

**POLICY/PLANNING  
COMMITTEE MEETING**

# ORDER PAPER

**THURSDAY, 13 June 2019, 1.00pm**

**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)

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**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 and Planning Committee Meeting

Agenda – Thursday 13 June 2019 – 1:00 p.m.

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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**

Ms Ali Hale Tilley from Sadhana Yoga – Public art in Marton

- Make an audit of Marton's public art
- Assess locations for new and replacement ready public art (sides of private and public buildings, parks, skateboard park etc).
- Invite artists both local and internationally, to submit proposals for chosen public art locations
- Announce bid winners and enter due diligence process

## **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 9 May 2019 are attached.

File ref: 3-CT-15-2

### **Recommendation:**

That the Minutes of the Policy/Planning Committee meeting held on 9 May 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 13 June 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 was outlined in the Committee's March 2019 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. The Memorandum of Understanding – Tutohinga is currently under review.



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. *A similar involvement is envisaged for the revival of the Onepuhi Domain.* 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 2016, 2017 and 2018, and *was* again in 2019. A Youth Council has been formed, and has now had *three* meetings. *The annual Youth Awards were presented on 23 May 2019.*

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 *were received.*

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. *More was done during May.*

## 9 Update on Communication Strategy

A report is attached.

File ref: 3-CT-15-1

### **Recommendation:**

That the 'Update on Communications Strategy' to the Policy/Planning Committee meeting on 13 June 2019 be received.

## 10 Legislation and Governance Update – June 2019

A report will be tabled.

File ref: 3-OR-3-5

### **Recommendation:**

That the 'Legislation and Governance Update - June 2019' to the Policy/Planning Committee meeting on 13 June 2019 be received.

## 11 Draft submission on proposed Building System legislation reform

In April 2019, the Government published its discussion paper on Building system legislative reform, requesting feedback by 16 June 2019. The discussion paper can be found at [www.mbie.govt.nz/building-reform](http://www.mbie.govt.nz/building-reform).

The discussion paper aims to address long-standing problems that are holding the sector back. Last year the Ministry of Business, Innovation and Employment (MBIE) met with nearly 50 organisations representing stakeholders in the building sector.

The concerns raised fall under three common themes;

- Roles and responsibilities are not clear.
- Information is not available when it is needed
- It is difficult to hold people accountable for the quality of their work.

The discussion paper sets out the changes that aim to address these problems under five key building regulatory systems:

a) Building products and methods

clarify roles and responsibilities for building products and methods  
 require manufacturers and suppliers to provide information about building products  
 strengthen the framework for product certification  
 make consenting easier for modern methods of construction including off-site manufacturing.

b) Occupational regulation

change the licensed building practitioners scheme to raise the competence standards and broaden the definition of restricted building work  
 introduce a new licensing scheme for engineers and restrict who can carry out safety-critical engineering work  
 remove exemptions that allow unlicensed people to carry out plumbing, gasfitting and drainlaying work.

c) Risk and liability

require a guarantee and insurance product for residential new builds and significant alterations, and allow homeowners to actively opt out of it  
 leave the liability settings for building consent authorities unchanged.

d) Building levy

reduce the building levy from \$2.01 including GST to \$1.50 including GST (per \$1,000)  
 standardise the building levy threshold at \$20,444 including GST  
 allow MBIE to spend funds raised by the building levy on broader stewardship of the building sector.

e) Offences, penalties and public notification

increase the maximum financial penalties  
 set different maximum penalties for individuals and organisations  
 extend the time enforcement agencies can lay a charge from six months to 12 months  
 modify the definition of 'publicly notify' in section 7 of the *Building Act*.

The discussion paper poses 97 questions which MBIE sees as important to consider. A suggested response from Council is attached. At its meeting on 30 May 2019, Council delegated authority to the Policy/Planning Committee to approve a submission.

**Recommendations:**

1. That the 'Draft submission on proposed building law reform' 2008' to the Policy/Planning Committee on 13 June 2019 be received.
2. That the Policy/Planning Committee, under delegated authority, authorise His Worship the Mayor to sign the submission [as amended/without amendment] to the Ministry of Business, Innovation and Employment on the proposed building law reform.

## 12 Remits to Local Government New Zealand 2019 Annual General Meeting

The complete set of remits is attached.

The Policy/Planning Committee is asked to make a recommendation on each remit for a final decision by Council at its meeting on 27 June 2019. This will guide the Council's delegates.

**Recommendations:**

1. That the report 'Proposed submission on review of Walking Access Commission Act 2008' to the Policy/Planning Committee on 13 June 2019 be received.
2. That the Policy/Planning Committee makes the following recommendations to Council on the 24 remits to be considered at the Local Government New Zealand 2019 Annual General Meeting.

| Number | Topic  | Support (Y/N) | Comment |
|--------|--|---------------|---------|
| 1      | Climate Change – local government representation   |               |         |
| 2      | Ban on the sale of fireworks to the general public |               |         |
| 3      | Traffic offences – red light running               |               |         |
| 4      | Prohibit parking on grass berms                    |               |         |

|    |   |  |  |
|----|---|--|--|
| 5  | Short-term guest accommodation                                |  |  |
| 6  | Nitrate in drinking water                                     |  |  |
| 7  | Local Government Official Information and Meetings Act (1987) |  |  |
| 8  | Weed control  |  |  |
| 9  | Building defects claims                                       |  |  |
| 10 | Social housing  |  |  |
| 11 | Procurement   |  |  |
| 12 | Single use polystyrene  |  |  |
| 13 | Local Governments Act 2002                                    |  |  |
| 14 | Campground regulations  |  |  |
| 15 | Living Wage   |  |  |
| 16 | Sale and Supply of Alcohol Act                                |  |  |
| 17 | Greenhouse gases  |  |  |
| 18 | Climate Change – funding policy framework                     |  |  |

|    |  |  |  |
|----|--|--|--|
| 19 | Road safety                            |  |  |
| 20 | Mobility scooter safety                |  |  |
| 21 | Museums and galleries                  |  |  |
| 22 | Resource Management Act                |  |  |
| 23 | Mayor decision to appoint Deputy Mayor |  |  |
| 24 | Beauty industry                        |  |  |

### **13 Hawkes Bay Regional Council- Proposed Plan Change 7 – Outstanding water bodies**

At its meeting on 30 May 2019, Council authorised the Policy/Planning Committee to approve a submission to the Hawke's Bay Regional Council's Draft Plan Change 7 to the Regional Resource Management Plan. This change is implement the National Policy Statement for Freshwater Management includes special provision to allow for exceptional water bodies to have special protection in regional policy statements and plans.

The attached document shows the proposed changes to the Regional Resource Management Plan.

The list of outstanding water bodies includes Ngaruroro River.

#### **Recommendation**

That the Policy/Planning Committee, under delegated authority, approves His Worship the Mayor commenting on the Hawke's Bay Regional Council's proposed Plan Change 7 – Outstanding water bodies by noting.....

### **14 Update on the Review of the efficiency and effectiveness of the District Plan**

A verbal update will be provided.

**Recommendation:**

That the 'Update on the Review of the efficiency and effectiveness of the District Plan' to the Policy/Planning Committee on 13 June 2019 be received.

**15 Policy & Community Planning Project and Activity Report – May 2019**

A report is attached.

File ref: 1-CO-4-8

**Recommendation:**

That the report 'Policy & Community Planning Project and Activity Report – May 2019' to the Policy/Planning Committee on 13 June 2019 be received.

**16 Activity Management**

A report is attached.

**Recommendation:**

That the report 'Activity Management' to the Policy/Planning Committee on 13 June 2019 be received.

**17 Questions put at previous meeting for Council advice or action**

None.

**18 Late items**

As agreed in Item 5.

**19 Future items for the agenda**

**20 Next meeting**

11 July 2019 at 1.00 pm.

**21 Meeting closed**

# Attachment 1



# Rangitikei District Council

## Policy and Planning Committee Meeting

Agenda – Thursday 9 May 2019 – 12:45 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  
Cr C Ash  
Cr Dave Wilson  
Cr Ruth Rainey  
Ms T Hiroa  
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 Arno Benadie, Principal Advisor – Infrastructure  
Ms Christin Ritchie, Governance Administrator

**Also Present:** Ms Bonnie Clayton

**Tabled Documents** None

## **1 Welcome**

The Chair welcomed everyone to the meeting at 12.45pm

## **2 Public Forum**

Nil.

## **3 Apologies/Leave of Absence**

There were no apologies.

## **4 Members' conflict of interest**

Members were reminded of their obligation to declare any conflicts of interest they might have in respect of items on this agenda. No conflicts were declared.

## **5 Confirmation of order of business**

That, taking into account the explanation provided, Agenda item 11 will be deferred to the June meeting.

## **6 Confirmation of Minutes**

|                               |                   |                 |                  |
|-------------------------------|-------------------|-----------------|------------------|
| <b>Resolved minute number</b> | <b>19/PPL/039</b> | <b>File Ref</b> | <b>3-CT-15-2</b> |
|-------------------------------|-------------------|-----------------|------------------|

That the Minutes of the Policy/Planning Committee meeting held on 11 April 2019 without amendments be taken as read and verified as an accurate and correct record of the meeting.

Cr Aslett / Cr Gordon. Carried

## **7 Chair's Report**

A report will be circulated to the Committee before the next meeting.

## **8 Progress with strategic issues – Update**

The Committee noted the commentary in the agenda.

## 9 Update on Communication Strategy

Ms Gordon spoke to the report:

- There was a spike in website hits for April, 12,000. This was due to an anomaly, where people who were searching for alcohol sales during Easter, were directed to an old Council article.
- Annual Plan public meetings have been held, rural attendance was high.
- There have been a few spot interviews for the Walton Street house.
- A quarterly newsletter (paper and electronic) will be circulated to the residents, outlining the current top 10 projects, and any future projects.
- Currently working to convert the district plan to an e-plan within the next 12 months.

**Undertaking                      Subject              Dudding Trust**

Send out communications advising that the Dudding Trust is open for applications.

**Resolved minute number                      19/PPL/040                      File Ref                      3-CT-15-1**

That the 'Update on Communications Strategy' to the Policy/Planning Committee meeting on 9 May 2019 be received.

Cr Belsham / Cr Dunn. Carried

## 10 Legislation and Governance Update – May 2019

Mr Hodder spoke to the report:

- Local Government (Community Wellbeing) Amendment Bill, has had its third reading, and is currently going for royal assent, after which it will come into force.
- Food Act – The Ministry for Primary Industries visited all councils last year; however, the report was never finalised, and feedback was never provided. There is now a statutory requirement to complete these reviews so a different process is being used.
- National planning Standards, we are currently working towards achieving these, with a goal of being able to link the district plan with the rates/zones

**Resolved minute number                      19/PPL/041                      File Ref                      3-OR-3-5**

That the 'Legislation and Governance Update - May 2019' to the Policy/Planning Committee meeting on 9 May 2019 be received.

Cr Ash / Cr Sheridan. Carried

## 11 Revised MoU framework

Deferred to the June meeting.

## 12 Progress with survey of historic landfills

The Committee noted the commentary in the agenda.

Mr Hodder noted:

- The 18 sites have been identified via searching previous records
- The search is still ongoing, and will include going out to the local communities for more information
- A progress report will be available for the next meeting
- Formal management of these identified sites may be a requirement.

## 13 Railway tunnel walk between Utiku and Mangaweka

Cr Aslett provided an update to the meeting:

- A railway tunnel walk or cycle way is a possibility
- There is interest from tourists
- A potential issue could be railways that now run through public land
- A report will be provided to the committee at the next meeting

**Resolved minute number**

**19/PPL/042**

**File Ref**

That the verbal 'Railway tunnel walk between Utiku and Mangaweka' update to the Policy/Planning Committee meeting on 9 May 2019 be received.

Cr Sheridan / Cr Dunn. Carried

## 14 Questions put at previous meeting for Council advice or action

None.

## 15 Policy & Community Planning Project and Activity Report – April 2019

Mr Jamieson spoke the report:

- Township signage – a design for altering the existing signs has been supplied to the Lions Club for consideration. Permission to make alterations is being sought. Their decision will affect the locations of the new signage.
- Youth -76 nominations were received for 112 youth for the 2019 Youth Awards, which is a significant lift in numbers compared to previous years. We have been networking with 100% Sweet Whanganui, who have a large presence in the Rangitikei.

- Healthy Families – we are acting as a steering group for Te Oranganui to discuss issues.
- Iwi/Hapu Engagement – we have attended the final feasibility study workshop with the trustees of Ngati Hauiti. A date will be set for the formal handover of the study and drawings.

**Resolved minute number**                      **19/PPL/043**                      **File Ref**

That the report 'Policy & Community Planning Project and Activity Report – April 2019' to the Policy/Planning Committee on 9 May 2019 be received.

Cr Aslett / Cr Ash. Carried

## 16 Activity Management

The report was taken as read.

His Worship the Mayor commented that the Local Government Excellence Programme has committed to going into the second round. Rangitikei will participate in 2020.

Mr Hodder provided an update on the Incentivising new residential development policy:

- There have been no applications to date
- Building practitioners have been e-mailed, and there are leaflets in the Marton Office
- We still need to build more awareness as part of the consent process

**Resolved minute number**                      **19/PPL/044**                      **File Ref**

That the report 'Activity Management' to the Policy/Planning Committee on 9 May 2019 be received.

Cr Ash / His Worship the Mayor. Carried

## 17 Late items

As agreed in Item 5.

## 18 Future items for the agenda

Jurisdiction Collaboration Team

Policy options around poor state of unoccupied CBD properties

Environmental compliance and infrastructure maintenance

Datacom app – Antenno – presentation

## **19 Next meeting**

13 June 2019 at 1pm.

## **20 Meeting closed**

1.42pm

Confirmed/Chair: \_\_\_\_\_

Date:

Unconfirmed

# 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.

### May 2019 Media Activity

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

- Rangitikei Bulletin – This will be published in the Feilding - Rangitikei Herald and District Monitor on 6 June and cover the key decisions from the May Council meeting.
- Rangitikei Line – the May edition was distributed via mail chimp. The focus for this edition was youth – in particular the Marton skatepark and youth awards.
- There were 18 media articles during April:

| Date   | Media Channel  | Article Heading and Topic   |
|--|--|---|
| 02/05/19   | District Monitor<br>(article)  | <b>Memorial garden to honour Christchurch</b><br>A new garden was planted by Mayoress Beth Watson and Marton RSA Alan Buckendahl, and supported by Athol Sanson, in Marton Park to honour the victims of the Christchurch terror attack as an initiative by Charley Ward-Berry (Rangitikei Youth Council).  |
| 02/05/19<br>02/05/19   | District Monitor<br>F/R Herald<br>(articles)   | <b>RDC Change wards before election</b><br><b>Rangitikei wards cut back</b><br>RDC has made major changes to its ward structure from five to three. The number of elected councillors remains the same.   |
| 02/05/19<br>25/05/19<br>30/05/19                                     | District Monitor<br>Wanganui Chronicle<br>District Monitor<br>(articles)   | <b>Days to go for Rangitikei Youth award nominations</b><br>Nominations are closing for the John Turkington Forestry Rangitikei youth awards 2019.<br><b>Awards recognise outstanding youth</b><br>Nominations at its highest in fourth year at 76. 117 youth were highlighted.<br><b>Glittering 2019 Youth awards</b><br>Rangitikei youth impressed 300 locals at memorial Hall. |
| 09/05/19<br>09/05/19<br>21/05/19<br>23/05/19<br>28/05/19<br>30/05/19 | Manawatu Standard<br>FR Herald<br>Wanganui Chronicle<br>District Monitor<br>Wanganui Chronicle<br>District Monitor | <b>Ramping up Marton's Youth Allure</b><br><b>Skatepark puts Marton on the map</b><br><b>Grand Skatepark reopening Saturday</b><br><b>Marton Skatepark a major asset</b><br><b>New design skatepark opens</b><br>Skatepark has been closed in recent months to have a facelift. Elsewhere in town, a group of parents are   |



|                                    |  |   |
|------------------------------------|--|---|
|                                    | <b>(articles and interviews)</b>                                   | <p>exploring possibility of a sensory playground and a multi turf built at Rangitikei College.</p> <p>Opening on Saturday 25<sup>th</sup> May at 10am. Organisers are excited to be at the end of the build.</p>  |
| <b>09/05/19</b>                    | <b>District Monitor (article)</b>                                  | <p><b>May turns 105 years</b></p> <p>May Donald turned 105 years old and celebrated at her home Edale Masonic Rest care in Marton. Mayor and Mayoress visited and presented her of a bouquet of flowers on behalf of Rangitikei District.</p>   |
| <b>09/05/19</b>                    | <b>District Monitor (article)</b>                                  | <p><b>At the council</b></p> <p>Marton development was a key theme at Council. To cope with increasing demand for industrial and residential zone land in Marton area. Council is planning to rezone two areas. New toilets are on the way in Follett St. Eight abandoned properties have been sold.</p>  |
| <b>16/05/19</b><br><b>23/05/19</b> | <b>Manawatu Standard<br/>FR Herald<br/>(article and interview)</b> | <p><b>Death metal nightmare for motel</b></p> <p><b>Motel's death metal nightmare</b></p> <p>Marton Motel owners experiencing continuous noise nuisance from a neighbour across the road. Council noise control officers attended and assessed noise levels. Determined it wasn't excessive on multiple call outs.</p>  |
| <b>23/05/19</b><br><b>23/05/19</b> | <b>Wanganui Chronicle<br/>District Monitor (articles)</b>          | <p><b>Planting in the pipeline around dams</b></p> <p>RDC is part of a nationwide project to plant 320,000 native trees and plants as memorial forests for Returned Servicemen in NZ Defence Force. It will turn Tutaenui reservoir back to native bush. Received funding from Matariki-tu-rakau for purchase of 16,900 trees.</p> <p><b>Join the dam planting to honour vets</b></p> <p>Marton A and B dams are gearing up for a big planting season. To plant 20,000-25,000 plants throughout winter and people are invited to join in.</p> |
| <b>30/05/19</b>                    | <b>Wanganui Chronicle (interview)</b>                              | <p><b>Bulls Community centre starting to come together</b></p> <p>Mayor Andy Watson advised that the new community centre in Bulls is progressing well. Initially targeted to raise \$100,000 from the local community, it is now on track to raise \$300,000.</p>  |

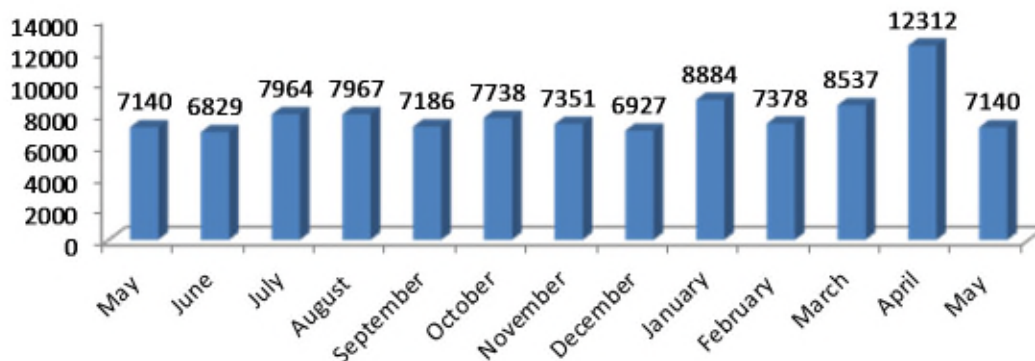
## Requests under Local Government Official Information and Meetings Act (LGOIMA)

- As at 31 May, 24 requests have been received this year.

## Website Statistics

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

### Website Visits 2018-19



In May 65% of those who visited Council's website were new visitors to the site.

#### Top Council Webpages Visited (May)

1. Rates
2. Cemeteries
3. Contact Us
4. Rubbish / Recycling / Transfer Stations
5. Library
6. Annual Residents Survey

#### Top Six Geographical Locations

##### Visiting the Website (May)

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

\* note smaller areas can be recorded as Auckland or Wellington

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

| <b>Statutory Communications</b> | <b>Timeframe</b> | <b>Status</b> |
|---------------------------------|------------------|---------------|
| None underway at present        |                  |               |

| <b>Proactive Communications</b>  | <b>Timeframe</b> | <b>Status</b>   |
|--|------------------|---|
| 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 |
| <b>Project and Event Communications</b>  | <b>Timeframe</b> | <b>Status</b>   |

| <b><i>Proactive Communications</i></b>       | <b><i>Timeframe</i></b> | <b><i>Status</i></b>   |
|--|-------------------------|--|
| Council projects<br>- Bulls Community Centre | October - onwards       | Time-lapse recordings of the building progress are available on Council's website. |

**Recommendation:**

That the 'Update on Communications Strategy' to the Policy/Planning Committee meeting on 13 June 2019 be received.

Carol Gordon

**Team Leader - Communications**

# Attachment 3

**Response from the Rangitikei District Council to MBIE discussion paper *Building System legislation reform***

|         |   |   |
|---------|---|---|
| Q 2.1   | Do you agree with expanding the purpose of the Building Act to include the regulation of building products and methods and their use?   | Yes   |
| Q 2.2   | Do you agree with the proposed definition of 'building product'?  | Yes   |
| Q2.3    | Do you agree with the proposed definition of 'building method'?   | Yes   |
| Q2.4    | Do these definitions provide sufficient scope to account for new and emerging technologies?   | Yes   |
| Q2.5    | Do you support the proposal to require manufacturers to supply information about building products?   | Yes   |
| Q2.6    | Will the proposed minimum information requirements for building products help you make good decisions about products?   | Yes   |
| Q2.7    | Do you need any other information to help you decide a building product will result in building work that complies with the building code ?   | Yes, as a BCA it would be important to know that products from different manufactures can be used in a mix n' match aspect and this meets the durability of the code or that for instance steel purlins are used as bearers, yet they are manufactured specifically as purlins. |
| Q2.8-10 | Questions relate to Manufactures and Suppliers.   |   |
| Q2.11   | Do you support the proposal to clarify roles and responsibilities for manufacturers, suppliers, designers and builders?   | Yes, but this should be extend to 14C to include Owner-builder.   |
| Q2.12   | Is the current threshold and process for variations appropriate for all circumstances?  | Yes, Regulation 3 is appropriate in defining the threshold.   |
| Q2.13   | Do you support the proposal to give MBIE the power to compel information to support investigations ?  | Yes , but should extend to BCA's  |
| Q2.14   | Would MBIE's ability to compel information about building products or methods and share this with other regulators have unintended consequences? If so what might these unintended consequences be? | No, the Act already makes provision in other circumstances that if another Authority is more appropriate to take action the matter should be referred to them.  |
| Q2.15   | Do you think the impact of the proposed changes to regulation of building products and building methods would be positive or negative? What do you think the impact might be?                       | It is felt that the positive will out-way any negative impact and make ownership and responsibilities clear.  |

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|-------|---|--|
| Q2.16 | How do you think the proposed changes to regulation of building products and building methods would change how you and your business/organisation operates?             | Accountability should be clear and the appropriate enforcement tools should allow for effective compliance. However Owner builders should not be excluded from this potential change.  |
| Q2.17 | How long do you think the transition period for product information needs to be to ensure manufactures and suppliers are prepared for the changes?                      | As indicated in the discussion document many manufacturers and suppliers already supply more than the proposed minimum, it is considered 12 months would be ample.   |
| Q2.18 | How long do you think the period for the changes to responsibilities needs to be so that people are prepared for the changes?   | Agreed that six months is sufficient.  |
| Q2.19 | If the clarified roles and responsibilities came into force before the minimum requirements for product information, what would be the impact?                          | It will ensure that they are aware they are responsible and need to ensure they meet the minimum requirement for product information.  |
| Q2.20 | Question for Manufactures and suppliers   |  |
| Q2.21 | Question for designers  |  |
| Q2.22 | Would the changes to the product certification scheme's settings increase your confidence that a product or method with a product certificate will perform as intended? | No, the BCA is left with no choice we have to accept the certificate and yet there is no exclusion for liability if this product fails and a CCC has been issued, these changes do nothing for the BCA as the last man standing. |
| Q2.23 | Are these the correct features for a future-proofed regulatory framework for MMC?   | There is not enough detail around this proposal and the question is who is responsible and liable if this building or element in the building fails and what happens when this manufacture no longer exists.                     |
| Q2.24 | What would be the impact of such a regulatory framework for MMC?  | As above   |
| Q2.25 | Question for manufacturers  |  |
| Q2.26 | Question for manufacturers  |  |

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| Q2.27     | What would be the impact of a requirement for BCA's to accept one another's consents and Code compliance Certificates   | The question would be is where does this risk and accountability rest in this process with the BCA that issued these or for the BCA that accepted them without choice or both?         |
| Q3.1.1    | How effective do you think expanding the scope of Restricted Building Work (RBW) will be in managing risks to public safety in the building sector?               | The Licensed Building Practitioners (LBP) scheme is already not working and monitoring of it seems non-existent, is it MBIE's expectation that this will be another task for BCA's?    |
| Q3.1.2    | Do you agree with the proposed threshold for the definition of RBW?   | Yes the current definition is far too narrow.  |
| Q3.1.3    | Question for Builders   |  |
| Q3.1.4    | What impact do you think the proposal will have on homeowners, building owners and building occupants?  | It is very likely that the cost of meeting these LBP's changes would be passed on to this group.   |
| Q3.1.5    | How do you think the proposed changes for the LBP scheme would affect the behaviour of LBP's?   | Unless this process is properly resourced to monitor and enforce compliance it would be no different to the current situation.   |
| Q3.1.6    | What impact do you think expanding the scope of RBW will have on the construction sector skill shortage?  | It will most likely increase shortage, but if the drive is health and safety of buildings what is more important?  |
| Q3.1.7    | How effective do you think raising the competence standards for the LBP scheme would be in increasing confidence in the LBP scheme?                               | Higher competence does not automatically equate to increasing confidence, the whole licence system needs to ensure this outcome. Currently this is not the case.                       |
| Q3.1.8    | What impact would changing the competence standards for LBP scheme have on builders, building companies, building sector associations and training organisations? | The proposed change is not detailed enough to make an informed assessment, but there is a real possibility that this would create greater pressure in an already known skill shortage. |
| Q3.1.9-12 | Questions for builders.   |  |

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| Q3.1.13 | Do you think the introduction of a fit and proper person test and code of ethics for LBP's will help to ensure building professionals are held accountable and improve the public' confidence in the LBP scheme? | Agree with code of ethics in relation to fit and proper person the criteria does not fit the occupation.   |
| Q3.1.14 | Do you agree the proposed timeframe for the changes to the LBP scheme is sufficient?   | The time frame is far too short if the proposed fit and proper person aspect as it is suggested is implemented, how long does MBIE think it is going to take to run a criminal check on each applicant and how long is this going to take if the person is from another country? |
| Q3.1.15 | What should we consider in setting the transition timeframe?   | As above, this will be dependent on what the new criteria will entail and the resources available to MBIE but five years is far more realistic.  |
| Q3.2.1  | Do you agree that there is a need for statutory mark for engineers of professionalism and general competence to solve complex engineering problems?  | No the current system is unclear so better to make it clear rather than reinvent the wheel.  |
| Q3.2.2  | How well do you think CPEng currently provides this assurance? What do you thin needs to change?   | The majority of CPEng that this Council deals provides this assurance and as above if their purpose is not clearly defined they should clarify this rather than implementing something new.  |
| Q3.2.3  | Do you agree that a new title is needed for engineers that have been certified? If so, do you have a view on what that title should be?  | No   |
| Q3.2.4  | For engineering work on buildings that does not require specialised skills, do you think certification would provide sufficient assurance of general competence and reduce the risk of substandard work?         | No   |
| Q3.2.5  | Do you agree that life safety should be the priority focus determining what engineering work is restricted?  | Yes  |
| Q3.2.6  | What combination of the following factors should be used to determine what engineering work is restricted building size, building use, ground conditions, others?  | Any of these combinations where the greatest risk remains life safety.   |



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| Q3.2.7  | In your opinion, does geotechnical, structural and fire safety engineering work pose the greatest risk in the building sector? Do you think there are any other engineering specialities that pose greater life-safety risks in the building sector that are not included here?  | Yes these pose the greatest risk. No, there are no others that pose the same or greater risk.   |
| Q3.2.8  | Do you agree that engineers should satisfy the requirements for certification before they can be assessed for licensing?   | Licensing should not be the goal, it should relate to having to competency do undertake the engineering work.   |
| Q3.2.9  | What impact do you think the restrictions and licensing would have on the number of engineers who can carry out or supervise engineering work on buildings that require competence in a specialised field? Do you feel that there are enough engineers with the necessary technical competence to meet any new demand? | As per 3.2.2 invest in clarifying CPEng better than creating a new system.  |
| Q3.2.10 | What impact do you think the restrictions and licensing would have on cost of engaging an engineer?  | The increase in cost will be borne by the building sector and there is a high probability that engineers will be increasing timelines as their services will be in high demand. Demand could surpass supply and this could further drive cost up. |
| Q3.2.11 | How effective do you think the proposed restrictions and licensing would be in reducing risks to public safety from substandard engineering work?  | Nothing is fail prove and just because areas are restricted or licensed does not automatically reduce risk, Engineers are human and will still make mistakes.   |
| Q3.2.12 | If you engage a licensed engineer, would you feel confident that the engineer has the technical competence to do the work?   | As per 3.2.8 the word 'licence' does not create a perception of competence.   |
| Q3.2.13 | Do you agree with the proposed grounds for discipline of licensed and certified engineers?   | No none of these issues deals with the real problem, who pays for the remedial work to fix the mistake, the BCA that issued the CCC or the Engineer?  |
| Q3.2.14 | Is there anything else that you think should be grounds for discipline? Are there any proposed grounds for discipline that you think should be modified or removed?  | As per 3.2.13 discipline is not always the correct incentive to ensure risk and safety is adequately addressed.   |

|         |   |  |
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| Q3.2.15 | What things should we consider when we develop transitional arrangements? What supports would you need to help during this transition?                          | Leave CPEng in place and make the purpose of CPEng clear to all parties.   |
| Q3.2.16 | Question for engineers  |  |
| Q3.3.1  | Have you encountered instances of hazards or health issues from sanitary plumbing work completed by unlicensed people?  | No   |
| Q3.3.2  | How often do you find work undertaken under a householders or rural areas exemption that does not comply with the requirements of relevant codes and standards? | Does not apply to this district  |
| Q3.3.3  | Do you think that a person should be qualified to do sanitary plumbing work on your property?   | Yes, if it is for commercial gain, otherwise as for owner builder there should be work that can be undertaken by the owner for their own residential property. |
| Q3.3.4  | How often do you find substandard work carried out under supervision exemption?   | We do not make such an exemption.  |
| Q3.3.5  | What benefits (if any) do you see from regulating people who are currently exempted if they work under supervision?   | Work will have to be undertaken by a licenced person in all instances.   |
| Q3.3.6  | What potential issues (if any) do you see from removing the exemption for doing restricted work under supervision?  | None.  |
| Q3.3.7  | What impacts (such as business impacts) would removing the supervision exemptions have on how your business is managed?   | None   |
| Q3.3.8  | Do you support allowing people currently working under supervision exemptions to continue working as a regulated person under new registration and licence?     | No, this just validates what has just been considered as not working and creating health and safety issues.  |
| Q3.3.9  | Is anything else required to support the transition of exempted tradespeople to a new registration and licence?   | Yes, the person either holds the relevant qualification within 5 years of the change or they stop doing the work.  |
| Q4.1    | Do you support the proposal to require guarantee and insurance products for residential new builds and significant alterations.                                 | No, if it means the home owner has to meet the cost.   |
| Q4.2    | Do you think homeowners should be able to actively opt out of having a guarantee and insurance product?   | As per 4.1, it should not be a cost on the owner and it should not be optional.  |
| Q4.3    | Should there be conditions on when home owners are able to opt out? What should these conditions be?  | Yes, only in the case of owner builder.  |

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| Q4.4  | What types of buildings do you think should be required to have a guarantee and insurance product?   | All buildings.   |
| Q4.5  | What threshold do you think the requirement for a guarantee and insurance product should be set at?  | Yes at minimum it should cover the cost of the building project.   |
| Q4.6  | Do you have any views on minimum standards that should be set for a guarantee and insurance product?   | No.  |
| Q4.7  | What financial and prudential requirements do you think should be in place on providers to ensure there is a continuing supply of guarantee and insurance products?  | MBIE should consider that builders, like building owners, pay levies into supply of guarantee and insurance products for the value of each building project undertaken. This way, the build is covered upfront and if the builder goes out of business it is not the BCA and homeowner left holding the baby |
| Q4.8  | If residential new builds and significant alterations are required to have a guarantee and insurance product, what do think the impacts will be?   | Under this proposal it would seem that it would mainly increase cost for the building owner.   |
| Q4.9  | Question for builders.   |  |
| Q4.10 | How long do you think the transition period for guarantee and insurance products need to be to ensure providers, builders and BCA's are prepared for the changes?  | At least two years, we do not support the notion that this becomes a BCA function to register or monitor the presence of this proposal and should rest with MBIE just like LBP's, IQPI's, multiproofs and Earthquake prone register.   |
| Q4.11 | Is there anything else needed to support the implementation of guarantee and insurance products?   | Yes MBIE should take ownership and responsibility for the administration and monitoring not BCA's  |
| Q4.12 | If the government decides to make all the other changes in this discussion paper, do you agree that the liability settings for BCA's will not need to be changed? What area of work do you think will have the biggest impact on BCA consenting behaviour? | No, nothing in the proposal suggests that BCA's will not be the last man standing as the current norm. The proposal gives no confidence that other parties will be held accountable in a cost share aspect if they no  |

|      |   |  |
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|      |   | longer practice or exist when the issue is brought to light. In terms of current trends the biggest issue for this BCA is multiproofs .      |
| 4.13 | If the Government decides to limit BCA liability, do you support the proposal to place a cap on the BCA's liability?  | No   |
| 4.14 | If there is a cap on BCA liability, do you agree the cap should be set at 20% ?   | No   |
| 4.15 | If there is a cap on BCA liability, do you think BCA's should have to pay more than 20 per cent if they have contributed to more than 20 percent of the losses? | There should be no cap.  |
| 4.16 | What do you think would be the impacts of placing a cap on BCA liability?   | It would create a precedent that all parties would want a cap where does this leave the owner?   |
| 4.17 | Do you have other comments on these proposals?  | No   |
| 5.1  | Do you agree the levy rate should be reduced from \$2.01 to \$1.50?   | No   |
| 5.2  | What impact if any, would a reduced levy rate on building consent authorities?  | Cost to change IT system   |
| 5.3  | Other than reduced building consent cost, what other impacts from reducing the current levy rate?   | Consideration should be given if there is a surplus to use this funding to fund or create proposal 4. Process for changing fees and charges? |
| 5.4  | How long would you need to implement the proposed change to building levy threshold?  | At least a full financial year.  |
| 5.5  | Do you have any comments on standardising the threshold at \$ 20444   | No, this figure is already used.   |
| 5.6  | Do you agree that the Building Act should be amended so MBIE CEO may spend the levy for purposes relating to building sector stewardship?                       | No, the levy should be used to address the shortfall in proposal 4.  |
| 5.7  | Do you agree with the proposed start date of 1 July 2020 for the changes to the building levy rate and threshold?   | No, for the levy rate; and yes, to the threshold. Levy should not be reduced but reinvested in proposal 4.                                   |
| 6.1  | Are the current maximum penalty amounts in the Building Act appropriate?  | Yes  |
| 6.2  | Do you agree with the proposed increases to maximum penalties   | No   |
| 6.3  | Do you agree with introducing higher penalties for organisations?   | No   |
| 6.4  | What impacts on the building industry could arise from this proposal if it is implemented?  | None, the courts are not currently giving maximum fines,; what is going to change by   |

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|     |  | increasing fees that are currently not a deterrent? |
| 6.5 | Do you think 12 months is an appropriate time period for relevant enforcement agencies to lay a charge?  | Yes   |
| 6.6 | Do you agree that public notification under the Building Act should no longer be required in newspapers? | No  |
| 6.7 | Do you agree that publication on the internet and in the New Zealand Gazette is sufficient?              | No  |

Draft

# Attachment 4

Who's  
putting local  
issues on  
the national  
agenda?

**We are.  
LGNZ.**

# 2019 Annual General Meeting

## Remits

# 1

## Climate change – local government representation

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|                      |   |
|----------------------|---|
| <b>Remit:</b>        | That LGNZ calls on the Government to include local government representation (as determined by local government) at all levels of policy development, technical risk and resilience assessment, and data acquisition on climate change response policies – with an emphasis on climate adaptation: policy; legal; planning; and financial compensation regimes. |
| <b>Proposed by:</b>  | Auckland Council  |
| <b>Supported by:</b> | Zone One  |

### Background information and research

#### 1. Nature of the issue

- a. Climate change action, impacts and related policy, risk, legal, planning and financial implications are borne most directly by local communities.
- b. As the structure and framework for a more cohesive New Zealand-wide approach emerges with the current government, it is critical that the country-wide context is informed directly by the local voice at a local council level so it is integrated appropriately into the wider context.
- c. Local government is likely to be responsible for implementing a range of central government climate change policies – it is therefore crucial that local government is represented in policy/technical design process to ensure it is fit for purpose at a local scale and able to be implemented cost-effectively in the local government system.

#### 2. Background to its being raised

- a. Climate adaptation and mitigation approaches are being adopted across New Zealand, in some cases well in advance of a coherent national approach. As local councils make progress on strategy, policy, planning and direct initiatives, an opportunity exists to integrate learning, challenges or concerns into the wider national context.
- b. Some councils have pioneered new approaches with mana whenua, community engagement, evidence-building and research and cross-sector governance. Without a seat at the larger table, the lessons from these early adopters risk being lost in the national conversation/approach.



**3. New or confirming existing policy**

This is a new policy.

**4. How the issue relates to objectives in the current Work Programme**

- The issue relates to LGNZ's climate change work programme, particularly relating to the input/influence on the Zero Carbon Act and Independent Climate Commission, implementation of CCATWG recommendations, decision-making and risk, impacts assessment, and other elements.
- A local seat at the larger New Zealand table would ensure a strong local voice for a range of workstreams.

**5. What work or action on the issue has been done on it, and the outcome**

Aside from specific LGNZ workstreams relating to climate change (see above), central government has progressed consultation on the Zero Carbon Bill and Interim Climate Change Committee, has appointed a panel to produce a framework for national climate change risk assessment, and has announced a set of improvements to New Zealand's emissions trading scheme. Likewise, a number of councils have progressed action plans and strategies to reduce emissions and prepare for climate impacts. Notably, New Zealand-wide emissions continue to rise and the serious risks associated with climate impacts continue to be better understood – an integrated local and national approach is very much needed in order to make any substantive progress on climate change in New Zealand.

**6. Any existing relevant legislation, policy or practice**

As described above, the Zero Carbon Act is the main relevant New Zealand legislation with accompanying frameworks, policies and schemes. A range of more local policies from the Auckland Unitary Plan to coastal policies need meticulous alignment and integration with the national approach in order for both to be most effective.

**7. Outcome of any prior discussion at a Zone or Sector meeting**

Zone 1 agreed on 1 March 2019 to support this remit.

**8. Suggested course of action envisaged**

- It is recommended that LGNZ work with central government to advocate for these changes.
- It is recommended that LGNZ engage directly with relevant ministers and ministries to ensure local government has an appropriate role in the National Climate Change Risk Assessment Framework, and all related and relevant work programmes.

# 2

## Ban on the sale of fireworks to the general public

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| <b>Remit:</b>        | That LGNZ works with central government to introduce legislation to ban the sale of fireworks to the general public and end their private use. |
| <b>Proposed by:</b>  | Auckland Council   |
| <b>Supported by:</b> | Metro Sector   |

### Background information and research

#### 1. Nature of the issue

The following issues have been identified:

- a. Community concern about the negative impacts of the ad-hoc private use of fireworks particularly around the deliberate and unintentional distress to people and animals and damage to property.
- b. High demand for council and emergency services who receive a large number of complaints in relation to the use of fireworks.
- c. The absence of regulatory powers to territorial authorities to ban the sale of fireworks by retailers to the general public.

#### 2. Background to its being raised

- a. The issue was raised during the review of the Auckland Council's Public Safety and Nuisance Bylaw 2013 which prohibits setting off fireworks on public places.
- b. During the review of this Bylaw, Auckland Council separately resolved to request the New Zealand Government to introduce legislation to ban the sale of fireworks to the general public and end their private use.
- c. Reasons for the decision are stated in the 'Nature of the issue' and further details are in 'What work or action on the issue has been done, and the outcome'.

#### 3. New or confirming existing policy

This is a new policy.

**4. How the issue relates to objectives in the current Work Programme**

This issue relates to LGNZ's social issues portfolio which reflects working alongside central government to address social issues affecting community safety:

- Community safety is an issue of vital interest for councils as areas which are perceived to be "unsafe" are likely to experience lower levels of social cohesion and economic investment. When asked to rank issues that are most important to themselves and their communities' safety is always one of the top.
- Framed in this way, prohibiting the private use and sale of fireworks through government legislation enhances community safety as a top priority for LGNZ. Furthermore, it also promotes social cohesion by enabling the use of public displays without the worries and danger of ad-hoc private use of fireworks.

**5. What work or action on the issue has been done on it, and the outcome**

The review of Auckland Council's Public Safety and Nuisance Bylaw 2013 identified that a territorial authority has no regulatory powers to ban the retail sale of fireworks to the general public.

A territorial authority's regulatory powers in relation to fireworks are limited to:

- Prohibiting fireworks from being set off on or from a public place.
- Addressing nuisance and safety issues that may arise from their use on other places (eg private property) and affect people in a public place.
- Addressing noise issues relating to fireworks being set off on other places.

Enforcement is also challenging and resource-intensive. Auckland Council (and potentially other territorial authorities) do not have capacity to respond to all complaints during peak times, and it is difficult to catch people in the act. There can also be health and safety risks for compliance staff.

A ban on the sale of fireworks through legislative reform would therefore be the most efficient and effective way of addressing issues identified in the 'Nature of the issue'.

Any such ban would not prohibit public fireworks displays which enable a managed approach towards cultural celebrations that use fireworks throughout the year.

There is also a known level of public support for such a ban. Public feedback between October and December 2018 on the decision of Auckland Council to request a ban on the sale of fireworks was overwhelmingly supportive. Feedback to Auckland Council resolution was received from 7,997 people online. Feedback showed 89 per cent (7,041) in support and 10 per cent (837) opposed.

Key themes in support included:

- Concerns for the safety of people and animals (68 per cent).
- Concerns about the amount of noise (35 per cent).
- Concerns about stockpiling and use of fireworks after Guy Fawkes night (27 per cent).
- A preference for public fireworks displays only (23 per cent).

Key themes opposed, including from fireworks retailers, were:

- A ban would be excessively restrictive.
- In favour of more regulation on use instead of a ban.
- A ban would end a key part of kiwi culture and tradition.

Similar requests and petitions to ban the sale of fireworks to the general public have been delivered to the Government, including:

- An unsuccessful petition in 2015 with 32,000 signatures, including the SPCA, SAFE and the New Zealand Veterinarians Association.
- A recent petition in 2018 with nearly 18,000 signatures which was accepted on its behalf by Green Party animal welfare spokesperson Gareth Hughes.

A ban on the sale of fireworks would align New Zealand legislation to that of other comparative jurisdictions. For example, retail sale of fireworks to the general public is prohibited in every Australian jurisdiction (except the Northern Territories and Tasmania where strict restrictions on the sale and use are in place).

## **6. Any existing relevant legislation, policy or practice**

### Hazardous Substances (Fireworks) Regulations 2001

- Fireworks may be displayed for retail sale or sold by a retailer during the period beginning on 2 November and ending at the close of 5 November in each year.
- A person must be at least 18 years in order to purchase fireworks.

### WorkSafe

- Regulates health and safety in a workplace and administers the regulations for storing fireworks in a workplace.
- Approve compliance certifiers who certify public/commercial displays.

### New Zealand Police

- Enforce regulations around the sale of retail fireworks, including requirements around the sale period and age restrictions under the Hazardous Substances (Fireworks) Regulations 2001.
- Address complaints about dangerous use of fireworks.

Environmental Protection Agency (EPA)

- Responsible for providing information about the sale of retail fireworks.
- Responsible for approving certifiers to test and certify that retail fireworks are safe prior to being sold in New Zealand.
- Provides approval for hazardous substances, including fireworks and provide import certificates to allow fireworks to be brought into New Zealand and the requirements for labelling and packaging of fireworks.

Auckland Council

- Deals with complaints about noise from fireworks.
- Prohibits setting off fireworks from public places under its Public Safety and Nuisance Bylaw 2013.

New Zealand Transport Agency (NZTA)

- Responsible for enforcing Land Transport Rule 1 which covers fireworks being transported on the road.

**7. Suggested course of action envisaged**

We ask that LGNZ request the Government to include red light running with other traffic offences that incur demerit points.

# 3

## Traffic offences – red light running

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|----------------------|---|
| <b>Remit:</b>        | That LGNZ request the Government to bring into line camera and officer-detected red light running offences with other traffic offences that incur demerit points. |
| <b>Proposed by:</b>  | Auckland Council  |
| <b>Supported by:</b> | Metro Sector  |

### 1. Background information and research

#### 1. Nature of the issue

LGNZ strategic goals include a safe system for transport – increasingly free of death and serious injury. This proposal is directly working towards a safe road system, with an integrated approach across infrastructure, operation of the road network and enforcement.

The red-light-running-related crash-risk has increased in recent years (CAS) and additional prevention measures are required to reduce and eventually eliminate the social, financial and road trauma burden of these crashes.

Making use of safety cameras and demerit points would allow the intent of the law to be upheld without the need for significantly increased police presence, and is a cost effective way to ensure safety at high risk camera locations.

Demerit points are more effective than fines in deterring unsafe road user behaviour as the deterrent effect impacts equally across a wide range of road users.

We ask that LGNZ request the Government that red light running be included with other traffic offences that incur demerit points (currently absent from the list of similar offences that acquire points, although this was proposed in 2007).

All councils in New Zealand stand to benefit from reduced red-light running and cost-effective enforcement of safety using red light cameras which can operate more cheaply over wide areas. This will support councils to get strong safety results from their road safety camera programmes.

Demerit point systems (DPS) work through prevention, selection and correction mechanisms. A DPS can help increase compliance with stop signals, reducing the likelihood of exposure to non-survivable forces, and it can help reduce repeat offending among ‘loss of licence’ drivers who repeatedly make poor safety choices which may lead to a crash.

Applying demerit points to red-light-running offences would help make the whole penalty system more meaningful and fair, and better reflect the risk. It is expected that the costs would be minimal, mostly in the justice sector, however these too can be minimised with an educational approach.

## **2. Background to its being raised**

### Road safety crisis

Auckland, as the rest of New Zealand, has an increasing road toll. From 2014 to 2017 Auckland had an increase in deaths of 78 per cent. The rest of New Zealand had an increase of almost 30 per cent in that same period. Serious injuries have increased at similar rates in that time. This follows a long period of gradual reductions in road trauma. The previous methods for managing road safety are no longer working.

A Vision Zero approach requires clear expectations and shared responsibility about safe behaviour at intersections, from road users and legislators and managers of the road system.

Auckland Transport (AT) Independent Road Safety Business Improvement Review (BIR) recommends increasing penalties for camera offences for all drivers, alongside other recommendations for road safety sector partnerships.

National Road Safety Strategy update is underway. It would help to have LGNZ support for changes like this being considered under the strategy.

## **3. New or confirming existing policy**

### Red light running or failing to stop at a red signal at intersections:

- Note that in this 2007 release for changes to the demerit system in 2010, proposed a fine of \$50 and 25 demerit points for red light running.  
<https://www.beehive.govt.nz/release/tougher-penalties-focus-road-safety-package>

### 10 years of driver offence data:

- <https://www.police.govt.nz/about-us/publication/road-policing-driver-offence-data-january-2009-december-2018> (accessed at 2 April 2019)

### Number of red light running offences for 2014-2018 five year period, all of New Zealand:

- Officer issued: 61,208 or \$8.9 million in fines, no demerit points.
- Camera issued: 14,904 or \$2.2 million in fines, no demerit points.

#### **4. How the issue relates to objectives in the current Work Programme**

The overall strategic focus of LGNZ includes leadership and delivery of change on the big issues confronting New Zealand communities, such as road safety, with a focus on best performance and value for communities. Safety cameras with reliable enforcement tick off a number of these requirements.

This proposal could support three of the five strategic policy priorities in the LGNZ Policy statement 2017-2019, although it does not fit under one alone:

- Infrastructure: LGNZ's policy statement mentions *a safe system for transport – increasingly free of death and serious injury* (p6). This proposal is directly working towards a safe road system, including infrastructure, operation of the road network and enforcement.
- Risk and resilience: Also known as safe and sustainable transport, Vision Zero and this detailed change to road safety supports a risk-based approach to increasing safety in New Zealand communities. Collaboration between local and central government is necessary to achieve the safe system goal and treating no death or serious injury as acceptable for those communities.
- Social issue – community safety: LGNZ supports projects that strengthen confidence in the police and improve perceptions of safety. This proposal reflects the goal of responsive policing, and innovative solutions for dealing with social issues.

#### Note on equity

While demerit points provide a more equitable deterrent effect compared to fines and help dispel the myth of 'revenue gathering', an increase in the use of demerit points may still impact some low deprivation communities and create 'transport poverty' issues, particularly in areas with high sharing of vehicles. One way to manage this potential equity issue is to use the Swedish model for managing safety cameras where they are only switched on a proportion of the time and are well supported by local road safety education activities.

#### **5. What work or action on the issue has been done on it, and the outcome**

From Auckland Transport research report: *Auckland Red Light Camera Project: Final Evaluation Report, 2011*: "When red light cameras were trialled in Auckland between 2008 and 2010, there was a 43 per cent reduction in red-light running and an average 63 per cent decrease in crashes attributable to red light running."

Conversations with AT and Policing Operations on demerits for safety camera infringements indicate that police are very supportive of demerit points for safety cameras.

Reasons include that demerits from safety cameras can be easily transferred to the driver involved in the infringement, which addresses concerns that vehicle owners who are not driving would be unfairly penalised.



Further conversations between AT and New Zealand Police indicate that red light running offences are an anomaly as they do not lead to demerit points. For comparison, failing to give way at a pedestrian crossing is 35 points, and ignoring the flashing red signal at rail crossings, 20 points.

The effect of demerit points on young drivers: incentives and disincentives can have an important impact on young, novice drivers' behaviour, including demerit points as a concrete disincentive.

From OECD research report: *Young Drivers: The Road to Safety* 2006 by the European Conference of Ministers of Transport (EMCT), OECD publishing, France.

Comment on technology used for enforcement:

Existing cameras are more than capable of detecting offences, it is just the legal rules that are preventing this. However, it may be worth considering that new intelligent technology will potentially improve this process even further in future.

**6. Any existing relevant legislation, policy or practice**

To change the:

- Land Transport Act 1998.
- Land Transport (offences and penalties) Regulations 1999.
- Land Transport (road user) Rule 2004.

The demerits points system comes from section 88 of the Land Transport Act and expressly excludes offences detected by camera enforcement ("vehicle surveillance equipment" as it is called in legislation).

These sections of the Act are supported by reg 6 and schedule 2 of the Land Transport (Offences and Penalties) Regulations 1999.

**7. Suggested course of action envisaged**

We ask that LGNZ request the Government to include red light running with other traffic offences that incur demerit points.

# 4

## Prohibit parking on grass berms

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|----------------------|--|
| <b>Remit:</b>        | To seek an amendment to clause 6.2 of the Land Transport (Road User) Rule 2004 to prohibit parking on urban berms. |
| <b>Proposed by:</b>  | Auckland Council   |
| <b>Supported by:</b> | Metro Sector   |

### Background information and research

#### 1. Nature of the issue

Auckland Transport cannot enforce 'parking on the grass berms' without the request signage being in place.

#### 2. Background to its being raised

In 2015 Auckland Transport Parking Services received advice that the enforcement of motor vehicles parking on the berms of the roadway could not be lawfully carried out, without the requisite signage being in place to inform the driver that the activity is not permitted. After that advice, enforcement was restricted to roadways where signage is in place. A programme to install signage was undertaken on a risk priority basis from that time to present.

#### 3. New or confirming existing policy

Change in the existing legislative situation.

#### 4. How the issue relates to objectives in the current Work Programme

The overall strategic focus of LGNZ includes leadership and delivery of change on the big issues confronting New Zealand communities, such as road safety, with a focus on best performance and value for communities.

This proposal supports the Infrastructure strategic policy priorities in the LGNZ policy statement 2017-2019:

- Infrastructure: LGNZ policy statement mentions the right infrastructure and services to the right level at the best cost (p6). This proposal is directly working towards a safe road system, including infrastructure that meets the increasing demands within a reasonable roading investment.

**5. What work or action on the issue has been done on it, and the outcome**

- September 2015: AT legal team notified Parking Services and Ministry of Transport (MoT) of the issue.
- October 2015: Ministry responded stating it would be included in the next omnibus rule amendment.
- June 2016: AT was advised that the matter would not be progressed as a policy project would be needed. AT also informed that the matter was not in the 2016/17 programme but would be considered in the forward work programme.
- AT advised there would be workshops with local government to determine potential regulatory proposals in the 2017/18 programme. This did not happen.
- November 2016: AT's Legal team wrote to the MoT again requesting for an update on when the workshops would take place.
- November 2016: MoT advised AT that they were currently co-ordinating proposals.

AT have not received an update on the issue since.

**6. Any existing relevant legislation, policy or practice**

AT's Traffic Bylaw 2012 prohibits parking on the grass within the Auckland urban traffic area. However, the combination of provisions in the Land Transport Act 1998, and the various rules made under it, mean that for AT to enforce this prohibition, we must first install prescribed signs every 100 metres on all grass road margins within the urban traffic area.

It should be noted that this is not just confined to Auckland, but is a nationwide issue, hence our multiple requests for the Ministry to consider the issue.

To note: The same requirements apply to beaches, meaning before AT can enforce a Council prohibition on parking on the beach, signage must first be installed every 100 metres along the beach.

Clearly, installing the required signage on all road margins and beaches is both aesthetically undesirable as well as prohibitively expensive.

Operational practice by AT parking services is to respond to calls for service and complaints from the public. This change is not to introduce a change in enforcement practices.

# 5

## Short-term guest accommodation

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|----------------------|---|
| <b>Remit:</b>        | That LGNZ advocates for enabling legislation that would allow councils to require all guest accommodation providers to register with the council and that provides an efficient approach to imposing punitive action on operators who don't comply. |
| <b>Proposed by:</b>  | Christchurch City Council   |
| <b>Supported by:</b> | Metro Sector  |

### Background information and research

#### 1. Nature of the issue

The advent of online listing and payment platforms like Airbnb and HomeAway have helped grow a largely informal accommodation provider sector around the world on a huge scale. This is presenting challenges for local authorities around the world to adapt regulatory frameworks to effectively capture these new businesses.

The Airbnb market share in Christchurch has grown exponentially from June 2016 to December 2018.

- Rooms in owner-occupied homes listed grew from 58 in June 2016 to 1,496 in December 2018.
- Entire homes listed increased from 54 to 1,281 over the same period (+2,272 per cent).
- Airbnb's share of all guest nights in Christchurch rose from 0.7 per cent in June 2016 to 24 per cent in December 2018.
- In the month of December 2018 there were an estimated 120,000 guest nights in Christchurch at Airbnb providers.

Councils generally have regulatory and rating requirements that guest accommodation providers are required to work within. District Plan rules protect residential amenity and coherence and many councils require business properties to pay a differential premium on general rates.

However, many informal short-term guest accommodation providers operate outside the applicable regulatory and rates frameworks. The nature of the activity makes finding properties being used for this activity problematic. Location information on the listing is vague and GPS coordinates scrambled. Hosts do not provide exact address information until a property is booked, and the platform providers won't provide detailed location, booking frequency or contact details to councils, citing privacy obligations. In their view, the onus is on hosts to

confirm they meet relevant regulatory requirements. In short, we don't know where they are and finding them is an expensive and resource-intensive exercise akin to playing whack-a-mole with a blind fold on.

This means the informal accommodation sector is able to capture competitive advantages vis-à-vis the formal sector by reducing compliance costs and risks. In popular residential neighbourhoods, high demand for this activity can reduce housing affordability, supply and choice and compromise the neighbourhood amenity.

Councils need to be able to require guest accommodation providers to register with them and to keep records of the frequency of use of residential homes for this purpose. This would enable councils to communicate better with providers, ensure regulatory and rating requirements are being met and enable a more productive relationship with platform providers.

Queenstown Lakes District Council proposed a registration approach through its District Plan review but withdrew that part of their proposal after seeking further legal advice. Christchurch City Council has also had legal advice to the effect that registration with the Council cannot be used as a condition for permitted activity status under the District Plan, particularly if that registration is contingent on compliance with other Acts (eg the Building Act, various fire safety regulations, etc). The closest thing to a form of registration that can be achieved under the RMA is to require a controlled resource consent which is still a relatively costly and onerous process for casual hosts.

## **2. Background to it being raised**

Christchurch City Council has received numerous complaints and requests for action from representatives of the traditional accommodation sector – hotels, motels and campgrounds. They have asked for short-term rental accommodation to be brought into the same regulatory framework they are required to operate in.

There are other wider issues to consider such as impact on rental housing availability, impact on house prices and impact on type of development being delivered in response to this market.

Representatives from the Christchurch accommodation sector have raised the disparity in operating costs and regulation that are imposed on them and not the informal sector. They believe the effect of this is:

- Undermining the financial viability of the formal accommodation sector.
- Resulting in anti-social behaviour and negative amenity impacts in residential neighbourhoods.
- Creating a health and safety risk where small, casual operators are not required to meet the same standards that they are.

### **3. How the issue relates to objectives in the current Work Programme**

#### LGNZ Flagship Policy Project - Localism

“Local government is calling for a shift in the way public decisions are made in New Zealand by seeking a commitment to localism. Instead of relying on central government to decide what is good for our communities it is time to empower councils and communities themselves to make such decisions. Strengthening self-government at the local level means putting people back in charge of politics and reinvigorating our democracy.”

Providing councils with the means to require accommodation providers to register will greatly assist them to work with their communities to develop approaches to regulating the short-term guest accommodation sector that best serves that particular community. For many councils it would enable a nuanced approach for each community to evolve under a district-wide policy.

### **4. What work or action on the issue has been done on it, and the outcome**

Christchurch City Council is taking a four-pronged approach to creating a more workable regulatory and rating frameworks.

- Preliminary work is underway to consider changes to the District Plan. These will explore options including:
  - To differentiate between scales of the activity with a primarily residential or rural versus primarily commercial character (likely to be determined based on the number of days a year that a residential unit is used for this activity and whether or not it is also used for a residential purpose);
  - To enable short-term guest accommodation with a primarily residential or rural character in areas where it will have no or minimal effects on housing availability or affordability, residential amenity or character, and the recovery of the Central City; and
  - Restrict short-term guest accommodation in residential areas where it has a primarily commercial character.
- Consideration will be given to business rates approaches that align with any changes to District Plan rules. This may see a graduated approach to imposing business rates based on the level of activity and in line with District Plan compliance thresholds. This is an approach Auckland Council and Queenstown Lakes District Council are using.
- Consideration of a more proactive regulatory compliance approach once any changes to District Plan rules are introduced. The Council is currently responding to complaints related to guest accommodation activity but is not undertaking proactive enforcement due to the difficulty in identifying properties being used as guest accommodation and then enforcing zone rules.
- Advocating for enabling legislation that would allow councils to require all guest accommodation providers to register with the council and that provides an efficient approach to imposing punitive action on operators who don't comply.

## **5. Suggested course of action envisaged**

Convene a working group of local government subject matter experts to prepare a prototype legislative solution to put to the Government to guide advice to MPs.

The solution should enable councils to require all accommodation providers to register and keep records of the frequency of their bookings and should enable councils to develop a regulatory and rating approach that best suits its situation and needs.

Examples of legislation that provide similar powers include:

- Class 4 and TAB Gambling Policies under the Gambling Act.
- Prostitution Bylaws under the Prostitution Reform Act.
- Freedom Camping Bylaws under the Freedom Camping Act.

# 6

## Nitrate in drinking water

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|----------------------|---|
| <b>Remit:</b>        | That LGNZ recommend to the Government the funding of additional research into the effects of nitrates in drinking water on human health, and/or partner with international public health organisations to promote such research, in order to determine whether the current drinking water standard for nitrate is still appropriate for the protection of human health. |
| <b>Proposed by:</b>  | Christchurch City Council   |
| <b>Supported by:</b> | Metro Sector  |

### Background information and research

#### 1. Nature of the issue

Nitrates are one of the chemical contaminants in drinking water for which the Ministry of Health has set a maximum acceptable value (MAV) of 50 mg/L nitrate (equivalent to 11.3 mg/L nitrate-Nitrogen) for 'short-term' exposure. This level was determined to protect babies from methaemoglobinaemia ('blue baby' syndrome).

Some studies, in particular a recent Danish study, indicate a relationship between nitrates in drinking water and increased risk of adverse health effects, in particular colorectal cancer.

The well-publicised 2018 Danish study found that much lower levels of nitrate than that set in the New Zealand drinking water standards may increase the risk of colorectal cancer. The level of increased risk was small, but 'significant' even at levels as low as 0.87 mg/L nitrate-Nitrogen, which is more than an order of magnitude lower than the New Zealand drinking water standard.

Other studies looking at the relationship of nitrate in drinking water and possible adverse human health effects have in some instances been inconclusive or have found a relationship between nitrate in drinking water and colorectal cancer for specific sub-groups with additional risk factors (such as high red meat consumption), but not necessarily at the same level as the 2018 Danish study. The 2018 Danish study is notable because of its duration (between 1 January 1978 to 31 December 2011) and the size of the population studied (2.7 million Danish adults).

There does not appear to be a robust national system for monitoring and reporting nitrate in drinking water, nor a programme or system in place for considering whether the current drinking water standard for nitrate is still appropriate for protecting human health.



## 2. Background to its being raised

Dietary intake of nitrates include consumption of vegetables such as spinach, lettuce, beets and carrots, which contain significant amounts of nitrate, and processed meat, and to a lesser extent drinking water (when/where nitrate is present).

In the 2015 Environmental indicators Te taiao Aotearoa compiled by Ministry for the Environment and Statistics New Zealand, an overall trend of increasing levels of nitrate in groundwater was observed for the ten-year period 2005-2014 at monitored sites (see Figure 1).

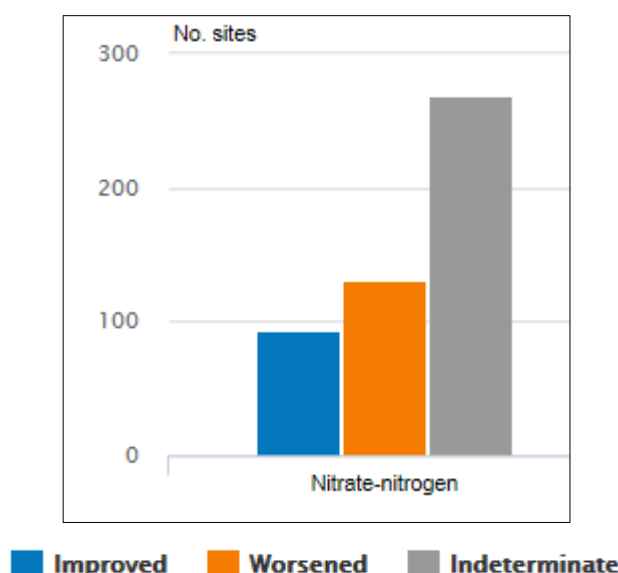


Figure 1. Nitrate levels in groundwater, 2005-2014

Ministry for the Environment's Our Fresh Water 2017 reports that 47 of 361 sites (13 per cent) did not meet the drinking water quality standard for nitrate at least once in the period between 2012 and 2014. The report doesn't indicate whether any or all of these sites are sources of public water supplies.

## 3. How the issue relates to objectives in the current Work Programme

- One of LGNZ's five strategic priorities concerns councils' infrastructure including that for 'Three Waters': "Water is critical to the future health of New Zealanders and their economy and in a world facing water scarcity New Zealand's water resources represent a significant economic advantage. Consequently, protecting the quality of water and ensuring it is used wisely is a matter of critical importance to local government and our communities. Water is also subject to a range of legislative and regulatory reforms, with the overall allocation framework under review and councils subject to national standards, such as drinking water standards."
- Another of LGNZ's strategic priorities is addressing environmental issues including the quality and quantity of New Zealand's freshwater resources: "Water quality is, and will continue to be, one of the defining political issues for governments and councils over the foreseeable future ..."

- LGNZ's Water 2050 project is also relevant. This project is described as: "A fit-for-purpose policy framework for the future (Water 2050) which considers freshwater quality and quantity: including standards, freshwater management, impacts on rural and urban areas, such as infrastructure requirements and associated funding, quantity issues including rights and allocation, and institutional frameworks for water governance."

#### **4. What work or action on the issue has been done on it, and the outcome**

The City Council undertakes chemical sampling from approximately 20-25 bores each year as an additional risk management barrier for the provision of its public drinking water supply. This data is shared with Environment Canterbury. The monitoring programme analyses for a number of chemicals, with nitrate being only one of many contaminants analysed. The City Council maintains a database with the results of the chemical monitoring programme.

The extent of the issue with respect to understanding the extent of nitrates in drinking water and its associated human health implication is beyond the scope of the City Council's resources to undertake.

#### **5. Outcome of any prior discussion at a Zone/Sector meeting**

To date no City Council drinking water well has exceeded the drinking water standard for nitrate.

Data from the last ten years of the City Council's monitoring programme have shown that in about a third of the samples taken, results have met or exceeded the 0.87 mg/L level for which the 2018 Danish study found an increased risk of colorectal cancer (see Table 1).

**Table 1. Nitrate-Nitrogen sampling results of CCC drinking water wells, 2008-2018**

|  | <b>Results <u>below</u><br/>0.87 mg/L</b> | <b>Results<br/><u>at/above</u> 0.87<br/>mg/L</b> |
|--|---|--|
| Total number of samples taken          | 280                                       | 93   |
| Number of wells with 1 or more results | 126                                       | 57   |
| Concentration range                    | <0.001 – 0.85                             | 0.89 – 7.1                                       |

**6. Suggested course of action envisaged**

Recommend that central government fund additional research into effects of nitrates in drinking water on human health and/or partner with international public health organisations to promote such research.

Recommend that central government work with regional and local governments to improve monitoring of nitrates in reticulated supplies as well as in the sources of drinking water, noting that in its 2017 report *Our Fresh Water 2017* the Ministry for the Environment has stated that they “have insufficient data to determine groundwater trends at most monitored sites” and that the Ministry of Health’s latest report on drinking water *Annual Report on Drinking water Quality 2016–2017* states that “chemical determinants are not regularly monitored in all supplies”.

# 7

## Local Government Official Information and Meetings Act (1987)

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**Remit:** That LGNZ initiates a review of Local Government Official Information and Meetings Act (1987) (LGOIMA) request management nationally with a view to establishing clear and descriptive reporting for and by local authorities that will create a sector-wide picture of:

- Trends in the volume and nature of LGOIMA requests over time.
- Trends in users.
- The impacts of technology in terms of accessing information sought and the amount of information now held by local authorities (and able to be requested).
- The financial and resource impacts on local authorities in managing the LGOIMA function.

That LGNZ use the data obtained to:

- Identify opportunities to streamline or simplify LGOIMA processes.
- Share best practice between local authorities.
- Assess the value of a common national local government framework of practice for LGOIMA requests.
- Identify opportunities to advocate for legislation changes on behalf of the sector (where these are indicated).

**Proposed by:** Hamilton City Council

**Supported by:** Metro Sector

### Background information and research

#### 1. Nature of the issue

A comprehensive understanding of the current state of play in the sector is needed, as are metrics to measure LGOIMA activity nationally to identify opportunities for improvements and efficiencies for the benefit of local authorities and the public.

An appropriate response is needed to address the tension between transparency and accountability to the public and effective, cost-efficient use of council resources to respond to requests under LGOIMA.

Despite guidance provided by the Office of the Ombudsman, it is becoming harder for local authorities to traverse the range of requests made under LGOIMA with confidence that they are complying fully with the Act. Issues such as grounds for withholding information, charging for information or seeking extensions are becoming increasingly problematic as the scope and scale of complex requests grows.

## **2. Background to its being raised**

Anecdotally, local authorities all around the country seem to be noticing:

- An increase in the volume of LGOIMA requests year on year;
- An increase in requests from media;
- An increase in serial requestors;
- An increase in referrals for legal advice to negotiate complex requests and the application of the Act;
- An increase in requests that could be described as vexatious; and
- Consequently, an increase in the costs of staff time in managing LGOIMA.

In seeking to comply with the legislation, local authorities share the Ombudsman's view of the importance of public access to public information in a timely fashion in order to "enable more effective public participation in decision-making; and promote the accountability of members and officials; and so, enhance respect for the law and promote good local government" (s4 LGOIMA).

In many ways technology is making it easier to source, collate and share a far greater range of public information faster. At the same time the ubiquitous use of technology within local government has significantly increased the volume and forms of information an organisation generates and captures, with associated implications for researching, collating and then reviewing this information in response to LGOIMA requests.

### Current status:

- a. Understandably, the Ombudsman's advice encourages local authorities to apply a very high threshold for withholding information and to take a generous view of what is in the public interest.
- b. The scope of requests is becoming broader, more complex and covers longer time periods (to the point where some could be described as fishing expeditions). While local authorities can request refinements to scope, requestors do not always agree to do so or make only minimal changes.
- c. There are costs associated with automated searches of systems, databases and email accounts, some of which should not or are not easily able to be passed on to requestors. Not undertaking automated searches increases the risk of pertinent information being omitted.

- d. The Ombudsman's guidance is very helpful in the main. However, Ombudsman's guidelines take the view that a council will scope the request then make the decision whether to release the information then prepare the information for release. This often does not reflect the reality of dealing with a LGOIMA request especially large and complex requests. These components are interrelated and cannot be processed as entirely separate stages.
- e. A small number of repeat requestors appear to be responsible for an increasingly disproportionate number of the total requests. Some are individuals, but a greater number are media and watchdog groups like the Taxpayers Union.
- f. With an increasing amount of information requested, the review of documents, webpages, etc and redaction of text for reasons of privacy or outside-of-scope is significant and onerous.
- g. Local authorities are failing to take a common approach to people and organisations that are making the same request across the sector.
- h. An increasing number of LGOIMA requests are seeking property/property owner/license-holder information or other information more often than not to be used for marketing or other commercial ends. Yet local authorities are limited in their ability to recoup associated costs in providing this information, or in the case of standard operating procedures, protect their own intellectual property.

### **3. How the issue relates to objectives in the current Work Programme**

LGNZ has a work programme focused on improving the local government legal framework. This remit is consistent with that programme and seeks to focus attention on a particularly problematic part of the framework that is currently not being specifically addressed.

### **4. What work or action on the issue has been done on it, and the outcome**

At a local level, Hamilton City Council has been working continuously over the last 18 months to refine our processes for dealing with LGOIMA requests. This work has ensured that relevant staff as well as the staff in the LGOIMA office and in the Communications Unit are aware of the procedures and requirements for dealing with LGOIMA requests under the Act, and options potentially available where the scope or the complexity of requests tests Council resources. Templates for responses and communications with staff regarding responses have been developed and are used or customised as necessary. We have also introduced a reporting framework so that we have visibility of requests over time and various component factors including time taken to prepare and respond to LGOIMAs. Opportunities for further enhancements relate to understanding and being able to reflect best practice sector-wide.

**5. Any existing relevant legislation, policy or practice**

Local Government Official Information and Meetings Act 1987; Privacy Act 1993; Office of the Ombudsman Official Information legislation guides; Privacy Commissioner privacy principles.

Hamilton City Council is very conscious of its responsibilities under the Local Government Official Information and Meetings Act 1987, the Privacy Act 1993, and related guidance, and our processes comply with the relevant legislation.

This topic is also closely aligned with Hamilton City Council's strategic imperative: 'A Council that is Best in Business'.

**6. Suggested course of action envisaged**

LGNZ prioritises a national review of LGOIMA request management as part of its programme to continuously improve the local government legal environment.



## Weed control

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|----------------------|---|
| <b>Remit:</b>        | That LGNZ encourages member councils to consider using environmentally friendly weed control methods. |
| <b>Proposed by:</b>  | Hamilton City Council   |
| <b>Supported by:</b> | Metro Sector  |

### Background information and research

#### 1. Nature of the issue

There is mixed evidence of the risks associated with using chemical weed control as a method, particularly glyphosate-based, and lobby groups are actively pressuring councils to reduce use. Glyphosate is currently approved for use as a herbicide by New Zealand's Environmental Protection Agency (EPA), and most New Zealand councils use it, given it is a cost-effective, proven option for weed control. Most councils take an integrated approach to weed control, which includes the use of glyphosate-based products along with alternative methods.

#### 2. Background to its being raised

In New Zealand, the use of chemicals including glyphosate is regulated by the EPA. A 2016 EPA review concluded that glyphosate is unlikely to be genotoxic or carcinogenic to humans and does not require classification under the Hazardous Substances and New Organisms Act 1996 as a carcinogen or mutagen.

Internationally, there is controversy surrounding the use of glyphosate. In 2004 a World Health Organisation (WHO) Group (the Joint Meeting on Pesticides Residues) determined that glyphosate does not pose a cancer risk to humans. In 2015, another WHO sub-group (the International Agency for Research on Cancer) classified glyphosate as 'probably carcinogenic to humans'.

In August 2018 a California jury found Monsanto liable in a case linking the use of the company's glyphosate-based weedkillers to cancer. In March 2019, a federal jury in America ruled that use of Monsanto's glyphosate-based weedkiller was a 'substantial factor' in another user developing cancer. These cases have reinvigorated calls to ban the use of glyphosate in New Zealand and worldwide.



**3. How the issue relates to objectives in the current Work Programme**

LGNZ has an environmental work programme and the proposed remit is consistent with this focus on environmental issues that affect local government and local communities. The LGNZ programme does not specifically address the issue of non-chemical methods of weed control despite strong public interest.

**4. What work or action on the issue has been done on it, and the outcome**

At a local level, Hamilton City Council staff are currently actively looking at reducing chemical use in general and, more specifically, at alternative weed control methods. Our approach acknowledges the importance of keeping our community and staff safe and healthy. Staff are appropriately trained and required to wear the correct personal protective equipment (PPE) for the task.

Our investigation of non-chemical options has incorporated the following:

- In September 2018, we began trialling use of a steam machine for weed control. The equipment has a large carbon footprint (9 litres of fossil fuel per hour of operation) and requires more frequent application to achieve the same level of weed control.
- The use of a new mulch application machine has enabled sites to be mulched faster than traditional methods, which suppresses weeds for longer.
- We have trialled longer grass-cutting heights to reduce Onehunga weed in amenity areas. This has led to a reduction in selective herbicide application.
- We are working with Kiwicare to trial alternative weed control methods in Hamilton parks. Kiwicare has a wide range of alternatives, including an organic fatty acid-based product.

Our current operating approach includes continuous review of application equipment efficiency including use of air-induced spray nozzles droplet control, which results in less spray being required.

As a result of Hamilton City Council's strategy to consider alternatives, one large herbicide sprayer was decommissioned from the council parks fleet in early 2019. This will lead to a reduction in glyphosate used.

Glyphosate is no longer used for weed control in our playground sites. It has been replaced with an organic spray alternative (this option is 30 per cent more expensive than using glyphosate).

Glyphosate use by Hamilton City Council is recorded on a dedicated webpage and a no-spray register is maintained. Residents can opt out of the council spraying programme and take responsibility themselves for weed control along property boundaries and street frontages.

**5. Any existing relevant legislation, policy or practice**

Hamilton City Council currently operates in compliance with national standards (New Zealand Standard 8409:2004 Code of Practice for the management of agrichemicals), the Waikato Regional Plan and Pest Management Plan and our own Herbicides Use Management Policy.

**6. Outcome of any prior discussion at a Zone/Sector meeting**

Most councils take an integrated approach to weed control, which includes the use of glyphosate-based products along with alternative methods. Reports this year from Christchurch, where the City Council is phasing out use of glyphosate, indicates levels of service and maintenance appearance have been an issue, along with significant cost increases when glyphosate has been significantly reduced.

**7. Suggested course of action envisaged**

LGNZ leads a commitment by local government to investigate and trial environmentally friendly alternatives to chemical weed control with results shared amongst member organisations.

# 9

## Building defects claims

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| <b>Remit:</b>        | LGNZ calls on central government to take action as recommended by the Law Commission in its 2014 report on “Liability of Multiple Defendants” to introduce a cap on the liability of councils in New Zealand in relation to building defects claims whilst joint and several liability applies. |
| <b>Proposed by:</b>  | Napier City Council   |
| <b>Supported by:</b> | Zone Three  |

### Background information and research

#### 1. Nature of the issue

- In its report on joint and several liability issued in June 2014 (the Law Commission report) the Law Commission recommended that councils’ liability for defective building claims should be capped. Building consent authorities in New Zealand (councils) are disproportionately affected by defective building claims.
- The Government in its response to the Law Commission report directed the Ministry of Justice and the Ministry of Business, Innovation and Employment (MBIE) to further analyse the value and potential impact of the Law Commission’s recommendations, including capping liability of councils, and report back to their respective ministers.
- The MBIE website suggests that a Building (Liability) Amendment Bill would be consulted on in 2017 and final policy approval obtained from Cabinet. That Bill, according to the MBIE website, would be aimed to amend the Building Act 2004 to cap the liability of councils and protect consumers by introducing provisions driving greater uptake of home warranty protection. However no progress appears to have been made towards drafting or introducing this Bill into Parliament. At a recent rural and provincial local government meeting in Wellington, MBIE advised that no further action is being taken to progress any capping of council liability.
- This proposed remit is aimed to put pressure on MBIE and the Government to follow the Law Commission’s recommendation to limit (ideally by capping) councils’ liability in respect of defective building claims.

## **2. Background to its being raised**

- Defective building claims are prevalent throughout New Zealand, both in large centres and small. They are not limited to “leaky building” claims. Claims which include allegations involving structural and fire defects are increasingly common, both for residential and commercial properties.
- The courts have held that councils will generally have a proportionate share of liability in defective building cases in the vicinity of 20 per cent. However, because councils are generally exposed to the full quantum of the claim, when other parties are absent (for example whereabouts unknown, deceased, company struck off) or insolvent (bankrupt or company liquidated), which is the rule, rather than the exception, the Council is left to cover the shortfall. The Law Commission report recognised that councils in New Zealand effectively act as insurers for homeowners, at the expense of ratepayers.
- Other liable parties such as developers, builders and architects can potentially reduce their exposure through insurance and wind up companies in the event of a large claim. Developers often set up a dedicated company for a particular development and then wind that company up following completion.
- Councils on the other hand can no longer access insurance for weathertightness defects (a “known risk”). They have no choice about whether to be involved in the design and construction of buildings, as they have a legislative role as building consent authorities in their districts. They make no profit from developments and cannot increase their fees to account for the level of risk. Yet they are often the main or sole solvent defendant in defective building claims (last person standing).
- The cost to ratepayers of the current joint and several liability system is significant, disproportionately so. This was recognised in the Law Commission report in 2014, but no substantive steps have been taken by central government to address the issue or implement the Law Commission’s recommendation that council liability should be capped.

## **3. How the issue relates to objectives in the current Work Programme**

The current LGNZ Work Programme for housing includes an objective of the regulatory and competitive framework of continuing advocacy to government for alternatives to current liability arrangements. Clearly this remit fits squarely within and would assist to progress that objective.

#### **4. What work or action on the issue has been done on it, and the outcome**

- The Law Commission report was a result of concerns raised primarily by LGNZ and councils around New Zealand about the effect of joint and several liability in relation to the leaky homes crisis. Prior to release of the report, LGNZ and a number of councils around New Zealand, including Auckland Council, Christchurch City Council, Hamilton City Council, Hastings District Council, Queenstown Lakes District Council, Tararua District Council, Waipa District Council staff, Wellington City Council, as well as SOLGM and BOINZ all filed submissions advocating for a change to the status quo.
- The Law Commission report, as discussed in more detail above, recommended that councils' liability be capped. It was understood from the Government's response to the Law Commission report and from MBIE (both discussed above) that this recommendation was being progressed in a meaningful way. This was further supported by MBIE's submission to the Law Commission prior to the release of the Law Commission report, in which it stated that:
  - a. Provisions in the Building Amendment Act 2012 not yet in force, in particular the three new types of building consent limiting councils' liability "are likely to be brought into force within a reasonable time after the Commission completes its review of joint and several liability". MBIE stated that the Law Commission should take the impact of these changes into account in preparing its report. However, these provisions are still not in force.
  - b. "The Government has instructed the Ministry to explore options for the consolidation of building consent authorities as part of the Housing Affordability agenda and ongoing reforms in the construction sector. Issues regarding the liability of a central regulator, as well as that of territorial authorities, will be fundamental concerns as consolidation options and other measures to increase productivity in the sector are explored". This does not appear to have been progressed.
- It was only in the last month or so that MBIE has now advised that the recommendation that councils' liability be capped would no longer be progressed.

#### **7. Suggested course of action envisaged**

We consider that LGNZ could form a joint working party with MBIE and the Ministry of Justice, and possibly the relevant Minister's (Jenny Salesa's) staff to explore limiting councils' liability for building defects claims, including:

- Disclosing and considering the following information (whether by way of OIA requests and/or as part of a working group):
  - MBIE documents relating to its consideration of the Law Commission report and the reasons why it is no longer progressing the capping of council liability.
  - Ministry of Justice and Minister of Building and Housing's documents relating to the Law Commission report and to proposed capping of council liability.

- MBIE and Minister of Building and Housing's documents relating to implementation of s 17 of the Building Amendment Act 2012.
- Drafting proposed amendments to the Building Act and/or a Building (Liability) Amendment Bill (this work may have been started by MBIE, so this task should await the outcome of the information gathering exercise above).
- Drafting content for a cabinet paper regarding the Law Commission's recommendation that council liability for building defect claims be capped.

# 10

## Social housing

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| <b>Remit:</b>        | That LGNZ, in conjunction with central government, urgently focus on the development and implementation of a broader range of funding and financing tools in respect of community/social housing provision, than those which currently exist in the housing needs space. These should include funding to support the operation, upgrade and growth of council housing portfolios and, where a council chooses, access to Income Related Rents for eligible tenants. |
| <b>Proposed by:</b>  | Napier City Council, Tauranga City Council and Wellington City Council  |
| <b>Supported by:</b> | Zone Three<br>Metro Sector  |

### Background information and research

#### 1. Nature of the issue

##### Napier City Council

Social housing, especially for older citizens, is a strategic issue.

New Zealand communities are facing an extremely serious housing affordability crisis that has resulted in the country having the highest rate of homelessness in the developed world. Current policy settings are failing to adequately address the issue.

Local government is the second largest provider of social housing in New Zealand, however, since 1991, successive governments have failed to adequately recognise the contribution we have and are making. Unfortunately, existing policy actively discriminates against councils meeting local housing needs resulting in a gradual reduction in the council owned social housing stock. With Housing New Zealand focussing its attention on fast growing urban areas, social housing needs in smaller communities are not being met.

The issue is becoming more serious as baby boomers retire – the current social housing is not designed to address the needs of this cohort – a role historically provided by councils with support from central government in the form of capital grants.

The issue has already become urgent for Aotearoa New Zealand and its communities.

### Tauranga City Council

The western Bay of Plenty SmartGrowth partnership (Tauranga City Council, Western Bay of Plenty District Council, Bay of Plenty Regional Council and tangata whenua), has undertaken some preliminary research into the potential for government assisted bond raising for community/social housing providers using the Federal Government experience from Australia.

It has also identified the Australian rental housing provision tax incentive opportunities that the current Labour opposition has put forward. The partnership is aware of work being undertaken by Treasury in terms of raising the debt ceilings via amendments to the Local Government (Financial Reporting and Prudence) Regulations 2014. The SmartGrowth partnership would welcome the opportunity to work further with LGNZ and others to take a more “four well-beings” focus to the housing funding and financing toolkit than currently exists. This matter is becoming critical for all of the Upper North Island growth councils and other councils such as Queenstown.

### Wellington City Council

Housing is an important contributor to the wellbeing of New Zealanders, and councils support the work of the Government to continue to grow and improve social housing provision in New Zealand.

Addressing housing demand and affordability related challenges are significant issues for local government. 62 (93 per cent) of New Zealand’s 67 local authorities reference some type of housing-related activity in their current Long Term Plans. As at November 2018, 60 local authorities (90 per cent) collectively own 12,881 housing units and 13 of those provide 50 per cent or more of the total social housing within their jurisdictions.

The social housing currently owned by local authorities equates to 16 per cent of the nationwide social housing stock, with the remaining 82 per cent largely owned by the Housing New Zealand Corporation (HNZC) and Community Housing Providers (CHPs). While there is variation in housing eligibility policy settings at the local level, a significant proportion of tenants housed by local authorities have a similar profile to those housed by HNZC and CHPs.

To help address housing affordability for households on the lowest incomes, central government provides the Income Related Rent Subsidy (IRRS) for those with housing need and that meet policy eligibility criteria. Eligible households generally pay 25 per cent of their income on rent, and a government subsidy is paid to the housing provider for remaining portion of rent.

Despite housing a similar group of tenants, current IRRS policy settings mean HNZC and CHPs can access the subsidy for tenants but local authorities cannot.

This has created considerable inequity in the housing system and is placing pressure on a vulnerable population group in New Zealand. Tenants who would be eligible for IRRS, but who are housed by a local authority, generally have to pay a significantly higher amount of rent. With demand for HNZC public housing and social housing provided by Community Housing Providers outstripping supply in most areas, these households have very few housing options and are unable to access the Government support they would otherwise be eligible for.



The inability to access IRRS has also contributed to housing portfolio sustainability challenges for local authorities, who cannot access the additional funding through IRRS to help maintain their housing portfolios. This challenge has led to vulnerable tenants having to be charged unaffordable levels of rent, and the decline in the overall social housing stock levels owned by local authorities. This has occurred even as social housing demand has increased and housing affordability has become a more acute challenge for more households.

## **2. Background to its being raised**

### Napier City Council

Councils provide in excess of 10,000 housing units, making it a significant provider of community housing in New Zealand. Councils began providing community housing across the country, particularly for pensioners, in the 1960's when central government encouraged them to do so through capital loan funding. In the 1980's, this occurred once again and was applied to general community housing developments. Council's rent setting formulas varied but all provided subsidised rents. While the housing stock was relatively new, the rental income maintained the homes, however, now decades on, and with housing at the end of life, significant investment is required. Income from rents has not been enough to fund renewals let alone growth to meet demand.

The Government introduced Income Related Rent subsidy (IRR) in 2000 for public housing tenants and it was later applied to registered Community Housing Providers. This mechanism allows tenants to pay an affordable rent in relation to their income, while the housing provider receives a 'top up' to the agreed market rent for each property under the scheme. In effect, housing providers receive market rent through this mechanism. Being able to generate market rental income is the most successful sustainable model for the provision of community housing. Providers receive an adequate income to cover the cost of providing housing, to fund future renewals and to raise capital for immediate asset management. Councils are excluded from receiving this subsidy, and so are their tenants.

### Wellington City Council

Key objectives for councils that provide social housing generally include ensuring that their social housing tenants are well housed in quality homes, and that they pay an affordable level of rent. Balancing this objective with business sustainability continues to be a real challenge for many councils, and has contributed to some divesting their social housing portfolios. At the same time, demand for social housing has generally continued to increase and housing affordability is a more prominent issue, particularly for households on the lowest incomes.

Despite ongoing and repeated lobbying over a number of years from councils and LGNZ, and a commitment from the current government to reconsider IRRS policy settings, local authorities are still unable to access IRRS. This remit recognises the inequitable situation this has created for a significant number of vulnerable households, and the negative impact it has had on the overall supply of social housing owned by local authorities.

### **3. How the issue relates to objectives in the current Work Programme**

#### Napier City Council

This remit supports LGNZ's Housing 2030 policy and programme, in particular the Social Housing and Affordable Housing workstreams. Housing 2030 is one of LGNZ's four strategic projects. This remit reinforces and supports that initiative.

LGNZ recently hosted a Social Housing workshop with both local and central government agencies to discuss the issues and opportunities and the future role councils could play in the provision of social housing. There was agreement that a partnership approach that recognises local situations with a range of options for support from government (both funding and expertise) would be most suitable.

#### Wellington City Council

By working with central government, local authorities, and a range of other stakeholders, the current LGNZ housing work programme seeks to establish a central local government housing partnership and improve housing outcomes. The work programme includes three key focus areas: housing supply; social and community housing; and healthy homes.

As part of the 'social and community housing' focus area, LGNZ have already signalled an intention to work with government agencies to enable local authorities to access IRRS. This remit would however provide specific mandate from member councils on this point.

### **4. What work or action on the issue has been done on it, and the outcome**

#### Napier City Council

As the proposer of this remit, Napier City Council, has undertaken an S17A Review of its own provision of community housing, with further investigation underway. In addition, both at a governance and management level, we have taken part in numerous conferences, symposiums and workshops on the matter in the last two years. We lead a local Cross Sector Group – Homelessness forum and take part in the Hawke's Bay Housing Coalition. We have provided housing for our community for over five decades, supplying just under 400 retirement and low cost rental units in Napier.

#### Wellington City Council

Wellington City Council, along with a number of other councils and LGNZ have already made a number of formal submissions to central government regarding this issue. To date, central government has advised that no changes will be made to IRRS policy settings at this stage.

**5. Suggested course of action envisaged**

Napier City Council

This remit supports, as a matter of urgency, the further investigation by central government and LGNZ of the opportunities identified at the workshop and any other mechanisms that would support councils provision of community housing in New Zealand.

It is designed to strengthen LGNZ's advocacy and would provide a reason to approach the Government in the knowledge that local government as a whole is in support.

Wellington City Council

LGNZ, on behalf of member councils, would increase efforts to formally advocate for local authorities to be able to access Income Related Rent Subsidies for all eligible tenants that they house, with implementation within a two year timeframe.

# 11

## Procurement

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| <b>Remit:</b>        | That LGNZ investigate the ability of the sector to collaborate in procuring open-source designs and plans for bulk infrastructure that are largely similar, with an initial approach to look at water and wastewater treatment facilities.                     |
| <b>Proposed by:</b>  | New Plymouth District Council  |
| <b>Supported by:</b> | Central Hawkes Bay District Council<br>Otorohanga District Council<br>South Taranaki District Council<br>Stratford District Council<br>Thames-Coromandel District Council<br>Waitomo District Council<br>Wellington City Council<br>Whanganui District Council |

### Background information and research

#### 1. Nature of the issue

At present, every local authority in New Zealand undertakes bespoke procurement for its own infrastructure despite there being little difference in the infrastructure provided. Each local authority then receives a slightly different product that largely achieves the same outcome.

#### 2. Background to its being raised

Local authorities often face similar challenges, albeit at different times. Local authorities often procure similar infrastructure that deal with the same inputs and outputs, but are bespoke products designed at significant cost.

A good case example, and a useful starting point, is water and wastewater treatment plants. The Government's Three Waters Reform programme received a report from Beca that identified the number of water treatment plants that are non-compliant with water standards. While not all of these plants will require replacement, some of them may do so.

The report identifies that 17 large plants (10,001+ people), 13 medium plants (5,001-10,000 people), 140 minor plants (501-5,000 people), 169 small plants (101-500 people) and 153 neighbourhood plants (25-100 people) are not compliant with standards. A similar story emerges with wastewater treatment plants.

At the same time, the sector is aware of the upcoming increase in renewals across water and wastewater treatment plants (including plants currently compliant with standards). There are a considerable number of plants coming near to the end of their useable lifespan in coming years. Often these plants have to be replaced with an entirely new plant so as to keep the existing plant operating during the replacement's construction.

While there may be some local variation, new water and wastewater treatments plants being built in the future will either be large, medium or small. The increasingly prescriptive regulatory framework will invariably reduce scope for choices and options in plant design. All plants will need to meet the same output quality standards, and will require the same treatment processes (with some minor variations to reflect any local preferences or unique circumstances).

Local authority procurement is a 'hot topic' for the Office of the Auditor-General (OAG). The OAG have signalled a forthcoming report *Procurement workforce capacity and capability in local government* that will aim to encourage greater collaboration between local authorities. Similarly, there is a strong focus on procurement within central government, including all-of-government procurement in which local authorities can choose to be involved.

Local authorities should collaborate now to procure a number of standardised open-source options for water and wastewater treatment plants for the future. These would then be available to all local authorities to use when required, rather than having to go to the market for a new design. These would be tested and implementable designs – the risk of failure would be lower than a bespoke design. The processes used would need to be customisable (such as whether drinking water is fluoridated, or to address particular issues in incoming water). Scalability would, of course, be critical. Council procurement would be limited to build-only contracts.

A collaborative procurement process for standardised designs could lead to significant cost savings. Even a small saving of one or two per cent would result in millions of dollars of savings across the sector. Over time, there would be further consequent savings, such as not having to retrain staff when transferring between authorities or even the capacity for further collaboration through shared services.

If successful, the sector would be well-placed to look at other areas where collaborative procurement processes for standardised designs would be useful. These could include solid waste resource recovery and separation facilities, roading assets, or other significant assets.

**3. How the issue relates to objectives in the current Work Programme**

LGNZ has placed significant time and energy into the Three Water Reform programme. LGNZ's position paper on these reforms notes strong support for improving the regulatory framework for drinking water. LGNZ oppose the mandatory aggregation of water assets.

This remit will also contribute to the LGNZ strategic policy priorities: Infrastructure; Risk and Resilience; Environmental; and Economic Development.

**4. Any existing relevant legislation, policy or practice**

The Three Waters Reforms are likely to result in significant legislative reform that impacts on water and wastewater treatment plants.

# 12

## Single use polystyrene

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| <b>Remit:</b>        | That LGNZ advocates to the Government to phase out single use polystyrene. |
| <b>Proposed by:</b>  | Palmerston North City Council  |
| <b>Supported by:</b> | Metro Sector   |

### Background information and research

#### 1. Nature of the issue

Expanded polystyrene is bulky and does not break down. While some technologies exist to reduce the bulk of polystyrene prior to landfill, or to recycle it (for example, to make insulation material), these interventions offer only a partial solution to the prevalence of polystyrene. Single-use polystyrene (such as used in food containers) has further contamination issues, meaning that landfill remains the only means of disposal.

Palmerston North City Council's own Waste Management and Minimisation Bylaw 2016 prohibits the use of polystyrene or styrofoam containers or cups at events held on council land or with council funding. This has encouraged the use of more sustainable substitutes. However, while the council can control, to some small extent, the use of polystyrene and its disposal (for example, by refusing to collect it), in practice its influence is limited. This is because most of the supply of polystyrene originates outside of the city, and the Council has limited ability to ensure it doesn't end up in the waste stream (for example, it can be inside rubbish bags).

#### 2. Background to it being raised

Under section 23(1)(b) of the Waste Minimisation Act 2008, the Government is empowered to ban or regulate certain problematic or wasteful products. This provision is currently being used to phase out single-use plastic shopping bags.

This remit proposal meets both LGNZ remit policy criteria. As with single-use plastic bags, the national regulation of single-use polystyrene products would be more effective in beginning to address their use in the first place, rather than being addressed (as at present) as a city-level waste issue.

Single-use polystyrene contributes significantly to landfill in New Zealand, and it is the view of the Palmerston North City Council that a nationwide ban would reduce the environmental impact of these products.

# 13

## Local Government Act 2002

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- Remit:** That LGNZ pursue an amendment to the Local Government Act 2002 to:
- a. Re-number sub-sections 181 (5) and (6) to sub-sections (6) and (7); and
  - b. Introduce a new sub-section (5) to read: For all purposes the term “any work” in subsection 4 means any works constructed before xx Month 20xx; and includes any works that were wholly or partly in existence, or work on the construction of which commenced, before xx Month 20xx.
- Proposed by:** Rangitikei District Council
- Supported by:** Zone Three

### Background information and research

#### 1. Nature of the issue

Historic assumptions that there is statutory authority for the siting of Three Waters infrastructure on private land do not reflect the complete picture.

##### Questions arise:

- May an infrastructure asset owner notify further works on private land where the original works are not protected by written consent (or notification)?
- Does an infrastructure asset owner have authority to restrict a landowner’s ability to build over a non-protected asset?
- What is the potential cost to infrastructure asset owners to remedy the absence of enforceable authority?

#### 2. Background to its being raised

##### An example in the Rangitikei – Hunterville urban and rural water schemes

- a. The rural scheme was constructed in the 1970’s (government grant involved).
- b. Construction was a collective project (county and scheme users).
- c. The urban supply draws bulk (raw) water from the rural scheme.
- d. Infrastructure is sited on numerous private landholdings.



- e. Conscious decision that landowner consents not required (relied on “the Act”).
- f. Urban supply treatment, storage, reticulation sited on one member’s land.
- g. Land has changed hands (twice) since urban supply infrastructure developed.
- h. Current owners seek renegotiation of access rights as well as compensation.
- i. Council and owners negotiating (little progress after seven years).
- j. Substantial costs to survey and register easement.

The issue is not unique to Rangitikei

- a. Several local authorities from Waikato and Bay of Plenty to Otago have emailed to comment. All record similar experiences to Rangitikei’s, both historic and ongoing’. One noted that such incidents arise, on average, monthly.
- b. All comments received have noted frustration at the potential costs to formalise previously ‘casual’ but cordial and workable arrangements with prior landowners.

The power to construct is constrained

- Local Government Act (2002) sections 181 (1) and (2) empower a local authority to construct Three Waters works on private land.
- Section 181 (3) specifies the local authority must not exercise the power to construct unless it has the prior written consent of the landowner (or it has followed the prescribed notification process).
- Similar provisions that existed in previous legislation were repealed by the 2002 Act.

Effect of the law

- The Act provides power to construct; it is the owner consent (or notification process) that provides the authority to enter private land to exercise its power to construct.
- A local authority cannot claim absolute right of access without evidence of owner consent or compliance with the notification requirements.
- The High Court considered the need for fresh consent from, or notice to, subsequent owners (Re Watercare Services Ltd [2018] NZHC 294 [1 March 2018]).

Other infrastructure owners

- The Electricity Act 1992, the Gas Act 1992, and the Telecommunications Act 2001 all provide retrospective authority for siting of infrastructure on private land.
- No record has been found of the rationale behind those retrospective authorities.
- The thread of these authorities could be brought into the Local Government Act.

**3. How the issue relates to objectives in the current Work Programme**

- Local Government Act (2002) section 181 (4) authorises entry to any work constructed under the Act or the corresponding provisions of a prior Act.
- The effect of the Court's (Watercare) Declaration is to confirm that a local authority must have evidence of prior written consent (or notification) for the original works on that land.

# 14

## Campground regulations

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| <b>Remit:</b>        | That LGNZ request the Government to amend the Camping - Ground Regulations to allow councils to approve remote camp facilities on private property, subject to any such conditions as deemed required by a council, including the condition that any approved campground is x distance away from an existing campground, unless the existing campground operator agrees to waive this condition in writing. |
| <b>Proposed by:</b>  | Thames-Coromandel District Council  |
| <b>Supported by:</b> | Dunedin City Council<br>Waikato District Council<br>New Plymouth District Council<br>Mackenzie District Council<br>Hamilton City Council  |

### Background information and research

#### 1. Nature of the issue

Currently the 'remote camp site' definition means a camping ground: 'in a national park, state forest, state forest park or public reserve or on Crown Land.' As the provision is only for public land there is no opportunity to provide such an experience on private property.

#### 2. Background to its being raised

Ratepayers, through their council, are having to provide areas for camping for increasing numbers of what are being called "freedom campers", with associated increasing costs to ratepayers and community both regarding environmental and financial considerations.

Unfortunately for councils there is nothing for free, and to provide any public facilities there is a range of costs to provide and maintain the facilities including power, water, waste collection, maintenance, cleaning, and compliance monitoring and enforcement etc. Those costs are increasing.

Enforcement for compliance is increasingly problematic and costly and in addition, social media is sending the wrong messages for our communities who must contend with freedom campers in their area. The result is that prime beach front sites are being degraded through overuse, and abuse of sites available.

While reserve areas can be either managed or leased for a remote camp facility, councils are constrained by the lack of public land where a remote site can be established, particularly in more remote locations. Remote camps have far fewer regulatory requirements than usual campgrounds.

### **3. How the issue relates to objectives in the current Work Programme**

There is work underway regarding freedom camping in New Zealand which is looking at a range of issues in relation to freedom camping.

The Responsible Camping Working Group comprises central and local government representatives, as well as other interested parties, and is currently looking at a number of matters, including the Camping Ground Regulations. A review of the Regulations was one of the recommendations of the Working Group and work is underway specifically on this.

### **4. Any existing relevant legislation, policy or practice**

The remit seeks an amendment of the Camping - Ground Regulations to broaden the definition of remote camp site to allow councils to authorise remote camp sites on private land, taking into account distance from existing campground facilities. A new definition would enable sites to be established where, for a modest fee, an operator would be able to provide basic facilities and recover some of the cost of provision and maintenance.

In addition the 2016 annual general meeting agreed to ask the Government to change to s14(3) of the Camping Ground Regulations 1985 (made under s120B of the Health Act 1956) to allow broader exemptions to the need for provision of camping facilities for those that wish to freedom camp in all areas and not just at "remote" camps; this is yet to be actioned but is being considered by the joint officials body.

### **5. Suggested course of action envisaged**

Amend the Campground Regulations definition for remote sites to allow councils to authorise remote camps on private land taking into account distance from existing campground facilities.

By providing sites where a modest fee is required, the operator provides the basic facilities at no cost to ratepayers or the environment.

# 15

## Living Wage

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| <b>Remit:</b>        | Wellington City Council asks that LGNZ members consider engaging with the Living Wage Aotearoa New Zealand Movement when developing policies on payment of the Living Wage. |
| <b>Proposed by:</b>  | Wellington City Council   |
| <b>Supported by:</b> | Metro Sector  |

### Background information and research

#### 1. Nature of the issue

According to the Living Wage Movement Aotearoa New Zealand, “Over the last 30 years New Zealand has gone from one of the most equal countries in the developed world to one of the most unequal. Wages have stagnated while New Zealanders are working harder and longer than ever before. Growing poverty and inequality hurts us all; workers and their families, employers, business, the Government and society as a whole.”

The Living Wage Movement Aotearoa New Zealand was formed in 2012 to generate a conversation about working poverty in Aotearoa. It brings together community, union and faith based groups to campaign for a Living Wage.

The Living Wage is defined as: “The income necessary to provide workers and their families with the basic necessities of life. A living wage will enable workers to live with dignity and to participate as active citizens in society”. The Living Wage is an independently researched hourly rate based on the actual cost of living and is reviewed annually. The official 2019 New Zealand Living Wage is \$21.15 and will come into effect on 1 September 2019.

Research from around the world shows that paying a Living Wage brings benefits to employers, to the community and most importantly to workers who need it the most.

#### 2. Background to its being raised

The Living Wage Movement Aotearoa New Zealand has an accreditation system available to employers who meet the criteria to become a Living Wage Employer. In order to use this trade mark, employers must sign a license committing the organisation to paying no less than the Living Wage to directly employees and contracted workers, delivering services on a regular and ongoing basis.

This remit recognises that a number of local authorities across New Zealand are currently taking steps towards becoming Living Wage councils.

**3. How the issue relates to objectives in the current Work Programme**

LGNZ is committed to working alongside central government and iwi to address social issues in New Zealand's communities, including disparity between social groups.

**4. What work or action on the issue has been done on it, and the outcome**

In September 2018, Wellington City Council became the first council in New Zealand to be accredited as a Living Wage Employer. This was the culmination of implementing a Living Wage and working with the Living Wage Movement Aotearoa New Zealand since 2013, in summary:

- Following a decision in 2013, from January 2014 the Council implemented a minimum wage rate of \$18.40 for all fully trained directly employed staff.
- On 1 July 2014, WCC implemented its decision to introduce the Living Wage (at \$18.40 per hour) for council and Council Controlled Organisation (CCO) staff.
- On 15 May 2015, the Council's Governance, Finance and Planning Committee passed a resolution to increase the \$18.40 rate to reflect annual inflation movement.
- On 28 October 2015, WCC extended the living wage (at \$18.55 per hour) to security and core cleaning contractors.
- In July 2017, the Council implemented the New Zealand Living Wage (\$20.20 at the time) for staff, CCOs and core contractors as they come up for renewal.
- In September 2018, WCC was accredited as a Living Wage employer.

**5. Suggested course of action envisaged**

Member councils who are developing policies on payment of the Living Wage will consider engaging with the Living Wage Movement Aotearoa New Zealand to understand the criteria for becoming a Living Wage accredited employer.

# 16

## Sale and Supply of Alcohol Act

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| <b>Remit:</b>        | LGNZ, on behalf of its member councils ask for a review of the effectiveness of the Sale and Supply of Alcohol Act 2012 in reducing alcohol harm (eg price, advertising, purchase age and availability) and fully involve local government in that review. |
| <b>Proposed by:</b>  | Wellington City Council and Hastings District Council  |
| <b>Supported by:</b> | Metro Sector   |

### Background information and research

#### 1. Nature of the issue

##### Wellington City Council

The Sale and Supply of Alcohol Act was introduced in 2012 and has not as yet been reviewed.

There is now considerable experience in how it is working in practice and it is timely that a review is undertaken to ensure it is meeting the outcomes that were sought when it was introduced and that any anomalies that have emerged from regulation under the Act are addressed.

Addressing anomalies: an example of such an anomaly that has become apparent is the definition of 'grocery store' in the Act, where a business is only a grocery store if its largest single sales group (by turnover) is a specified type of food/groceries. In hearings the focus is often more on the accounting statements of an applicant, rather than about alcohol effects.

An established operator for whom the highest turnover item was topping up Snapper cards ahead of groceries applied for a renewal of their licence. The Act requires the District Licensing Committee (DLC) to use turnover as the measure to define the type of business and there is no discretion allowed to the DLC. In effect the DLC had the choice of declining the liquor licence or saying they could only retain their liquor licence by stopping Snapper top ups. They were not a grocery store by definition as Snapper card top ups was the highest turnover item. The obvious decision was to stop the Snapper top ups, to meet the "grocery store" definition, and retain the liquor licence. The overall outcome of considering the safe and responsible sale, supply and consumption of alcohol; and the minimisation of harm was not achieved.

This is one of a range of issues. The District Licensing Committees all report each year to the Alcohol Regulatory and Licensing Authority. This addresses the issues of the operation of the Act. After five years this now provides a considerable base of information that can be used in a wider review to improve the effectiveness of the Act.

Better regulation: The current regulations are tightly prescribed (eg setting maximum penalties or fees), leave little flexibility for local circumstances and have not been reviewed. The process of establishing local alcohol policies has also not been effective.

The Council developed a Provisional Local Alcohol Policy which was notified on January 21, 2014. Appeals were lodged by eight parties which were heard by the Authority over eight days between 20 October and 5 November 2014. The Authority released its decision on 20 January 2015 which asked the Council to reconsider elements of its PLAP. In 2016, the Council resolved that it should not at that time resubmit the PLAP to the Authority, and should instead continue to monitor alcohol-related data in Wellington, work with key stakeholders, and consider future Alcohol Regulatory and Licensing Authority (ARLA) decisions on other PLAP appeals prior to determining if the Council requires a local alcohol policy.

This experience is not uncommon and it has been difficult to establish a comprehensive Local Alcohol Policy which was a key building block of the regulatory framework. As at November 2018 while 34 of the 67 territorial authorities have an adopted LAP, this only covers 28 per cent of the New Zealand population. The majority of New Zealand communities have not been able to achieve the level of community input that was envisaged under the Act. This process needs to be reviewed in light of the experience of how the Act is operating in practice.

## **2. Background to its being raised**

### Wellington City Council

This remit recognises that almost all local authorities across New Zealand are currently managing this issue through the licensing powers under the Act. They can bring practical experience of the operation of the Act and help enable communities to benefit from a review of the provisions of the Act.

### Hastings District Council

Hawke's Bay faces significant social challenges as demonstrated in the following statistics:

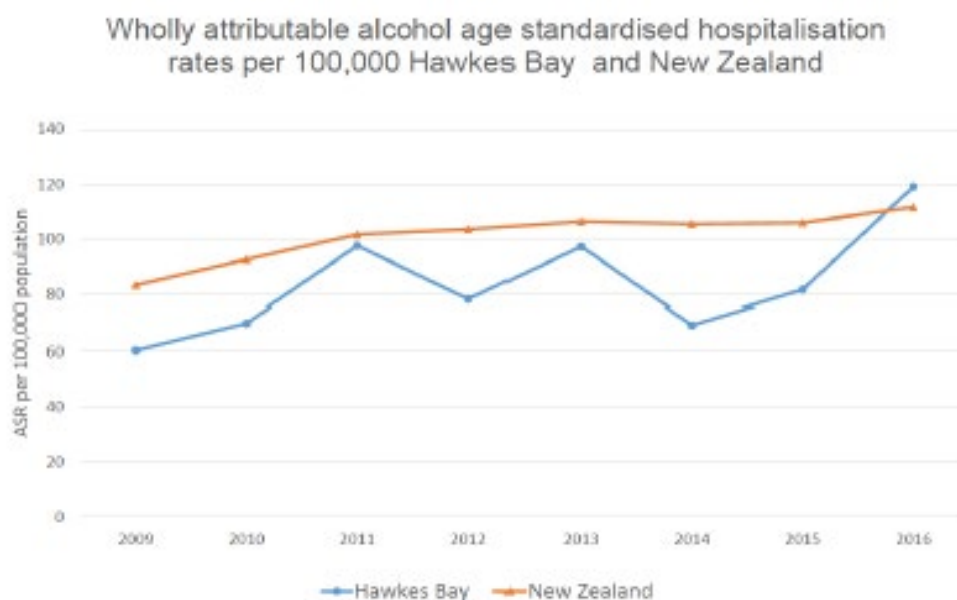
- 25 per cent of Hawke's Bay 0-4 year olds live in a household receiving a main benefit (compared with 18 per cent nationally).
- 40 per cent of Hawke's Bay tamariki Maori aged 0-4 years live in a household receiving a main benefit.
- 250 Hawke's Bay children are in the care of Oranga Tamariki.
- Hawke's Bay rates of violent crime continues to be higher than the New Zealand average and is twice the rate of New Zealand as a whole.
- There were 9,932 family violence investigations by the Eastern Police District in 2017.



- Suicide;
  - Is a major cause of premature, avoidable death in Hawke's Bay.
  - From 2010 to 2015, suicide was the second highest reason for premature death for those aged 0 to 74 years.
  - Since 1 July 2018, 29 people have committed suicide in Hawke's Bay.
- Drugs;
  - Synthetic substances are a serious concern for many whanau.
  - Fewer youth are smoking but more Hawke's Bay adults smoke than nationally.

A contributing factor of these negative statistics is the significant problem that the Hawke's Bay community has with alcohol consumption. For our region the issues manifested by alcohol consumption are a problem across the whole community including for young newly-born babies, infants and children, young people, adults and seniors across the generations. Local alcohol statistics are alarming and include:

- 29 per cent of Hawke's Bay adults drink at harmful levels compared to 21 per cent nationally, and this rate is increasing over time.
- 41 per cent of young people aged 15-24 are drinking hazardously.
- Over half of young men are drinking hazardously.
- The number of 15 years and older hospitalisations wholly attributable to alcohol; see the below graph. Note, there is an increasing rate of people being admitted to hospital due to alcohol.



- Alcohol intoxication or a history of alcohol abuse are often associated with youth suicide.

The statistics relating to our alcohol harm impact negatively on other key community safety concerns including health issues; death and injury; violence; suicide; assault and anti-social behaviours. This is why addressing the harm of alcohol is such an important issue for our community to address.

The harm that alcohol causes across New Zealand is also a significant issue for the country and as with Hawke's Bay the harm that alcohol causes within the community is pervasive. National statistics include:

- About four in five (79 per cent) of adults aged 15 years or more drank alcohol in the past year (in 2017/18).
- 21 per cent of New Zealand adults drink at harmful levels.
- In 2017/18, 25 per cent of adults aged 15 years or more who drank alcohol in the past year has a potentially hazardous drinking pattern, with men (32 per cent) more likely to drink hazardously than women (17 per cent).

At a local level there are some tools available to territorial authorities and their respective communities to combat alcohol harm. For example, Local Alcohol Policies (LAPs) are permitted in accordance with the Sale and Supply of Alcohol Act 2012. Unfortunately for many LAPs there are significant delays in these becoming operational due to long appeal processes.

There are typically commercial implications for businesses particularly supermarkets and these often result in appeals being lodged. Appeal processes have not allowed for more local input and influence by community members and groups, but have instead allowed larger companies, with more money and resources, to force councils to amend their LAP's reducing the potential impact on harm minimisation.

Of course, local tools available to territorial authorities are also limited by what is permitted within our national laws. We consider that current statutes and their content are not strong enough and need to be strengthened so that alcohol harm within our communities can be more effectively addressed.

The most significant drivers of alcohol-related harm include:

- The low price of alcohol.
- Levels of physical availability.
- Alcohol advertising; promotion and sponsorship.
- The minimum legal purchase age (18).

Therefore this remit seeks a focus on effective national level strategies and interventions that prevent or minimise alcohol-related harm in regards to:

- Pricing and taxing (minimum unit pricing for alcohol).
- Regulating the physical availability.
- Raising the purchase age.
- Restrictions on marketing, advertising and sponsorship.
- Drink driving countermeasures.
- Treatment and early intervention services.

We consider that significant changes in national policy and law that address key issues pertaining to alcohol harm are needed to create significant impact on reducing the harm that alcohol causes both in Hawke's Bay and New Zealand.

### **3. How the issue relates to objectives in the current Work Programme**

#### Wellington City Council

LGNZ has a priority to work, in partnership with central government, for local areas to develop innovative and place-based approaches for dealing with social issues. While the operation of the Act is not directly listed as one of the social issues covered by the current work programme, the intent of the Act was to allow place-based approaches to the management of alcohol related harm.

#### Hastings District Council

This remit links to the social policy priority; community safety. Integrate policy positions from *Mobilising the Regions* including: integrated transport planning and decision-making models into the above.

### **4. What work or action on the issue has been done on it, and the outcome**

#### Wellington City Council

We are actively involved. The Council was proactive in initiating the development of a Local Alcohol Policy. We administer licencing functions under the Act and the DLC reports each year to the Alcohol Regulatory and Licensing Authority on its functions.

We have not directly progressed work on a review at this point as it requires central government leadership with the input of local authorities across New Zealand.

#### Hastings District Council

The Napier City and Hastings District Councils have a Joint Alcohol Strategy 2017-2022 (JAS) and have started to implement the JAS Action Plan with support from the JAS Reference Group (local stakeholder organisations that also contribute to this strategy). Some actions completed thus far include:

- Removal of alcohol advertising on bus shelters in Hastings and Napier;
- Funding obtained to identify and develop youth-driven alcohol harm prevention projects;
- Creation and distribution of an alcohol network newsletter (bi-monthly) to make the licensing process more accessible to the community;
- A move to notifying liquor licence applications online; and
- Funding obtained to create brand and resources for alcohol free events and alcohol free zones.

Hastings District and Napier City Councils have completed a Provisional Local Alcohol Policy that was notified in July 2016. The Provisional Local Alcohol Policy has been before ARLA as a result of appeals. A position has been negotiated with the appellants. That position has been considered by ARLA and will be notified to the original submitters once ARLA is satisfied with the final wording. If no one seeks to appeal the revised version it will become the adopted Local Alcohol Policy.

## **5. Suggested course of action envisaged**

### Wellington City Council

That LGNZ would, on behalf of its member councils, form a working group to work with central agencies to review the effectiveness of the Sale and Supply of Alcohol Act 2012.

### Hastings District Council

- Actively monitor opportunities to submit to central government with respect to review of statutes and regulations that relate to alcohol.
- Prepare submissions to central government review processes that relate to the key drivers of alcohol harm as outlined in this remit.
- Write to and meet with the Minister of Justice and officials to promote changes to laws and regulations that will address the key drivers of alcohol harm.
- Create a national action plan to reduce harm caused by alcohol.
- Engage and support councils nationwide to implement strategies, policies and actions that are aimed at reducing alcohol-related harm. This could include delivering workshops; providing statistics and information on the harm alcohol causes and developing templates for policies and strategies that can be easily implemented.

# 17

## Greenhouse gases

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| <b>Remit:</b>        | Wellington City Council asks that LGNZ members collectively adopt the position that government should revise the Resource Management Act 1991 to adequately consider the impact of greenhouse gases when making decisions under that law and to ensure that the Resource Management Act 1991 is consistent with the Zero Carbon Bill. |
| <b>Proposed by:</b>  | Wellington City Council   |
| <b>Supported by:</b> | Metro Sector  |

### Background information and research

#### 1. Nature of the issue

The purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources.

The Act seeks to enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Under the RMA, most decisions are decentralised to local and regional levels to enable public participation in decision-making.

The emissions trading scheme is a national framework. Because of this, there is a disconnection between decisions taken under the RMA and the emission of greenhouse gases. Emissions are not consistently contemplated when decisions are taken; there appears to be a gap, however the Council currently doesn't have a formal position on this.

#### 2. Background to its being raised

Wellington is proposing a substantial change in urban form and transportation in order to accommodate anticipated growth and to meet community expectations around carbon emissions. Planning for this growth has highlighted the regulatory gap described above.

**3. How the issue relates to objectives in the current Work Programme**

In planning for growth the Council is setting out to develop a future Wellington that is low carbon and resilient. Decisions will be taken under the RMA, yet the need to reduce carbon emissions is not currently a requirement under our key planning legislation.

**4. What work or action on the issue has been done on it, and the outcome**

The Council has developed a draft plan, Te Atakura – First to Zero, that would establish the Council’s advocacy position in favour of significantly boosted consideration of emissions in the RMA. This draft was released for consultation on 15 April 2019 and is to be considered for adoption on 22 June 2019.

**5. Suggested course of action envisaged**

The Minister for the Environment is aware of the gap, and has publicly stated:

“The Government intends to undertake a comprehensive review of the resource management system (Stage 2), which is expected to begin this year.”

“Cabinet has already noted my intention to consider RMA changes relating to climate change (both mitigation and adaptation) within the scope of this review.”

Local government will have an opportunity to advocate for the inclusion of climate change effects through this process.

This remit asks councils to work together in engaging with government to amend the RMA to require decision makers to reduce greenhouse gas emissions.

# 18

## Climate Change – funding policy framework

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| <b>Remit:</b>        | That LGNZ recommends to government that they establish an independent expert group to develop a new funding policy framework for adapting to climate change impacts as recommended by the Climate Change Adaptation Technical Working Group (CCATWG). This new expert group would be supported by a secretariat and stakeholder advisory group. |
| <b>Proposed by:</b>  | Greater Wellington Regional Council   |
| <b>Supported by:</b> | Regional Sector   |

### Background information and research

#### 1. Nature of the issue

New Zealand will need a new funding policy framework to enable effective, efficient and equitable long-term adaptation to the many challenges posed by climate change. Any such framework must be comprehensive, fit for purpose, and facilitate flexible and dynamic responses.

While there is broad agreement that the current policy framework for climate change adaptation, and especially sea level rise, is inadequate, there has been little attention given to securing a consensus among the stakeholders on the core features of a new framework.

Some small initiatives have been taken by a few local councils and academics towards the formulation of a new framework.

There are a large number of separate, yet interconnected issues that require investigation in parallel or in sequence. It is very likely to take several years to formulate a new, well-designed policy framework, followed by the drafting and enactment of legislative reforms, before the process of implementation can begin. Given the amount of work that is involved and that climate change impacts are already making themselves felt, it is important that this process is started without further delay.

## **2. Background to its being raised**

Sea level rise constitutes a particularly serious challenge due to irreversibility of the near-term impacts. Already many low-lying coastal communities around New Zealand are facing a growing threat to their homes and livelihoods, public infrastructure and private businesses. This and other impacts on human and natural systems related to more intense rainfall, heat, wind, and pathogens and disease vectors, will increase and become disruptive. They will increase the financial burden on the state at all levels and create inequities across society.

For further discussion of the issues and options for developing a new policy framework, from which the proposed remit was derived, see the discussion paper by Jonathan Boston (VUW) and Judy Lawrence (VUW), dated 4 February 2019.

## **3. What work or action on the issue has been done on it, and the outcome**

A recent report by LGNZ found an estimated \$14 billion of local government assets are at risk from climate change impacts. It has called on central government to create a 'National Climate Change Adaptation Fund'. It has also recently published a legal opinion by Jack Hodder QC regarding the potential for local government to be litigated in relation to its actions or inaction in relation to climate change. A key risk raised by Mr Hodder's report was the absence of national climate change adaptation guidance (or framework) in New Zealand, which in effect is leaving it to the courts to decide how to remedy climate change related harms. This will be an uncertain and inefficient means of doing so.

The Government has received the recommendations of the CCATWG, but is yet to act upon them. The CCATWG recommendation to the Government (quoted below) was to set up a specialist group to define funding arrangements for funding adaptation.

"We recommend that a specialist group of practitioners and experts undertake this action (formulate a new policy framework for adaptation funding). These should be drawn from central and local government, iwi/hapū, sectors such as banking, insurance, and infrastructure; and have expertise in climate change, planning and law, public finance, capital markets, infrastructure financing, and risk management. The group should be serviced by a secretariat with officials across relevant public sector and local government agencies and include significant public engagement."

## **4. Suggested course of action envisaged**

That LGNZ issue a news release explaining the content of the remit, and that they engage with central government directly (in face to face meetings) to discuss the setting up of an independent expert group to progress the development of a new funding policy framework for adapting to climate change impacts.



# 19

## Road safety

### Remit:

1. That LGNZ acknowledges that the New Zealand Transport Agency's (NZTA's), Code of Practice for Temporary Traffic Management (CoPTTM) is a comprehensive and robust document, and that NZTA ensures the CoPTTM system is regularly reviewed, refined and updated. However, in light of the recent road worker fatalities LGNZ requests NZTA, in partnership with Road Controlling Authorities (RCAs);
  - a. Review afresh its Code of Practice for Temporary Traffic Management (CoPTTM) to satisfy themselves that;
    - i. The document provides sufficient guidelines and procedures to ensure approaching traffic are given every possible opportunity to become aware of the worksite ahead and to respond appropriately and in a timely manner.
  - b. Review its CoPTTM Training System to ensure;
    - i. Trainers are sufficiently qualified and adequately covering the training syllabus.
    - ii. Site Traffic Management Supervisors (STMS's) and Traffic Controllers (TC's) are only certified when they can demonstrate competence in the application of CoPTTM.
    - ii. A robust refresher programme is in place to ensure those in charge of Traffic Management on worksites remain current in the required competencies.
  - c. Review its Site Auditing requirements to ensure the traffic management at worksites is independently audited at a sufficient frequency to ensure compliance, and that a significantly robust system is put in place to enable enforcement of compliance.
2. That LGNZ takes steps to remind its members of their duties with respect to their role as Road Controlling Authorities including;
  - a. Appointing and sufficiently training and resourcing a Traffic Management Co-ordinator to ensure their obligations under the Health and Safety Work Act 2015, with respect to traffic management, are being met.
  - b. *Adequately resourcing and undertaking audits of road work sites to ensure compliance with CoPTTM.*

**Proposed by:** Whakatāne District Council

**Supported by:** Dunedin City Council  
Wairoa District Council  
Hamilton City Council  
Kawerau District Council  
Tauranga City Council

## **Background information and research**

### **1. Nature of the issue**

Four road workers have been killed on New Zealand roads this calendar year, and we need to ask ourselves, are we doing all that we can to ensure those working on our roads are safe from harm.

There is an increasing level of public discontent with the level of discipline around traffic management being maintained on roadwork sites by contractors, particularly on unattended sites, where all too often the temporary traffic management on site does not seem appropriate, or to adequately inform motorists of the need for the restrictions, or is left in place for too long.

### **2. Background to its being raised**

Frameworks for the safe management of roadworks have been in place for over two decades now, and during this time they have evolved and improved to keep up with the changing risks in the workplace environment.

The current framework is the New Zealand Transport Agency's Code of Practice for Temporary Traffic Management, fourth edition 2018 (CoPTTM).

This is a comprehensive document that applies a risk based approach to temporary traffic management, based on a road's classification and intensity of use, and the nature of works required to be undertaken on the road.

It is closely aligned to the Health and Safety at Work Act 2015, recognising the statutory duty of all those involved with activities on or adjacent to the road, to systematically identify any hazards, and if a hazard is identified, to take all reasonably practical steps to ensure no person is harmed.

It includes steps to eliminate risks to health and safety and if it is not reasonably practicable, to minimise risks to health and safety by implementing risk control measures in accordance with Health and Safety at Work (General risk and Workplace Management) Regulations 2015.

CoPTTM also includes a risk matrix to help determine what the appropriate temporary speed limit is that should be applied to a worksite, whether attended or unattended. It further contains procedures for undertaking safety audits and reviews of worksites, including the ability to close down worksites that are identified as unsafe following an audit. There are no financial penalties for non-compliance, although there are a range of other penalties that can be imposed, including the issue of a notice of non-conformance to individuals or companies, and a 'three strikes' system whereby the issue of three non-conformances within a 12 month period results in sanctions being imposed. These can include:

- Removal of any prequalification status.
- Reduction of quality scores assigned in tender evaluations.
- Forwarding of non-conformance to the appropriate standards organisation which may affect the company's 1S09000 registration.
- Denial of access to the road network for a period of time.
- Requirement for the company to have someone else provide their TTM.
- Staff retraining for CoPTTM warrants.

In principle there would seem to be sufficient processes in place to ensure that traffic management on road worksites was appropriate and adequately provided for the safety of workers on site, the general public, and passing traffic.

However, this year has seen four road workers killed whilst working on our roads.

There is also a growing level of discontent from motorists regarding the appropriateness of signs that are left out on unattended sites.

Often these signs are perceived to be (any combination of) unnecessary, poorly located, incorrectly advising the condition of the road ahead, having an inappropriate speed limit, or being left out too long.

### **3. How the issue relates to objectives in the current Work Programme**

Local Government New Zealand has five policies in place to help achieve their sector vision: Local democracy powering community and national success.

Policy priority one is Infrastructure, which focuses on water, transport and built infrastructure. The transport statement states that a national policy framework is needed to achieve five outcomes. One outcome is 'a safe system, increasingly free of death and serious injury'.

This remit is aligned to this priority outcome as it is focused on reducing safety risks, death and serious injury in locations where road works are being undertaken.

**4. What work or action on the issue has been done on it, and the outcome**

The Whakatāne District Council has been working proactively with NZTA and its local contractors to review its own traffic management requirements, the level of compliance with those requirements, and the adequacy of its auditing processes and frequencies.

There has been positive engagement with NZTA and the local contracting sector on this matter.

The process has identified improvements that could be effected by both the Council and its contractors. A plan is being developed to socialise the outcomes with NZTA and other RCA's, and this remit forms part of that plan.

NZTA is also responding to the recent deaths by initiating immediate temporary changes to pertinent traffic management plans, and considering permanent changes through its standard CoPTTM review process.

There is currently no national initiative to require local government RCA's to review their practices in response to these deaths.

**5. Suggested course of action envisaged**

- Support NZTA's initiative to review CoPTTM in light of the recent fatalities.
- Encourage NZTA to work closely with RCA's to ensure the CoPTTM review also covers local road Temporary Traffic Management.
- Strongly encourage RCA's to work with NZTA, perhaps through the RCA Forum, on a review of local road Temporary Traffic Management.
- Strongly encourage RCA's to adopt with urgency, any local road CoPTTM
- Improvements that arise from the review.

# 20

## Mobility scooter safety

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| <b>Remit:</b>        | That LGNZ requests that government investigate the introduction of strengthened rules to govern the safe use of mobility scooters, particularly in relation to speed limits and registration. |
| <b>Proposed by:</b>  | Whanganui District Council  |
| <b>Supported by:</b> | Zone Three  |

### Background information and research

#### 1. Nature of the issue

The following issues have been identified:

- a. There is no opportunity to enforce a speed limit for mobility scooters, despite the fact that the top speeds of these devices can reach 40kmh.
- b. Mobility scooters are used too frequently on the road, even when a suitable footpath is available.
- c. There is no requirement for a mobility scooter user to have a license or any previous driving experience.
- d. There are no health related restrictions on who can operate a mobility scooter.
- e. There is no ability to track mobility scooters as no registration or Warrant of Fitness (WoF) is required.

A supplementary issue is also acknowledged:

- There is no restriction in terms of who can use a mobility scooter. For example, in some states of Australia mobility scooters can only be used by a person with an injury, disability or medical condition which means they are unable to walk or have difficulty walking. People who do not have difficulty walking are not permitted to use them.

#### 2. Background to its being raised

Establishing the number of injuries and fatalities involving mobility scooter users can be difficult to isolate and this has been identified as an issue nationwide. However, coronial data shows that at least 20 people have died while using mobility scooters in New Zealand.

Given the considerable lag between a death occurring and a coronial case on that death being closed, the actual number may be significantly higher. Notably NZTA reports that: “mobility scooters... have been involved with a number of fatalities (at least 20 in 2014-2015).”

For the period 2008-2012 the Ministry of Transport recorded eight fatalities and 141 injuries of mobility scooter users. NZTA records 12 fatalities, 19 serious injuries and 81 less serious injuries for the period 2009-2014. These figures do not include fatalities or injuries to persons other than the mobility scooter user.

It has been acknowledged by those working in this field that there have been a ‘surprising’ number of injury crashes involving mobility scooters over the last five years, including fatalities. More work on clarifying the extent of this problem is required and there has been general agreement nationwide from the region’s road safety co-ordinators, and other agencies such as NZTA and Age Concern, that mobility scooter safety is an emerging concern. This is the case throughout the country and is reiterated by both large and small centres, in urban areas and rural regions.

Some of the issues raised include:

- Mobility scooters being driven on the road, at speed, with low visibility (eg without a flag) and like a motor vehicle (as opposed to like a pedestrian as is required).
- No accountability around vulnerable elderly users, particularly those who have lost their licence. There is no established avenue to ascertain whether there are issues around dementia or other chronic conditions which could have an impact on their ability to use these safely.
- No accountability around the purchase of mobility scooters, both in terms of being fit for use and training for safe handling. This is particularly the case when they are bought off the internet, eg there is no opportunity to ensure that the right scooter has been purchased for the user’s level of ability and that they are shown how to drive it according to the regulations.
- No ongoing monitoring of use, particularly in the case of declining health.
- No restrictions on the speed that mobility scooters can reach or the size of mobility scooters. With an increase in larger model mobility scooters being imported, there is less room for scooters to pass one another, or to pass other pedestrians. This leads to a greater likelihood of one or more of the footpath users needing to use the road rather than the footpath. Larger mobility scooters also require larger areas to turn. Given the size of many footpaths in New Zealand, this increases the risk that the user will enter the roadway at an angle and roll the mobility scooter, resulting in serious injury or death.

Some centres have also identified an issue with the increasing prevalence and size of mobility scooters adding load to the footpaths. Furthermore, the contrast between New Zealand Post’s work on safety assurances with the use of Paxster vehicles on the footpath, and the lack of oversight over larger sized mobility scooters being used in a similar (but unmonitored) way has been drawn.

However, it is also important to note the significant role that mobility scooters play in granting senior people their independence. Any measures taken to address this remit's concerns must balance this benefit with the need to ensure safety for users and other pedestrians.

**3. New or confirming existing policy**

The remit would strengthen existing central government policy. However, new legislation would be required to put in place an appropriate registration programme, both for mobility scooter users and for the mobility scooters.

**4. How the issue relates to objectives in the current Work Programme**

Transport safety issues are not referred to specifically in the current LGNZ work programme. However, ensuring we have safe systems, increasingly free of death and serious injury and addressing the needs of an ageing population are each included under one of the five policy priorities (Infrastructure and Social, respectively).

**5. What work or action on the issue has been done on it, and the outcome**

This is an emerging issue and is acknowledged as such by those with an interest and involvement in road safety at both the local and regional level. Although discussions are underway about working with the Safe and Sustainable Association of Aotearoa/New Zealand (SASTA) and Trafanz on these concerns so that this can be addressed with the NZTA, it is understood that this work has not yet commenced.

The Marlborough Road Safety Mobility Scooter User Group has undertaken some useful research in this area. They have canvassed users in relation to training needs, safety, registration, injuries, facilities and the footpath network.

Although not all suggestions were supported, this survey did identify some relevant ideas and safety concerns, eg 71 per cent of respondents had seen a mobility scooter being used in an unsafe manner on the footpath or road, 19 per cent had been injured by a mobility scooter as a pedestrian and 78 per cent said that they or someone they knew has had a 'near miss'.

Some ideas raised include focusing on licensing/registering drivers rather than the mobility scooters themselves, ensuring that any registration costs were low to ensure affordability, making mobility scooters easier to hear and introducing a speed limit.

**6. Any existing relevant legislation, policy or practice**

NZTA has the responsibility, via government, for mobility scooters in New Zealand and has a booklet available, titled *Ready to Ride - Keeping safe on your mobility scooter*. This is based on section 11 of the Land Transport (Road Use) Rule 2004.

The following provisions exist – it is recommended that these be expanded upon and strengthened:

- Speed limits: Current New Zealand law says “A driver of a mobility device or wheeled recreational device on a footpath;
  - a. Must operate the device in a careful and considerate manner; and
  - b. Must not operate the device at a speed that constitutes a hazard to other footpath users.”
- Road usage: Current New Zealand law says;
  - a. A driver must not drive a mobility device on any portion of a roadway if it is practicable to drive on a footpath.
  - b. A pedestrian or driver of a mobility device or a wheeled recreational device using the roadway must remain as near as practicable to the edge of the roadway.
- Monitoring and registration: Current New Zealand law does not require users to have a driver licence or any form of medical approval to operate a mobility scooter and no warrant of fitness or registration is needed.

Further, current law does not require the use of any personal protective equipment such as helmets, despite these devices being capable of reaching similar speeds to mopeds and higher speeds than many bicycle users travel at.

This is particularly problematic given Canadian research that showed, of their sample group of mobility scooter users, 38 per cent had hearing impairments, 34 per cent had vision impairments, 19 per cent had memory impairments and 17 per cent had balance impairments. The study also found that 80 per cent of the mobility scooter users took four or more medications daily.

The *Ready to Ride* guidelines clearly spell out that mobility scooter users could be fined if they are found to be riding their scooter: “... carelessly, inconsiderately or at a dangerous speed. The fine may be higher if you do any of these things more than once.” Furthermore, if a mobility scooter user causes a crash where someone is killed or hurt then they could be charged with “careless or inconsiderate use of a motor vehicle”. This brings penalties ranging from a severe fine to a prison sentence. However, these do not provide clear definitions or rules to inform a user’s decisions.

## **7. Suggested course of action envisaged**

### Speed limits

It is recommended that the approach taken in some Australian States, including Victoria be adopted. This states that mobility scooters: “must have a maximum capable speed of 10km per hour on level ground and a maximum unladen mass of 110kg”.



### Road usage

It is recommended that New Zealand Police be resourced to enforce the law. Local and regional councils throughout the country, as well as NZTA, road safety action groups and other key agencies, have highlighted serious concerns about mobility scooters riding on the road when a footpath is available, as well as riding on the road as if they are a motor vehicle.

### Monitoring and registration

It is recommended that legislation is changed to require all mobility scooters to be registered and display a licence plate, with minimal or no cost imposed, to ensure compliance. It is further recommended that the legislation set a maximum power assisted speed and size for mobility scooters.

# 21

## Museums and galleries

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|                      |   |
|----------------------|---|
| <b>Remit:</b>        | That central government funding be made available on an annual basis for museums and galleries operated by territorial authorities with nationally significant collections. |
| <b>Proposed by:</b>  | Whanganui District Council  |
| <b>Supported by:</b> | Zone Three  |

### Background information and research

#### 3. Nature of the issue

The following issues have been identified:

- There is currently no central government funding for daily operating costs for museums and galleries operated by territorial authorities.
- Public museums and galleries often house nationally significant collections and taonga but are supported largely by their local ratepayers, often from a limited funding pool.
- These facilities attract national and international visitors and service far more than the local area from which their funding is drawn.
- Local authorities are severely challenged to adequately support the annual running costs required for these key cultural facilities due to the financial impost on ratepayers.
- Support for the retention of these facilities in smaller regional centres, outside the larger cities, is important in terms of cultural accessibility and in keeping our provincial communities viable.

#### 4. Background to its being raised

Regional museums and galleries are important to the cultural makeup of this country. They are recognised as critical hubs for communities and visitors and play a role that extends far beyond the display of images and artefacts:

- They occupy a dynamic position in our national cultural life, encouraging us to think about our place in the world.
- They stimulate discussion and debate. This enhances participation, creativity, community capacity and a sense of place.

- They generate economic activity; they are a driver of tourism and create jobs and vibrancy.
- They contribute to key aspects of our community and national cultural identity; the nature of our bicultural society and other multicultural influences means that museums and galleries will act as an increasingly important link in reflecting and understanding the diversity of our communities.
- They build social cohesion, creativity and leisure opportunities. They contribute to civic development and provide a focal point for gathering and interaction; acting as a key social destination.
- They foster enrichment. Arts and culture are 'good for you'. Having access to events and exhibitions is important, and this might be even more so in provincial centres.

Despite this, there is limited funding available, particularly for operating costs. This raises concerns about the ongoing ability of territorial authorities to:

- Provide adequate, appropriate and safe storage methods. Climate control and professional and timely care or repair of our treasures requires adequate funding to ensure the longevity of many of our special collection items (for example, paintings or heritage artefacts such as Māori cloaks).
- Deliver the right display conditions. Without the right climate control, security and display methods, the public's access to view these collections is severely limited. Instead of enhancing the visibility of, and connection to, our key collection pieces locally, nationally and internationally, this access is restricted by inadequate funds for exhibition. This is exacerbated by the limitations of funding at the local ratepayer level.
- Preserving our stories. The collections available at public museums and galleries are not only often nationally significant but also reveal important aspects of our local identity. They are an education resource (both formally through school programmes and informally) and are a drawcard for tourism. Maintaining these collections retains our storytelling abilities, supports our unique identities and contributes to economic and social development.

This is supported by the following background information:

- Some collections are over 100 years old and need specialised climate control and storage facilities. Paint, canvas, fabric and fibres have unique requirements to ensure their preservation and longevity. The cost of doing so is huge and is a burden that many local communities cannot sustain. However, despite this, they are solely responsible for this care.
- Some grants are available, on application, to deliver education programmes for school children. However, this funding is very limited and requires additional subsidisation by schools. As a result, not all children are gaining equitable access to our museums and galleries.
- Limited grants are also available, on application, for storage and building upgrades, as well as for one-off restoration projects. However, there are no regular, reliable funds available to meet the significant and necessary costs of just running these institutions.

- Currently only the Auckland War Memorial Museum and Museum of New Zealand Te Papa Tongarewa receive an ongoing proportion of operating costs.

As an example, the Sarjeant Gallery in Whanganui has an annual operating budget of \$2.285 million and the Whanganui Regional Museum a budget of \$1.085 million. The value of their collections is \$30 million across each institution, with their collections considered to be some of the best in New Zealand. Yet they are funded almost solely from the local Whanganui district ratepayer base. This is not sustainable if we are to make the most of New Zealand's nationally significant collections and ensure their preservation for the future.

An example of public museums and art galleries currently operated by territorial authorities:

| Institution   | Permanent collection? |
|---|-----------------------|
| Sarjeant Gallery - Whanganui                          | ✓                     |
| Whanganui Regional Museum                             | ✓                     |
| Auckland Art Gallery                                  | ✓                     |
| Whangarei Art Museum                                  | ✓                     |
| Te Tuhi Center for the Arts, Manukau City             | x                     |
| Waikato Museum  | ✓                     |
| Rotorua Museum of Art & History                       | ✓                     |
| Tauranga Art Gallery                                  | ✓                     |
| Whakatane Museum & Art Gallery                        | ✓                     |
| Govett Brewster Gallery/Len Lye Centre – New Plymouth | ✓                     |
| Percy Thompson Gallery – Stratford                    | x                     |
| Tairāwhiti Museum – Gisborne                          | ✓                     |
| Hawke's Bay Museum and Art Gallery – Napier           | ✓                     |
| Aratoi Wairarapa Museum of Art & History – Masterton  | ✓                     |
| City Gallery – Wellington                             | x                     |
| The New Dowse – Lower Hutt                            | ✓                     |
| Millennium Art Gallery – Blenheim                     | ✓                     |
| Suter Art Gallery – Nelson                            | ✓                     |
| Christchurch Art Gallery                              | ✓                     |
| Coca – Centre for Contemporary Art – Christchurch     | ✓                     |
| Aigantighe Art Gallery – Timaru                       | ✓                     |
| Forrester Gallery – Oamaru                            | ✓                     |
| Dunedin Public Art Gallery                            | ✓                     |
| Southland Museum and Art Gallery – Invercargill       | ✓                     |
| Anderson Park Art Gallery – Invercargill              | ✓                     |
| Eastern Southland Gallery – Gore                      | ✓                     |

**5. New or confirming existing policy**

The remit would require a policy shift by central government to provide funding for operating costs based on a set of clear assessment criteria.

**6. How the issue relates to objectives in the current Work Programme**

The LGNZ work programme includes tourism as a focus area and addresses concerns about funding in relation to key facilities and amenities:

“Without more equitable forms of funding there is a risk that visitors will lack the appropriate range of local amenities they need to have a positive experience.”

This is framed by the following statement:

“The visitor industry is now New Zealand’s largest export industry however the speed of its growth is putting many of New Zealand’s smaller communities under pressure. It is a problem created by the way in which councils are funded as new facilities will be paid for out of property taxes while visitor expenditure, in the form of increased GST and income tax, benefits central rather than local government.”

**7. What work or action on the issues has been done on it, and the outcome**

Although there was work completed on a central government funding model for the ‘national collection’ in the 1990’s (that being, the collection held by all public museums and galleries in New Zealand) this did not progress. The United Kingdom has a centrally funded system for museums and galleries.

**8. Any existing relevant legislation, policy or practice**

- Auckland War Memorial Museum Act 1996.
- Museum of New Zealand Te Papa Tongarewa Act 1992.

**9. Suggest course of action envisaged**

That central government funding be made available on an annual basis for museums and galleries operated by territorial authorities with nationally significant collections.

This would be in the form of an annual allocation for operating costs based on specific criteria to ensure the maintenance, preservation and development of collections with relevance beyond the local setting. This would provide the surety of a reliable income stream and could be set to a specified limit, eg 10 per cent of annual operating costs.

Of particular interest would be those collections of national importance where the benefit of protection and enhancement would make a substantial contribution to New Zealand's creative sector as well as our national cultural identity.

Priority funding would be given to museums and galleries which hold permanent New Zealand collections, rather than being solely exhibition galleries. Funding could also be based on the size and type of collection. This recognises the added burden of storage, care and maintenance for collections of a significant size and importance.

# 22

## Resource Management Act

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|                      |   |
|----------------------|---|
| <b>Remit:</b>        | That the selection of all independent commissioners for Resource Management Act hearings be centralised to improve independence and enhance the quality of decisions. |
| <b>Proposed by:</b>  | Whanganui District Council  |
| <b>Supported by:</b> | Zone Three  |

### Background information and research

#### 1. Nature of the issue

The following issues with the current system have been identified:

- There is potential for corruption and undue influence.
- There is limited ability for newer commissioners to obtain experience.
- There is opportunity for enhanced effectiveness and more robust decision-making.

#### 2. Background to its being raised

The Resource Management Act (RMA) contains provisions for the appointment of independent commissioners to sit on panels to hear RMA matters, for example, resource consent applications, notices of requirement and District and Regional Plan Reviews, including plan changes (s39B).

Commissioners must be accredited to sit on RMA hearing panels and the Minister for the Environment must approve the qualification for accreditation. The certification process is called “Making Good Decisions” and is delivered on behalf of the Ministry.

The Ministry for the Environment (MfE) website sets out the areas covered by the accreditation and recertification processes and has a register of qualified commissioners.

Although this system provides opportunity, in theory, for panel composition based on a balanced range of factors to ensure impartiality and relevant breadth of experience – in practice this is not the case. Instead, selection can be influenced by:

- Paid relationships. For example, commissioners being held on retainer.
- Manipulation of focus areas. For example, panels being ‘stacked’ to increase the likelihood of support or sympathy for particular issues.
- Existing connections. For example, the same commissioners being selected by the same councils, leaving little room for newer certificate holders and leading to questions of true independence.

As a result, the current system is open to both real and perceived issues of fairness based on concerns about:

- The appropriateness of an ongoing financial arrangement for retained availability, as well as the ability of this relationship to really remain independent and impartial. For example, would an ‘unfavourable’ decision jeopardise the financial benefit for a commissioner in this position?
- A balance of experience and expertise on the panel when many of the same commissioners, with similar backgrounds (planners, lawyers, elected members) are used on a consistent basis.
- Missed opportunities to provide practical experience to a broader spread of certificate holders in a more even way (rather than the same familiar options being selected).
- The ability to achieve genuine impartiality when commissioners can be picked based on prior relationships and knowledge of their position (and therefore likely decisions) on particular issues.
- An absence of local and external collaboration on decisions – missing important opportunities to upskill lesser experienced commissioners and provide the right mix of local versus external perspectives to equally inform good decision-making.
- A lack of standardisation in fee structures throughout the country, potentially leading to ‘cherry-picking’ of hearings.
- Poor Māori representation on hearing panels in areas where co-management legislation does not yet apply.

There is also no process for receiving or addressing complaints about commissioner conduct.

### **3. New or confirming existing policy**

The remit would require amendment to the RMA and the development of a centralised and independently managed appointment process to allocate commissioners in a systematic and fair manner. This would be supported by regulations which would set out the steps to be followed.



Such provisions are already contained in legislation such as the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s 25 and s28).

**4. How the issue relates to objectives in the current Work Programme**

The work programme notes that ‘major reform’ of the RMA is required. It does not, however, specifically relate to the recommendations of this remit.

**5. What work or action on the issue has been done on it, and the outcome**

No work has been undertaken specifically on this. However, the proposed model recommends use of the Victorian State Government approach: <https://www.planning.vic.gov.au/panels-and-committees/panels-and-committees>

In addition, the New Zealand Environment Court uses a mixed model approach, with the Judge as chair and two or more court appointed commissioners. These commissioners have a varied background (across planning, ecology, landscape architecture, civil engineering, Tikanga Māori etc) and have all completed the “LEADR” mediation programme to assist the Court in mediated resolutions of court appeals. Many have also undertaken the “Making Good Decisions” programme.

**6. Suggested course of action envisaged**

That the selection of all accredited commissioners for RMA hearings be centralised and independently managed by the Ministry for the Environment.

The new process could follow the Victorian State Government example. In essence this involves making an initial hearing panel application online, followed by a formal letter of request. A panel is then appointed by the Minister (or a delegate) in accordance with the specific details of the particular issue, eg the complexity of the topic, the number of submissions received or the special expertise required. This enables administrative ‘filtering’ to sort panellists according to their suitability across a spectrum of hearing complexities. For example, smaller and less controversial issues would be resourced differently to more difficult topics. This would also ensure a tailored mix of expertise and backgrounds – enabling greater Māori representation, a balance of newer and more experienced commissioners and a spread of local and external knowledge.

In Victoria the pool of available commissioners is managed by an ‘Office of Planning Panels’ acting as a conduit between panels and interested parties to “ensure an independent and transparent process is upheld”.

If MfE took this on it would also be expected to manage the contracts, oversee the effectiveness of the process, receive and adjudicate on any complaints about commissioner conduct and regulate the fee structure. It would also deliver administrative support for the process (although where hearings are cost recoverable from applicants then this would be managed accordingly). MfE could also maintain the register of accredited commissioners and chairs and ensure that it remained up to date, with sufficient information provided to ensure the effective appointment of panels.

# 23

## Mayor decision to appoint Deputy Mayor

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|----------------------|---|
| <b>Remit:</b>        | That LGNZ request the Government to amend S.41A of the LGA2002 to give Mayors the same powers to appoint a deputy mayor as held by the Mayor of Auckland. |
| <b>Proposed by:</b>  | Horowhenua District Council, Invercargill District Council and Whanganui District Council   |
| <b>Supported by:</b> | Provincial Sector   |

### Background information and research

#### 1. Nature of the issue

Since 2013 mayors have had the power to determine who their deputy mayor should be, however a mayor's choice of deputy can be overturned by a majority vote of councillors. Not only has this caused confusion the fact that councils can over turn a mayor's choice undermines the original intent of the legislation.

#### 2. Background to its being raised

The 2012 LGA 2002 Amendment Act introduced Section 41A which recognised mayors' leadership role and gave mayors the authority to appoint their deputy as well as committee chairs. The select committee amended the original bill to provide councils with an ability to reverse a mayor's decision. Not only did that change make a nonsense of the original intent it has also undermined the credibility of the legislation in the eyes of citizens who generally expect a mayor to be able to choose who their deputy will be, given the importance of that working relationship.

#### 3. How the issue relates to objectives in the current Work Programme

The problems mayors face with implementation of section 41A is not currently on the LGNZ work programme.

**4. Any existing relevant legislation, policy or practice**

The Government is re-drafting the Local Government Amendment Bill 2 which is expected to be given its second reading later this year. The Bill could provide a vehicle to amend S.41A in order to strengthen mayors' ability to appoint their deputies without the risk of that decision being reversed.

# 24

## Beauty industry

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|                      |  |
|----------------------|--|
| <b>Remit:</b>        | That LGNZ calls on the Government to develop and implement national guidelines, policy or regulations to achieve national consistency for the largely unregulated 'health and beauty clinic' industry. |
| <b>Proposed by:</b>  | Whangarei District Council   |
| <b>Supported by:</b> | Selwyn District Council  |
|                      | Kawerau District Council   |
|                      | Dunedin City Council   |
|                      | Rangitikei District Council  |
|                      | Far North District Council   |

### Background information and research

#### 1. Nature of the issue

Over recent years, the 'health and beauty clinic' industry has seen tremendous growth and continues to expand rapidly. Unfortunately, there is no national legislation or guidance to regulate this industry.

The Health Act 1956 is currently the only legislative tool at the disposal of local authorities to deal with concerns and complaints. However, the powers under the Act are very limited, and do not relate specifically to quality and community safety.

Several councils have developed their own Bylaws to deal with the potential risks that this industry poses to its clientele, with varying degrees of success, but by large the industry remains unregulated. By contrast, national regulations to regulate the hairdressing industry have existed since the 1980's. It is considered that the 'health and beauty clinic' industry faces much higher risks and challenges.

#### 2. Background to its being raised

Nationally, as well as locally, Environmental Health Practitioners are dealing with an ever-increasing number of complaints about this industry and the fallout from botched procedures, as well as infections. Whilst, practitioners can address some of these concerns under the Health Act 1956, it is felt that specific legislation or guidance is the only way to regulate this industry and achieve national consistency.

In the absence of national legislation, territorial authorities such as the Whangarei District Council are unable to regulate the industry, except through the development of a specific Bylaw. The development of Bylaws is an expensive and time consuming process and the cost of that process and any complaint investigation, outside the Bylaw process, falls solely on ratepayers whilst creation of Bylaws can mitigate risk at local level, they do not result in national consistency.

**3. New or confirming existing policy**

New policy.

**4. How the issue relates to objectives in the current Work Programme**

The issue aligns to the LGNZ Three Year Business Plan (2019/20 – 2021/22), that recognises quality and community safety as a key social issue, with social issues being one of the five big issues for New Zealand councils. Specifically, the commitment to “work alongside central government and iwi to address social issues and needs in our communities, including a rapidly growing and an ageing population, inequality, housing (including social housing) supply and quality and community safety.”

**5. What work or action on the issue has been done on it, and the outcome**

Aside from some council’s developing their own Bylaws, as far as the Whangarei District Council is aware, central government has no plan to develop legislation or guidance for this sector.

Notably, as New Zealand-wide complaints regarding the industry continue to rise and the serious risks associated with the industry continue to be better understood a national approach is needed to make any substantive progress on regulating the ‘health and beauty clinic’ industry in New Zealand.

**6. Any existing relevant legislation, policy or practice**

As described above, the Health Act 1956 is currently the only legislative tool at the disposal of local authorities to deal with concerns and complaints. However, the powers under the Act are very limited, and do not relate specifically to quality and community safety.

**7. Suggested course of action envisaged**

That LGNZ calls on the Government to develop and implement national guidelines, policy or regulations to achieve national consistency for the largely unregulated 'health and beauty clinic' industry.

It is also suggested that LGNZ engage directly with relevant ministers and ministries to ensure local government has an appropriate role in the development of nationally consistent legislation or guidelines to address the challenges the industry brings.

## Remits not going to AGM

The remit Screening Committee has referred the following remits to the National Council of LGNZ for action, rather than to the Annual General Meeting for consideration. The Remit Screening Committee's role is to ensure that remits referred to the AGM are relevant, significant in nature and require agreement from the membership. In general, proposed remits that are already LGNZ policy, are already on the LGNZ work programme or technical in nature will be referred directly to the National Council for their action.

### 1. Earthquake strengthening – tax relief

**Remit:** That LGNZ lobby central government to provide tax relief for buildings owners for the compulsory earthquake strengthening of their buildings either by way of reinstating depreciation or some other tax relief for earthquake compliance costs.

**Proposed by:** Horowhenua District Council

**Supported by:** Zone Three

**Recommendation:** That the remit is referred to National Council for action

### 2. Benchmark Programme

**Remit:** That LGNZ investigate and implement an infrastructure delivery benchmark programme, including working with the Department of Internal Affairs to improve the Non-Financial Performance Measures Rules 2013 to be more meaningful measures of infrastructure service delivery.

**Proposed by:** New Plymouth District Council

**Supported by:** Central Hawkes Bay District Council; Otorohanga District Council; South Taranaki District Council; Stratford District Council; Thames-Coromandel District Council; Waitomo District Council; Wellington City Council; Whanganui District Council

**Recommendation:** That the remit is referred to the National Council for action



### **3. On-line voting**

**Remit:** That LGNZ advocates to the Government for it to provide financial support for the Local Government on-line voting trial.

**Proposed by:** Palmerston North City Council

**Supported by:** Metro Sector

**Recommendation:** That the remit is referred to the National Council for action

### **4. E-waste**

**Remit:** That LGNZ advocates to the Government to introduce a mandatory product stewardship programme for e-waste.

**Proposed by:** Palmerston North City Council

**Supported by:** Metro Sector

**Recommendation:** That the remit is referred to the National Council for action

### **5. Tourism Industry Aotearoa**

**Remit:** That LGNZ actively consider the Tourism Industry Aotearoa Local Government Funding Model to Support Regional Tourism Growth.

**Proposed by:** Ruapehu District Council

**Supported by:** Palmerston North City Council; Horizons Regional Council; New Plymouth District Council; Rangitikei District Council; Stratford District Council

**Recommendation:** That the remit is referred to the National Council for action

# Attachment 5

## **Proposed Plan Change 7 - Outstanding Water Bodies**

### **Hawke's Bay Regional Resource Management Plan**

XXXX 2019  
HBRC Report Number: SD 19-21  
HBRC Publication Number: 5406

## Proposed Plan Change 7 - Outstanding Water Bodies

### Hawke's Bay Regional Resource Management Plan

XXXX 2019

HBRC Report Number: SD 19-21

HBRC Publication Number: 5406

Date adopted by Council: XXXX

Date of public notification: XXXX

Date Council decisions issued: TBD

Operative date: TBD

## INTRODUCTION

The Hawke's Bay Regional Council has resolved to change the Regional Resource Management Plan and has prepared 'Proposed Plan Change 7.' This Proposed Plan Change introduces new provisions which relate to outstanding water bodies in the Regional Resource Management Plan. The new provisions identify a list of outstanding water bodies in Hawke's Bay and put in place a framework which ensures their protection for future generations. Plan Change 7 also consequentially amends several existing provisions within the Regional Resource Management Plan.

## BACKGROUND

Our coastal and fresh waters are essential to New Zealand's economic, environmental, cultural and social well-being - highly valued for their cultural and recreational values. They underpin important parts of New Zealand's biodiversity and natural heritage.

Since the late 1970's, governments have been consulting with the public, undertaking research and investigations and introducing legislation to protect those lakes and rivers in New Zealand which have outstanding characteristics.

A number of New Zealand's lakes, rivers and coastal areas are iconic and well known globally for their natural beauty and unique values. Despite this, many of New Zealand's special water bodies not being recognised or protected in an appropriate manner.

The NPSFM has addressed this, by including special provisions which allow for exceptional water bodies to have special protection in regional policy statements and plans. It is these NPSFM provisions which have largely driven the need for Council's Plan Change 7 – Outstanding Water Bodies Plan Change. However Plan Change 7 is only one part of the Council's broader programme to implement the NPSFM and sustainably manage the region's land and water resources.

Plan Change 7 was co-designed with tāngata whenua representatives of the Regional Planning Committee. During the development phase of the plan change, over 90 documents were reviewed looking at cultural, spiritual, recreation, landscape, geology, natural character and ecology values associated with 130 water bodies in Hawke's Bay. This was done to build a clearer picture of their value and potential for being classified as outstanding.

It is important to note that protection of outstanding water bodies does not lessen the importance of, or value associated with other water bodies. The National Policy Statement for Freshwater Management (NPSFM) and the New Zealand Coastal Policy Statement set a national direction to assist regional councils to manage water bodies in a consistent, integrated and sustainable way.

## AMENDMENTS PROPOSED IN PLAN CHANGE 7

The following references are made to the chapters/sections within the Regional Resource Management Plan. All amendments referred to can be seen in more detail in the attached document.

### Chapter 3.1A Integrated Land Use and Freshwater Management

Chapter 3.1A is proposed to be changed to better reflect the NPSFM provisions which require the protection of the significant values of outstanding freshwater bodies. Specifically, RRMP Objective LW1, Policy LW1A and the Anticipated Environmental Results, and associated explanations in RRMP Chapter 3.1A are proposed to be amended.

The amended objectives and policies will ensure the correct framework is in place to protect outstanding water bodies through the catchment based planning processes that will further implement the NPSFM.

## **Chapter 3.2 The Sustainable Management of Coastal Resources**

Chapter 3.2 of the RRMP is proposed to be changed to align with new provisions relating to outstanding water bodies not within the coastal environment as set out in Chapter 3.1A.

Specifically, a new Objective 11 and Policy C1 is proposed to be inserted into Chapter 3.2 to ensure a consistent framework is in place to protect outstanding water bodies (such as estuaries) in coastal areas, in the same manner as outstanding freshwater bodies.

Further, new Objective 11 and Policy C1 assists in giving effect to Objectives 1 and 2 and Policies 13 and 15 of the NZ Coastal Policy Statement, which seek to protect significant natural ecosystems, sites of biological importance, natural features, natural character and landscape values, which are some of the many significant values which can be associated with water bodies in the coastal environment.

## **Chapter 9 (Glossary)**

New definitions are proposed to be added to the Regional Resource Management Plan's Glossary to provide clarification of key terms referred to in Plan Change 7.

## **Schedules**

A new schedule has been added to the Regional Resource Management Plan: Schedule 24 features a list of the region's outstanding water bodies, or parts thereof, and their respective outstanding value(s).

## **Regional Rules**

Chapter 6 of the RRMP, and Chapter 26 of the RCEP currently contain a number of regional rules that control activities occurring near/or in water bodies.

There are no new regional rules proposed to be inserted by Plan Change 7, but proposed policies will apply to activities that require a resource consent to be made under existing rules so that those consent applications will also need to consider the relevant values of outstanding water bodies.

## **FURTHER INFORMATION**

For further information about Proposed Plan Change 7, contact Hawke's Bay Regional Council on 06 835-9200, email: [OWB@hbrc.govt.nz](mailto:OWB@hbrc.govt.nz), or visit our website: [www.hbrc.govt.nz](http://www.hbrc.govt.nz) #OWB

# Proposed Plan Change 7 to the Hawke's Bay Regional Resource Management Plan - Outstanding Water Bodies

NOTE: In the following sections, new text is represented as underlined and text to be deleted is ~~struckout~~. Elsewhere, words of other provisions may appear but those are presented for context only and are not proposed to be amended by Plan Change 7.

## Amend Chapter 3.1A of HB Regional Resource Management Plan

### 3.1A Integrated Land Use and Freshwater Management

#### ISSUES

#### ISS LW1A E kore Parawhenua e haere ki te kore a Rakahore

*Parawhenua (Water) would not flow if it were not for Rakahore (Rock)*

**He huahua te kai pai! He wai te kai pai!**

*Huahua (preserved birds) are a treasured delicacy. However water is a necessity.*

**Explanation:** These two proverbs encapsulate the interrelationship between two significant elements – land and water. The Māori world is formed on the interconnectedness and interdependency of people to all living creatures and to the environments in which they live. The well-being of the whole is dependent on the well-being of its constituent parts.

#### ISS LW1 Multiple and often competing values and uses of fresh water can create conflict in the absence of clear and certain resource management policy guidance.

#### ISS LW2 Integration of the management of land use and water quality and quantity increases the ability to promote sustainable management of the region's natural and physical resources.

#### OBJECTIVES

#### OBJ LW 1 Integrated management of fresh water and land use and development

Fresh water and the effects of land use and development are managed in an integrated and sustainable manner which includes:

1. protecting the significant values ~~quality~~ of outstanding ~~fresh~~water bodies listed in Schedule XXIV Hawke's Bay;
- 1A. protecting the significant values of wetlands;
2. the maintenance of the overall quality of freshwater within the Hawke's Bay region and the improvement of water quality in water bodies that have been degraded to the point that they are over-allocated;
- 2B. establishing where over-allocation exists, avoiding any further over-allocation of freshwater and phasing out existing over-allocation;
3. recognising that land uses, freshwater quality and surface water flows can impact on aquifer recharge and the coastal environment;



4. safeguarding the life-supporting capacity and ecosystem processes of fresh water, including indigenous species and their associated fresh water ecosystems;
5. recognising the regional value of fresh water for human and animal drinking purposes, and for municipal water supply;
6. recognising the significant regional and national value of fresh water use for production and processing of beverages, food and fibre;
7. recognising the potential national, regional and local benefits arising from the use of water for renewable electricity generation;
8. recognising the benefits of industry good practice to land and water management, including audited self-management programmes;
- 8A. recognising the role of afforestation in sustainable land use and improving water quality;
9. ensuring efficient allocation and use of water;
12. recognising and providing for river management and flood protection activities;
13. recognising and providing for the recreational and conservation values of fresh water bodies; and
14. promoting the preservation of the natural character of the coastal environment, and rivers, lakes and wetlands, and their protection from inappropriate subdivision, use and development.

**OBJ LW2 Integrated management of freshwater and land use development**

The management of land use and freshwater use that recognises and balances the multiple and competing values and uses of those resources within catchments. Where significant conflict between competing values or uses exists or is foreseeable, the regional policy statement and regional plans provide clear priorities for the protection and use of those freshwater resources.

**OBJ LW3 Tangata whenua values in management of land use and development and freshwater**

Tangata whenua values are integrated into the management of freshwater and land use and development including:

- a) recognising the mana of hapu, whanau and iwi when establishing freshwater values; and
- b) recognising the cumulative effects of land use on the coastal environment as recognised through the Ki uta ki Tai ('mountains to the sea') philosophy; and
- c) recognising and providing for wairuatanga and the mauri of fresh water bodies in accordance with the values and principles expressed in Chapter 1.6, Schedule 1 and the objectives and policies in Chapter 3.14 of this Plan; and
- d) recognising in particular the significance of indigenous aquatic flora and fauna to tangata whenua.

**Principal reasons and explanation**

Objectives LW1, LW2 and LW3 (and associated policies) assist HBRC to give effect to the National Policy Statement for Freshwater Management by setting out a broad overall framework (in parallel with other objectives in the RPS) for improving integrated management of the region's freshwater and land resources. These RPS provisions only partly implement the NPS for Freshwater Management. Regional plan policies and methods (including rules) also assist in giving effect to the NPS for Freshwater Management.

In Hawke's Bay, the issues and pressures on land and water resources vary throughout the region. As a result, the urgency for clarity around water allocation and to maintain or improve water quality also varies. For example, the food and wine production Hawke's Bay is renowned for is focussed mostly on the Heretaunga Plains, while for example plantation forestry and wool growing is typically located on hill country. These catchment differences have influenced HBRC's decision to prioritise catchments where the issues, pressures and conflicts are most pressing.

Objectives LW1, LW2 and LW3 are intended to outline the broad principles for policy-making and regional plan preparation to improve integrated decisions being made about the way the region's land and freshwater resources are used, developed or protected across the region's varying catchments and sub-catchments. [Objective LW1.1 is consistent with the NPSFM which expects the regional councils to protect the significant values of outstanding water bodies.](#)



As well as different pressures in different catchments, freshwater values in Hawke's Bay also vary spatially. In addition to the national values of fresh water identified in the NPSFM's Preamble, HBRC has undertaken a process to assess freshwater values in Hawke's Bay. This included beginning with a Regional Water Symposium in 2010, followed by a process involving stakeholder representatives to develop the Hawke's Bay Regional Land and Water Management Strategy and a second Land and Water Symposium in 2011. This process helped HBRC to understand how to prioritise and strengthen policy options and management decisions for the different catchments. HBRC has also applied the River Values Assessment System (RiVAS)<sup>1</sup> to assess some of the values of rivers in the region. The results of the RiVAS assessments for Hawke's Bay reinforced the values identified at the symposiums and by the stakeholder reference group.

The predominant view of Māori in Hawke's Bay is that water is the essential ingredient of life: a priceless treasure left by ancestors for their descendants' life-sustaining use. This Plan sets out iwi environmental management principles (see Chapter 1.6), matters of significance to iwi/hapū (see Chapter 3.14) and commentary about the Māori dimension to resource management (see Schedule 1).

## POLICIES

### POL LW1A Problem solving approach – Wetlands and outstanding freshwater bodies

1. To work collaboratively with iwi, territorial authorities, stakeholders and the regional community:
  - a) to identify outstanding freshwater bodies at a regional level and include provisions in the Regional Policy Statement to list those waterbodies and guide the protection of the outstanding qualities of those water bodies; and
  - b) to prepare a Regional Biodiversity Strategy and thereafter include provisions in the Regional Policy Statement and/or regional plans to (amongst other things) guide the protection of significant wetland habitat values identified by the Strategy.
  - c) In relation to Policy LW1A.1, the identification of outstanding freshwater bodies will be completed and an associated change to the Regional Policy Statement will be publicly notified prior to public notification of any further<sup>2</sup> catchment-based plan changes<sup>3</sup> prepared in accordance with Policy LW1.

### POL LW1 Problem solving approach - Catchment-based integrated management

1. Adopt an integrated management approach to fresh water and the effects of land use and development within each catchment area, that:
  - b) provides for *mātauranga a hapū* and local tikanga values and uses of the catchment;
  - c) provides for the inter-connected nature of natural resources within the catchment area, including the coastal environment;
  - cA) recognises and provides for the need to protect the integrity of aquifer recharge systems;
  - d) ~~gives effect to provisions relating to outstanding freshwater bodies arising from the implementation of Policy LW1A~~protects the significant values of those outstanding water bodies listed in Schedule XXIV<sup>4</sup>;
  - dA) maintains, and where necessary enhances, the water quality of those outstanding ~~fresh~~water bodies identified ~~in Schedule XXIV the catchment~~, and where appropriate, protects the water quantity of those outstanding ~~fresh~~water bodies;
  - e) promotes collaboration and information sharing between relevant management agencies, iwi, landowners and other stakeholders;
  - f) takes a strategic long term planning outlook of at least 50 years to consider the future state, values and uses of water resources for future generations;

<sup>1</sup> RiVAS, developed by Lincoln University, provides a standardised method that can be applied to multiple river values. It helps to identify which rivers are most highly rated for each value and has been applied in several regions throughout the country.

<sup>2</sup> Plan Change 6 for the Tukituki River catchment pre-dates this provision.

<sup>3</sup> Notwithstanding Policy LW1A.2, a catchment-based regional plan change for the Mohaka River catchment may proceed in the meantime. For the avoidance of doubt, issue-specific regional plan changes (for example, urban stormwater or natural hazards and oil and gas resources) may also proceed in the meantime.

<sup>4</sup> In the case of conflicts arising between outstanding and significant values, the outstanding value(s) will take priority over significant values of the same outstanding water body identified in Schedule XXIV.

- g) aims to meet the differing demand and pressures on, and values and uses of, freshwater resources to the extent possible;
- gA) involves working collaboratively with the catchment communities and their nominated representatives;
- h) ensures the timely use and adaptation of statutory and non-statutory measures to respond to any significant changes in resource use activities or the state of the environment;
- iC) avoids development that limits the use or maintenance of existing electricity generating infrastructure or restricts the generation output of that infrastructure;
- iD) provides opportunities for new renewable electricity generation infrastructure where the adverse effects on the environment can be appropriately managed;
- iE) recognises and provides for existing use and investment;
- j) ensures efficient allocation and use of fresh water within limits to achieve freshwater objectives; and
- k) enables water storage infrastructure where it can provide increased water availability and security for water users while avoiding, remedying or mitigating adverse effects on freshwater values.

2. When preparing regional plans:

- a) use the catchment-wide integrated management approach set out in POL LW1.1; and
- b) identify the values for freshwater and their spatial extent within each catchment and for catchments identified in Policy LW2.1:
  - i) the values must include those identified in Table 1; and
  - ii) may include additional values; and
- ~~bA) recognise and provide for outstanding freshwater bodies and their values arising from the implementation of Policy LW1A; and~~
- bA) in relation to any relevant outstanding waterbodies listed in Schedule XXIV:
  - i) identify the significant values of that outstanding waterbody and the spatial and/or temporal extent of those values as relevant;
  - ii) establish how the significant values of outstanding water bodies listed in Schedule XXIV will be protected by regulatory methods or non-regulatory methods or both;<sup>5</sup>
  - iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the significant values of an outstanding water body listed in Schedule XXIV.
- c) establish freshwater objectives for all freshwater bodies for the values identified in clause (b) and clause (bA) above; and
- d) so as to achieve the freshwater objectives identified under clause (c), set:
  - i) groundwater and surface water quality limits and targets;-and
  - ii) groundwater and surface water quantity allocation limits and targets and minimum flow regimes; and

<sup>5</sup> In the case of conflicts arising between outstanding and significant values, the outstanding value(s) will take priority over significant values of the same outstanding waterbody identified in Schedule XXIV.

- e) set out how the groundwater and surface water quality and quantity limits and targets will be implemented through regulatory or non-regulatory methods including specifying timeframes for meeting water quality and allocation targets.
3. When setting the objectives referred to in Policy LW1.2, ensure:
    - a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded; and
    - b) adverse effects on water quantity and water quality that diminish mauri are avoided, remedied or mitigated; and
    - c) the microbiological water quality in rivers and streams is safe for contact recreation where that has been identified as a value under Policy LW1.2 or Policy LW2 Table 1.<sup>6</sup>
  4. When identifying methods and timeframes in regional plans to achieve limits and targets required by Policy LW1.2(e) have regard to:
    - a) allowing reasonable transition times and pathways to meet any new water quantity limits or new water quality limits included in regional plans. A reasonable transition time is informed by the environmental and socio-economic costs and benefits that will occur during that transition time, and should include recognition of the existing investment; and
    - b) promoting and enabling the adoption and monitoring of industry-defined and Council approved good land and water management practices.

#### **Principal reasons and explanation**

Catchment-based resource management is promoted in Policy LW1 and is consistent with Objective C1 of the ~~2011~~ National Policy Statement for Freshwater Management. Policy LW1 provides a 'default' planning approach for all catchments and catchment areas across the region, irrespective of the catchment area's values being identified in Policy LW2. Many of the principles and considerations for catchment-based planning have emerged from the 2011 Hawke's Bay Land and Water Management Strategy.

National values of freshwater have been listed in the NPSFM preamble and values have also been identified in the Hawke's Bay LAWMS. Those water bodies in the region with outstanding values have been listed in Schedule XXIV. The NPSFM provisions prescribe a high level of protection for those water bodies with outstanding values.

Policies LW1A, LW1.1 and LW1.2 inform future catchment-based plan changes, and the respective community discussions, from the outset which water bodies have outstanding values and directs the protection of their respective significant values. Policy LW1.2 ensures that the significant values of each outstanding water body are identified during the plan development phase, and that any future plan provisions protect the outstanding water bodies' significant values.

Approaches to issues, values and uses of catchments will vary so Policy LW1.1, Policy LW1.2, Policy LW1.3 and Policy LW1.4 do not prescribe a one-size-fits-all approach for all catchments in Hawke's Bay. Each catchment-based process will need to be tailored for what is the most appropriate approach for that catchment (or grouping of catchments). Regional plans and changes to regional plans will be the key planning instrument for implementing catchment-based approaches to land use and freshwater resource management.

#### **POL LW2 Problem solving approach - Prioritising values**

Subject to achieving Policy LW1.3:

1. Give priority to maintaining, or enhancing where appropriate, the primary values and uses of freshwater bodies shown in Table 1 for the following catchment areas<sup>7</sup> in accordance with Policy LW2.3:
    - a) Greater Heretaunga / Ahuriri Catchment Area;
    - b) Mohaka Catchment Area; and
    - c) Tukituki Catchment Area.
- 1A. Policy LW2.1 applies:
- a) when preparing regional plans for the catchments specified in Policy LW2.1; and

<sup>6</sup> NOTE: Policy LW1.3(c) applies to any values and uses identified in Table 1 which refer to "amenity for contact recreation", "amenity for water-based recreation" or "recreational trout angling."

<sup>7</sup> A map illustrating the indicative location of these Catchment Areas is set out in Appendix 'A'.

- b) when considering resource consents for activities in the catchments specified in Policy LW2.1 when no catchment-based regional plan has been prepared for the relevant catchment.
2. In relation to catchments not specified in Policy LW2.1 above, the management approach set out in Policy LW1.1, Policy LW1.2, Policy LW1.3 and Policy LW1.4 will apply.
- 2A. In relation to values not specified in Table 1, the management approach set out in Policy LW1.1, Policy LW1.2, Policy LW1.3 and Policy LW1.4 will apply.
3. When managing the fresh water bodies listed in Policy LW2.1:
- a) recognises and provide for the primary values and uses identified in Table 1; and
- b) have particular regard to the secondary values and uses identified in Table 1.
4. evaluate and determine the appropriate balance between any conflicting values and uses within (not between) columns in Table 1, using an integrated catchment-based process in accordance with Policy LW1.1, Policy LW1.2, Policy LW1.3 and Policy LW1.4 or when considering resource consent applications where no catchment-based regional plan has been prepared.

**TABLE 1:**

| Catchment Area   | Primary Value(s) and Uses –<br>in no priority order   | Secondary Value(s) and Uses –<br>in no priority order   |
|--|---|---|
| <b>Greater Heretaunga /<br/>Ahuriri Catchment Area</b> | <ul style="list-style-type: none"> <li>any regionally significant native water bird populations and their habitats</li> <li>Cultural values and uses for: <ul style="list-style-type: none"> <li>mahinga kai</li> <li>nohoanga</li> <li>taonga raranga</li> <li>taonga rongoa</li> </ul> </li> <li>Fish passage</li> <li>Individual domestic needs and stock drinking needs<sup>8</sup></li> <li>Industrial &amp; commercial water supply</li> <li>Native fish habitat in the Ngaruroro River and Tutaekuri River catchments</li> <li>Recreational trout angling and trout habitat in: <ul style="list-style-type: none"> <li>the Mangaone River</li> <li>the Mangatutu Stream</li> <li>the Ngaruroro River and tributaries upstream of Whanawhana cableway</li> <li>the Ngaruroro River mainstem between the Whanawhana cableway and confluence with the Maraekakaho River</li> <li>the Tutaekuri River mainstem above the Mangaone River confluence</li> </ul> </li> <li>The high natural character values of the Ngaruroro River and its margins upstream of Whanawhana cableway, including Taruarau River</li> <li>The high natural character values of the Tutaekuri River and its margins above the confluence of, and including, the Mangatutu Stream</li> <li>Trout spawning habitat</li> </ul> | <ul style="list-style-type: none"> <li>Aggregate supply and extraction in Ngaruroro River downstream of the confluence with the Mangatahi Stream</li> <li>Amenity for contact recreation (including swimming) in lower Ngaruroro River, Tutaekuri River and Ahuriri Estuary</li> <li>any locally significant native water bird populations and their habitats</li> <li>Native fish habitat, notwithstanding native fish habitat as a primary value and use in the Tutaekuri River and Ngaruroro River catchments</li> <li>Recreational trout angling, where not identified as a primary value and use</li> <li>Trout habitat, where not identified as a primary value <del>and use</del></li> </ul> |

<sup>8</sup> In line with s14(3)(b)(ii) of the RMA, it is recognised that drinking water for stock is allowed, provided that it does not have an adverse effect on the environment.

| Catchment Area                 | Primary Value(s) and Uses –<br>in no priority order  | Secondary Value(s) and Uses –<br>in no priority order  |
|--------------------------------|--|--|
|                                | <ul style="list-style-type: none"> <li>• Urban water supply for cities, townships and settlements and water supply for key social infrastructure facilities</li> <li>• freshwater use for beverages, food and fibre production and processing and other land-based primary production</li> </ul>   |  |
| <b>Mohaka Catchment Area</b>   | <ul style="list-style-type: none"> <li>• Amenity for water-based recreation between State Highway 5 bridge and Willowflat</li> <li>• any regionally significant native water bird populations and their habitats</li> <li>• Cultural values and uses for: <ul style="list-style-type: none"> <li>○ mahinga kai</li> <li>○ nohoanga</li> <li>○ taonga raranga</li> <li>○ taonga rongoa</li> </ul> </li> <li>• Fish passage</li> <li>• Individual domestic needs and stock drinking needs<sup>8</sup></li> <li>• Long-fin eel habitat and passage</li> <li>• Recreational trout angling and trout habitat in the Mohaka River and tributaries upstream of, and including, the Te Hoe River</li> <li>• Scenic characteristics of Mokonui and Te Hoe gorges</li> <li>• The high natural character values of the Mohaka River and its margins</li> <li>• Trout spawning habitat</li> </ul>  | <ul style="list-style-type: none"> <li>• Aggregate supply and extraction in Mohaka River below railway viaduct</li> <li>• any locally significant native water bird populations and their habitats</li> <li>• Native fish habitat below Willowflat</li> <li>• Recreational trout angling, where not identified as a primary value and use</li> <li>• Trout habitat, where not identified as a primary value and use</li> <li>• Water use associated with maintaining or enhancing land-based primary production</li> <li>• Water use for renewable electricity generation in areas not restricted by the Water Conservation Order</li> </ul> |
| <b>Tukituki Catchment Area</b> | <ul style="list-style-type: none"> <li>• any regionally significant native water bird populations and their habitats</li> <li>• Cultural values and uses for: <ul style="list-style-type: none"> <li>○ mahinga kai</li> <li>○ nohoanga</li> <li>○ taonga raranga</li> <li>○ taonga rongoa</li> </ul> </li> <li>• Fish passage</li> <li>• Individual domestic needs and stock drinking needs<sup>8</sup></li> <li>• Industrial &amp; commercial water supply</li> <li>• Native fish and trout habitat</li> <li>• Recreational trout angling and trout habitat in: <ul style="list-style-type: none"> <li>○ the Mangaonuku Stream</li> <li>○ the Tukipo River</li> <li>○ the Tukituki River mainstem downstream to Red Bridge</li> <li>○ the Waipawa River</li> </ul> </li> <li>• The high natural character values of: <ul style="list-style-type: none"> <li>○ the Tukituki River upstream of the end of Tukituki Road; and</li> <li>○ the Waipawa River above the confluence with the Makaroro River, including the Makaroro River</li> </ul> </li> <li>• Trout spawning habitat</li> <li>• Urban water supply for cities, townships and settlements and water supply for key social infrastructure facilities</li> </ul> | <ul style="list-style-type: none"> <li>• Aggregate supply and extraction in lower Tukituki River</li> <li>• Amenity for contact recreation (including swimming) in lower Tukituki River.</li> <li>• any locally significant native water bird populations and their habitats</li> <li>• Recreational trout angling, where not identified as a primary value and use</li> <li>• Trout habitat, where not identified as a primary value and use</li> <li>• Water use for renewable electricity generation in the Tukituki River (mainstem) and the Waipawa River above SH50 including the Mākaroro River.</li> </ul>                           |

| Catchment Area | Primary Value(s) and Uses –<br>in no priority order  | Secondary Value(s) and Uses –<br>in no priority order |
|----------------|--|---|
|                | <ul style="list-style-type: none"> <li>freshwater use for beverages, food and fibre production and processing and other land-based primary production</li> </ul> |   |

#### **Principal reasons and explanation**

Policy LW2.1 and 2.3 prioritises values of freshwater in three Catchment Areas where significant conflict exists between competing values. Clearer prioritised values in 'hotspot' catchments where significant conflicts exist was an action arising from the 2011 Hawke's Bay Land and Water Management Strategy. Policy LW2 implements OBJ LW2 in particular insofar as explicit recognition is made of the differing demands and pressures on freshwater resources, particularly within the three nominated 'hotspot' catchment areas. In relation to the remaining catchment areas across the region, Policy LW2 does not pre-define any priorities, thus enabling catchment-based regional plan changes (refer Policy LW1) for those areas to assess values and prioritise those values accordingly.

The primary and secondary values in Table 1 are identified to apply to the catchment overall, or to sub-catchments or reaches where stated. Table 1 recognises that not all values are necessarily equal across every part of the catchment area, and that some values in parts of the catchment area can be managed in a way to ensure, overall, the water body's value(s) is appropriately managed. With catchment-based regional planning processes, it is potentially possible for objectives to be established that meet the primary values and uses at the same time as meeting the secondary values.

[Refer also:

- OBJ1, OBJ2 and OBJ3 in Chapter 2.3 (Plan objectives);
- Objectives and policies in Chapter 3.4 (Scarcity of indigenous vegetation and wetlands);
- Objectives and policies in Chapter 3.8 (Groundwater quality);
- Objectives and policies in Chapter 3.9 (Groundwater quantity);
- Objectives and policies in Chapter 3.10 (Surface water resources); and
- Objectives and policies in Chapter 3.14 (Recognition of matters of significance to iwi/hapū)].

#### **POL LW3 Problem solving approach – Managing the effects of land use**

- To manage the effects of the use of, and discharges from, land so that:
  - the loss of nitrogen from land to groundwater and surface water, does not cause catchment area or sub-catchment area limits for nitrogen set out in regional plans to be exceeded;
  - the discharge of faecal matter from livestock to land, and thereafter to groundwater and surface water, does not cause faecal indicator bacteria water quality limits for human consumption and irrigation purposes set out in regional plans to be exceeded;
  - the loss of phosphorus from production land into groundwater or surface water does not cause limits set out in regional plans to be exceeded.
- 1A. To provide for the use of audited self management programmes to achieve good management of production land.
- To review regional plans and prepare changes to regional plans to promote integrated management of land use and development and the region's water resources.

#### **Principal reasons and explanation**

Policy LW3 makes it clear that HBRC will manage the loss of contaminants (nitrogen, phosphorus and faecal indicator bacteria) from land use activities to groundwater and surface water in order to ensure that groundwater and surface water objectives and limits identified in specified catchment areas are achieved. Restrictions under section 15 of the RMA may also apply to land use activities. Phosphorus and nitrogen leaching and run-off will be managed by both regulatory and non-regulatory methods. This approach will be complemented by industries' implementation of good agricultural practices.

Most regional plan changes will be on a catchment-basis, although some changes may be prepared for specific issues that apply to more than one catchment. HBRC has prepared a NPSFM Implementation Programme that outlines key regional plan and policy statement change processes required to fully implement the NPSFM by 2030.



### **POL LW3A Decision Making Criteria – Outstanding Water Bodies**

When considering a resource consent for an activity within the catchment of an outstanding water body identified in Schedule XXIV, in addition to the requirements of the relevant activity rule, the consent authority must have regard to:

- i. The need to protect the significant values, including outstanding values, of the outstanding water body;
- ii. Where it is not possible to avoid adverse effects on any value that is significant, avoid significant adverse effects on that value;
- iii. If there is conflict between an outstanding and a significant value of that water body, give priority to protection of the outstanding value;
- iv. Consider whether:
  - a. The activity is appropriate at that location;
  - b. Time limits, including seasonal or other limits, are necessary;
  - c. The activity will have any adverse effects on the significant values of the outstanding water body.
- v. Require regular:
  - a. Compliance monitoring of effects on all significant values of that water body;
  - b. Review of consent conditions to ensure protection of all significant values of that water body

#### **Principal reason and explanation**

Policy LW3A provides guidance to resource consent applicants and decision-makers when assessing activities which can potentially cause adverse effects on outstanding water bodies. In some cases the proposed activity may be inappropriate at that location or at certain times of the year. Those types of factors can be considered by the Consent Authority when assessing resource consent applications to ensure the outstanding water body's significant values are appropriately protected.

### **POL LW4 Role of non-regulatory methods**

To use non-regulatory methods, as set out in Chapter 4, in support of regulatory methods, for managing fresh water and land use and development in an integrated manner, including:

- a) **research, investigation and provision of information and services** – HBRC has in place a programme of research, monitoring and assessment of the state and trends of Hawke's Bay's natural resources. That programme will continue to be enhanced to assist HBRC implement the NPSFM and Hawke's Bay Land and Water Management Strategy;
- b) **advocacy, liaison and collaboration** – HBRC will promote a collaborative approach to the integrated management of land use and development and the region's freshwater resources;
- c) **land and water strategies** – the 2011 Hawke's Bay Land and Water Management Strategy contains a variety of policies and actions. A range of agencies and partnerships will be necessary to implement the actions and policies in the Strategy;
- e) **industry good practice** – HBRC will strongly encourage industry and/or catchment-based good practices for production land uses along with audited self management programmes as a key mechanism for achieving freshwater objectives at a catchment or sub-catchment level.

#### **Principal reasons and explanation**

Policy LW4 sets out the role of HBRC's non-regulatory methods in supporting regional rules and other regulatory methods to assist management of freshwater and land use and development in an integrated manner. This policy (and Policy LW1) recognises the need for a collaborative approach as an important means of minimising conflict and managing often competing pressures for the use and values of fresh water.

#### **Anticipated Environmental Results**

[Refer also anticipated environmental results in Chapters 3.3; 3.4; 3.7; 3.8; 3.9; 3.10; and 3.11]

| Anticipated Environmental Results  | Indicator(s)  | Data Source(s)   |
|--|---|--|
| 1. Land and water management is tailored and prioritised to address the key values and pressures of each catchment | Freshwater objectives, targets and limits for catchments and/or groups of catchments are identified in regional plans for catchments<br>Physical and biological parameters<br>Social, cultural and economic indices   | Regional plans and changes to regional plans<br>HBRC's NPSFM Implementation Programme<br>SOE monitoring and reporting<br>Local authority records<br>User surveys<br>Catchment-specific monitoring programmes |
| 2. Regional economic prosperity is enhanced  | Regional GDP trends and unemployment trends for primary sector and associated manufacturing and processing  | Statistics NZ<br>Economic activity surveys<br>Employment records by sector   |
| 3. Water is efficiently allocated  | Level of allocation<br>Catchment contaminant load modelling and monitoring<br>Water use restriction timings and durations   | SOE monitoring<br>HBRC Consents records<br>Compliance records<br>Catchment-specific monitoring reports<br>Water-supply management plans  |
| 4. Quality of fresh water in region overall is maintained or improved.   | Catchment targets are met and limits in regional plans are not exceeded<br>Catchment contaminant load modelling and monitoring  | SOE monitoring<br>Compliance records<br>Catchment-specific monitoring reports  |
| 5. Water storage is developed to provide increased water availability and security for water users                 | Consents issued for water storage projects<br>Improved security of supply of water for users in times and places of water scarcity  | HBRC consent records<br>Building consent authority records   |
| 6. Tikanga Maori and tangata whenua values are taken into account when managing freshwater                         | Cultural indices developed through cultural monitoring frameworks   | Cultural health monitoring records   |
| <u>7. Significant values of outstanding water bodies are protected</u>   | <u>The significant values for each outstanding water body listed in Schedule XXIV are identified.</u><br><u>The significant values for each outstanding water body listed in Schedule XXIV are protected using regulatory methods or non-regulatory methods, or both.</u> | <u>Regional plans and changes to regional plans</u><br><u>HBRC's NPSFM Implementation Programme</u><br><u>SOE monitoring and reporting</u><br><u>Specific monitoring programmes</u>                          |



## 3.2 The Sustainable Management of Coastal Resources

### ISSUE

- 3.2.1 *Integrated management of the region's coastal resources across a wide range of natural and physical conditions, administrative responsibilities cultural considerations, and matters of social and economic well being.*

### OBJECTIVES

- OBJ 4** Promotion of the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development.
- OBJ 5** The maintenance and where practicable and in the public interest, the enhancement of public access to and along the coast.
- OBJ 6** The management of coastal water quality to achieve appropriate standards, taking into account spatial variations in existing water quality, actual and potential public uses, and the sensitivity of the receiving environment.
- OBJ 7** The promotion of the protection of coastal characteristics of special significance to iwi, including waahi tapu, tauranga waka, taonga raranga, mahinga kai and mahinga mataitai.
- OBJ 8** The avoidance of further permanent development in areas prone to coastal erosion or inundation, taking into account the risk associated with global sea level rise and any protection afforded by natural coastal features.
- OBJ 9** Appropriate provision for economic development within the coastal environment, including the maintenance and enhancement of infrastructure, network utilities, industry and commerce, and aquaculture.
- OBJ 10** Enabling safe and efficient navigation.
- OBJ 11** Protection of the significant values of those outstanding water bodies within the Coastal Environment listed in Schedule XXIV.

#### Explanation and Reasons

- 3.2.2 The coastal environment includes the coastal marine area (the area from mean high water springs to the outer limits of the territorial sea) and the adjacent land that is affected by maritime influences, the air above it, and coastal water.
- 3.2.3 People and communities in the region are aware of, and have concerns about, the sustainable management of the coastline.
- 3.2.4 The environment of the coastline contributes to the characteristics which give Hawke's Bay its unique identity. This environment provides a social, recreational, cultural and economic resource for the regional community and for visitors. Public use and enjoyment of the coastline are, in turn, dependent on the protection and maintenance of its physical and biological diversity, health and well-being. Areas of wildlife habitat, marine and land-based vegetation, and geomorphological features also have value. These contribute to the distinctive natural identity of New Zealand in general, and the region in particular.
- 3.2.5 Among the significant features of the region's coastline are the spiritual and cultural significance of the sea to tangata whenua, the recreational amenities of coastal areas, and the importance of the coastal waters as a way of transporting goods.
- 3.2.6 Integrated management of the coast requires special effort as the regional council and the territorial authorities in the region jointly manage the coastal environment area landward of the "Coastal Marine Area". This is achieved through district and (as appropriate) regional plans. However, the "Coastal Marine Area" is primarily the responsibility of the Hawke's Bay Regional Council, which must prepare a Regional Coastal Plan. HBRC has combined its regional coastal plan with other regional planning provisions applicable to the coastal environment into the Regional Coastal Environment Plan. The coastal environment includes the coastal marine area and an area of land immediately adjacent to the coast. The Minister of Conservation also retains some specific responsibilities over the coastal marine area.
- 3.2.7 The New Zealand Coastal Policy Statement (NZCPS) provides principles for, and guidance to, regional and territorial authorities in managing coastal resources. The NZCPS links matters of national importance, as set out in the Act, with the objectives, policies, rules and other provisions of regional and district plans, including the Regional Coastal Environment Plan. The Regional Coastal Environment Plan thus contains a greater level of detail for areas and activities within the coastal environment than the broad regional policy framework for coastal resources included in the Regional Policy Statement.

- 3.2.8 The preservation of the natural character of the coastal environment is specified as a matter of national importance in the Act. The natural character of the coast embraces ecological, physical, spiritual, cultural, intrinsic and aesthetic values. While it is a matter of national importance to preserve those values, the Act does not preclude appropriate use and development, particularly where natural character has already been compromised.
- 3.2.8A Objective 11 aligns with provisions relating to outstanding water bodies that are not within the coastal environment, as set out in Chapter 3.1A of the RRMP. The NPSFM specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water.
- 3.2.8B Objective 11 assists in giving effect to Objectives 1 and 2 and Policies 13 and 15 of the NZ Coastal Policy Statement, which seek to protect significant natural ecosystems, sites of biological importance, natural features, natural character and landscape values, which are some of the many significant values which can be associated with water bodies in the coastal environment.
- 3.2.9 Public access to and along the coast is an important issue for the residents of Hawke's Bay. It is also a matter of national importance in the RMA. In planning for the use, development and protection of the natural and physical resources in the coast, public access as far as possible should be maintained. In certain circumstances it may be desirable to enhance public access to and along the coast.
- 3.2.10 Good water quality is important for the sustainable management of natural and physical resources in the coastal environment and is an issue of prime concern to the residents of Hawke's Bay. However, water quality may vary over time and in different areas. An appropriate management framework includes achieving standards through management of discharge including point and non-point source discharges from land and to sea.
- 3.2.11 Tangata whenua of Hawke's Bay have strong traditional and cultural relationships with the sea. The identification and protection of coastal characteristics of special significance to iwi recognises the special relationships that iwi have with coastal resources.
- 3.2.12 Avoiding permanent development in areas prone to coastal erosion or inundation and taking into account the risk associated with global sea level rise is necessary to achieve the purpose of the Act. This approach enables people to provide for their safety and recognises the reasonably foreseeable needs of future generations. It also gives a clear indication to resource users that development in these areas is inappropriate and indicates that local authorities are accountable for any development that does occur in these areas.
- 3.2.13 The provisions of the Act do not relate solely to the control of environmental effects. Providing for economic development in the coastal environment within the region is necessary to achieve the purpose of the Act because the Act requires the Council to promote the sustainable management of both natural and physical resources. Physical resources include land and structures and includes the structures in the region which add to the present and future economic well-being of the region. The responsibility for providing for the social, economic, cultural, health and safety needs of the community lies in part with the Regional Council. The economic well-being of the people and communities of the region requires the continuation of an economic infrastructure.
- 3.2.14 There are a number of existing surface water activities in Hawke's Bay ranging from passive recreation to recreational use of boats, yachts and pleasure craft, to commercial fishing and port related shipping. New activities may occupy coastal marine space and may have the potential to enhance or conflict with navigational needs. Promoting safe and efficient navigation is necessary to promote the purpose of the Act because it enables people and communities to provide for their social, cultural and economic well-being and for their health and safety.

## **POLICIES**

### **POL C1 Problem solving approach – outstanding water bodies**

1. When preparing regional plans, in relation to any relevant outstanding waterbodies listed in Schedule XXIV:
  - i) identify the significant values of that outstanding waterbody and the spatial and/or temporal extent of those values as relevant;
  - ii) establish how the significant values of outstanding water bodies listed in Schedule XXIV will be protected by regulatory methods or non-regulatory methods or both;<sup>9</sup>
  - iii) include regional plan provisions to manage activities in a manner which avoids adverse effects that are more than minor on the significant values of an outstanding water body listed in Schedule XXIV.

<sup>9</sup> In the case of conflicts arising between outstanding and significant values, the outstanding value(s) will take priority over significant values of the same outstanding waterbody identified in Schedule XXIV.

## **POL C2 Decision Making Criteria – Outstanding Water Bodies**

When considering a resource consent for an activity within the catchment of an outstanding water body identified in Schedule XXIV, in addition to the requirements of the relevant activity rule, the consent authority must have regard to:

- i. The need to protect the significant values, including outstanding values, of the outstanding water body;
- ii. Where it is not possible to avoid adverse effects on any value that is significant, avoid significant adverse effects on that value;
- iii. If there is conflict between an outstanding and a significant value of that water body, give priority to protection of the outstanding value;
- iv. Consider whether:
  - a. The activity is appropriate at that location;
  - b. Time limits, including seasonal or other limits, are necessary;
  - c. The activity will have any adverse effects on the significant values of the outstanding water body.
- v. Require regular:
  - d. Compliance monitoring of effects on all significant values of that water body;
  - e. Review of consent conditions to ensure protection of all significant values of that water body

### **Principal reasons and explanation**

- 3.2.15 While there are only two policies in this plan, ~~There are no specific policies~~ relating to the coastal environment part of this Plan, ~~although many of the other~~ provisions within the Regional Policy Statement parts of this Plan ~~do apply are also relevant to within~~ the coastal environment. Specific regional plan provisions (including policies) for the coastal environment are contained within the Regional Coastal Environment Plan.
- 3.2.16 The Hawke's Bay Regional Coastal Environment Plan is a combined Plan, incorporating the regional coastal plan that HBRC is required to prepare. It sets out in some detail objectives, policies and methods including rules which are the basis for management of the coastal environment. Thus the Regional Policy Statement of this Plan does not repeat or elaborate on the above objectives, and the Regional Coastal Environment Plan should be referred to for further detail.
- 3.2.17 Under the Act, HBRC has shared responsibility with the territorial authorities for management of activities and effects of activities within the coastal environment.
- 3.2.18 Some aspects of those activities are the sole responsibility of district councils – particularly managing the effects of land uses, development and subdivision in terms of the Act and in ways which are not inconsistent with this Regional Policy Statement or regional plans. District Plans should also be referred to as these may set out specific objectives, policies, methods and rules for the landward side of the coastal environment.
- 3.2.18A Policy C1 aligns with provisions relating to outstanding water bodies that are not within the coastal environment (i.e. Policy LW1) as set out in Chapter 3.1A of the RRMP. This is consistent with the NPSFM which specifically provides for the integrated management of the effects of use and development of land and freshwater on coastal water. Policy C1 informs future catchment-based plan changes, and the respective community discussions, from the outset which water bodies have outstanding values and directs the protection of their respective significant values. Policy C1(b) ensures that the significant values of each outstanding water body are identified during the plan development phase, and that any future plan provisions protect the outstanding water bodies' significant values.
- 3.2.18B Policy C2 aligns with Policy LW3A of the RRMP albeit applicable to decision making for activities affecting outstanding water bodies located in the coastal environment. Both policies provide guidance to resource consent applicants and decision-makers when assessing activities which can potentially cause adverse effects on outstanding water bodies. In some cases the proposed activity may be inappropriate at that location or at certain times of the year. Those types of factors can be considered by the Consent Authority when assessing resource consent applications to ensure the outstanding water body's significant values are appropriately protected.

## Amendments to Chapter 9 (Glossary) of Hawke's Bay Regional Resource Management Plan

Amend Glossary by adding new definitions to read:

**Outstanding freshwater body** means those water bodies, or parts thereof, listed in Schedule XXIV that have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology values.

**Outstanding water body** means those water bodies, or parts thereof, listed in Schedule XXIV that have one or more outstanding cultural, spiritual, recreation, landscape, geology, natural character or ecology values. It includes an outstanding freshwater body.

**And make any other consequential amendments to the Hawke's Bay Regional Resource Management Plan.**

## Schedule XXIV: Outstanding Water Bodies

### Part 1 – Overview of types of outstanding values and their sub-parts

The following values have been identified as outstanding for the purposes of giving effect to the NPSFM Outstanding Water Bodies provisions. The key sub-values listed help describe the outstanding value, but are not all inclusive.

**Table 1: Outstanding values and sub values**

| <u>Outstanding Values</u>     | <u>Key sub values<sup>10</sup> and key sub-values where stated</u>   |
|-------------------------------|--|
| <u>Cultural and spiritual</u> | <u>Wāhi Tapu, Wāhi taonga; Wai Tapu; Rohe boundary; Battle sites; Pa, kāinga; Tauranga waka; Mahinga kai, Pa tuna; and acknowledged in korero tuku iho, pepeha, whakatauki, or waiata.</u> |
| <u>Ecology</u>                | <u>Native birds, native fish, native plants, aquatic macroinvertebrates</u>  |
| <u>Landscape</u>              | <u>Scenic, association, natural characteristics (includes hydrological, ecological and geological features)</u>  |
| <u>Natural character</u>      | <u>Natural characteristics (includes hydrological, ecological and geological features)</u>   |
| <u>Recreation</u>             | <u>Angling, fishing, kayaking, rafting, jet boating</u>  |
| <u>Natural science values</u> | <u>Geology, science</u>  |

To be identified as ‘Outstanding’, the water body must feature at least one outstanding value. The water body may also feature other significant values which must be protected to give effect to the NPSFM. Information held by HBRC on the outstanding and significant values of Outstanding Water Bodies is available on the HBRC website, [www.hbrc.govt.nz](http://www.hbrc.govt.nz) under #OWB.

### Part 2 – Outstanding water bodies in Hawke’s Bay and their outstanding value(s)

The following water bodies, or parts thereof, have been identified as having outstanding value(s)

| <u>ID #</u> | <u>Name of outstanding water body</u>                             | <u>Description</u> | <u>Outstanding value(s)</u>   |
|-------------|---|--------------------|---|
| <u>1</u>    | <u>Boundary Stream, including Shine Falls</u>                     | <u>TBC</u>         | <u>Cultural, spiritual</u>  |
| <u>2</u>    | <u>Hautapu River</u>  | <u>TBC</u>         | <u>Cultural, spiritual</u>  |
| <u>3</u>    | <u>Heretaunga Aquifer</u>   | <u>TBC</u>         | <u>Cultural, spiritual, geology</u>   |
| <u>4</u>    | <u>Karamu River</u>   | <u>TBC</u>         | <u>Cultural, spiritual</u>  |
| <u>5</u>    | <u>Kaweka and Ruahine Ranges wetlands</u>                         | <u>TBC</u>         | <u>Cultural, spiritual</u>  |
| <u>6</u>    | <u>Lake Rotoroa and Lake Rototuna (Kaweka Lakes)</u>              | <u>TBC</u>         | <u>Cultural, spiritual, native fish, native plants, natural character</u>                         |
| <u>7</u>    | <u>Lake Poukawa and Pekapeka Swamp</u>                            | <u>TBC</u>         | <u>Cultural, spiritual, wildlife</u>  |
| <u>8</u>    | <u>Lake Tūtira (including Aropaoanui River + Papakiri Stream)</u> | <u>TBC</u>         | <u>Cultural, spiritual</u>  |
| <u>9</u>    | <u>Lake Waikareiti</u>  | <u>TBC</u>         | <u>Cultural, spiritual</u>  |
| <u>10</u>   | <u>Lake Waikaremoana</u>  | <u>TBC</u>         | <u>Cultural, spiritual, native plants, natural character, landscape &amp; geology, recreation</u> |

<sup>10</sup> The outstanding values, include but are not limited to the sub-values set out in Table 1

|    |  |                     |  |
|----|--|---------------------|--|
| 11 | <a href="#">Lake Whakakī - Te Paeroa Lagoon - Wairau Lagoon and wetlands</a>     | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, wildlife</a>  |
| 12 | <a href="#">Lake Whatumā</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, wildlife</a>  |
| 13 | <a href="#">Makirikiri River</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 14 | <a href="#">Mangahouanga Stream</a>  | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, geology</a>   |
| 15 | <a href="#">Maungawhio Lagoon, lower Kopuawhara River, Pukenui Dune Wetlands</a> | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, wildlife</a>  |
| 16 | <a href="#">Mohaka River (Lower - below Willowflat)</a>                          | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, macroinvertebrates</a>  |
| 17 | <a href="#">Mohaka River (Upper - above Willowflat)</a>                          | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, macroinvertebrates, natural character, landscape &amp; geology, recreation</a>                        |
| 18 | <a href="#">Morere Springs</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 19 | <a href="#">Ngamatea East Swamp</a>  | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, native plants, natural character</a>  |
| 20 | <a href="#">Ngaruroro River (Lower) and Waitangi Estuary</a>                     | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, wildlife, native fish, recreation</a>   |
| 21 | <a href="#">Ngaruroro River (Upper)</a>  | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, wildlife, native fish, macroinvertebrates, natural character, landscape &amp; geology, recreation</a> |
| 22 | <a href="#">Nuhaka River</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 23 | <a href="#">Opoutama Swamp</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 24 | <a href="#">Porangahau Estuary</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, wildlife, native fish, native plants, landscape &amp; geology</a>                                     |
| 25 | <a href="#">Porangahau/Tāurekaitai River</a>                                     | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, wildlife</a>  |
| 26 | <a href="#">Putere Lakes</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 27 | <a href="#">Ripia River</a>  | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 28 | <a href="#">Ruakituri River</a>  | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, macroinvertebrates, natural character, landscape &amp; geology, recreation</a>                        |
| 29 | <a href="#">Ruataniwha Aquifer</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, geology</a>   |
| 30 | <a href="#">Tarawera Hot Springs</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 31 | <a href="#">Taruarau River</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, macroinvertebrates, natural character, landscape and geology, recreation</a>                          |
| 32 | <a href="#">Te Hoe River</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, wildlife</a>  |
| 33 | <a href="#">Te Paerahi River</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 34 | <a href="#">Te Whanganui a Orotū (Ahuriri Estuary)</a>                           | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, wildlife, native fish, landscape and geology</a>  |
| 35 | <a href="#">Tukituki River and Estuary</a>                                       | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, wildlife, landscape &amp; geology</a>   |
| 36 | <a href="#">Tūtaekurī River</a>  | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, macroinvertebrates</a>  |
| 37 | <a href="#">Waiau River</a>  | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, wildlife</a>  |
| 38 | <a href="#">Waihua River</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 39 | <a href="#">Waikaretaheke River</a>  | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 40 | <a href="#">Waikoau River/ Aropaoanui River</a>                                  | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 41 | <a href="#">Waipawa River</a>  | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |
| 42 | <a href="#">Waipunga River</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual, macroinvertebrates</a>  |
| 43 | <a href="#">Wairoa River</a>   | <a href="#">TBC</a> | <a href="#">Cultural, spiritual</a>  |

# Attachment 6



# Report

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TO: Policy/Planning Committee

FROM: Blair Jamieson, Strategy & Community Planning Manager

DATE: 6 June 2019

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

FILE: 1-CO-4-8

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## 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 May 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>Taihape</u><br>Completed.<br><br><u>Mangaweka</u><br>Staff await the Heritage Committee to provide their chosen icon/symbol for Mangaweka.<br><br><u>Huntermville</u><br>Pending final install.<br><br><u>Marton</u><br>Permission to remove the existing Lions brickwork/signage has been granted. A report is pending to Council to sign off on the Marton Icon/Symbol. |



| Programme/Activity   | Progress For This Period  |
|--|---|
|  | <p><u>Bulls</u><br/>No progress by staff during this period. Cr. Dunne has engaged with UCOL in this process.</p> <p><u>Turakina</u><br/>Signs have been manufactured, and are ready for installation. This process is now being completed in partnership with the Caledonian society.</p> <p><u>Koitiata</u><br/>The resident association have approved the icon, and the sign has been manufactured, pending installation.</p> <p><u>Rātana</u><br/>Installation occurred on 29 May 2019, following the installation there were a number of social media postings and complaints received by staff. The newly installed Rātana township sign (as approved by Rātana Community Board Resolution: 18/RCB/024) has received requests for alteration. The requests stem from failing to include the word Pā on the sign, which unfortunately cannot be added by way of alteration. If the inclusion of 'Pā' was requested it would come at the cost of a replacement sign; being \$850 (for the sign, delivery and installation). The Rātana Community Board will be making a recommendation to Council on the appropriate pathway to correct this issue. A copy of the revised replacement sign would look as follows:</p>  <p><u>Scott's Ferry</u><br/>A letter has been sent advising residents of the icon/symbol process, once direction has been determined a meeting will be organised with the residents and respective ward councillors.</p> |
| <p>Healthy Families Strategic Leadership Team</p> <p>Facilitator:<br/>Te Oranganui</p> | <p>This meeting was attended by Mr Jamieson. A positional paper on water, youth, and community led mental health programmes is continuing in development.</p>   |

## 4 Youth/Rangatahi 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>Youth Council met in Marton Council Chambers on 28 May 2019. The main items discussed were:</p> <ul style="list-style-type: none"> <li>Youth Councils involvement in organising the local election 'Meet the Candidates' events throughout the district.</li> <li>How to obtain a more diverse and authentic youth perspective across the district, involving larger numbers of youth.</li> </ul>   |
| Youth Awards<br>23 May 2019. | <p>The Youth Awards recognised the achievements of the amazing youth in the district, with over 76 nominations being received. This year the awards were proudly sponsored by John Turkington Forestry, with each of the category winners receiving \$500, kindly donated by individual sponsors as noted below. Around 300 young people, their families and the community attended the award ceremony at the Marton Memorial Hall on 23rd May 2019.</p> <p>The winners and sponsors of each category are noted below, for the information of the committee:</p> <ul style="list-style-type: none"> <li>Alyce Turner - The John Turkington Forestry Outstanding Youth Winner</li> <li>Alyce Turner - Giving Back - Winner Sponsored by The Downs Group</li> <li>Jacob Carlyon - Giving back - Runner Up Sponsored by The Downs Group</li> <li>Bridget Bone - Leadership Winner Sponsored by Rotary Club of Marton</li> <li>Jodie Daines - Leadership Runner Up Sponsored by Rotary Club of Marton</li> <li>Daisy Power - Eco Warrior Winner Sponsored by River Valley</li> <li>Interact Group - Eco Warrior Runner Up Sponsored by River Valley</li> <li>Tia Wright - Change Maker - dual winner Sponsored by BJW Motors</li> <li>Lydia Whyte - Change Maker - dual winner Sponsored by BJW Motors</li> <li>Onyx Lye - Youth in Sport - Winner Sponsored by Hautapu Pine</li> <li>Georgina Bryant - Youth in Sport – Runner Up Sponsored by Hautapu Pine</li> <li>Sophie Ward - Youth for Youth - Winner Sponsored by New World Marton</li> <li>Tia Wright - Youth for Youth - Runner Up Sponsored by New World Marton</li> <li>Rotary Interact Club of Rangitikei College - Youth Group - Winner Sponsored by Fortuna Forest Products</li> <li>MaD - Youth Group - Runner Up Sponsored by Fortuna Forest Products</li> <li>Todd Sutton - Youth in Apprenticeship - Winner Sponsored by Ngā Wairiki Ngāti Apa</li> <li>Jacob Davison - Youth in Apprenticeship - Runner Up Sponsored by Ngā Wairiki Ngāti Apa</li> <li>Shawn Bonner - Youth in Employment - Winner Sponsored by Fortuna Forest Products</li> </ul> |

| Programme/Activity  | Progress For This Period   |
|---------------------|--|
|                     | <ul style="list-style-type: none"> <li>Jacob Carlyon - Youth in Employment - Runner Up Sponsored by Fortuna Forest Products.</li> </ul>  |
| Youth/TRYBWebsite   | The development of the TRYB website is complete. Staff will now commit resources to ensure the website is ready for launch on 1 July 2019.   |
| Networking Meetings | <ul style="list-style-type: none"> <li>Mokai Patea Services</li> <li>Regional Community Development Network meeting</li> <li>Whanganui- Rangitikei Regional Skills and Talent working group</li> <li>Marton Emergency Accommodation</li> </ul> |

## 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 acquired the finalised feasibility study for the Trustees of Ngāti Hauiti. A date will be set for the formal handover of the feasibility study and drawings; which will include the relevant elected members. |
| Consenting Support | Mr Meihana attended and supported the Taihape hui with the collective Mokai Patea Iwi on the Taihape Waste Water Treatment Plant Consent.  |

## 6 Policy Engagement

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

| Programme/Activity           | Progress For This Period   |
|------------------------------|--|
| Annual Plan Oral Submissions | Policy staff attended the oral submissions in both Marton and Taihape. |

## 7 Funding

7.1 An update on all funding applications is summarised in [Appendix 1](#).

## 8 Recommendations

8.1 That the report 'Policy & Community Planning Project and Activity Report – May 2019' to the Policy/Planning Committee on 13 June 2019 be received.

Blair Jamieson

Strategy & Community Planning Manager | Kaiwhakahaere Rautaki me te Hāpori

# ***Appendix 1***

| 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                |
| 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                       |
| 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                |
| 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   |  | \$1,720,000               |  |             |                         |   |  |                              |

# Attachment 7

| COMMUNITY LEADERSHIP GROUP OF ACTIVITIES 2018/19       |   |  | Jun-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   |
| <b>Strategic Planning Activity</b>                     | 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   | Council held hearings on May 9 in Marton and May 10 in Taihape. Deliberations were held at Councils meeting on 30 May.                     | Response to submitters; Final adoption of Annual Plan 2019/20 on 27 June.   |
|  | Delivery of programme of policy and bylaw review                  | Reported below.  | Reported below  |
| <b>Elections</b>                                       | Representation review (for the 2019 elections completed)          | Advice to Council and community on LGC decision; confirmation of maps with LINZ; advice to Electoral Officer                               | Complete  |
| <b>Council</b>   | 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                      |  | Preliminary advice from Australasian LG Excellence Programme concerning the 2018/19 survey requirements               |
| <b>Iwi Liaison</b>                                     | Te Roopu Ahi Kaa Strategic Plan - review                          | Internal review, and a position from TRAK is pending and with the appropriate reporting completed.   | Te Roopu Ahi Kaa hui to respond to Council's position and will provide a draft on the values based framework shortly. |
| <b>Policy, Bylaw &amp; Strategy Review/Development</b> | <b>Compliance/end date</b>  | <b>Progress for this reporting period</b>  | <b>Planned for the next two months</b>  |
| 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.  | Assessment as part of nine-month Statement of Service Performance         |
| 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   | Council deliberated on the Amendment to the Bylaw at its 28 March 2019 Council meeting. Council adopted the amendment. Signs on Hendersons Line have been erected. NZTA have been notified of the change. | Complete.   |
| <b>Carried forward</b>  | 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   | A report is scheduled for the forth coming Policy and Planning Committee on 11 July. | Elected Members resolved that Council would continue with a Water Related Services Bylaw.   | A report recommending the draft Bylaw be adopted for public consultation. |
| 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.  |



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| Policies relating to the regional growth study<br>1) Maintenance and Protection of Public Roads<br>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.   |
| <b>Other pieces of work</b>  | <b>Reference for inclusion/ Scheduled date</b> | <b>Progress for this reporting period</b>  | <b>Planned for the next two months</b>                           |
| 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<br>September 2019        | No progress to report.   | No work scheduled for the next two months                        |
| Section 17A review - Waste transfer stations   | Statutory requirement<br>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 has been distributed, and open for submissions.   | Compile submissions  |
| Annual Stakeholder Survey 2019   | Annual survey - essential for annual report    | Survey has been designed   | Survey is open for submission                                    |
| 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  |  |  | Jun-19   |
|---|--|--|--|
| Major programmes of work outlined in the LTP 2018-28  |  |  |  |
| What are they:  | Targets  | Progress to date   | Planned for the next two months  |
| <b>Community Partnerships</b>   | 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.  | Continued engagement with the MOU partnering organisations.  |
|   | 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.   | Continued engagement with the MOU partnering organisations.  |
| <b>Economic development and district promotion</b>  | Management of rangitikei.com   | Premier events page 'Big Days Out' live; and promoted on R.com Facebook. Process for mass email update of work-live-play database being fin-tuned.   | Mass email-out to update work-live-play update planned for June/July. Populate database directories with photos where absent.  |
|   | 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.   |
| <b>Youth Development</b>  | Youth Committee and networking meetings  | The Rangitikei Youth Council are exploring the best methods including online platforms to best communicate and connect. Youth Council member Charly Ward-Berry worked closely with council staff member Athol Sanson and Alan Buckendahl of the Marton RSA to organise a tree planting ceremony in remembrance of the Christchurch Mosque attacks of March 15  | 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. Healthy Families operated remotely from the Lobby Taihape a few days during the school holidays allowing the facility to be open longer hours. Volunteers opened both The Lobby Taihape and The Lobby Marton for extended hours on Mays teachers strike day | 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                           | 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   |

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| Timely and effective interventions that create economic stability, opportunity and growth   | Progress solutions to water availability in area between Marton and Hunterville  | Application to PGF nearly complete for the next stage  | Submission of application to PGF and investigate feasibility of MPI 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)<br>Continue to discuss the concepts around the Marton Heritage precinct, particularly with business/property owners | Marton - decision on concept design study and application to Lotteries heritage  | Marton - finalise business case, receive proposal for detailed designs.   |
|   | Place-making support in Marton, Bulls, Taihape, Turakina, Hunterville  | Hunterville - 6 seats identified.  | Working with Destination Hunterville on relocatable public art. Staff await quotes before this can proceed.   |
|   | 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   | Adjustments in the Smartygrants system to reflect the changes sought by the Finance/Performance Committee for Round 1 2019/2020.  |
| 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. Taihape Library is running regular term time after school activities. We are continuing to promote local events/activities via our Social Media sites. | The Taihape activities are going well with a regular group attending. Social media posts are proving a good way to promote our local activities.  |
| 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 aims 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.  | To meet with Mokai Patea Services on how this process can be implemented for the next financial year.   |

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| 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 Forestry Rangitikei Youth Awards 2019. Successfully secured nine category sponsors for the \$500 cash prize per winner. Successfully applied to Ara Taiohi and Horizons Regional Council for funding for the youth awards evening. Nominations this year are via the online platform Smarty Grants. 76 nomination received, 117 youth highlighted. The Awards Evening was held on 23 May at Marton Memorial Hall. Youth Council assisted in the organisation of the event. Advertising for the MTFJ Outward bound scholarship has reached over 2600 people and had 327 engagements, with Nardia receiving email requests for more information. Two submissions for this have been received, further follow up meetings to be organised. | Support Youth Council in their accomplishment of the years' workplan. Investigate further youth events for the district. Investigate options to create a wider base of authentic youth engagement and involvement dostrict wide. |
| 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<br>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. Not all yet received. Phone calls have been made to remaining schools. 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<br>Development of a heritage inventory of Maori narratives and collections<br>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:<br>- Continue to produce and distribute the Theme Group newsletter<br>- Be involved with environmental projects as required                               | No progress during this period  | To arrange the next Treasured Natural Environment Group Meeting.   |

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| 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. | Adjustments in the Smartygrants system to reflect the changes sought by the Finance/Performance Committee for Round 1 2019/2020. |
|  | 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.         | Adjustments in the Smartygrants system to reflect the changes sought by the Finance/Performance Committee for Round 1 2019/2020. |
| 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  | Training delivered 22, 23, 24 March.  | Exercise to promote understanding of roles   |

| ENVIRONMENTAL AND REGULATORY SERVICES GROUP OF   |   |   |  | Jun-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 r   | 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 | 37 BC granted, 94.59 % completed on time, value of work is \$3,582,200          | 8 new house builds valued at \$2,576,700, covered feed pad for cattle valued at \$245,000. All the rest of the work was House alterations /additions /fires and polesheds etc. | 316 BC granted, 76.58% completed on time, value of work is \$27,400,643               |
|  | Code of Compliance Certificates, Notices to Fix and infringements issued.                       | 42 CCC issued, 100% on time, 0 NTF issued, no infringements issued              |  | 229 CCC issued, 100% on time, 5 NTF issued, no infringements issued                   |
| Resource Consents  | Report on:<br>a) number of land use consents issued and timeliness                              | 0 Land Use RC granted, 100% on time, 0 Permitted Boundary RC granted 0% on time |  | 9 Land Use RC granted, 77.78% on time, 6 Permitted Boundary RC granted 83.33% on time |

|                                      |  |   |  |  |
|--------------------------------------|--|---|--|--|
|                                      | b) subdivision consents and timeliness   | 6 Subdivision RC granted, 50% on time                                       |  | 46 Subdivision RC granted, 73.91% on time  |
|                                      | c) section 223 and 224 certification and timeliness,   | 0 s223 and 1 s224 certificates granted                                      |  | 5 s223 and 3 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. | 4944 Registered, 10 Unregistered, 1 Infringements, 10 Impounded, 0 Deceased |  | 4944 Registered, 10 Unregistered, 70 Infringements, 123 impounded, 20 Deceased   |
| Bylaw enforcement                    | Enforcement action taken   | none done   |  |  |
| Liquor Licensing                     | Report on number and type of licences issued   | 2 Specials, 3 Renew Managers, 2 New Managers, 1 New On Licence              |  | 3 New On licence, 39 Specials, 6 Club Renewals, 2 Off Renewal, 4 On Renewals, 1 New Off, 26 Manager Renewals, 14 Managers New, 4 Temporary Authorities |
| Building Warrant of Fitness renewals | Report on overdue BWOFF, audits, Notices to Fix and infringements issued.                                      | 9 BWOFF renewals overdue, 10 Audits   |  | 99 BWOFF renewals have been overdue, 72 Audits, 19 NTF, 4 infringements issued   |
| Swimming Pool Barriers               | Report on number of pool barrier inspections done, Notices to Fix and infringements issued.                    | 10 Inspections done this month  |  | 69 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 April 2019 - First Response

| Service Requests  | Compliance |           |                   |                |             |
|---|------------|-----------|-------------------|----------------|-------------|
| Department  | current    | overdue   | Responded in time | Responded late | Grand Total |
| <b>Animal Control</b>                                       |            |           | <b>80</b>         | <b>5</b>       | <b>85</b>   |
| Animal welfare concern                                      |            |           | 2                 |                | 2           |
| Barking dog   |            |           | 4                 |                | 4           |
| Dog attack  |            |           | 2                 |                | 2           |
| Dog property inspection (for Good Owner status)             |            |           | 5                 | 4              | 9           |
| Found dog   |            |           | 9                 |                | 9           |
| General enquiry   |            |           | 1                 |                | 1           |
| Lost animal   |            |           | 15                |                | 15          |
| Microchip dog   |            |           | 2                 |                | 2           |
| Property investigation - animal control problem             |            |           | 2                 |                | 2           |
| Roaming dog   |            |           | 9                 | 1              | 10          |
| Rushing dog   |            |           | 4                 |                | 4           |
| Wandering stock   |            |           | 25                |                | 25          |
| <b>Building Control</b>                                     |            | <b>1</b>  |                   |                | <b>1</b>    |
| General enquiry   |            | 1         |                   |                | 1           |
| <b>Environmental Health</b>                                 | <b>1</b>   | <b>20</b> | <b>16</b>         |                | <b>37</b>   |
| Abandoned vehicle   |            |           | 7                 |                | 7           |
| Dumped rubbish - outside town boundary (road corridor only) |            |           | 2                 |                | 2           |
| Dumped rubbish - under bridges, beaches, rivers, etc        |            | 1         |                   |                | 1           |
| Dumped rubbish - within town boundary                       |            |           | 2                 |                | 2           |
| General enquiry   |            | 1         |                   |                | 1           |
| Noise   |            | 18        | 3                 |                | 21          |
| Pest problem eg wasps                                       |            |           | 2                 |                | 2           |
| Vermin  | 1          |           |                   |                | 1           |
| <b>Grand Total</b>  | <b>1</b>   | <b>21</b> | <b>96</b>         | <b>5</b>       | <b>123</b>  |

Percentage responded in time

78%



## Service request Breakdown for April 2019 - Resolutions

| Service Request<br>Department                               | Compliance<br>Completed in time | Completed late | Current  | Overdue   | Grand Total |
|---|---------------------------------|----------------|----------|-----------|-------------|
| <b>Animal Control</b>                                       | <b>67</b>                       | <b>12</b>      |          |           | <b>79</b>   |
| Animal welfare concern                                      | 2                               |                |          |           | 2           |
| Barking dog   | 2                               | 1              |          |           | 3           |
| Dog attack  | 1                               | 1              |          |           | 2           |
| Dog property inspection (for Good Owner status)             | 4                               | 3              |          |           | 7           |
| Found dog   | 9                               |                |          |           | 9           |
| General enquiry   | 1                               |                |          |           | 1           |
| Lost animal   | 11                              | 4              |          |           | 15          |
| Microchip dog   |                                 | 1              |          |           | 1           |
| Property investigation - animal control problem             | 1                               | 1              |          |           | 2           |
| Roaming dog   | 7                               | 1              |          |           | 8           |
| Rushing dog   | 4                               |                |          |           | 4           |
| Wandering stock   | 25                              |                |          |           | 25          |
| <b>Building Control</b>                                     |                                 |                |          | <b>1</b>  | <b>1</b>    |
| General enquiry   |                                 |                |          | 1         | 1           |
| <b>Environmental Health</b>                                 | <b>13</b>                       | <b>2</b>       | <b>1</b> | <b>19</b> | <b>35</b>   |
| Abandoned vehicle   | 5                               | 2              |          |           | 7           |
| Dumped rubbish - outside town boundary (road corridor only) | 2                               |                |          |           | 2           |
| Dumped rubbish - under bridges, beaches, rivers, etc        |                                 |                |          | 1         | 1           |
| Dumped rubbish - within town boundary                       | 2                               |                |          |           | 2           |
| General enquiry   |                                 |                |          | 1         | 1           |
| Noise   | 2                               |                |          | 17        | 19          |
| Pest problem eg wasps                                       | 2                               |                |          |           | 2           |
| Vermin  |                                 |                | 1        |           | 1           |
| <b>Grand Total</b>  | <b>80</b>                       | <b>14</b>      | <b>1</b> | <b>20</b> | <b>115</b>  |

Percentage completed in time

**70%**