Status
Draft Annual Plan 2019/20 – Consultation Document	01/04/19 - 01/05/19	Public consultation process is underway and submissions close 1 May. There has been extensive coverage of the draft annual plan, consultation document and the public meetings.

<i>Proactive Communications</i>	<i>Timeframe</i>	<i>Status</i>
Rangitikei Line – reviewing effectiveness and looking at alternatives	April 2019	New approach (direct email using Mail Chimp) is achieving a good result.
Ensure website is the primary source of information for customers, staff and residents	Ongoing	Content continually updated. Alternative format for forms being looked at.
Social media	Ongoing	High use of this channel to promote and publicise events, open days and ongoing promotion of council's services
<i>Project and Event Communications</i>	<i>Timeframe</i>	<i>Status</i>
Council projects - Bulls Community Centre	October - onwards	Community newsletter due to go out (March 2019) Sponsors billboard in place on site. Time-lapse recordings available on Council's website from the webcams installed, filming the site.

Recommendation:

That the 'Update on Communications Strategy' to the Policy/Planning Committee meeting on 11 April 2019 be received.

Carol Gordon

Team Leader - Communications

Attachment 3

Memorandum

TO: Policy/Planning Committee

FROM: Blair Jamieson, Strategy and Community Planning Manager

DATE: 4 April 2019

SUBJECT: Review of the Memorandum of Understanding Partnering Organisations

FILE: 4-EN-10-2

1 Background

1.1 Whilst the Memorandum of Understanding (MOU) with the Bulls and District Community Trust (BDCT) and Project Marton has been agreed for the first three years of the 2018-28 Long Term Plan; the Committee will need to review the outcomes that both the Taihape Community Development Trust (TCDT) and Mokai Patea Services have had over the 2018/2019 period. This determination will be critical in determining if a two year extension is given to both/either partnering organisations.

1.2 As per the MOU, and the Committee's last order paper, it was noted that all partnering organisations are required to make a presentation to Council's nominated committee (being Policy/Planning), discussing the work plan for the year ahead. The following times have been requested by staff for the partnering organisations to present:

- 2:00pm – Bulls and District Community Trust
- 2:10pm – Project Marton
- 2:20pm – Mokai Patea Services
- 2:30pm – Taihape Community Development Trust

Each partnering organisation has been advised that they will have 10 minutes, ideally 5 minutes to present their intended work plan followed by 5 minutes of question time. The two Taihape based partnering organisations have been placed last due to the considerations noted in 1.1 above.

1.3 As per the MOU, the Committee may provide an annual assessment and recommendation to Council for the amount given to partnering organisations to undertake the agreed work plans. The 2018/2019 cost breakdowns for all partnering organisations have been attached, see *Appendix 1*. The 2019/2020 budget for partnering organisations remains unchanged.

1.4 The proposed work plans for 2019-2020/2021, which will be presented by the partnering organisations have been attached, see *Appendix 2*.

- 1.5 To date, all MOU partnering organisations have met the required reporting timeframes as per the MOU agreement.
- 1.6 There is no method prescribed for this review.

2 Assessment of the Taihape Partnering Organisations

2.1 In relation to Mokai Patea Services, the primary outcomes sought over their trial year have been to:

- Update the Taihape Community Development Trust on activities, events and programmes to publish through their media (i.e. social media, websites etc.).
- Facilitate and lead on a Youth Action Plan that aims to enhance quality of life for children and young people in the District.
- To provide staff or an approved person to open and be present in the Taihape Youth zone between the hours of 3-5pm during weekdays.
- To encourage Youth to be involved in making submissions to Council regarding Youth Development.
- To meet and collaborate with Council's Strategic Advisor: Youth/Rangatahi in Taihape on a regular basis and explore funding for youth events and programmes.

2.2 In relation to the above, it is the opinion of staff that the desired outcomes for the above have been met.

2.3 In relation to the Taihape Community Development Trust, the primary outcomes sought over their trial year have been:

- Design, lead and project manage 1 large scale event annually within the Taihape Ward.
- Support and collaborate on place making activities within the Taihape Ward.
- Support and collaborate with relevant parties to produce a collective Welcome Pack for persons moving to Taihape.
- Support the aspirations of Council on the Economic Development activities being undertaken in the Taihape Ward.
- Design, produce and manage a regular community newsletter within the Taihape Ward.
- Facilitate and manage an online and social media presence that integrates the areas above within the work plan.
- Support the aspirations of Council on Youth development and the provision of opportunities within in the Taihape Ward. (excluding Youth Zone)

- 2.4 In relation to the above, it is the opinion of staff that the desired outcomes for the above have been met. Elected members for this ward will be able to provide additional insight at the time of the meeting.

3 Recommendations

- 3.1 That the memorandum 'Review of the Memorandum of Understanding Partnering Organisations' be received.
- 3.2 That the Policy/Planning Committee recommends to Council that the Bulls and District Community Trust is granted [insert amount] for their [proposed/amended] 2019/2020 work plan.
- 3.3 That the Policy/Planning Committee recommends to Council that Project Marton is granted [insert amount] for their [proposed/amended] 2019/2020 work plan.
- 3.4 That the Policy/Planning Committee recommends to Council that Mokai Patea Services [receives/does not receive] a two year extension to their MOU agreement, and is granted [insert amount] for their [proposed/amended] 2019/2020 work plan.
- 3.5 That the Policy/Planning Committee recommends to Council that the Taihape Community Development Trust [receives/does not receive] a two year extension to their MOU agreement, and is granted [insert amount] for their [proposed/amended] 2019/2020 work plan.

Blair Jamieson
Strategy and Community Planning Manager

Appendix 1

2018/19 Payment Schedule for the Partnering Organisations (Totalling \$83,500):

Project Marton Three-year contract: **\$30,500** in 2018/19

Bulls and District Community Trust Three-year contract: **\$26,500** in 2018/19

Taihape Community Development Trust - One-year trial: **\$20,000**

Mokai Patea Services - One-year trial: **\$6,500**

Expectation Summary:

	Events	Placemaking	Facilitate ED	Support ED	Welcome Pack	Newletter	Online/Social	Youth Operations	Youth Support	Community Needs	TOTALS
Project Marton	2	1	1	1	1	1	1	0	1	1	\$30,500
Bulls & District CT	1	1	2	0	1	1	1	0	0	1	\$26,500
Taihape CDT	1	1	0	1	1	1	1	0	0	1	\$20,000
Mokai Patea	0	0	0	0	0	0	0	1	1	0	\$6,500

Cost Breakdown

Events	5000
Placemaking	1500
Facilitate ED	4000
Support Council ED	1500
Welcome Pack	1500
Newsletter	5000
Online/Social	3000
Youth Operations	5000
Youth Support	1500
Community Needs	2500

Appendix 2

STRATEGIC PERFORMANCE FRAMEWORK MOU ORGANISATIONS

Partnering Organisation: Bulls & District Community Trust

Period under review: Work Plan 2019/2020

Group of Activities: Community Well-being

- Attracting people to the Rangitikei to live (or to stay living here)
- Contribution to community outcomes: A buoyant District economy, Enjoying life in the Rangitikei

Activity: Four Well-being's – Development & Promotion

Council's intended Level of Service is to:	Contract with local organisations to develop and deliver events, activities and projects to enliven the towns and District.	
Deliverables	Activities Undertaken	Outcomes
Design, lead and project manage 1 large scale event annually within the Bulls Ward.		
Design, lead and manage the A-Bull branding programme for the businesses and community groups within the Bulls Ward.		

Facilitate and integrate the Bulls township brand on promotional material ¹ within the Bulls Ward.		
Support and collaborate on place making activities within the Bulls Ward.		
Support and collaborate with relevant parties to produce a collective Welcome Pack for persons moving to Bulls.		

¹ This is for material and work contracted by Rangitikei District Council. Inclusion on externally funded projects will be at the discretion of the trustees.

Council's intended Level of Service is to:	Contract with local organisations to provide a range of information, such as: * Up-to-date calendar of events, and * Community newsletters	
Deliverables	Activities Undertaken	Outcomes
Design, produce and manage a regular community newsletter within the Bulls Ward.		

Council's intended Level of Service is to:	Contract with local organisations to provide a website that is a gateway to the District, with links through to more local web pages, and social media opportunities.	
Deliverables	Activities Undertaken	Outcomes
Facilitate and manage an online and social media presence that integrates all the 'intended level of service' deliverables within the workplan.		

Council's intended Level of Service is to:	Develop high trust contracts with agencies in each of the three main towns to undertake community development	
Deliverables	Activities Undertaken	Outcomes
Support and refer (to the Strategy & Community Planning Manager) the needs and aspirations of our NZ European, Māori, and Pacifica Communities and Groups within the Bulls Ward.		

STRATEGIC PERFORMANCE FRAMEWORK MOU ORGANISATIONS

Partnering Organisation: Mokai Patea Services

Period under review: Work Plan 2019 / 2020

Group of Activities: Community Well-being

- Attracting people to the Rangitikei to live (or to stay living here)
- Contribution to community outcomes: A buoyant District economy, Enjoying life in the Rangitikei

Activity: Economic development and District Promotion

Council's intended Level of Service is to:	Contract with local organisations to provide a website that is a gateway to the District, with links through to more local web pages, and social media opportunities.
Action	Cumulative progress for this period
1. Update the Taihape Community Development Trust on activities, events and programmes to publish through their media (i.e. social media, websites etc.)	

Activity: Community Partnerships

Council's intended Level of Service is to:	Facilitate and lead on a Positive Ageing Strategy that aims to enhance quality of life for older people in the District.
Action	Cumulative progress for this period
1. To provide a regularised visitation service to tenants over the age of 55 in Councils Taihape based Community Houses.	

Council's intended Level of Service is to:	Facilitate and lead on a Youth Action Plan that aims to enhance quality of life for children and young people in the District
Action	Cumulative progress for this period
1. To provide staff or an approved person to open and be present in the Taihape Youth zone between the hours of 3-5pm during weekdays.	
2. To encourage Youth to be involved in making submissions to Council regarding Youth Development.	
3. To meet and collaborate with Councils Strategic Advisor: Youth/Rangatahi in Taihape on a regular basis.	
4. To work with Councils Strategic Advisor: Youth/Rangatahi to explore funding for youth events and programmes	

STRATEGIC PERFORMANCE FRAMEWORK MOU ORGANISATIONS

Partnering Organisation: Project Marton

Period under review: Work Plan 2019/2020

Group of Activities: Community Well-being

- Attracting people to the Rangitikei to live (or to stay living here)
- Contribution to community outcomes: A buoyant District economy, Enjoying life in the Rangitikei

Activity: Four Well-being's – Development & Promotion

Council's intended Level of Service is to:	Contract with local organisations to develop and deliver events, activities and projects to enliven the towns and District.	
Deliverables	Activities Undertaken	Outcomes
Design, lead and project manage 2 large scale events annually within the Marton Ward.		
Support and collaborate on place making activities within the Marton Ward.		

Support and collaborate with relevant parties to produce a collective Welcome Pack for persons moving to Marton.		
Collaborate with other organisations and businesses to support the aspirations of the business community and an After 5 networking group.		
Support and collaborate with Council on the 'Four Well-being' development activities being undertaken in the Marton Ward.		

Council's intended Level of Service is to:	Contract with local organisations to provide a range of information, such as: * Up-to-date calendar of events, and * Community newsletters	
Deliverables	Activities Undertaken	Outcomes
Design, produce and manage a regular community newsletter within the Marton Ward.		

Council's intended Level of Service is to:	Contract with local organisations to provide a website that is a gateway to the District, with links through to more local web pages, and social media opportunities.	
Deliverables	Activities Undertaken	Outcomes
Facilitate and manage an online and social media presence that integrates all the 'intended level of service' deliverables within the workplan.		

Activity: Community Partnerships

Council's intended Level of Service is to:	Facilitate and lead on a Youth Action Plan that aims to enhance quality of life for children and young people in the District	
Deliverables	Activities Undertaken	Outcomes
Support and refer (to the Strategy & Community Planning Manager) the needs and aspirations of Youth within the Marton Ward.		

Council's intended Level of Service is to:	Develop high trust contracts with agencies in each of the three main towns to undertake community development	
Deliverables	Activities Undertaken	Outcomes
Support and refer (to the Strategy & Community Planning Manager) the needs and aspirations of our NZ European, Māori, and Pacifica Communities and Groups within the Marton Ward.		

STRATEGIC PERFORMANCE FRAMEWORK MOU ORGANISATIONS

Partnering Organisation: Taihape Community Development Trust

Period under review: Work Plan 2019/2020 and 2020/2021

Group of Activities: Community Well-being

- Attracting people to the Rangitikei to live (or to stay living here)
- Contribution to community outcomes: A buoyant District economy, Enjoying life in the Rangitikei

Activity: Economic development and District Promotion

Council's intended Level of Service is to:	Contract with local organisations to develop and deliver events, activities and projects to enliven the towns and District.	
Deliverables	Activities Undertaken	Outcomes
Design, lead and project manage 1 large scale event annually within the Taihape Ward.		
Support and collaborate on place making activities within the Taihape Ward.		

Update collective Welcome Pack for persons moving to Taihape.		
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Council's intended Level of Service is to:	Contract with local organisations to provide a range of information, such as: * Up-to-date calendar of events, and * Community newsletters	
Deliverables	Activities Undertaken	Outcomes
Produce and manage a regular community newsletter within the Taihape Ward.		

Council's intended Level of Service is to:	Contract with local organisations to provide a website that is a gateway to the District, with links through to more local web pages, and social media opportunities.	
Deliverables	Activities Undertaken	Outcomes
Facilitate and manage an online and social media presence that integrates all the 'intended level of service' deliverables within the workplan.		

Activity: Community Partnerships

Council's intended Level of Service is to:	Facilitate and lead on a Youth Action Plan that aims to enhance quality of life for children and young people in the District	
Deliverables	Activities Undertaken	Outcomes
Support the aspirations of Council on Youth development and the provision of opportunities within in the Taihape Ward. (excluding Youth Zone)		

Attachment 4

Report

Subject: Legislation and Governance Update, April 2019

To: Policy/Planning Committee

From: Michael Hodder, Community & Regulatory Services Group Manager

Date: 3 April 2019

File: 3-OR-3-5

1 Ngāti Rangi Claims Settlement Bill

- 1.1 The bill is still at the Committee of the Whole House stage. The Parliamentary Maori Affairs Committee recommended only a few, minor changes.

2 Local Government (Community Well-being) Amendment Bill

- 2.1 There has been no progress with this Bill since last month's report.
- 2.2 The Governance and Administration Committee reported back to Parliament on 3 October 2018 without a recommendation as the Committee had divided views.
- 2.3 Although appearing on the Parliamentary Order Paper before the December adjournment, the second reading debate on the bill has yet to start. This means that the reinstatement of the four aspects of community wellbeing into the statutory purpose of local government has yet to have legal sanction.

2.4 Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill

- 2.5 This bill, a response to the killing of 50 people in Christchurch mosques on 15 March 2019, amends the Arms Act 1983, with the aim of tightening gun control in New Zealand. The bill proposes to remove semi-automatic firearms from circulation and use by the general population in New Zealand by prohibiting semi-automatic firearms, magazines, and parts that can be used to assemble prohibited firearms. Some small-calibre rimfire semi-automatic firearms and lesser-capacity shotguns are excluded from the ban. The permitted firearms are ones commonly used in the farming, hunting, and recreational communities, and have a limited magazine capacity.
- 2.6 The bill was introduced under urgency on 2 April 2019, read a first time and referred to the Finance and Expenditure Committee, to be reported back to

Parliament by 8 April 2019. Submissions have been invited, by 4 April 2019, 6.00 pm. This will limit the number of submitters who speak to the Committee.¹

- 2.7 Most members of the Council's animal control team are licensed gun-holders and are able to access firearms when needed to manage marauding dogs or escaped bulls. With one exception, the weapons would not be prohibited by the bill. The one exception is readily modified to be retained by Council without applying for an exemption. No Council submission has been drafted but it is possible that Local Government New Zealand will make a submission, recognising that there could be issues in ensuring safe and effective animal control for some (especially rural) councils.

3 Local Electoral Matters Bill

- 3.1 The substance of this bill was noted in last month's report to the Committee. It was read a third time on 2 April so will shortly receive royal assent and be law.

4 Privacy Bill

- 4.1 This bill is now at the second reading stage. The Justice Committee reported back to Parliament on 13 March 2019. The commentary is attached as Appendix 1 to this report. Significant issues addressed by the Committee include exemptions for news media, refining how cloud storage services should be treated, abolishing the public register principles and the new notifiable breach provisions.
- 4.2 One of Council's concerns in its submission (in May 2018) was over the notifiable breach provisions. The Committee has recommended that a breach should be notifiable to the Privacy Commissioner only when it is reasonable to believe the breach has caused (or is likely to cause) serious harm. The Committee has proposed a new clause 117A to clarify what is meant:

When an agency is assessing whether a privacy breach is likely to cause serious harm in order to decide whether the breach is a notifiable privacy breach, 35 the agency must consider the following:

- (a) any action taken by the agency to reduce the risk of harm following the breach:
- (b) whether the personal information is sensitive in nature:
- (c) the nature of the harm that may be caused to affected individuals:

¹ The full details for urgency are: Leave was granted on 2 April 2019 for the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill to be set down for first reading after general business on 2 April 2019, despite Standing Order 285(1)(b); for there to be no debate on the instruction to the select committee to consider the bill despite Standing Order 290; for the bill to be available for second reading on Tuesday, 9 April, despite Standing Order 296; should the member in charge desire, for the bill to be set down for committee of the whole House forthwith, following the second reading, despite Standing Order 299; and for the bill to be set down for third reading forthwith, following the committee stage, despite Standing Order 310.

(d) the person or body that has obtained or may obtain personal information as a result of the breach (if known):

(e) whether the personal information is protected by a security measure:

(f) any other relevant matters

- 4.3 This largely addresses the Council's suggestion that the Privacy Commissioner be required to provide comprehensive guidance on what constitutes a notifiable privacy breach. The penalty provisions (clause 122(1)) for failing to notify the Commissioner of a notifiable privacy breach remains (which Council considered excessive, suggesting noting in the Privacy Commissioner's annual; report). However, the Committee has recommended the addition 'that it is a defence to a charge under this section that an agency did not consider the privacy breach to be a notifiable privacy breach, but only if it was reasonable to do so in the circumstances'.

5 Review of delegations under the Reserves Act

- 5.1 At its meeting on 28 March 2018, Council was informed of the review being undertaken by the Department of Conservation on the delegations made by the then Minister of Conservation under the Reserves Act 1977. They consider that some of the delegations are potentially unlawful and put councils in a position of conflict of interest, for example –
- a. those where a council makes its own decision and then acts under delegation to exercise the prior consent role of the Minister;
 - b. those where the Minister's power to carry out certain actions has been delegated to councils, including a requirement for the Minister to consult with a council before exercising the power. In this situation, a council would end up consulting with itself.
- 5.2 Because the Department wanted comments by 26 April 2019 (i.e. before the next Council meeting on 2 May 2019), Council authorised the Policy/Planning Committee to approve Council's comments.²
- 5.3 The suggested comments are attached (as Appendix 2). The view of staff is that the Department is being unduly cautious and not having sufficient consideration to the role of those organisations charged with administering reserves and the appropriate balance between Ministerial intervention and the public consultation processes underpinning the mandatory reserve management plans.

² As this meeting Order Paper was being proofed, advice was received that this date has been extended to 17 May 2019. This means if the Committee wants further work done on the comments, they can be considered by Council at its meeting on 2 May 2019.

6 Local Government Commission to be disbanded

- 6.1 On 3 April 2019, the Minister of Local Government announced that she was directing a reform programme to disestablish the Local Government Commission in its current form. Interim measures would be needed to transition to new arrangements. Amendments to the Local Government Act will be required. They will change the requirements over reorganisation proposals.
- 6.2 The independent review of the Commission, by the RDC group, presented in February 2018, has also been released. This informed the Minister's decision and subsequent Cabinet paper. It can be found at:
[https://www.dia.govt.nz/diawebsite.nsf/Files/Proactive-releases-LGC/\\$file/Review-of-the-Local-Government-Commission-Report_Redacted.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Proactive-releases-LGC/$file/Review-of-the-Local-Government-Commission-Report_Redacted.pdf)

7 Recommendations

- 7.1 That the 'Legislation and Governance Update, April 2019' to the Policy/Planning Committee meeting on 11 April 2019 be received.
- 7.2 That, under delegated authority, the Policy/Planning Committee authorises the Chief Executive to convey the comments [as amended/without amendment] on the proposal by the Department of Conservation to revoke certain delegations under the Reserves Act 1977 made in 2013 by the then Minister of Conservation.

Michael Hodder
Community & Regulatory Services Group Manager

Appendix 1

Privacy Bill

Government Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Privacy Bill and recommends that it be passed with the amendments shown.

Introduction

The Privacy Bill seeks to repeal and replace the Privacy Act 1993. According to clause 3, the purpose of the bill is to promote and protect individual privacy.

Information privacy principles

The bill would keep the principles-based framework of the Act, while updating the law to reflect the needs of the digital age. Clause 19 seeks to reproduce (with changes) the 12 information privacy principles (IPPs) in the Act.

Here are some key changes sought by the bill:

Mandatory reporting of privacy breaches

Part 6, subpart 1, would require agencies¹ to inform the Privacy Commissioner and affected individuals when a privacy breach causes harm or poses a risk of harm to people. Not notifying the Commissioner would be an offence.

¹ The definition of “agency” in clause 6 is wide and includes both public and private organisations.

Compliance notices

Part 6, subpart 2, would allow the Commissioner to issue a compliance notice to make an agency do something, or stop doing something, to comply with privacy law. Compliance notices could be enforced by the Human Rights Review Tribunal.

More protection for data moving overseas

Under clause 19, IPP 11(3), agencies would only be able to disclose personal information to an overseas person if the individual concerned authorised the disclosure, the overseas person was in a prescribed country, or the agency believed on reasonable grounds that the overseas person was required to protect the information in a way that, overall, provides comparable safeguards to those in the bill.

Commissioner's decisions on access requests would be binding

Part 5 of the bill would enable the Commissioner, rather than the Human Rights Review Tribunal, to make directions on complaints about access to information. An appeal against a direction could be made to the Tribunal.

New offences and penalties

The bill would create new criminal offences, including:

- misleading an agency to obtain access to someone else's personal information (clause 212(2)(c))
- destroying a document containing personal information, knowing that a request has been made for it (clause 212(2)(d)).

Currently, penalties for offences under the Act are fines of up to \$2,000. Fines for offences under the bill would be up to \$10,000.

Our proposed amendments

This commentary covers the main amendments we recommend to the bill. We do not discuss minor or technical amendments.

Overseas agencies

The bill should say whether and when it would apply to agencies that are outside New Zealand. We recommend inserting clause 3A to make this clear and to set out who the bill would apply to.

Under our proposed clause 3A(1)(a), the bill would apply to any actions by a New Zealand agency, whether inside or outside New Zealand. It would apply to all personal information collected or held by New Zealand agencies, regardless of where the information was collected or held and where the person to whom the information relates is located. A New Zealand agency is defined in our proposed clause 3A(4) as a public sector agency, a private sector agency established under New Zealand law or having its central management and control in New Zealand, an individual who is ordinarily resident in New Zealand, or a court or tribunal (except in relation to its judicial functions).

To make clear what is meant by “ordinarily resident in New Zealand”, we recommend providing a definition of the phrase in clause 6(2).

Under our proposed clause 3A(1)(b), the bill would apply to any actions taken by an overseas agency in the course of carrying on business in New Zealand. It would apply to all personal information collected or held by an overseas agency in the course of carrying on business in New Zealand. It would apply regardless of where the information was collected or held and where the person to whom the information relates is located.

Clause 3A(3) provides that an agency would be treated as carrying on business in New Zealand whether or not it has a physical place of business here, charges any monetary payment for goods or services, or makes a profit from its business here.

Under our proposed clause 3A(1)(c), the bill would also apply to an individual who does not ordinarily reside in New Zealand, but who is present. It would apply in relation to any action taken by the individual and all personal information collected by them while they were in New Zealand, regardless of where the information was held and where the person to whom the information relates is located.

Under our proposed clause 3A(2), the bill would also apply, for the purposes of sub-part 3 of Part 7 (which is about accessing law enforcement information), to courts and tribunals in relation to their judicial functions. Also, the offence provisions in clause 212 would apply to all people, including those outside New Zealand, if any act or omission forming part of the offence, or any event necessary to the completion of the offence, occurred in New Zealand.

News media exemptions

The definition of “agency” in clause 6 excludes news media carrying out news activities. This means that the bill would not apply to the news media. The purpose of excluding the media is to enable them to perform their role of supporting the free flow of information to the public. We recommend several changes to the provisions about media.

Books and blogs

The definition of “news activity” in clause 6 refers to the gathering of news, and the preparation, compiling, or dissemination of “articles or programmes”. It does not refer to journalistic works that are neither articles nor programmes, such as books and blogs. To recognise the importance of media independence in a free and democratic society, we consider that people producing news in these formats should also be excluded from the bill. We recommend widening the definition of “news activity” in clause 6 to refer to “publishing” news, observations on news, and current affairs, and including a definition of “publish” to make clear that it includes publishing on the Internet.

Definition of news entity

We consider it appropriate to exempt only media entities that are subject to independent standards of conduct, including privacy standards, and a complaints procedure. Examples of organisations that set independent standards are the Broadcasting Standards Authority and the New Zealand Media Council. We recommend providing for this in our new definition of “news entity”: an entity whose business consists of a news activity and that is subject to either of the two regulatory bodies mentioned above or any other similar body prescribed in regulation. Criteria for prescribing such bodies are set out in proposed subclause (2) of clause 213. They include a requirement for the Minister to consult with the Privacy Commissioner before recommending that a body be prescribed.

RNZ and TVNZ

In the bill as introduced, Radio New Zealand Limited (RNZ) and Television New Zealand Limited (TVNZ) are treated differently from other news media. Unlike other news media, IPP 6 (access to personal information) and IPP 7 (correction of personal information) would apply to them in respect of their news activities. The rationale for this is that, as Crown entities, they should be subject to stronger requirements for transparency than other media organisations. Under clause 57, they would have grounds to refuse access requests under IPP 6 to protect confidential journalistic sources.

These provisions are based on those in the Privacy Act.

RNZ and TVNZ believe that they are disadvantaged because, when they conduct a news investigation, the subject of the investigation can request information about themselves, which can hinder the investigation.

We believe that RNZ and TVNZ should be brought within the media exemption. It is a matter of principle that they should be able to operate on the same footing as other news media when undertaking news activities. We recommend aligning the treatment of RNZ and TVNZ with other news media so that they have the full benefit of the media exemption.

Information that is stored or processed by one agency on behalf of another

Under clause 8, an agency would remain accountable for information held by another agency as its agent. This includes “cloud” providers and information sent overseas for storage or processing on behalf of an agency.

However, we believe a storing or processing agency that used or disclosed the information for its own purposes should also be accountable to the affected individual. We therefore recommend amending clause 8 to provide that, in such circumstances, both agencies would be treated as holding the information.

Cloud services should not be covered by the principles relating to overseas disclosure

We consider that the obligations in clause 19 of the bill as introduced, IPP 11(3) to (6) (which, for reasons to be discussed later, we recommend renaming to IPP 12), should not apply to an agency transferring information to a cloud storage provider or other overseas processor.

Under clause 8, the transferring agency would be treated as still holding the information and would be liable for any privacy breaches by the cloud service provider. Therefore, the transfer of data between the agency and the cloud service provider would not be a disclosure for the purposes of the IPPs.

For the avoidance of doubt, we recommend making this clear by inserting subclause (5) into clause 8.

Amendments to the information privacy principles**Agencies not to collect information unless it is required**

Clause 19, IPP 1 would allow agencies to collect information only where it is necessary for a lawful purpose connected with the function of the agency, and collecting the information is necessary for that purpose.

We wish to discourage agencies collecting personal identifiers by default without considering whether it is necessary to do so. We recommend inserting new subclause (2) into clause 19, IPP 1, to emphasise that agencies may not require individuals' identifying information unless it is necessary for the lawful purpose for which the information is collected.

Collecting information from children and young people

IPP 4 sets out how personal information should be collected. It is different from IPP 4 in the Act because it would require agencies to particularly have regard to an individual's age when deciding how to collect information. The change seeks to protect young people, who may be more willing than adults to disclose their information online, and who may not be aware why an agency wants their information.

We consider that the vulnerability of children and young people should be emphasised in a stand-alone provision. We recommend moving the requirement in IPP 4 for agencies to have regard to the age of the individual into a new subclause (2). New subclause (2) would require agencies to take into account the vulnerability of children and young people when collecting personal information from them.

Correcting information about yourself

IPP 7 gives individuals the right to correct an agency's information about them. The bill structures this principle a little differently than the Privacy Act: the bill moves some procedural aspects of the IPP to clauses 69 and 70. For clarity, we recommend restructuring IPP 7 to move some of these provisions back into IPP 7.

Limits on disclosure

Under IPP 11 as introduced, personal information must not be disclosed except in certain circumstances. IPP 11(3) to (6) deals with the disclosure of information to overseas agencies. For clarity, and to make the provisions easier to find, we recommend that they be moved to a separate IPP, new IPP 12. Consequentially, this would mean renumbering IPP 12 in the bill as introduced as new IPP 13.

Disclosing information to an agency overseas

Our proposed IPP 12 (which is based on IPP 11(3) to (6) in the bill as introduced) sets out the principles for disclosure of personal information outside New Zealand.

In most cases, an agency that wants to disclose personal information to a foreign person or entity would need to satisfy at least one of the criteria set out in our proposed IPP 12(1):

- the individual concerned authorises the disclosure, after being expressly informed by the agency that the foreign person or entity may not be required to protect the information in a way that, overall, provides comparable safeguards to those in the bill
- the foreign person or entity is carrying on business in New Zealand, and the agency believes, on reasonable grounds, that the foreign person or entity is subject to the bill
- the agency believes on reasonable grounds that the foreign person or entity is subject to privacy laws that, overall, provide comparable safeguards to those in the bill
- the agency believes on reasonable grounds that the foreign person or entity is a participant in a prescribed binding scheme
- the agency believes on reasonable grounds that the foreign person or entity is subject to privacy laws of a prescribed country
- the agency otherwise believes on reasonable grounds that the foreign person or entity must protect the information in a way that, overall, provides comparable safeguards to those in the bill.

We recommend including the fourth criterion because we believe new IPP 12 should also allow for possible future participation by New Zealand in binding cross-border privacy schemes. An example of such a binding scheme is the Asia Pacific Economic Cooperation (APEC) Cross-Border Privacy Rules system. Six out of the 21 APEC economies participate in the system.

We recommend inserting a definition of “country” into clause 6 which includes a state, territory, province, or any other part of a country.

Criteria for prescribing binding schemes and countries

We recommend inserting new clauses 212A and 212B to provide for the making of regulations prescribing countries and binding schemes for the purposes of IPP 12, and to set out the criteria that the Minister must consider before recommending that such

regulations be made. The Minister would be able to recommend that countries or binding schemes be prescribed if satisfied that personal information would be subject to privacy safeguards that are, overall, comparable to those in the bill.

Clarify the principles about unique identifiers

Our proposed IPP 13 (IPP 12 in the bill as introduced) sets out agencies' obligations regarding the use of unique identifiers such as customer numbers.

Subclause (5) of proposed IPP 13 would require an agency to take all reasonable steps to minimise the risk of misuse of a unique identifier before disclosing it to another agency. It seeks to reduce identity theft by helping to control the publication of unique identifiers. We recommend broadening this provision to require agencies to take reasonable steps to guard against identity theft at all times, not just when disclosing a unique identifier to another agency. For example, an agency should take any reasonable steps to minimise the risk of misuse when displaying unique identifiers on computer screens or on receipts.

We recommend including, as an example of good practice, the use of truncated account numbers in receipts or correspondence.

Commissioner's functions should include support on cross-border issues

The Commissioner should have a role in the operation of new IPP 12. He or she could assist with assessing whether other jurisdictions have comparable safeguards to those in the bill and provide guidance for agencies. He or she could also have a role if New Zealand were to join a prescribed binding scheme.

We recommend inserting paragraph (ca) into clause 14(1) to include this role as a function of the Commissioner.

Information about domestic or personal affairs

Clause 24 seeks to exempt information collected for the purposes of, or in connection with, an individual's personal or domestic affairs. However, under clause 24(3)(a), information collected by misleading or deceptive conduct would not be exempt.

We do not consider that clause 24(3)(a) is necessary. Clause 212(2) already contains offences relating to impersonation and misleading or deceptive conduct. Also, under clause 24(3)(a), misleading conduct without any malicious intent could lead to unnecessary complaints to the Commissioner. We recommend removing paragraph (a) from clause 24(3).

Public register privacy principles should be removed

A public register is a register, roll, list, or other document that is required by law to be publicly available for inspection. Part 3, subpart 2 of the bill would carry over the Act's public register privacy principles.

We believe that the public register privacy principles are outdated and that legislation establishing public registers is able to provide more relevant safeguards around access to information and the circumstances under which information may be withheld. Also, the Law Commission and the Privacy Commissioner have recommended that the public register privacy principles be repealed. We recommend removing Part 3, subpart 2, and related provisions including Schedule 2.

Accessing and correcting personal information

Part 4, subpart 1 (clauses 44 to 63) sets out the process for making and responding to requests made under IPP 6. Part 4, subpart 2 (clauses 64 to 71) sets out the process for responding to requests under IPP 7.

Improving the bill's structure

As introduced, the bill separates the processes for confirming that an agency holds personal information, and for accessing the information. In practice, we understand that people want access to their information, regardless of how their request is worded. We recommend referring to both types of request under IPP 6 as "IPP 6 requests". We also recommend combining clauses 49 and 50 into new clause 50, and inserting new clauses 50A, 50B, and 50C to support our new clause 50.

Grounds for denying access to information

Clause 52 sets out some of the grounds on which an agency could refuse access to information. An agency could refuse access under clause 52(1)(a)(i) if the disclosure would be likely to endanger the safety of an individual.

We consider that these grounds should be expanded to include a serious threat to public health or safety, or to the life or health of any individual. We recommend amending clause 52(1)(a)(i) accordingly.

Information requested under duress

Under clause 57(h), an agency would not have to give out information if it believed it had been requested under duress. We recommend moving paragraph (h) from clause 57 to clause 63, which sets out the precautionary measures that an agency should take before allowing access to the information. We also recommend removing the agency's discretion, so it would be prohibited from giving out the information. Under our proposed clause 63(ab), if the agency had reasonable grounds to believe that the request was made under duress, it would have to refuse access to the information.

Making documents available electronically

Clause 62 sets out how personal information should be provided. We recommend amending clause 62(1)(b) to make it clear that information could be provided electronically.

Charging for providing and correcting information

In clause 73(2)(a) as introduced, the Commissioner could authorise a public sector agency to charge requestors who live overseas and who are not New Zealand citizens or permanent residents. We propose some drafting changes to clauses 72 and 73 and, in doing so, we recommend discarding this provision.

Who can make a complaint?

Part 5, subpart 1 (clauses 76 to 84) deals with complaints. It is not clear that organisations such as advocacy groups could bring a complaint on behalf of two or more aggrieved individuals. We recommend defining “representative” in clause 74 to make this clear.

We consider that the mechanism for deferring complaints is unnecessary. We recommend removing clauses 79(1)(b) and 81.

Clause 80 sets out certain grounds on which the Commissioner could decide not to investigate a complaint. We recommend allowing the Commissioner a general discretion to not investigate a complaint. We recommend inserting new subclause (2) into clause 80 to enable the Commissioner to decide not to investigate a complaint if he or she considers an investigation unnecessary, having regard to all the circumstances of the case.

Human Rights Review Tribunal hearings

Part 5, subpart 3 (clauses 102 to 116) provides for proceedings before the Human Rights Review Tribunal.

Closed hearings at Human Rights Review Tribunal

We recommend inserting new clause 114A to provide the Tribunal with an express power to close proceedings when necessary to hear and determine an access complaint. We were advised that this recommendation is consistent with section 27 of the New Zealand Bill of Rights Act 1990, which is about the right to justice. Although closing proceedings could restrict the right to natural justice, doing so would be demonstrably justified in certain circumstances, for example, when disclosure of a document could endanger someone’s safety. Nevertheless, we recommend providing, in new subclause (3), that the Tribunal may only close proceedings when necessary to avoid compromising the matters that the agency considers justify refusing access to the information.

Administrative and interim decisions

The bill would allow certain decisions to be made by the Chair of the Tribunal alone, without convening the three-person tribunal; an example is an interim order under clauses 112 and 132. We recommend providing for other situations when the Chair could make decisions alone. We recommend amendments to allow the Chair alone to determine the enforcement of access directions (clause 109), the accepting of appeals lodged within 3 months after the appeal period (clause 111), leave to apply to the

High Court to vary or rescind an interim order suspending an access direction (clause 112), and the enforcement of compliance notices (clause 130).

We recommend removing clause 113 because it is unnecessary. The Human Rights Act 1993 (as amended by the Tribunal Powers and Procedures Legislation Act 2018) would be applied under clause 116 of the bill. This already allows for the determination of certain matters “on the papers” (that is, without oral submissions).

Notifying the Commissioner about privacy breaches

We propose various changes to Part 6, subpart 1, which is about notifying the Commissioner and affected individuals when there have been privacy breaches.

Breaches should only be notifiable if they cause serious harm

Clause 118 would require agencies to notify the Commissioner as soon as practicable after becoming aware of a notifiable privacy breach. Clause 119 would require agencies to also notify the affected person. Under clause 117, a notifiable privacy breach means a breach that has harmed, or poses a risk of harm to, an individual.

We consider that the threshold for “harm” is too low. It could result in over-notification to the Privacy Commissioner and to individuals. It is also appropriate to provide more certainty to agencies and to better align the bill with overseas jurisdictions which have a higher threshold for when privacy breaches should be notified.

In clause 117, we recommend replacing the definition of “notifiable privacy breach”. Paragraph (a) of our proposed definition describes a breach that it is reasonable to believe has caused serious harm or is likely to do so. In deciding whether a breach could cause serious harm, agencies should consider certain factors. They include the actions they have taken to reduce harm, the sensitivity of the information, the nature of the harm, those to whom the information might be disclosed, and whether the information is protected by security measures. We recommend inserting new clause 117A to set out these factors, and referring to them in new paragraph (a) of the definition of “notifiable privacy breach”.

Domestic or personally-held information should be exempt

Individuals should not have to notify privacy breaches where the information is held solely for the purposes of, or in connection with, their household or personal affairs. We recommend clarifying this in new paragraph (b) of the definition of “notifiable privacy breach” in clause 117.

Notification should sometimes be delayed

Under clause 119, agencies would have to tell affected individuals about a notifiable privacy breach as soon as practicable after becoming aware of the breach. If telling individuals is not practicable, the agency would give public notice of the breach instead.

In certain circumstances, it may be sensible to delay notifying individuals about a breach. For example, if an agency’s security systems were revealed to be vulnerable

as a result of a privacy breach, notification could risk wider exploitation of the vulnerability, and should be delayed to prevent the risk of more harm. However, protecting the agency's reputation would not be a good reason to delay telling people about a breach.

We recommend inserting new subclause (3A) into clause 120 to allow individual notification or public notice to be delayed in cases where the information security risks of notification outweigh the benefits of informing affected individuals. The Commissioner would still be informed as soon as is practicable after the agency becomes aware of the breach.

When should agencies not have to notify?

Clause 120 sets out exceptions to the requirement to notify affected individuals or give public notice of a notifiable privacy breach. We consider it appropriate for these exceptions to be based on the agency's belief on reasonable grounds that the relevant circumstances exist. This would be consistent with the IPPs. We recommend amending clause 120 to reflect this.

Agency could be identified by name or description

Under clause 121(1)(e), notifications to the Commissioner would have to name the agencies that have been contacted about the privacy breach and the reason for having contacted them. This requirement is too broad. Its purpose is to inform the Commissioner's compliance activities and communications between the Commissioner and affected individuals. We recommend amending clause 121(1)(e) to make it clear that the agencies contacted could be either named or described.

Offence to fail to notify Commissioner

Clause 122 would create an offence of failing to notify the Commissioner of a notifiable privacy breach. The bill does not make it clear that it would be a defence to a charge of failing to notify the Commissioner that it was reasonable for the agency to have considered that the breach was not a notifiable breach. We recommend setting out this defence in new subclause (3).

It is also our view that individual employees should not be liable if their employer fails to notify a privacy breach. We recommend inserting subclause (4) into clause 122 to make this clear.

Telling affected individuals who has received their information

Under clause 121(2)(a) and (3), notifications to affected individuals could not include any particulars about those who may have received their personal information. This is to accommodate the privacy interests of people who received the information. However, in some circumstances—for example, where there is a risk of family violence—telling the affected individual the recipient's identity could help to mitigate potential harm. We recommend inserting clause 121(2A) to allow the recipient's identity to be revealed to the affected individual if the agency believed on reasonable grounds there was a serious threat to somebody's life or health.

Who should tell individuals about a breach?

Agencies that outsource their data storage or processing to another agency should be responsible for informing individuals of any notifiable breach, no matter which agency caused the breach. This is because they have the relationship with the individual, and individuals should not be disadvantaged by an agency's decision to use a data service provider.

It is appropriate for an outsourcing agency to have an agreement with its service provider about the handling of information. The agreement should set out when the service provider will notify the principal agency about a privacy breach. We recommend inserting new clause 122A to encourage such terms in agreements between agencies. The new clause sets out that, if a service provider or agency knows about a privacy breach, then, for the purposes of civil (not criminal) liability, the outsourcing or principal agency is also treated as knowing about it.

Allow Commissioner to publicise compliance notices

Under Part 6, subpart 2, the Commissioner could issue compliance notices to make an agency do something, or stop doing something, to comply with privacy law. It is our view that the Commissioner should publish the fact that he or she has issued such a notice as well as the identity of the agency to which the notice was issued, other details about the notice or breach, and a statement or comment about the breach. We recommend inserting new clause 129A to provide for this. Under our new clause 129A(2), such information would not be published if it would cause the agency undue harm that outweighed the public interest.

Appointment of privacy officers

Clause 201 would require every agency to appoint a privacy officer. We recommend making it clear that privacy officers could be appointed externally to the agency. We also note that individuals should not have to appoint a privacy officer in connection with their personal or domestic affairs, and we recommend making this clear in clause 201, new subclause (2).

Information matching programmes

Subpart 4 of Part 7 relates to information matching programmes that are authorised by an information matching provision. Clause 177 defines an information matching programme as the comparison of documents containing personal information for the purpose of producing or verifying information that could be used to take adverse action against an individual. Adverse actions include cancelling payments, imposing fines, or investigating offences.

The bill would enable existing information matching programmes to continue. Schedule 6 carries over the relevant information matching provisions and Schedule 8 would amend relevant provisions to allow existing programmes to continue but no new programmes to be entered into.

We recommend updating Schedule 8 to amend the various information matching provisions so that only existing information matching programmes may continue, and to clarify that any new sharing may be undertaken under an approved information sharing agreement (AISA). However, two information matching provisions, sections 226A and 235F of the Education Act 1989, would allow new information matching programmes.

AISAs are another information sharing mechanism. AISAs were introduced to the Privacy Act in 2013 and allow agencies to share personal information to facilitate the provision of public services. AISAs must be approved by Order in Council.

New Zealand National Party view

The National Party supports updating the Privacy Act and modernising it for the digital age. We support the bill as amended. However, we hold residual concerns over two areas. First, the threshold for agencies to notify the Commissioner as soon as practicable after becoming aware of a notifiable privacy breach. The amended bill would raise the threshold for agencies to report, but we consider there is still a risk of over-notification. If this occurs it would trivialise genuine privacy breaches and also raise compliance costs.

Second, we are aware that the Privacy Commissioner recommended quite substantial changes to the bill that went well beyond the scope of the bill as introduced. For example, a “right to erasure”, also known as the “right to be forgotten”. We are pleased the amended bill does not pick up this suggestion and are deeply sceptical that such a measure is required in New Zealand. We are uneasy that the Commissioner recommended that the select committee make these substantial changes to the bill. A better approach would be for the Government to consult widely in advance of preparing a bill and then submitting it to the House for consideration.

Appendix

Committee process

The Privacy Bill was referred to the committee on 11 April 2018. The closing date for submissions was 24 May 2018. We received and considered 162 submissions from interested groups and individuals. We heard oral evidence from 48 submitters at hearings in Auckland and Wellington.

We received advice from the Ministry of Justice and the Office of the Clerk of the House of Representatives.

Committee membership

Raymond Huo (Chairperson)

Ginny Andersen

Hon Maggie Barry

Chris Bishop

Hon Mark Mitchell

Greg O'Connor

Hon Dr Nick Smith

Dr Duncan Webb

Appendix 2

Attachment 1 – Proposed Delegations for Revocation

Section Heading	Power Delegated	Reason	Comment
Section 14 Local authority may declare land vested in it to be a reserve for certain purposes	Section 14(4) Minister must consider resolution and cause it to be gazetted or refuse to do so	The Council would be double dipping - i.e. making a resolution and then considering it again in the shoes of the Minister	Disagree. Vesting is the time for Minister to determine whether or not future control is required
Section 15 Minister may authorise exchange of reserves for other land	Section 15(1) Minister may authorise exchange provided that Minister not exercise power in respect of a reserve vested in an administering body except pursuant to a resolution of that body requesting exchange Section 15(3) The Minister or the administering body, as the case may require, may do all things necessary to effect any exchange, including the payment of money	The delegation enables the Council to control the outcome This delegation is not necessary as s15(3) already authorises the administering body to do these things	Agree
Section 24 Change of classification or purpose or revocation of reserve	Section 24(1) If Minister considers the change of classification or purpose advisable or if the local authority notifies Commissioner that pursuant to a resolution of the local authority of proposed changes, Minister may make changes Section 24(2)(e) Before classification or purpose is changed or reservation revoked, the Minister must consider proposal and, in the case of objections made to an administering body, the administering body's resolution	The delegation enables the local authority to make the resolution seeking the changes It also enables it to exercise the Minister's powers to agree to the changes. The delegation to a Council is inappropriate It would be exercising the Minister's powers to consider objections made to the administering body's own resolution	Disagree – as for s14 comment Disagree. Time for Minister's review should be limited to when the administering body's public notification process is subject to further objection by a submitter. If this view isn't accepted we suggest legislative change to clarify the respective roles of the Minister and the administering body.
Section 41 Management Plans	Section 41(1) Administering body must prepare and submit to Minister a management for approval	The delegation seems inappropriate. The administering body ends up preparing the plan and approving it. The intention is that there be a separation of powers	Disagree. The reserve management plan must be publicly notified and allows for objections and comment. Ministerial review has the potential to override the public process. If this view isn't accepted, we suggest legislative change to clarify the respective roles of the Minister and the administering body
Section 42 Preservation of trees and bush	Section 42(1) The destruction of trees and bush on any historic, scenic, nature or scientific reserve may not occur without a permit granted under s 48A or with the express consent of the Minister	As noted below it would not be appropriate to delegate to administering bodies the Minister's power under s 48A(3) to impose conditions	Disagree. We question having Ministerial intervention (presumably after taking advice from the Department) in a public process. Is the administering body to administer the reserve or not?

Section 45 Erection of shelters, cabins and lodges	Section 45(1) The administering body may with the Minister's prior consent approve certain things	The delegation is inappropriate The administering body makes both the initial decision and the Minister's decision	As above and to follow – these recommendations completely overlook public process and the public's voice. A more effective (and efficient) process would be to require every proposed action to be anticipated (and specified) in the reserve management plan. The Minister's prior approval should be a requirement only when the administering body wished to undertake actions not in the reserve management plans.
Section 48 Grants of rights of way and other easements	Section 48(1) Where reserve vested in administering body, it may with the consent of the Minister grant rights of ways and easements	The delegation is inappropriate The administering body makes both the initial decision and the Minister's decision	As above, comment on s.45
Section 48A Use of reserve for communication station	Section 48A(1) The administering body of a reserve vested in it acting with the consent of the Minister may grant a licence for certain things Section 48A(3) A licence issued under s 48A(1) must be subject to such terms and conditions as the administering body imposes with the approval of the Minister	The delegation is inappropriate The administering body can give itself consent by exercising the delegation The delegation is inappropriate The administering body makes the initial decision on terms and conditions and can then ratify it by exercising the delegated power.	As above, comment on s.45 45
Section 51 Introduction of flora and fauna	Section 51(1) For the purpose of restoring, promoting or developing certain reserves, the Minister may authorise the administering body to introduce flora or fauna	The delegation is inappropriate In exercising the power of the Minister, the administering body is able to act in its own interests.	As above, comment on s.45
Section 53 Powers (other than leasing) in respect of recreation reserves	Section 53(1)(d) Administering body may prescribe not more than 40 days in any year that the public shall not be entitled to have admission to reserve unless on payment of charges provided that with the Minister's prior consent the number of days may be increased Section 53(1)(e) The administering body may grant exclusive use of reserve but not for more than 6 consecutive days, with power for licensee to charge admission fees provided that the Minister may consent to an increase in the number of consecutive days	The delegation is inappropriate. The administering body is able to increase the maximum number of days to exclude the public from a reserve unless they pay money; and then confirm the decision by exercising the delegated power. The delegation is inappropriate. The administering body makes the initial decision on closure and can then increase the period by exercising the Minister's powers.	As above, comment on s.45 45

Section 54 Leasing powers in respect of recreation reserves (except farming, grazing, or afforestation leases)	Section 54(1) With the prior consent of the Minister the administering body in which a reserve is vested may lease parts of a reserve to a third party	The delegation is inappropriate. The administering body makes an initial decision to lease and then exercises the Minister's powers to grant prior consent.	As above, comment on s.45
Section 55 Powers (other than leasing) in respect of reserves	<p>Section 55(2)(a) The administering body of a scenic reserve may, with the prior consent of the Minister, enclose open parts of the reserve.</p> <p>Section 55(2)(d) The administering body of a scenic reserve may, with the prior consent of the Minister, set apart areas for gardens, baths, picnic grounds etc for the public.</p> <p>Section 55(2)(e) The administering body of the scenic reserve may, with the Minister's prior consent, erect buildings on the reserve</p> <p>Section 55(2)(f) The administering body of the scenic reserve may, with the prior consent of the Minister, do such things as it considers necessary, including the erection of buildings and structures for public use to obtain the enjoyment of the sea, lake, river or stream</p> <p>Section 55(2)(g) The administering body of a scenic reserve may, with the prior consent of the Minister, set apart and use part of the reserves as sites for residences etc for the proper and beneficial management and administration of the reserve</p>	<p>The delegation is inappropriate. The administering body makes both the initial decision and the Minister's decision</p> <p>The delegation is inappropriate The administering body makes both the initial decision and the Minister's decision</p> <p>The delegation is inappropriate The administering body makes both the initial decision and the Minister's decision</p> <p>The delegation is inappropriate The administering body makes both the initial decision and the Minister's decision</p> <p>The delegation is inappropriate The administering body makes both the initial decision and the Minister's decision</p>	As above, comment on s.45
Section 56 Leasing powers in respect of scenic reserves	<p>Section 56(1) With prior consent of the Minister, the administering body in the case of a scenic reserve may grant leases or licences</p> <p>Section 56(2) Before granting a lease, the administering body must give public notice</p>	<p>The administering body makes both the initial decision and the Minister's decision</p> <p>This delegation is not necessary</p>	<p>As above, comment on s.45</p> <p>Agreed</p>

Section 58 Powers in respect of historic reserves	Section 58(b) With prior consent of the Minister, the administering body may set apart and use part of an historic reserve for residences for officers and staff	The administering body makes both the initial decision and the Minister's decision	As above, comment on s.45 45 45 45 45
Section 58A Leasing powers in respect of historic reserves	Section 58A(1) With prior consent of the Minister, the administering body of an historic reserve may grant leases or licences	The administering body makes both the initial decision and the Minister's decision	As above, comment on s.45
Section 59A Granting of concessions on reserves administered by Crown	Section 59A(1) The administering body may grant concessions	This seems inappropriate. If administering bodies of vested reserves need the prior consent to Minister to grant leases and licences, why should administering bodies of controlled and managed reserves be able to grant concessions?	Agreed

Section 67 Leasing	Section 67(1)(b) With prior consent of the Minister, the administering body may lease a recreation reserve set apart for racecourse purposes to a racing club	The administering body makes both the initial decision and the Minister's decision	As above, comment on s.45
Section 72 Farming by another person or body	Section 72(1) Where a recreation reserve or local purpose reserve is not required for purposes of classification the administering body may enter into an agreement or lease with the Minister to provide for a third party to carry out farming	The delegation is inappropriate as the administering body would end up entering into an agreement with itself	As above, comment on s.45
Section 73 Leasing of recreation reserves for purposes of farming, grazing, afforestation or other purposes	<p>Section 73(1) Where recreation reserve not currently required for purposes of its classification, the administering body may with the prior consent of the Minister if reserve vested in the administering body, grant a lease, otherwise only Minister can grant leases</p> <p>Section 73(2) Likewise, for afforestation</p> <p>Section 73(3) Leases of recreation reserves where inadvisable or inexpedient to revoke reservation of recreation reserve</p> <p>Section 73(5) Prior consent of Minister before any member of administering body becomes the lessee of land under control of administering body</p> <p>Section 73(6) Any lease under s 73 may with approval of administering body be surrendered</p>	<p>The administering body makes both the initial decision and the Minister's decision</p> <p>The administering body makes both the initial decision and the Minister's decision</p> <p>The administering body makes both the initial decision and the Minister's decision</p> <p>Delegation is inappropriate</p> <p>Delegation is unnecessary</p>	As above, comment on s.45
Section 74 Licences to occupy reserves temporarily	Section 74(1)(b)(ii) Licences may be granted in the case of any reserve except a nature reserve by the Commissioner	This delegation is misconceived. This power relates to Crown vested reserves managed by the Department	Query this
Section 75 Afforestation by administering body	Section 75(1) With prior consent of the Minister an administering body of a recreation reserve may afforest it.	The administering body makes both the initial decision and the Minister's decision	As above, comment on s.45

	Section 75(2) Minister may refuse to give consent	The administering body makes both the initial decision and the Minister's decision	
Section 16 Classification or reserves	Section 16(1) Minister must by GN classify reserves according to their primary purpose provided that where reserves are controlled or managed by a Council the Minister must not classify without consulting it Section 16(4) Before classifying a reserve, the Minister must give public notice	The delegation effectively means the Council consults with itself. If the previous delegation is revoked this will need to be revoked as well	As above, comment on s.45
Section 18 Historic reserves	Section 18(2)(e) Except where the Minister otherwise determines, the indigenous flora and fauna and natural environment of an historic reserve shall as far as possible be preserved	The Minister may wish to maintain control of these decisions	Disagree. Heritage New Zealand needs to be involved.
Section 19 Scenic reserves	Section 19(2)(a) Except where the Minister otherwise determines, the indigenous flora and fauna and natural environment of a scenic reserve classified for its scenic values shall as far as possible be preserved and exotic fauna and flora shall be exterminated Section 19(3)(a) Except where the Minister otherwise determines, the flora and fauna, ecological associations and natural environment and beauty of a scenic reserve classified for the purpose of providing suitable areas to develop for purposes of generating scenic beauty or interest, shall as far as possible be preserved	The Minister may wish to maintain control of these decisions The Minister may wish to maintain control of these decisions	Agree, so long as it does not interfere with general authority to develop these reserves and to remove flora/fauna where necessary. As above
Section 24 Change of classification or purpose or revocation of reserve	Section 24(3) No change of classification or purpose of a scenic, nature or scientific reserve to a recreation, historic, government purpose or local purpose should be made except where the Minister considers the purpose etc no longer appropriate because of destruction of bush or natural features	The Minister may wish to maintain control of these decisions given the importance of the type of reserve	Agree

	Section 24(5) Minister may change the classification or purpose or revoke the reservation of an historic reserve by reason of destruction of historic features	The Minister may wish to maintain control of these decisions given the relative importance of historic reserves	Agree
Section 42 Preservation of trees and bush	Section 42(1) Minister must consent to cutting or destruction of bush on any historic, scenic, nature or scientific reserve except in accordance with a permit under s 48A or with the express consent of the Minister and subject to any terms and conditions the Minister chooses to impose	The section 48A permit issue has been dealt with in the table above The Minister may wish to maintain control over the circumstances of providing express consent to destroying or cutting down bush.	Agree
Section 50 Taking or killing of fauna	Section 50(1) The Minister in the case of a scenic, historic, nature or scientific reserve and the administering body of any recreation, government purpose or local purpose reserve may grant any qualified person authorisation to take and kill any specified type of fauna and authorise the use of firearms etc.	The Minister may wish to maintain control over authorisations on the killing etc of fauna on scenic, historic, nature and scientific reserves	Agree

Attachment 2 – Proposals to amend / expand delegations

Section Heading	Power Delegated	Reason	Comment
No suggestions			

Attachment 5

Report

Subject: **Review of the Water Related Services Bylaw 2013**

To: Policy/Planning Committee

From: George Forster

Date: 26 March 2019

File Ref: 1-DB-1-11

1 Executive Summary

- 1.1 The purpose of this report is to seek a recommendation from the Committee to Council on the most appropriate way to manage and regulate water related services in the Rangitikei.
- 1.2 Key issues in the development of the current Bylaw were clarifying ownership of certain drains and water courses. This is discussed further in Section Two of the report.
- 1.3 Officers will review the water supply and trade waste guidelines during the review.
- 1.4 The current Bylaw is attached as Appendix 1.

2 Context

2.1 Background

The first Water Related Services Bylaw was adopted by Council on 2 May 2013. Under section 158 of the Local Government Act 2002 (LGA) Council must review a bylaw no later than five years after its first adoption. Five years has elapsed but under section 160A of the LGA Council has a further two years before the Bylaw is revoked.

Parts One and Four (public water supply and trade waste) of the Bylaw came into force on 13 May 2013. Parts Two and Three (wastewater and stormwater drainage, and private drains and watercourses) were never formally adopted by Council. The reason for this was that during public consultation on the Bylaw a number of submitters disputed whether some drains were public, and therefore Council's responsibility to maintain. If the drains were privately owned the owner of that property needed to maintain it. Elected Members reasoned that further consultation and research on Part Two and Three was required.

The introduction of provisions around stormwater and land drainage issues was to enable Council to address problems with private drains in the District, running through multiple properties and not being adequately maintained. This can lead to flooding occurring on one property due to a neighbouring property's inadequate drain clearing. Part Two and Three would provide Council officers with an effective regulatory tool to enforce adequate drain maintenance for private drains. A part of the review process would be to include provisions so that Council could take ownership of private drains where there is a public willingness on the part of the existing property owner for this to happen.

Drains that are not cleared and maintained can also have detrimental effects on Council's roading network. Poor management of the outflows of private drains can result in surface flooding on roads, which is a hazard to drivers. Continued pooling of water can also undermine the road's structure.

Council approved the development of a series of maps to clarify the ownership of private and public drains in the main centres of the District. At its meeting on 25 July 2013, Council adopted these draft maps for one month's consultation from 29 July 2013 until 30 August 2013. Over 100 submissions were received with a large number not related to ownership. Hearings of oral submissions took place on 12 September 2013. Deliberations were postponed until such time that officers could provide a full response on the issues raised by submitters. Officers continued to resolve issues in relationship to drain ownership but no deliberations took place.

Officers began to follow up on submissions relating to ownership and continued to provide progress reports on work to clarify drain ownership. The report on 24 May 2016 to the Assets and Infrastructure Committee, recommended that a review of the bylaw be carried out when time permitted, this report marks the first stage of that review.

A progress report to the Assets and Infrastructure Committee meeting 8 June 2017 informed Elected Members that 45 submissions were not yet fully resolved.

2.2 Long Term Plan

By carrying out a review of the Bylaw it will help to ensure Council carries out its services outlined in the Long Term Plan. The adopted 2018-28 Long Term Plan notes that 'Council has decided to end the ambiguity over private drains in urban areas and to implement a more vigorous programme for dealing with problematic stormwater flows in our towns and villages'.¹

2.3 Significance

In terms of Council's Significance and Engagement Policy, the decision is considered not significant. The reason it is considered as not significant is that Council will still be able to manage and regulate under the adoption of a final bylaw.

The decision would be considered significant if Elected Members choose to revoke the Bylaw and not replace it because the level of service delivered would reduce

¹ 2018-28 Long Term Plan, p.31,

2.4 Legal issues

There are no legal ramifications of retaining the Bylaw, amending the Bylaw, changing to two bylaws or revoking the Bylaw so long as Council fulfils its obligations under relevant government legislation.

3 Analysis

3.1 Options

Option one: Retain the current Bylaw and review operational guidelines (status quo)

This option involves retaining the Bylaw in its current form and making no amendments. It still requires public consultation, although use of the special consultative procedure is not mandatory in this circumstance.

Disadvantages of this option are the existing Bylaw does not follow best practice for the drafting of legislation and there is an opportunity for improved clarity in the bylaw. Amending the current Bylaw also allows officers to draft a bylaw that is best suited to the District.

Option two: Amend the current Bylaw and review the operational guidelines (recommended)

This option involves retaining the current Bylaw but amending it to reflect the Districts current position. In choosing this option officers would make any required amendments to the Bylaw and consult on the revised Bylaw. This option involves reviewing and retaining the operational guidelines for water supply and trade waste.

The benefits of this would be that the body of the bylaw remains and that under section 159 of the LGA officers would not need to review the Bylaw for no more than 10 years. Furthermore, this enables a regulatory approach to the management of Council's water related services which is seen as the most efficient and effective method. This option also allows for Council's water related services to be contained within one standalone bylaw which means officers and the public can refer to one document.

When developing a bylaw in relation to trade waste, section 148 of the LGA requires Council to send a copy to the Ministry of Health for feedback. Due to trade waste being included in the Bylaw it would need to be sent to the Ministry of Health. Full requirements are discussed in section 4.3 of the report.

Option three: Revoke the current Bylaw and rely on legislation to control water services and review operational guidelines

This option involves the Committee recommending to Council to revoke the current Bylaw. This option is not recommended as officers would find it difficult to regulate and manage its water services.

Benefits of this option are that no staff time would be spent on reviewing the Bylaw.

This option involves reviewing and retaining the operational guidelines for water supply and trade waste.

3.2 Costs

There are no perceived costs outside of staff time, if Elected Members choose Option One or Option Two outlined in Section 3.1. Some minor costs may occur in printing and public notification when consulting on the documents.

If Elected Members reason that Option Three outlined in Section 3.1 is the preferred option, there would be no perceived costs outside of public notification that the Bylaw has been revoked. Costs may follow later by making it harder for officers to carry out regulatory duties without an enforcement document.

4 Conclusions

The Bylaw needs reviewing and the Council have the following options for moving forwards:

1. The current Bylaw can be amended;
2. Two new bylaws can be created in place of the current Bylaw;
3. Council continues to have an enforceable document;
4. Additional provisions can be added around stormwater and drainage;
5. Make explicit Council's ownership of private drains in the urban areas; and
6. Ensure the bylaws are consistent with Horizons One Plan

4.1 The preferred option(s)

The preferred option in the review of the Bylaw is to keep the current bylaw and make the appropriate amendments so that it is up to date and also the best form of bylaw for the District. Along with a review of Council's operational guidelines for water supply and trade waste.

This option allows for officers to develop the most appropriate form of bylaw for managing and regulating water services in the Rangitikei.

4.2 Impact on Council policy

Carrying out a review of the Bylaw aligns to Council ensuring that its bylaws and policies are kept up to date and are legislatively compliant.

4.3 Need for further consultation

Council officers have been consulted on the most appropriate form of bylaw and concluded that amending and updating the current Bylaw would be the best fit for purpose.

Whether Elected Members decide to review and keep the current Bylaw, or approve the development of two new Bylaws, consultation will be required in accordance with section 83 of the LGA.

Section 148 of the LGA contains specific and special requirements for bylaws relating to trade wastes. These requirements are in addition to that within section 156 of the LGA but Council may comply with both by using a single process.

Section 148 specifically requires:

- a) At least 2 months before making the bylaw, give public notice of the intention to make bylaw
- b) Notice to include
 - trade wastes to which bylaw will relate
 - copies of proposed bylaw
 - Council prepared to receive and consider submissions not less than 2 months after publication of notice
- (c) Council must consult anyone the Minister of Health specifies
- (d) Council must send a copy of the proposed bylaw to the Minister of Health for comment.
- (e) Council must consider any representation received.

Additionally, officers intend to consult directly with key stakeholders in the review of the Bylaw or development of new bylaws.

5 Recommendations

- 5.1 That the report on the 'Review of the Water Related Services Bylaw 2013 be received.
- 5.2 That the Policy/Planning Committee recommends to Council, that in accordance with section 155 of the Local Government Act 2002, a Water Related Services Bylaw is the most appropriate way of dealing with the management of water supply, wastewater and stormwater, private drains and watercourses, and trade waste.
- 5.3 That Policy/Planning Committee recommends to Council, a review of the Trade Waste Operational Guidelines 2013 be carried out and they come back to the Committee for noting.
- 5.4 That Policy/Planning Committee recommends to Council, a review of the Water Supply Operational Guidelines 2013 be carried out and they come back to the Committee for noting.

George Forster
Policy Advisor

Appendix 1

RANGITIKEI DISTRICT COUNCIL

WATER RELATED SERVICES BYLAW 2013



TITLE

This bylaw shall be known as the Rangitikei District Council Water Related Services Bylaw 2013.

COMMENCEMENT

Parts 1,4 and 5 of this bylaw come into force on 13 of May 2013.

Parts 2 and 3 of this bylaw come into force on 21 of December 2016.

REPEAL

This bylaw replaces the Water Supply Bylaw 2008 and the Trade Waste Bylaw 2008.

PURPOSE

The purpose of this bylaw is to manage and regulate the Rangitikei District's water supply, wastewater, stormwater and land drainage systems. This includes discharges of trade wastes to the Council's wastewater system.

This Bylaw does not manage or regulate matters that are already provided for in legislation or the Horizons One Plan. It is the responsibility of the consumer to ensure that they comply with any such requirements.

Any person who has permission established under any other act, regulation, or resource consent to carry out any activity, that conflicts with any requirement of this bylaw, does not breach this bylaw when acting in accordance with that permission.

INTERPRETATION

In this bylaw, unless the context otherwise requires:

'BACKFLOW' means the reversal of flow of water or mixtures of water and contaminants into the public water supply.

'BOUNDARY' means any boundary which is shown on a survey plan approved by the Chief Surveyor and which is deposited with Land Information New Zealand, whether or not a new title has been issued.

'CHIEF EXECUTIVE' means the principal administrative officer, as defined in section 42 of the Local Government Act 2002.

'COMMON PRIVATE DRAIN' means a drain which passes through or serves separately owned premises but excludes land held under strata titles, company share block titles, cross lease titles, and unit titles. This drain is the responsibility of the property owners of the land over which it passes.

'CONDENSING WATER' means any water used in any trade, industry, or commercial process or operation in such a manner that it does not materially change its chemical or physical state.

'CONNECTION' means the valve, meter, and associated fittings installed and maintained by the Council at a location convenient to the Council on the service pipe at the point of supply.

'CONSUMER' means the person, or the authorised agent, who uses, or has the right to use, water supplied by the WSA.

'CONTAMINANT' has the same meaning as defined in Section 2 of the Resource Management Act 1991.

'COUNCIL' means the Rangitikei District Council or any officer authorised to exercise the authority of the Council.

'DIRECT CONNECTION' includes any submersed or submersible outlet or any arrangement of pipes, hoses or fittings temporary or otherwise which renders possible backflow into the public water supply.

'DISTRICT' has the same meaning as defined in Section 5 of the Local Government Act 2002.

'DRAIN' means wastewater drain or stormwater drain; and drainage has a corresponding meaning.

'DRAINAGE WORKS' includes all lands, drains, pipes, treatment works, buildings, machinery, and appliances and other things of any kind vested in the Council or acquired or constructed or operated by or under the control of the Council for or relating to the purpose of drainage, whether within or outside the district.

'EFFLUENT' means the discharge from any primary treatment tank or process.

'FIRE PROTECTION SYSTEM' means a fixed system of pipes, control valves, outlets and related fixed components used to control or extinguish fires. [Note: This does not include fire hose reels].

'FIRE SERVICE SUPPLY' means a supply of water to premises solely for the purpose of being used in the event of fire.

'FITTING' means any apparatus or appliance together with the necessary accessories and Connection which may be attached to or associated with the plumbing or drainage system of any premises, or which is intended for the collection or retention of any waste materials or liquid wastes for ultimate discharge to a drain.

'HARMFUL MATERIALS' means products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials; likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous when mixed with the wastewater stream; likely to be deleterious to the health and safety of the Council's staff, approved contractors and the public, or be harmful to the wastewater system.

'INTERCEPTOR TRAP' means any trap used to prevent any unwanted material or substance (liquid or solid) from entering a public drain or any gases escaping from the system and includes a grease trap, master trap, silt trap, petrol and oil interceptor.

LEVEL OF SERVICE means the performance standards on which the WSA undertakes to supply water to consumers, as outlined in Council's Long Term Plan.

'METER' means a Council owned meter to measure the flow of supplied water or other liquid.

'OCCUPIER' means any person, including the owner, who for the time being, is in control of any premises.

'ORDINARY SUPPLY' means a category of metered water supply which is available on demand directly from the point of supply subject to an agreed level of service as set out in the Council's Long Term Plan.

'OUTFALL' means an extension of a drainage system that is under the jurisdiction of the Council or other owner, or an approved disposal system within or outside the confines of the premises.

'PERMIT' means any permit or consent required by this bylaw or any relevant legislation.

'POINT OF SUPPLY' means the point where the service pipe meets the road boundary.

'PRIVATE DRAIN' means a drain that serves one or more lots where the lots are in common ownership or used for common activity where such systems are constructed by or vested in private ownership and not managed or maintained by Council.

'PRIVATE DRAINAGE SYSTEM' means the system of pipes and fittings installed on the premises (including a private drain and a private common drain) to convey the wastewater or stormwater of the premises to the public wastewater or stormwater system and where a public system is not available includes any approved disposal systems within or outside the confines of the premises.

'PRIVATE WATER SUPPLY' means the water supply system installed within the premises to provide the piped supply of hot and cold water to the sanitary fixtures and appliances fitted within the premises.

'PUBLIC DRAIN' means any passage, channel or pipe on, over or under ground by which stormwater is conveyed and which is under the control of Council. For the purposes of this bylaw, drains within New Zealand Transport Agency owned land are deemed to be public drains. A public drain may occur on public or private land.

'PUBLIC WATER SUPPLY' means the same as the definition of 'waterworks' in the Local Government Act 2002.

'RESTRICTED SUPPLY' means water supplied via a restrictor at a regulated flow rate as determined by the WSA and charged on a per unit basis.

'RESTRICTOR' means a device installed within the connection to control the flow of water to private property.

'SANITARY FIXTURE' means any fixture which is intended to be used for sanitation, personal washing or excretion.

'SERVICE PIPE' means the section of water pipe between a water main and the point of supply.

'STORMWATER' includes surface water, ground water, subsoil water, artesian water, and rainwater, and water emanating from a stormwater drain, stream, river, lake, estuary, or sea and where so designated by the Council, condensing water or cooling water.

'STORMWATER DRAIN' means a drain primarily for the reception and discharge of stormwater.

'SUPPLY PIPE' means the section of pipe between the point of supply and the consumer's premises through which the water is conveyed to the premises.

'SURFACE WATER' means all naturally occurring water, other than subsurface water, which results from rainfall on the site or water flowing onto the site including that flowing from a drain, stream, river, lake or sea.

'TRADE PREMISES' means any premises used or intended to be used for carrying on any trade or industry; and includes any land or premises wholly or mainly used (whether for profit or not) for agricultural or horticultural purposes.

‘WASTE DISPOSAL UNIT’ means a device designed to disintegrate organic waste material to a state suitable for disposal to a wastewater drain.

‘WASTEWATER DRAIN’ means a drain primarily for the reception and discharge of contaminants.

‘WATER SUPPLY AUTHORITY’ (WSA) means the operational unit of Council responsible for the supply of water, including its authorised agents.

‘WATER BODY’ means fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

‘WATERCOURSE’ means the same as the definition in the Land Drainage Act 1908.

‘WATER WORKS’ means the same as the definition in the Local Government Act 2002.

PART 1 PUBLIC WATER SUPPLY

1. OBJECTIVES

The objectives of Part 1 of this Bylaw are to:

- (a) Ensure the appropriate and responsible use of potable water by consumers in the Rangitikei District;
- (b) Prescribe the conditions which shall apply to any connection to the public water supply;
- (c) Safeguard the public water supply from contamination so as to ensure a good supply of potable water and to prevent waste.

2. APPLICATION FOR CONNECTION AND SUPPLY

- 1.1. Any person requiring a new connection for the supply of water must complete an application form obtained from the WSA, provide any information requested by the WSA, including a detailed plan showing the proposed work and pay the prescribed fee.
- 1.2. No person may make any connection (or any variation to any connection) to the public water supply without the written consent of the WSA.
- 1.3. Any person seeking the provision of a temporary water supply for a specific function shall apply to the WSA.

2. APPROVAL OF APPLICATIONS FOR CONNECTION AND SUPPLY

- 2.1. An application under clause 2 may be approved by the WSA as either an ordinary supply or an extraordinary supply as the WSA thinks fit and after consideration of:
 - (A) The Rangitikei District Council Water Supply Operational Guidelines¹.
 - (B) Any level of service referred to in the Long Term Plan.
- 2.2. Council is not obliged to approve any application.
- 2.3. An approved application for connection and supply which has not been actioned within 6 months of the application will lapse, unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of the WSA.

3. ACCEPTANCE OF SUPPLY CONSTITUTES AGREEMENT

¹ Subject to amendment only by Council resolution.

- 3.1. If an application for the supply of water under clause 2 is approved by the WSA and, if required, a connection is provided, then the acceptance by the applicant (the consumer) of the supply from the WSA constitutes an agreement between the consumer and the WSA for the consumer to comply with the requirements of this bylaw.
- 3.2. Where there is any change of consumer, the acceptance by the new consumer of an existing supply from the WSA constitutes an agreement between the new consumer and the WSA for the new consumer to comply with the requirements of this bylaw.
- 3.3. Any change in the use of commercial or industrial premises that may have an effect on backflow prevention measures requires written notification to the WSA in order to assess the suitability of backflow prevention measures on site, even if notification of the change in use of the premises is not required under the Building Act 2004.

4. RESPONSIBILITY FOR WORK PERFORMED

- 4.1. Every consumer supplied with water by the WSA shall be responsible for ensuring that any work done on its private water supply complies with this bylaw and any relevant legislation, and shall not allow any connection or fitting to be in disrepair or in any way defective so that water is wasted or contaminated.

5. EXISTING PIPES AND FITTINGS

- 5.1. Any existing supply pipes, distributing pipes or fittings may be connected to the public water supply after the commencement of this bylaw, with the approval of the Council.

6. ONE POINT OF SUPPLY

- 6.1. The Council may require one Point of Supply to each parcel of land for which a separate certificate of title is held, or to each dwelling or premises on that parcel of land. Lots held in contiguous ownership shall be treated as one parcel of land.

7. CONTINUITY OF SUPPLY

- 7.1. No allowance or compensation will be made or allowed by the Council if the water supply is restricted or interrupted, whether for the purpose of laying mains, effecting repairs, attaching new services, or for any other purpose.
- 7.2. All Consumers who, for the purpose of continuing a business or process, or for any other reason, are dependent upon a constant supply of water must provide their own water storage of a minimum capacity as required for their circumstances.

8. PRESSURE

- 8.1. The Council does not guarantee any specified maximum or minimum pressure in the Public Water Supply and no allowance or compensation will be made or allowed on account of a change of pressure in the supply.

9. DAMAGE

- 9.1. The Council will not be held responsible for any damage from any cause that may arise by the bursting or overflow of any pipes, fittings, valves or appliances connected to a private water supply.

10. PROHIBITION OR RESTRICTION OF SUPPLY IN SPECIAL CIRCUMSTANCES

- 10.1. If at any time the Chief Executive considers that because of drought or for any other reason an adequate supply of drinking water may be at imminent risk and that extraordinary measures are necessary in order to conserve the available water supply, the Chief Executive may, by notice, restrict or prohibit the use of water for any specified purpose or for any specified period. This may apply to the whole or part of the District.
- 10.2. If a customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it shall be the responsibility of that customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.
- 10.3. No person may use any water, or allow any water to be used in contravention of any restriction or prohibition made under this clause.
- 10.4. The Chief Executive may delegate to any other officer of the Council the Chief Executive's powers under clause 11.1.

11. SUPPLY FROM STANDPIPES OR HYDRANTS

- 11.1. No person may take water from standpipes or hydrants or any other part of the public water supply without the prior approval of the WSA. The Fire Service and Rural Fire Service are exempt from this restriction whilst undertaking their legal responsibility.

12. PROTECTION OF WATERWORKS

- 12.1. No person may enter onto any land owned or occupied by the WSA and used for public water supply without first obtaining the written permission of the WSA.

13. PROTECTION OF SUPPLY PIPES

- 13.1. No supply pipe or fitting may be laid or fixed through, in, or into any drain, sink, ash pit, or manure pit, nor through, or in, contaminated land or near any place where the public water supply may become contaminated, without the prior written consent of the WSA and on such terms and conditions as the WSA considers appropriate.
- 13.2. Any person proposing to carry out excavation work shall view the 'as built' information held by the WSA, which records the location of its buried services. At least five working days' notice in writing must be given to the WSA in the event that excavation will occur in the vicinity of its services.

14. Any damage which occurs to a WSA service shall be reported to the WSA immediately. The person causing the damage shall reimburse the WSA with all costs associated with repairing the damaged service, and any other costs the WSA incurs as a result of the incident.

15. DRAWN WATER NOT TO BE RETURNED

- 15.1. No person shall return to any part of the public water supply, any water drawn from any part of the public water supply or from any other source, except with the consent of the WSA.

16. PREVENTION OF BACKFLOW

- 16.1. Consumers requiring a new connection to the public water supply (including any connection that was previously disconnected) must install a backflow prevention system that complies with the relevant provisions of the Health (Drinking Water) Amendment Act 2007.
- 16.2. Consumers with existing connections that do not have a backflow prevention system shall be required by the WSA to install appropriate devices if required by the WSA to prevent an unsanitary situation.

17. NOTICE WHEN SUPPLY NOT REQUIRED

- 17.1. When any premises supplied with water by the WSA becomes unoccupied or for any other reason a supply of water is no longer required, the consumer must immediately give notice in writing to the WSA.
- 17.2. If the water supply connection has not been used for a period of 12 months or it is left in a condition that could be detrimental to the public water supply, the WSA has the right to remove that water supply connection. Reinstallation of the connection must be paid by the consumer.

18. METERING

- 18.1. The WSA reserves the right to fit a water meter and charge where it considers water use is excessive, or for a meter to be fitted at the customer's request. Where the extraordinary use is for fire protection only, this supply shall not normally be metered.
- 18.2. Where meters are installed, the consumer shall pay all charges as determined by the WSA. The WSA may use its discretion to reduce any such charges in extraordinary circumstances.
- 18.3. Any customer who disputes the accuracy of a meter or restrictor may apply to the WSA for it to be tested (provided that it is not within three months of the last test). If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay a fee in accordance with the WSA current fees and charges.

PART 2 WASTEWATER AND STORMWATER DRAINAGE

19. OBJECTIVE

- 19.1. The objective of this part of the bylaw is to define the Council's requirements and provide for the protection of the land, structures, and infrastructure associated with wastewater drainage and stormwater drainage.

20. PROTECTION OF THE DRAINAGE WORKS

- 20.1. Unless authorised by the Council no person may:
 - (A) Cause or allow the entry into any drain or fitting any earth, stones, sand, silt, refuse, human effluent, or material except such matter as is normally discharged through a house drain.

- (B) Enter any drain, pumping station building or related accessory, or any wastewater treatment area.
- (C) Operate, remove, cover or interfere with any cover of any manhole, inlet or other equipment associated with any drain.
- (D) Erect any structure over, or within a distance of one metre from the side of any public drain. This provision does not apply to boundary fences erected across drains.
- (E) Lay any public or private utility service or private drain:
 - (i) Along the line of an existing public drain; or
 - (ii) Within a parallel distance of one metre from the nearest part of any public drain.

21. WASTEWATER DRAINS

21.1. Unless authorised by the Council no person may:

- (A) Cause or allow any water from a water pipe, artesian well, ram or other hydraulic appliance or any surface water, subsoil drainage, roof water or condensing water to enter a wastewater drain or a drain connected with a wastewater drain.
- (B) Cause or allow any water which may contain fat, sediment or other extraneous matter to be discharged from a butcher's shop, fish shop, restaurant or other premises (except a standalone dwelling used for residential purposes) where food is prepared, processed or served, directly to a wastewater drain or a drain connected to a wastewater drain.
- (C) Use any waste disposal unit connected to any drainage works other than for the purpose of disposing of ordinary domestic household waste.
- (D) Cause or allow any steam, or any other matter (solid or liquid) at a temperature higher than 40°C to pass into any wastewater drain.

22. PROTECTION OF STORMWATER SYSTEM

22.1. Landowners shall at all times maintain waterways in a manner that allows free unimpeded water flow².

22.2. Unless authorised by the Council no person may:

- (A) Conduct surface water or subsoil water into a stormwater drain, except through a master trap or silt traps, or similar devices, situated in an approved position within the premises;
- (B) Allow a private drain to remain in use where silt or solids are likely to enter a stormwater drain through such drain; or
- (C) Cause or allow any steam, or any other matter (solid or liquid) at a temperature of more than 3 degrees variance to the receiving water temperature to pass into any stormwater drain.

23. PROTECTION OF WATERWAYS

23.1. Unless authorised by the Council no person may:

- (A) Sweep, rake, place, throw, or discharge any matter or thing including any dust, earth, rubbish, refuse, grass clippings or animals into any system that discharges into a reticulated system, that obstructs or will be likely to obstruct the free flow of water in the reticulated system.

² Note: Any such activity may require resource consent from Horizons Regional Council, depending on the nature of the water body, its location and the methods used.

- (B) Erect a structure, place any material or thing, or plant trees, hedges or other plants within the setback areas as required in the district plans where it will obstruct or be likely to obstruct the free passage along the banks of the water body of machinery or apparatus used for the purpose of improving, cleaning or maintaining the waterway. If any structure is erected, material or thing is placed, or any tree, hedge or other plant is planted or allowed to grow in breach of this sub-clause, the Council may by notice in writing require the owner or occupant of the land on which the breach has occurred to remove such structure, material, thing, tree, hedge or other plant.

24. REMOVAL OF OBSTRUCTIONS AND RISKS IN THE WATER BODY

- 24.1. The Council may require the removal, poisoning, cutting, or treating (whether with or without the removal of the poisoned, cut or treated portions) of trees, plants, weeds, or growths that obstruct or will be likely to obstruct the free flow of water in any water body. Consent may be required from Horizons Regional Council in order to carry out any such works.

PART 3 PRIVATE DRAINS AND WATERCOURSES

25. OBJECTIVES

- 25.1. The objective of Part 3 of this Bylaw are to:
- (A) Ensure the maintenance of private drains and watercourses to avoid the increase of surfacewater runoff onto any other property or road;
- (B) Ensure the avoidance of contamination of any drain or water body.

26. PRIVATE DRAIN TO SERVE LAND HELD UNDER THE SAME TITLE

- 26.1. A private drain may pass only through land held under the same title it is intended to serve, and may not pass through adjacent land without the written approval of the Council. Consent may also be required from Horizons Regional Council.

27. COMMON PRIVATE DRAINS

- 27.1. The installation of a common private drain must be approved in writing by the Council and that approval shall be subject to any conditions that the Council considers appropriate.
- 27.2. No approval will be issued for a common private drain which has to traverse any land other than that which it is intended to serve to reach an approved outfall unless the Council is satisfied that the drain is of sufficient capacity to serve the total development possible on that land.

28. MAINTENANCE OF PRIVATE DRAINAGE SYSTEMS AND WATER BODIES

- 28.1. The maintenance and effective operation of a private drainage system is the responsibility of the owner(s) or occupier(s) of the premises that the private drainage system serves. Where the private drainage system does not connect to the

reticulated system, consent may be required from Horizons Regional Council for the discharge of wastewater or stormwater.

28.2. A private drainage system must be protected in an approved manner where it could be damaged by vehicular traffic, impact or tree root penetration, or any other source.

28.3. Where any private drainage system becomes blocked the owner(s) or occupier(s) of the premises served by the private drainage system must have it cleared immediately. If immediate arrangements are not made to clear the blocked system, the Council may serve notice on all owners or occupiers of the premises the private drainage system serves to have the blockage cleared within twenty four (24) hours of the issue of that notice.

28.4. Where there is failure to comply with a notice the Council may cause a blocked private drainage system to be cleared, and whether this action is taken or not, may recover the cost of the work from the owner(s) or occupier(s) of the premises served with the notice.

28.5. If, in clearing a blockage, it becomes clear that the blockage is within the drainage works and the blockage has not been caused by misuse by the owner or occupier of the premises, the Council will reimburse the owner or occupier for the reasonable costs incurred in clearing the blockage.

29. OWNERSHIP OF COMMON PRIVATE DRAINS

29.1. Council records are maintained at www.intramaps.co.nz to identify where the responsibility for maintaining common private drains resides. This is usually with the owner(s) or occupier(s) of the property. In certain circumstances this may not be the case, for example where an easement exists on the deed of title which permits Council or another third party to install a drain through a private property. Council will amend its records upon notification of errors in its records maintained at www.intramaps.co.nz that are confirmed upon investigation.

30. DISUSED DRAINS

30.1. The owner of any premises within which there is a disused part of any private drainage system shall arrange for it to be disconnected and sealed in an approved manner.

PART 4 TRADE WASTES

31. OBJECTIVES

31.1. The objectives of Part 4 of this Bylaw are to:

- (A) Prescribe the conditions which shall apply to any commercial or industrial trade waste discharges to Council's wastewater system;
- (B) Prescribe the correct storage of materials in order to protect the wastewater system from spillage.

32. CONTROL OF DISCHARGES

32.1. No person shall:

- (A) Discharge, or allow to be discharged, any trade waste to the wastewater system except in accordance with the provisions of this bylaw; or
 - (B) Discharge, or allow to be discharged, a prohibited waste into the wastewater system; or
 - (C) Add or permit the addition of condensing or cooling water to any trade waste which discharges into the wastewater system unless specific approval is given in a written consent; or
 - (D) Add or permit the addition of stormwater to any trade waste which discharges into the wastewater system unless specific approval is given in a written consent.
- 32.2. In the event of failure to comply with 32.1 (A)-(D), the Council may physically prevent discharge into the wastewater system if a reasonable alternative action cannot be established with the discharging party or parties.
- 32.3. Any person discharging to the Council's wastewater system shall also comply with the requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Resource Management Act 1991 (RMA).

33. INTERCEPTOR TRAPS

- 33.1. An approved interceptor trap must be installed in any property where, in the opinion of the Council, any contaminant is likely to enter any drain or sewer or where any nuisance is created.

34. STORAGE, TRANSPORT, HANDLING AND USE OF HAZARDOUS OR HARMFUL MATERIALS

- 34.1. All persons in trade premises shall take all reasonable steps to prevent the accidental or intended entry of any harmful materials.
- 34.2. No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any substance as defined by HSNO or any other harmful materials in a manner that may cause the material to enter the wastewater system and cause harmful effects.

Note: Harmful materials are defined in the interpretation section of this bylaw.

35. TANKERED WASTES

- 35.1. Council may accept tankered wastes for discharge at an approved location, in accordance with the criteria in the Rangitikei District Council Trade Waste Operational Guidelines.
- 35.2. Tankered wastes shall not be discharged into Council's wastewater system by any person without the written consent of Council.
- 35.3. Any person illegally disposing of, or causing to be disposed, tankered wastes either by incorrect disclosure of contents (quantity or nature of materials) or dumping into the Council's wastewater or stormwater systems at other than the prescribed locations will be in breach of this bylaw.

36. APPLICATION FOR CONSENT TO DISCHARGE

- 36.1. An application shall be made to Council by any person wishing to discharge any trade waste into Council's wastewater system. The Council shall approve or

decline the application (with or without conditions) after consideration of the Rangitikei District Council Trade Waste Operational Guidelines³.

- 36.2. Council is not obliged to approve any application.
- 36.3. Council shall acknowledge the application in writing within 10 working days of receipt of the application.
- 36.4. Within 20 working days of receipt of the application, Council shall inform the applicant via an appropriate written notice that their application has been:
 - (A) Granted as a permitted trade waste;
 - (B) Granted as a conditional trade waste, and give notice of the conditions imposed on the discharge; or
 - (C) Declined, and give a statement of reasons for the refusal.
- 36.5. Council shall advise the duration of any granted consent, and reserves the right to require reassessment of any consent if it is considered that the quantity and/or nature of the discharge has significantly changed from that provided for under any existing consent.

37. MONITORING

- 37.1. Council is entitled to monitor or audit any trade waste discharge for compliance.
- 37.2. Council shall determine the most appropriate method of monitoring in accordance with the Rangitikei District Council Trade Waste Operational Guidelines.
- 37.3. All costs for monitoring shall be met by the discharger.

38. SUSPENSION OR CANCELLATION OF ANY CONSENT TO DISCHARGE

- 38.1. Council may suspend or cancel any consent to discharge at any time, following 20 working days' notice and consultation with the consent holder or person discharging any trade waste.
- 38.2. Matters that shall be taken into account for the suspension or cancellation of any consent are outlined in the Rangitikei District Council Trade Waste Operational Guidelines.

PART 5 MISCELLANEOUS

39. FEES

- 39.1. Where this bylaw provides for the Council or WSA to issue a certificate, permit, or consent, or give its authority for anything, or carry out an inspection or disconnection of any services, the Council may require the payment of a fee. Any such fee shall be prescribed by the Council under Section 150 of the Local Government Act 2002, and included in Council's annual schedule of fees and charges.
- 39.2. Any person receiving an invoice for cost recovery shall be provided with any information or calculations used to determine the extent of any charges and/or fees due.

40. BREACHES AND INFRINGEMENTS

³ Subject to amendment only by Council resolution.

40.1. Every person or consent holder or owner or occupier of a trade premises who:

- (A) Fails to comply with or acts in contravention of any provision of this bylaw; or
- (B) Breaches the conditions of any consent granted pursuant to this bylaw; or
- (C) Fails to comply with a notice served under this bylaw,

Commits an offence under section 239 of the Local Government Act 2002, and is liable to a fine as specified in section 242 of the Local Government Act 2002, or the issue of an infringement notice under section 245 of the Local Government Act 2002.

40.2. In all cases, Council may recover any costs associated with the damage to the Council water supply, wastewater or stormwater systems, and/or the breach of bylaw in accordance with sections 175 and 176 of the Local Government Act 2002 respectively.

40.3. In some cases, an offence under this bylaw may also constitute breach of the Horizons One Plan, which may result in enforcement action by Horizons Regional Council.

41. REVIEW OF DECISIONS

41.1. If any person is dissatisfied with any decision made by a Council officer under this bylaw, that person may, by notice delivered to the Rangitikei District Council Chief Executive not later than 20 working days after the decision by the officer is served upon that person, request that the Chief Executive review any such decision. This decision shall be final. Nothing in this clause shall affect any right of appeal under the Local Government Act 2002.

Attachment 6

Memorandum

TO: Policy Planning Committee

FROM: Blair Jamieson, Strategy & Community Planning Manager

DATE: 4 April 2019

SUBJECT: Review of the Memorandum of Understanding: Tūtohunga

FILE: 4-EN-8-3

1 Background

- 1.1 The Memorandum of Understanding (MOU): Tūtohunga defines a number of protocols reflecting how the Council and the Iwi of the Rangitikei will conduct their affairs of common interest. A review is required around the same time as each Representation Review. Associated with Tūtohunga are the terms of reference for Te Roopu Ahi Kaa.
- 1.2 There is no method prescribed for the review. Previously it has been accepted that, when a comprehensive review of Tūtohunga was contemplated (rather than proposing one or specific amendments) a sub-committee would be formed with equal representation from the Komiti and the Council.
- 1.3 Staff have requested that Te Roopu Ahi Kaa (TRAK) advise Council if any amendments/s are sought for the MOU, including if there is still the continued desire to include a values based framework, either in or as additional to the MOU document. TRAK will discuss this at their hui on 9 April 2019. The memo provided to TRAK is attached, see [Appendix 1](#).
- 1.4 Tūtohunga was last reviewed in 2012, for the MOU as it stands, see [Appendix 2](#).

2 Comments

- 2.1 Staff do not believe that amendment is required from Council's side.
- 2.2 Once TRAK have had their hui on 9 April, Council will be advised if amendment/inclusions are sought from their side.

3 Recommendation

That the 'Review of the Memorandum of Understanding: Tūtohunga' to the Policy/Planning committee 11 April be received.

Blair Jamieson
Strategy & Community Planning Manager
Kaiwhakahaere Rautaki me te Hāpori

Appendix 1

Memorandum

TO: Te Roopu Ahi Kaa Komiti

FROM: Lequan Meihana

DATE: 12 March 2019

SUBJECT: Review of the Memorandum of Understanding: Tūtohunga

FILE: 4-EN-8-3

1 Background

- 1.1 The Memorandum of Understanding (MOU): Tūtohunga defines a number of protocols reflecting how the Council and the Iwi of the Rangitikei will conduct their affairs of common interest. A review is required around the same time as each Representation Review, which Council is awaiting the result of. Associated with Tūtohunga are the terms of reference for Te Roopu Ahi Kaa.
- 1.2 There is no method prescribed for the review. Previously it has been accepted that, when a comprehensive review of Tūtohunga was contemplated (rather than proposing one or specific amendments) a sub-committee would be formed with equal representation from the Komiti and the Council.
- 1.3 If the Komiti considers that Tūtohunga does not need amendment, it could simply make that recommendation to the Council.
- 1.4 Tūtohunga was last reviewed in 2012, for the MOU as it stands, see [Appendix 1](#).

2 Comments

- 2.1 The MOU: Tūtohunga notes that both the Rangitikei District Council and Iwi of the District may review the protocols of Section 2 as the application of the principles of the Treaty of Waitangi continue to evolve and other principles emerge.
- 2.2 Council does not seek to amend the content of the MOU; however as Ngāi Te Ohuake have joined the Komiti since the last review they would need to be added as a signatory.
- 2.3 Council requests that Komiti members notify Council if amendment/inclusions are sought.
- 2.4 Council also seeks a position from the Komiti on whether a values based section should be/is necessary for inclusion in the MOU, either during this review or at a later date.

3 Additional Considerations

- 3.1 MOU: Tūtohunga notes that komiti members must recommend to the Rangitīkei District Council, who will represent each Iwi and/or Hapū on Te Roopu Ahi Kaa within three months of each triennial election. The date of the election is 12 October 2019.

4 Recommendations

- 4.1 That the memorandum 'Review of the Memorandum of Understanding: Tūtohunga' be received.
- 4.2 That Ngāi Te Ohuake be added as a signatory to the MOU: Tūtohunga; being an addition to the Komiti since the last MOU review.
- 4.3 That Te Roopu Ahi Kaa advise Council if any other amendments/s [are/are not] sought for the Memorandum of Understanding: Tūtohunga

[and if sought]

that the komiti nominate to a subcommittee, that will, along with nominated members of Council, oversee the review of the Memorandum of Understanding: Tūtohunga, and that Council be asked to nominate its members.

Lequan Meihana
Strategic Advisor – Mana Whenua
Kairāanga Mana Whenua

Appendix 2

MEMORANDUM OF UNDERSTANDING TUTOHINGA

between

RANGITĪKEI DISTRICT COUNCIL

and

Te Tangata Whenua O Rangitikei

Ngati Rangituhia

Ngati Whitikaupeka

Ngati Parewahawaha

Ngati Hauiti

Nga Ariki Turakina

Kauangaroa / Nga Wairiki

Ngati Kauae /Tauira

Ngati Hinemanu / Ngati Paki

Whangaehu

Ngati Tama Kopiri

Rātana Community

**Represented on Council by
TE ROOPU AHI KAA**

Version Control	
1	Agreed to by Te Roopu Ahi Kaa on 10 October 2006 Agreed to by Council on 26 October 2006
2	Amended under review by Te Roopu Ahi Kaa on 14 August 2012 (12/IWI/019) Confirmed by Council 30 August 2012 (12/RDC/151)

Introduction - Kupu Whakataki

This Memorandum of Understanding has been put together on the basis of:

- Both parties have entered into the Memorandum Of Understanding - Tutohinga in good faith and with a view to making the partnership work.
- Both parties recognise that there may be constraints from time to time in respect of resources.
- Both parties can see mutual benefits being derived from the establishment of the Memorandum of Understanding - Tutohinga.
- Both parties express the wish that their partnership will develop and become stronger over time.

Tutohinga

Memorandum Of Understanding

1. Introduction

- 1.1 The Rangitīkei District Council and Iwi of the District wish to enter into a number of protocols, which are intended to reflect the basis on which they will conduct their affairs of common interest.
- 1.2 For the purposes of this Memorandum, the Iwi of the District are the Tangata Whenua that hold Mana Whenua in relation to a particular area of the District. The Tangata Whenua of the District comprise the Iwi and Hapu, which are represented on Te Roopu Ahi Kaa, a present standing committee of Council.
- 1.3 Iwi and Hapu acknowledge each other's tino rangatiratanga, arising from their Mana Whenua, when speaking for their area.
- 1.4 Iwi and Hapu put forward delegates to Te Roopu Ahi Kaa to represent issues and consider Council policy, making resolutions and representations to Council. This clause does not preclude direct Iwi, Hapu or individual interaction with Council on issues that concern them directly.
- 1.5 For Iwi and Hapu, *Te Tiriti o Waitangi* is the starting point for determining their relationship with the Crown, its agencies and the Rangitīkei District Council.
- 1.6 Within the Rangitīkei District, the Māori community of Ratana is recognised as being integral to decision-making on Māori issues and therefore, the Ratana community, through their nominated representative, have membership of Te Roopu Ahi Kaa.
- 1.7 The Council's procedures are governed by statute, and in particular in the context of the protocols set out in Section 2 below, the provisions of the Local Government Act 2002 and Resource Management Act 1991.

- 1.8 Section 10 of the Local Government Act sets out the purposes of Local Government in New Zealand. Those stated purposes are:

- (a) to enable democratic decision-making and action by, and on behalf of, communities; and*
- (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.*

One of the emphases of the Local Government Act 2002 is to place greater decision-making abilities in the hands of communities. This is particularly relevant for Māori as all the areas of well-being directly impact upon them.

- 1.9 Section 8 of the Resource Management Act provides as follows:

“Treaty of Waitangi - In achieving the purpose of this Act, all persons exercising functions and power under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”

Section 4 of the Local Government Act further provides that as part of the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi, the local authority is charged with facilitating opportunities for Māori to contribute to decision-making.

- 1.10 Given the provisions of the Local Government Act and Section 8 of the Resource Management Act, the Rangitikei District Council positively recognises that to carry out its functions appropriately, it must make appropriate provision for the specific interests of Māori in its community with particular emphasis on consultation and capacity building.

- 1.11 To enable it to make such provision, the Rangitikei District Council must take into account the principles of the Treaty of Waitangi, subject to the provisions of clause 1.14 below.

- 1.12 The Rangitikei District Council and Iwi of the District acknowledge that the principles of the Treaty of Waitangi are continuing to evolve.

- 1.13 However, in a document published in 1989 by the then Labour Government, several principles were identified. They were:

- (i) *The Kawanatanga Principle:* The Government has the right to govern and make laws.
- (ii) *The Rangatiratanga Principle:* The Iwi have the right to organise as Iwi, and, under the law, to control their resources as their own.
- (iii) *The Principle of Equality:* All New Zealanders are equal before the law.
- (iv) *The Principle of Reasonable Co-operation:* Both the Government and the Iwi are obliged to accord each other reasonable co-operation on major issues of common concern.
- (v) *The Principle of Redress:* The Government is responsible for providing effective processes for the resolution of grievances in the expectation that reconciliation can occur.

- 1.14 Both the Rangitikei District Council and Iwi of the District acknowledge these principles and accept that they apply to the Crown. However, they further accept that they can only apply to the Rangitikei District Council to the extent that any empowering legislation applicable to the Rangitikei District Council contemplates.
- 1.15 The Rangitikei District Council and Iwi of the District agree that the extent to which the application of the principles of the Treaty of Waitangi to the Rangitikei District Council is so contemplated by the empowering legislation, is reflected in the protocols that are set out below.
- 1.16 The Rangitikei District Council and Iwi of the District further agree that these protocols will need to be reviewed from time to time as the application of the principles of the Treaty of Waitangi continue to evolve and other principles emerge.
- 1.17 The Rangitikei District Council and Iwi of the District therefore wish to agree the protocols set out in Section 2 below.
- 1.18 These protocols are intended to reflect a partnership between the Rangitikei District Council and Iwi of the District, which is to be exercised in the utmost good faith to ensure that the needs of both Māori and the wider community will be met.

2. Protocols

- 2.1 These protocols constitute policy of the Rangitikei District Council and can be reviewed from time to time.
- 2.2 When these protocols are reviewed they must be reviewed by the Council in consultation with Te Tangata Whenua o Rangitikei.
- 2.3 If, at the conclusion of any such consultation, agreement cannot be reached concerning the form of protocols to apply thereafter, to the extent that agreement cannot be reached, the Memorandum of Understanding shall lapse, (i.e., the Memorandum shall only lapse in relation to those matters on which agreement cannot be reached).
- 2.4 Further, if following that consultation, further protocol(s) are agreed, they can be added to the Memorandum of Understanding by way of amendment and without otherwise affecting the protocols earlier entered into unless any earlier protocol(s) also need to be amended due to the further protocols agreed.
- 2.5 Te Roopu Ahi Kaa, as a Standing Committee of the Rangitikei District Council, may recommend to the Rangitikei District Council, any changes to the representation of Iwi and/or Hapu on Te Roopu Ahi Kaa from time to time.
- 2.6 Te Roopu Ahi Kaa, as a Standing Committee of the Rangitikei District Council, must recommend to the Rangitikei District Council, who will represent each Iwi and/or Hapu on Te Roopu Ahi Kaa within three months of each triennial election.

- 2.7 The Council's total financial liability pursuant to these protocols shall be determined by the Rangitikei District Council following consultation with Te Roopu Ahi Kaa annually as part of the Council's annual planning process.
- 2.8 Te Roopu Ahi Kaa will be responsible for the provision, and satisfactory delivery, of the work specified below for, and on behalf of, the Tangata Whenua of the Rangitikei District.
- (i) To review the relevant processes of Council and make recommendations on steps to be taken to assist Council in carrying out its functions and responsibilities in a bicultural manner taking into account the principles of the Treaty of Waitangi.
 - (ii) To develop draft proposals which recognise the Tangata Whenua of the Rangitikei District's Kaitiakitanga (the exercise of Guardianship) and Rangatiratanga in a manner consistent with the provisions of the Resource Management Act 1991 and the Local Government Act, 2002.
 - (iii) To provide advice and assistance with the Council's Policies, Bylaws, Rating and Funding, Strategic Plan, Annual Plan and other activity plans (ie, recreation, library, transport, etc).
 - (iv) Te Roopu Ahi Kaa will support and assist the Council to discharge its obligations to the Tangata Whenua in relation to procedures and issues that arise under the Resource Management Act 1991 and the Local Government Act 2002.
 - (v) To respond on appropriate issues including, but not limited to, notified resource consent applications where the Council is required to determine issues relating to the management, use, development and protection of the District's physical resources.
 - (vi) To ensure appropriate persons are consulted or available to provide such information as may be required from time to time on items of interest to Te Roopu Ahi Kaa and/or the Rangitikei District Council.
 - (vii) Te Roopu Ahi Kaa will support and assist the Council in establishing the steps necessary to build Māori capacity to contribute to its decision-making processes.
 - (viii) In carrying out (i) to (vi) above, it will ensure that Tangata Whenua groups are consulted, including the arranging of hui when agreed and to keep the Council advised of outcomes or decisions reached.
- 2.9 The Council will otherwise be responsible as follows:
- (i) To ensure that consultation takes place in instances where Council is the applicant for a resource consent and as otherwise required pursuant to the provisions of the Resource Management Act 1991.
 - (ii) To ensure that consultation takes place prior to and during the preparation of Council's Bylaws, Rating and Funding Policy, Strategic Plan, Annual Plan and other activity plans. This will normally mean prior to the adoption by the Council of the draft documents and before the documents are put out for initial public consultation. The Council

will ensure that sufficient information and time is made available to Te Roopu Ahi Kaa to determine what issues, if any, require further investigation and/or consultation.

- (iii) The obligation of consultation will be carried out for the purpose of defining any issues of concern to Iwi of the District, to identify any reports that may be required to address such issues and to otherwise determine the methodology and resources (financial or otherwise) necessary to properly achieve Protocols 2.9 (i) and (ii), and such consultation will otherwise be conducted in a manner which is consistent with a rigorous process of consultation appropriate to the circumstances of any particular issue.
- (iv) That Council develops, in consultation with Te Roopu Ahi Kaa, steps to build Māori capacity for contributing to its decision-making processes.
- (v) In undertaking any consultation, both parties will ensure that the timeframes otherwise specified in any relevant legislation are complied with.
- (vi) The Council will ensure that Te Roopu Ahi Kaa is kept informed of all progress in relation to the preparation of the District Plan and any reviews or variation thereto after that plan becomes operative.
- (vii) That the Council Officers will provide information and advice to Te Roopu Ahi Kaa to enable the Rangitīkei District Council to meet its obligations outlined in Protocols 2.9 (i) and 2.9 (ii) of the Memorandum of Understanding.
- (viii) Where the Council requires Te Roopu Ahi Kaa to undertake any work, which is not otherwise identified in the Memorandum of Understanding, that work will be specified in a separate consultancy agreement.

3. Indemnity

- 3.1 At no time will the Council bear responsibility or liability in respect of any unlawful action arising out of the conduct of Te Roopu Ahi Kaa or its agents.

4. Dispute

- 4.1 If any disputes arise concerning the interpretation or application of these protocols, the parties will mutually agree the appointment of an independent mediator, with a view to the parties reaching agreement by way of mediation concerning that dispute.
- 4.2 If no such agreement can be reached following mediation, any disaffected party must thereafter be free to pursue any legal remedy that may otherwise be available to it, should it choose to do so.

5. Vires

- 5.1 The application of these protocols must at all times be subject to the provisions of the Local Government Act 2002 (and any amendments or re-enactment thereof), the Resource Management Act 1991 (and any amendments or re-enactments thereof) and/or any other legislation applicable to the process being undertaken pursuant to these protocols from time to time.
- 5.2 The Rangitīkei District Council and Te Roopu Ahi Kaa hereby both acknowledge that the interpretation, application and operation of these protocols is at all times subject to the relevant empowering legislation.

6. Review

- 6.1 The Memorandum of Understanding: Tutohinga will be reviewed at the same time as each Representation Review.

Attachment 7

Report

TO: Policy/Planning Committee

FROM: Blair Jamieson, Strategy & Community Planning Manager

DATE: 4 April 2019

SUBJECT: Policy & Community Planning Project and Activity Report – March 2019

FILE: 1-CO-4-8

1 Background

- 1.1 This report summarises the programmes, activities and focus areas of staff within the Policy & Community Planning Team. Added commentary is provided where necessary.
- 1.2 This report also covers applications for external funding made by Council.
- 1.3 This report covers the month of March 2019.

2 Economic Development

- 2.1 The review of Economic Development activities and outcomes rests with the Finance/Performance Committee.

3 Community Engagement & Development

- 3.1 The following highlights the key programmes, activities and progress of staff in this area.

Programme/Activity	Progress For This Period
Township Signage	<u>Huntermville</u> No progress during this period – signage is awaiting installation. <u>Taihape</u> No progress during this period – signage is awaiting installation. <u>Bulls</u> No progress during this period. <u>Turakina</u> The tartan design is awaiting signoff at the next Turakina Community Committee. <u>Mangaweka</u> Staff await the Heritage Committee to provide their chosen icon/symbol for Mangaweka.

Programme/Activity	Progress For This Period
Project Marton Health Network Meeting Facilitator: Project Marton	No progress for this period.
Taihape Network Meeting Facilitator: Mokai Patea Services	No progress for this period.
Healthy Families Strategic Leadership Team Facilitator: Te Oranganui	No progress for this period.

4 Youth Development

4.1 The following highlights the key programmes, activities and progress of staff in this area.

Programme/Activity	Progress For This Period
Youth Space - Taihape	The Lobby Taihape is continuing to be popular and well run by Mokai Patea Services.
Youth Space - Marton	The Lobby Taihape is continuing to be popular being run by staff and volunteers.
Youth Council	<p>The Rangitīkei Youth Council Training weekend took place at River Valley, 40 mins from Taihape on the Rangitīkei River. Ms Ritchie accompanied Ms Gower providing additional support and a safety vehicle. Team building activities included rafting and kayaking. Training activities included a clear and engaging explanation by His Worship the Mayor (HWTM) on the various roles and responsibilities of territory authorities, the guiding documents such as the LTP, District Plan and Maps along with the governance and operational structure of council. Further explained was how District Council works with central government and regional authorities. Cr Cath Ash and HWTM assisted the youth with a brainstorm session on various issues and activities the youth considered including in a work plan. That was later refined and drafted during the inaugural Youth Council meeting the following day, attended by HWTM and Cr Cath Ash.</p> <p>Youth Council had a successful stand at Marton's Harvest Fair, where feedback was sought from Rangitīkei youth on what they love about their town and what they would like to change. The youth are currently sorting that feedback into categories. This is one activity in a larger strategic approach to garnering the youth voice.</p>

Programme/Activity	Progress For This Period
College Engagement	Taihape Area School youth participated in the Older and Bolder event 'What Matters to you' by offering one-on-one assistance for technology and online issues that event participants were experiencing. They were based at the Lobby Taihape as an off-site station for the Town Hall event.
Youth Website & Brand Development	A draft version of the TRYB website has been presented to staff. Staff alongside the developer will continue to make changes ideally being able to present the proposed website at the following committee meeting.
Youth Awards	The Rangitikei Youth Awards nominations open April 1. Business sponsorship of \$500 cash prize for each category winner has been successfully sought, with the category being named after each of the generous sponsors. John Turkington Forestry has invested as the named sponsor of the awards, see Appendix 1 . The Youth Awards Evening, where nominees will be celebrated and winners announced, is planned for Thursday 23 May 2019, during national Youth Week. Formal invitations will be sent to all elected members. Sponsorship for the evening event has been granted from Ara Taiohi (\$500 towards an inspirational speaker) and Horizons Regional Council (\$100). The Youth Council have agreed event manage the Youth Awards Evening as part of their years' work plan, making it a youth-led event for youth.
Networking	<ul style="list-style-type: none"> Youth Services 100% Sweet Whanganui Marton's Faith based youth workers Rangitikei Leadership team to discuss the barriers for students utilizing The Lobby Marton for Breakfast club. Feedback from youth arriving to school by bus was that there was limited time to get from school to The Lobby, eat and return to school before class. The 5 week trial of running the KickStart breakfast programme at the Lobby was unsuccessful and has now returned to being provided at Rangitikei College. Online meeting with Inspiring Stories, investigating the nation-wide Future Leaders programme and the benefits it could offer to a large number of Rangitikei Youth. An overview and youth participant feedback on the programme can be found at https://www.futureleaders.nz/. A financial contribution from Council would need to be secured to pursue this for 2020.

5 Iwi/Hapū Engagement & Development

5.1 The following highlights the key programmes, activities and progress of staff in this area.

Programme/Activity	Progress For This Period
Marae Engagement	Mr Jamieson and Mr Meihana attended a hui at Te Papaioea with the representatives from Ngāti Parewahawaha. Staff intend to roll out the next feasibility study for this Bulls based marae, to support them in their endeavour to increase the marae's use for tourism/visitors.

6 Policy Engagement

6.1 The following highlights the external activities of staff in this area.

Programme/Activity	Progress For This Period
	No progress for this period.

7 Funding

7.1 An application was made by Mr Jamieson to the Ministry of Business, Innovation and Employment's (MBIE) Tourism Infrastructure Fund for \$270,000. The application is for two public toilets, both based in Marton, being at Centennial Park (as part of the skatepark development) and Memorial Hall Playground. The authority to seek this funding stems from the Consultation Document of the Annual Plan.

7.2 An update on all funding applications is summarised in [Appendix 2](#).

8 Recommendations

8.1 That the report 'Policy & Community Planning Project and Activity Report – March 2019' to the Policy/Planning Committee on 11 April be received.

Blair Jamieson
Strategy & Community Planning Manager
Kaiwhakahaere Rautaki me te Hāpori

Appendix 1



**JOHN
TURKINGTON
FORESTRY**

RANGITIKEI YOUTH AWARDS 2019

CELEBRATING YOUTH AGED 12 - 24

CATEGORIES \$500 CASH PRIZE EACH

MARTON ROTARY LEADERSHIP

RIVER VALLEY ECO WARRIOR

BJW MOTORS CHANGE MAKER

HAUTAPU PINE YOUTH IN SPORT

THE DOWNS GROUP GIVING BACK

NEW WORLD MARTON YOUTH FOR YOUTH

FORTUNA FOREST PRODUCTS YOUTH GROUP

NGĀ WAIRIKI NGĀTI APA YOUTH IN APPRENTICESHIP

FORTUNA FOREST PRODUCTS YOUTH IN EMPLOYMENT

**NOMINATIONS OPEN 1 APRIL
CLOSE 5 MAY 2019**

**AWARD EVENING HELD 23 MAY
5.30PM MARTON MEMORIAL HALL**

**NOMINATION FORMS & CRITERIA
WWW.RANGITIKEI.GOV.T.NZ**

**Youth
week**

RANGITIKEI
DISTRICT COUNCIL



Appendix 2

Fund	Project description	How much	Desired outcomes and milestones	Lead Agency	Council role	Policy Team Role	Status	Final report due
Community Facilities Fund, Lottery	Capital contribution to the Bulls multi-purpose community centre (\$700,000 applied for)	\$500,000	To develop the centre in Bulls	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Successful - Reporting Required	Following project completion
Mid-Sized Tourism Facilities Fund	Public toilets in visitor hotspots	\$140,000	Toilets in Mangaweka, Bulls River, Papakai Park and Bruces Reserve	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Successful - Reporting Required	Dec 2017 - extension sought
JBS Dudding Trust	Capital contribution to the Bulls multi-purpose community centre	\$200,000	To develop the centre in Bulls + ongoing support to libraries	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Successful - Reporting Required	To be advised
Health Promotion Agency Community Partnership Fund	Support for the Swim for All Programme. Free swimming lessons for Taihape	\$5,000.00	Children up to 4 years of age will have access to free swimming lessons in Taihape (as is already the case with sponsorship in Marton)	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Successful - To be carried forward 2018/19	To be advised
Freshwater Improvement Fund	Contribution to the Upgrade of the Ratana Wastewater treatment	\$875,000	To dispose of treated effluent to land rather than Lake Waipu	Horizons	Support Agency	None	Successful - Pending Works	To be advised
Whanganui Community Foundation	Capital contribution to the Bulls multi-purpose community centre	\$300,000	To contribute to the costs of construction for the Bulls community centre.	RDC	Lead agency, fundholder	Co-prepared application, present to decision makers, reports back to funder	Successful - Pending Payment	To be advised
Pub Charity	Marton Skatepark Extension	\$ 80,000.00	To contribute to the cost of construction of the Marton Skatepark extension	RDC	Fundholder	Prepared application, holds funds, manages project, reports back to funder	Lodged	February 2019
Tourism Infrastructure Fund	Ablution and toilet facilities at Santoft Domain	tbc	To contribute to community-led upgrade: facilities for users of the Domain, both locals and people from Te Araroa Walkway	RDC	Fundholder	Prepared application, holds funds, manages project, reports back to funder	Lodged	To be advised
Wanganui Community Foundation (Quick Response Grant)	Swim 4 All	\$5000 (\$7051 requested)	To run the Swim 4 All programme.	RDC	Lead agency, fundholder	Contributed to application, holds funds, manages project, reports back to funder.	Successful - Reporting Required	Nov-19

Kiwi Sport	Swim 4 All	\$ 7,051.00	To run the Swim 4 All programme.	RDC	Lead agency, fundholder	Contributed to application, holds funds, manages project, reports back to funder.	Successful - Reporting Required	Apr-19
Te Uru Rākau	Marton B&C Dam Development	\$ 73,000.00	Contribution for a native planting restoration programme	RDC	Lead agency, fundholder	None	Successful - Pending Works	To be advised
Ara Taiohi	Youth Week Grant	\$500 (\$1000 requested)	Rangitikei Youth Awards 2019	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Successful - Reporting Required	Jun-19
Ministry of Youth Development	Youth Development Funding Stream	tbc	tbc	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Lodged	
Tourism Infrastructure Fund	Two Public Toilets for Martons two park developments	\$270,000	2x 24/7 Dual Bay Kitset Public Toilets in Marton	RDC	Lead agency, fundholder	Prepared application, holds funds, manages project, reports back to funder	Lodged	
Upcoming		\$2,100,000						

Attachment 8

COMMUNITY LEADERSHIP GROUP OF ACTIVITIES 2018/19			Mar-19
Major programmes of work outlined in the LTP 2018-28			
Major programmes of work outlined in the LTP			
What are they:	Targets	Progress for this reporting period	Planned for the next two months
Strategic Planning Activity	Annual Report 2017/18	Adopted 11 October 2018; Summary Annual Report authorised 25 October 2018; responses to Audit Management Report provided 14 December 2018.	Completed
	Annual plan 2019/20	Consultation Document, full draft Annual Plan (and associated supporting documents) adopted for consultation	Support for public meetings; management of submissions; preparation of deliberations report.
	Delivery of programme of policy and bylaw review	Reported below.	Reported below
Elections	Representation review (for the 2019 elections completed)	Objections and appeals forwarded to LGC together with brief on process followed by Council in undertaking the review.	Advice to community on LGC decision; confirmation of maps with LINZ; advice to Electoral Officer.
Council	Preparation of order papers that ensure compliant decision-making	Order papers prepared for Council, Council Committees, Community Boards, Community Committees	Order papers prepared as required.
	Internal Audit programme	Programme not determined	Commence agreed work programme
	Engagement with sector excellence programmes	Discussion with VUW School of Government	Preliminary advice from Australasian LG Excellence Programme concerning the 2018/19 survey requirements
Iwi Liaison	Te Roopu Ahi Kaa Strategic Plan - review	Internal review and with the appropriate reporting has been completed.	Te Roopu Ahi Kaa hui to respond to Council's position and the potential inclusion of a values based framework moving forward.
Policy, Bylaw & Strategy Review/Development	Compliance/end date	Progress for this reporting period	Planned for the next two months
Animal Control Bylaw	7 October 2018	Adopted by Council at 25 October 2018 meeting for consultation; deliberation and adoption of bylaw 31 January 2019	Completed

Liquor Control in Public Places Bylaw	18 December 2018	Adopted by Council at 27 September 2018 meeting for consultation; oral hearings, 15 November 2018; deliberations and adoption, 29 November 2018	Completed
Heritage Strategy	1 December 2018	No progress to report.	No work scheduled during this period.
Policy on preparing, delivering and reporting on capital projects	2018	No progress to report.	No work scheduled during this period.
Community Housing Policy	September 2018	Adopted	Completed
Communications Strategy	LG Excellence Programme	Adopted by Council at 27 September meeting	Complete
Speed Limit Bylaw	30 June 2019	Consultation completed; deliberations report prepared; bylaw approved by Council	Advice to Minister (mandatory), public notice; purchase and installation of signs.
Carried forward	Reference for inclusion/ schedule for review	Progress for this reporting period	Planned for the next two months
Legal Compliance Project -Four areas for updated analysis identified - Building consents, Enforcement, Health and safety, Resource consents	Managing risk	No progress to report.	No work planned.
Review Water Related Services Bylaw	Due for review 31 December 2018	Preparation of background report on Council's options	Develop draft bylaw within the parameters agreed with PPL
Policy to develop incentives for new home buyers	2018	Adopted by Council at 25 October meeting for consultation; oral hearings 13 December; adoption, 31 January 2019.	Completed
Scoping report on the level of service for different ONRC classifications	2018	No progress to report.	No work planned.
Policy on Council's relationships with community organisations in the District	2018	No progress to report.	No work planned.
Policies relating to the regional growth study 1) Maintenance and Protection of Public Roads 2) Impact on rates of neighbouring properties on those planted for Manuka Honey	2018	No progress to report.	No work planned.
Economic Development Strategy	2019	Reported at Finance/Performance	Reported at Finance/Performance

Review Procurement Policy	2019	Consideration at Council workshop	Finalise review.
Other pieces of work	Reference for inclusion/ Scheduled date	Progress for this reporting period	Planned for the next two months
Annual Resident Survey 2018	Annual survey - essential for annual report	Survey completed and analysis provided. Improvement actions prepared. Progress with identified improvement actions reported to Assets/Infrastructure and Policy/Planning Committees, 21 March 2019	Continued reporting of progress with improvement actions
Annual Stakeholder Survey 2018	Annual survey - essential for annual report	Complete.	Complete
Section 17A Review - Campgrounds	Statutory requirement	Report in March 2018	Complete
Section 17A Review - Swimming pool management	Statutory requirement September 2019	No progress to report.	No work scheduled for the next two months
Section 17A review - Waste transfer stations	Statutory requirement November 2019	No progress to report.	No work scheduled for the next two months
Annual Resident Survey 2019	Annual survey - essential for annual report	Survey and questions have been designed, postcards produced with District Monitor to distribute early April.	Survey to be distributed.
Annual Stakeholder Survey 2019	Annual survey - essential for annual report	Survey and questions have been designed.	Survey to be finalised and distributed
Kerbside Rubbish/Recycling	LTP	Put on hold pending Central Government position on recycling.	Monitor initiatives taken by MfE, MW LASS and Central Government

COMMUNITY WELL-BEING GROUP OF ACTIVITIES 2018/19			Mar-19
Major programmes of work outlined in the LTP 2018-28			
What are they:	Targets	Progress to date	Planned for the next two months
Community Partnerships	Contract with local organisations to develop and deliver events, activities and projects to enliven the towns and District	MOU partnering organisations workplans and agreed activities are being monitored. The 2019/2020 draft workplans have returned from community committee/board consideration.	Dependant on the outcomes of this PPL Committee Meeting.
	Contract with local organisations to provide a range of information, such as: Up-to-date calendar of events, and community newsletters	MOU partners to deliver. Business as usual for staff which includes posting events on Rangitikei.com, FaceBook , as well as on Rangitikei Libraries & Information Centres.	Dependant on the outcomes of this PPL Committee Meeting.
Economic development and district promotion	Management of rangitikei.com	Premier events page 'Big Days Out' mocked up; fine-tuning underway. Process for mass email update of work-live-play database done.	Upload and promote new premier events page 'Big Days Out'. Mass email-out to update work-live-play update planned for June/July. Populate database directories
	Development of Rangitikei Economic Development Strategy	Ongoing development of the Economic Development Strategy	Ongoing development of the Economic Development Strategy. The activities for this are reported at the Finance/Performance Committee.
	Implementation of Economic Development Strategy	Ongoing development of the Economic Development Strategy	Ongoing development of the Economic Development Strategy. The activities for this are reported at the Finance/Performance Committee.
Youth Development	Youth Committee and networking meetings	The Rangitikei Youth Council three day training weekend took place at River valley. Meetings were held with stakeholders and agencies	Youth Council will meet regularly and formally adopt the workplan along with actualising goals . Networking with agencies and stakeholders will continue.

	Ongoing facilitation of the youth zones in Taihape and Marton	The Lobby Marton continues to have good uptake of youth users, with hours extended with volunteer support. The Lobby Taihape continues to have consistently steady numbers of users. The Kick start Breakfast programme delivered in conjunction with Rangitikei College at the Lobby Marton had an unsuccessful trial and has now returned to operating from the college.	The focus for the year ahead is to increase the number of vetted volunteers, allowing the Lobby's to be open in the weekends and for longer periods in the school holidays. Youth Council members in the respective towns are investigating opportunities to increase patronage and volunteer numbers.
Emergency Management	Civil Defence - increasing the District's resilience	Contract continues to remain in place with HRC .	Progress with community response plans
Key elements of the work outlined in Path to Well-being, Rangitikei Growth Strategy, MOU work plans and Annual Plan			
What are they:	Targets	Progress to date	Planned for the next two months
Advocacy to support the economic interests in the District at regional and national level Timely and effective interventions that create economic stability, opportunity and growth A wide range of gainful employment opportunities in the District	Develop collaborative economic development and District promotion services across the Horizons region	Ongoing-activity.	Continued engagement between the regional collaborators on developing the economic development portfolio within Council.
	Progress solutions to water availability in area between Marton and Hunterville	No progress during this period	Determine local interest and investigate feasibility of MPI or PGF funding for the next stage.
Attractive and vibrant towns that attract business and residents	Implement Town Centre Plans (provision of good infrastructure, well-maintained streets in the CBD of main towns) Continue to discuss the concepts around the Marton Heritage precinct, particularly with business/property owners	Bulls - negotiations continue with selected tenderer.	Marton - finalise business case, receive proposal for detailed designs.
	Place-making support in Marton, Bulls, Taihape, Turakina, Hunterville	Hunterville - 6 seats identified.	Updates not yet provided

	Events, activities and projects to enliven the towns and District. Five + high profile events and 20 community events. Council sponsorship of events aiming to increase visitor numbers (compared to 2017/18)	Events held by years end include: Rag poets, Marton market day, Marton Country Music Festival, Turakina Highland Games, Marton Christmas Parades, and artful bonanza. Bulls Christmas Parade	Round 2 will open on 11 March 2019, and close on 15 April 2019. All applications will be submitted, and assessed online. Assessor Training to be completed 4 March.
Up to date and relevant information for visitors and residents on a range of services, activities and attractions	Maintain and develop information centres in Marton, Taihape and Bulls and develop "libraries as community hubs" concept	Business as usual, including promotion latest material and activities and events. We are partnering with the Marton Arts & Crafts Centre and Marton RSA to showcase ANZAC themed artworks at the Marton Library in April.	We will be working on promotion of this event - It will be installed at Marton Library from 15th-27th April inclusive, with a launch date of 15th April.
An up to date, relevant and vibrant on line presence with information about services, activities and attractions, the District lifestyle, job opportunities and social media contacts	Maintain a website that provides information about Council and community services and activities	Enhancements will continue during 2019 across the whole website, including more online applications and forms. Photos and content are regularly changed.	Options for more easy to use forms and online transactions will be the focus in the next few months. Council's facebook page continues to be extensively used to promote events and keep residents up to date with events and Council programmes.
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	Participate in Positive Ageing activities that aim to enhance quality of life for older people in the District	Contract with Mokai Patea Services around inclusion of supporting seniors within the Community Housing is being undertaken.	Review of how this process can be better implemented for the next financial year.

Opportunities for people with children to access the quality of life they desire for their families	Undertaking youth activities, programmes, and continue to seek contributions from external sources.	Working with Youth Council members to adopt and execute the 2019 workplan. Finalising TRYB website. Sharing opportunities and training programmes with district youth. Secured a naming sponsor for this years youth awards now named John Turkington Foresty Rangitikei Youth Awards 2019. Successfully secured nine category sponsors for the \$500 cash prize per winner. Succesfully applied to Ara Taiohi and Horizons Regional Council for funding for the youth awards evening.	Support Youth Council in there accomplishing their years' workplan. Advertise and collate John Turkington Foresty Rangitikei Youth Awards 2019 nominations. Support Youth Council in the event management of the youth awards evening.
A more equal and inclusive community where all young people are thriving, irrespective of their start in life	Coordinate a Swim-4-All programme 2017/18 Investigate and open water safety strategy	Collating Swim 4 All accountability and invoices from participating schools	Await end of swim season School accountability and transport invoices - due April 2019. Investigate next seasons funders for Swim 4 All
	Healthy Families programme: take part in Governance Group, act as local Prevention Partnership, participate in Strategy Group	Reported through another item on PPL agenda.	Reported through another item on PPL agenda.
Cohesive and resilient communities that welcome and celebrate diversity	Planning for Ratana Centennial celebrations, 2018	Completed	Completed
	Implement Heritage Strategy Development of a heritage inventory of Maori narratives and collections Development of a heritage inventory of European/ non-indigenous settler narratives and collections	No progress during this period	No progress during this period
	Through Treasured Natural Environment Theme Group: - Continue to produce and distribute the Theme Group newsletter - Be involved with environmental projects as required	No progress during this period	Treasured Natural Environment Group Meeting.

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	Two rounds of funding run each year for community organisations. Event sponsorship and Community initiatives. Individuals and organisations can also apply for the Creative Communities scheme.	Round 2 will run from 11 March - 15 April 2019. Funds will be administered via SmartyGrants.
	Publish the results of grant application process to a Council-run forum show-casing the results of grant application processes where successful applicants provide brief presentations and are open to questions	Results of all successful applications are presented to the Council, and Finance/performance Committees, in the form of applications, summaries and accountability forms, twice a year.	Round 2 will run from 11 March - 15 April 2019. Finance and performance will meet 2 May, and Council will have the minutes presented at their 30 May meeting.
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	Contract continues to remain in place .	Contract continues to remain in place .
	Arrange regular planning and operational activities	Emo working on training and exercise programme	Training delivered 22,23,24 March exercise scheduled for late April.

ENVIRONMENTAL AND REGULATORY SERVICES GROUP OF ACTIVITIES				Mar-19
Major programmes of work outlined in the LTP 2018-28				
What are they:	Targets	Progress for this reporting period	Planned for the next two months	Year to Date
Efficiency and Effectiveness of the Rangitikei District Plan	Complete review	started		
Implementation of the GoShift Initiative (i.e. electronic processing of building consents)	Implement Goshift following review of pilot programme	Still in progress		Still in progress
Implementation of the Building (earthquake-prone buildings) Amendment Act	Issuing notices of potentially earthquake-prone buildings	76 Inspections done		79 inspections done
Other regulatory functions				
What are they:	Targets	Statistics for this month	Narrative (if any)	Year to Date
Building Consents	Report on number of building consents processed, the timeliness and the value of consented work	27 BC granted, 55.56 % completed on time, value of work is \$3,056,086	4 new house builds valued at \$1,600,300, House alterations/additions/ relocates valued at \$904,000, nre cowshed at \$450,00. All the rest of the work were fires and polesheds etc.	223 BC granted, 72.2% completed on time, value of work is \$121,083,121
	Code of Compliance Certificates, Notices to Fix and infringements issued.	21 CCC issued, 100% on time, 0 NTF issued, no infringements issued		171 CCC issued, 100% on time, 5 NTF issued, no infringements issued

Resource Consents	Report on: a) number of land use consents issued and timeliness	0 Land Use RC granted, 0% on time, 0 Permitted Boundary RC granted 0% on time		8 Land Use RC granted, 77.78% on time, 6 Permitted Boundary RC granted 83% on time
	b) subdivision consents and timeliness	3 Subdivision RC granted, 33% on time		36 Subdivision RC granted, 81.82% on time
	c) section 223 and 224 certification and timeliness,	1 s223 and 1 s224 certificates granted		5 s223 and 2 s224 certificates granted
	d) abatement and infringements issued.	0 Abatement & 0 Infringement		1 abatement & 2 infringement
Dog Control	Report on dog registrations current and unregistered, dogs impounded, dogs destroyed and infringements issued.	4922 Registered, 7 Unregistered, 1 Infringements, 15 Impounded, 2 Deceased		4922 Registered, 7 Unregistered, 69 Infringements, 113 impounded, 20 Deceased
Bylaw enforcement	Enforcement action taken	none done		
Liquor Licensing	Report on number and type of licences issued	7 Specials, 4 Renew Managers, 1 Ren Off Licence		2 New On licence, 37 Specials, 6 Club Renewals, 2 Off Renewal, 4 On Renewals, 1 New Off, 23 Manager Renewals, 12 Managers New, 4 Temporary Authorities

Building Warrant of Fitness renewals	Report on overdue BWOFF, audits, Notices to Fix and infringements issued.	10 BWOFF renewals overdue, 10 Audits, 2 NTF, No infringements issued		91 BWOFF renewals have been overdue, 62 Audits, 19 NTF, 4 infringements issued
Swimming Pool Barriers	Report on number of pool barrier inspections done, Notices to Fix and infringements issued.	5 Inspections done this month		39 Inspections done
Earthquake-Prone buildings	Marton Area has been prioritised to have all assessments done by Dec 2018	None done this month		79 inspections done in Marton

Service Request Breakdown for February 2019 - First Response

Service Requests Department	Compliance current	overdue	responded in time	Grand Total
Animal Control			92	92
Animal welfare concern			3	3
Barking dog			17	17
Dog attack			4	4
Dog property inspection (for Good Owner status)			8	8
Found dog			16	16
General enquiry			5	5
Lost animal			7	7
Microchip dog			2	2
Property investigation - animal control problem			1	1
Roaming dog			9	9
Rushing dog			3	3
Wandering stock			17	17
Building Control			1	1
Property inspection			1	1
Environmental Health	2	22	21	45
Abandoned vehicle			6	6
Dumped rubbish - outside town boundary (road corridor only)			1	1
Dumped rubbish - under bridges, beaches, rivers, etc		1		1
Dumped rubbish - within town boundary			3	3
General enquiry		2	1	3
Noise		19	8	27
Pest problem eg wasps			1	1
Vermin	2		1	3
Grand Total	2	22	114	138

Percentage responded in time

83%

Service request Breakdown for February 2019 - Resolutions

Service Requests Department	Compliance completed in time	completed late	Overdue	Grand Total
Animal Control	86	5	1	92
Animal welfare concern	3			3
Barking dog	14	2	1	17
Dog attack	3	1		4
Dog property inspection (for Good Owner status)	8			8
Found dog	16			16
General enquiry	5			5
Lost animal	6	1		7
Microchip dog	1	1		2
Property investigation - animal control problem	1			1
Roaming dog	9			9
Rushing dog	3			3
Wandering stock	17			17
Building Control	1			1
Property inspection	1			1
Environmental Health	15	2	28	45
Abandoned vehicle	4	2		6
Dumped rubbish - outside town boundary (road corridor only)	1			1
Dumped rubbish - under bridges, beaches, rivers, etc			1	1
Dumped rubbish - within town boundary	3			3
General enquiry	1		2	3
Noise	4		23	27
Pest problem eg wasps	1			1
Vermin	1		2	3
Grand Total	102	7	29	138

Percentage completed in time

74%