

Notice is hereby given that an ordinary meeting of the Horowhenua District Council will be held on:

**Date:** Wednesday 12 June 2019  
**Time:** 2.00 pm  
**Meeting Room:** Council Chambers  
**Venue:** 126-148 Oxford St  
Levin

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## Council OPEN AGENDA

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### MEMBERSHIP

<b>Mayor</b>	Mr Michael Feyen	
<b>Deputy Mayor</b>	Mr Wayne Bishop	
<b>Councillors</b>	Mr Ross Brannigan	
	Mr Ross Campbell	
	Mr Neville Gimblett	
	Mr Barry Judd	
	Mrs Victoria Kaye-Simmons	
	Mrs Jo Mason	
	Mrs Christine Mitchell	
	Ms Piri-Hira Tukapua	
	Mr Bernie Wanden	
<b>Reporting Officer</b>	Mr David Clapperton	(Chief Executive)
<b>Meeting Secretary</b>	Mrs Karen Corkill	

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Website: [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

**Full Agendas are available on Council's website**  
[www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

**Full Agendas are also available to be collected from:**  
Horowhenua District Council Service Centre, 126 Oxford Street, Levin  
Te Awahou Nieuwe Stroom, Foxton,  
Shannon Service Centre/Library, Plimmer Terrace, Shannon  
and Te Takeretanga o Kura-hau-pō, Bath Street, Levin



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**1 Apologies**

**2 Public Participation**

Notification to speak is required by 12 noon on the day of the meeting. Further information is available on [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz) or by phoning 06 366 0999.

See over the page for further information on Public Participation.

**3 Late Items**

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

**4 Declarations of Interest**

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

**5 Confirmation of Minutes**

**5.1 Meeting minutes Council, 10 April 2019**

**6 Announcements**

Foxton Community Board Update

There will be an update on behalf of the Foxton Community Board.

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Public Participation (further information):

The ability to speak at Council and Community Board meetings provides the opportunity for members of the public to express their opinions/views to Elected Members as they relate to the agenda item to be considered by the meeting.

Speakers may (within the time allotted and through the Chairperson) ask Elected Members questions as they relate to the agenda item to be considered by the meeting, however that right does not naturally extend to question Council Officers or to take the opportunity to address the public audience be that in the gallery itself or via the livestreaming. Council Officers are available to offer advice too and answer questions from Elected Members when the meeting is formally considering the agenda item i.e. on completion of Public Participation.

Meeting protocols

1. All speakers shall address the Chair and Elected Members, not other members of the public be that in the gallery itself or via livestreaming.
2. A meeting is not a forum for complaints about Council staff or Council contractors. Those issues should be addressed direct to the CEO and not at a Council, Community Board or Committee meeting.
3. Elected members may address the speaker with questions or for clarification on an item, but when the topic is discussed Members shall address the Chair.
4. All persons present must show respect and courtesy to those who are speaking and not interrupt nor speak out of turn.
5. Any person asked more than once to be quiet will be asked to leave the meeting

# Proceedings of the Finance, Audit & Risk Subcommittee 24 April 2019

File No.: 19/164

## 1. Purpose

To present to the Council the minutes of the Finance, Audit & Risk Subcommittee meeting held on 24 April 2019.

## 2. Recommendation

- 2.1 That Report 19/164 Proceedings of the Finance, Audit & Risk Subcommittee 24 April 2019 be received.
- 2.2 That the Council receives the minutes of the Finance, Audit & Risk Subcommittee meeting held on 24 April 2019.

## 3. Issues for Consideration

There are no items considered by the Finance, Audit & Risk Subcommittee that require further consideration by Council.

## Attachments

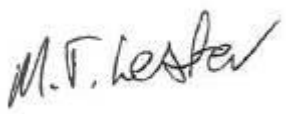
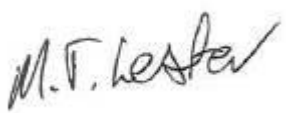
There are no attachments for this report.

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	Mark Lester <b>Acting Chief Executive</b>	
Approved by	Mark Lester <b>Acting Chief Executive</b>	

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# Finance, Audit & Risk Subcommittee

## OPEN MINUTES

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Minutes of a meeting of the Finance, Audit & Risk Subcommittee held in the Council Chambers, Horowhenua District Council, Levin, on Wednesday 24 April 2019 at 4.00 pm.

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### PRESENT

<b>Chairperson</b>	Mr P Jones
<b>Members</b>	Cr R J Brannigan
	Cr R H Campbell
	Mayor M Feyen
	Cr N G Gimblett
	Cr B F Judd
	Cr V M Kaye-Simmons
	Cr J F G Mason
	Cr P Tukapua
	Cr B P Wanden

### IN ATTENDANCE

<b>Reporting Officer</b>	Mr M J Lester	(Acting Chief Executive)
	Mr A Chamberlain	(Financial Accountant)
	Mr D McCorkindale	(Group Manager – Strategy & Development)
	Mr I McLachlan	(Group Manager – Customer & Regulatory Services)
	Mr R Green	(Acting Group Manager – Infrastructure Services)
	Mrs T Magi	(Senior Manager – People & Culture)
	Mr J Paulin	(Finance Manager)
	Mr D O’Regan	(Executive Assistant – Corporate Services)
	Mrs S Hori Te Pa	(Governance & Executive Team Leader)
	Ms A Parker	(Executive Assistant to the Mayor)
	Mrs K J Corkill	(Meeting Secretary)

### PUBLIC IN ATTENDANCE

There were no members of the public present.

#### 1 Apologies

Apologies were recorded for Deputy Mayor Bishop and Cr Mitchell.

MOVED by Mayor Feyen, seconded Cr Tukapua:

*THAT the apologies from Deputy Mayor Bishop and Cr Mitchell be accepted.*

**CARRIED**



## 2 Public Participation

No requests to speak received.

## 3 Late Items

There were no late items.

## 4 Declarations of Interest

None declared.

## 5 Confirmation of Minutes

MOVED by Mayor Feyen, seconded Cr Campbell:

*THAT the minutes of the meeting of the Finance, Audit & Risk Subcommittee held on Wednesday, 27 March 2019, be confirmed as a true and correct record.*

**CARRIED**

## 6 Announcements

The Chair proposed after the FARS meeting discussing whether or not Members wished to take up the offer to have a Councillor only session with the Auditors.

## 7 Reports

### 7.1 Health & Safety - Quarterly Report

#### Purpose

To provide an update to Elected Members on health and safety matters at Horowhenua District Council for the previous three months.

Mrs Magi joined the table to respond to any queries, with the report being taken as read.

For the next report, the Chair suggested it would be helpful to have the top five Health & Safety risks measured against Council's risk framework, where things were now, what was the target and what was being done to meet that target. Also, with regard to Health & Safety, how much risk was acceptable and how the current risk profile would be mitigated.

MOVED by Mr Jones, seconded Cr Campbell:

*THAT Report 19/145 Health & Safety - Quarterly Report be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

### 72 Nine Month Report 1 July 2018 - 31 March 2019

#### Purpose

To present to the Finance, Audit & Risk Subcommittee the financial report for the nine months to 31 March 2019.

Council's Financial Accountant, Mr Chamberlain, joined the table to speak to the report requesting that it be taken as read. Following a request at the previous meeting to have an indication of the number of new rateable assessments created, Mr Abraham tabled a replacement page 30 (Statement of Rates Assessments) which showed that there had been 106 created this year.

With the report highlighting that Council was showing a \$1.288m deficit against a

budgeted surplus of (\$2,483m), the drivers behind this were raised and discussed in detail with the Chair working through the report page by page providing Elected Members with the opportunity to raise queries and provide comments as to how this had occurred and mitigation options.

A PowerPoint overview (copy attached to the official minutes) of the Forecast Operating (surplus)deficit was presented giving a breakdown of the Budget and End of Year Forecast Variance and providing an explanation of the key variances and deficit funding options, with Mr Lester and Mr McCorkindale responding to queries.

MOVED by Cr Campbell, seconded Cr Wanden:

*THAT Report 19/104 Nine Month Report 1 July 2018 - 31 March 2019 be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

### **7.3 Treasury Report**

#### **Purpose**

To present to the Finance, Audit & Risk Subcommittee the Bancorp Treasury Report for the March 2019 quarter.

With the report being taken as read, the Chair referred to the observation in the last paragraph of the report that Council was very close to breaking its hedging policy bands, suggesting that 'breaching' would be a better descriptor. In relation to this issue, he said his understanding was that Council had three options to address this:

- it could take out a swap; it might want to revisit the policy; or it could breach the policy as long as Council was aware of why and the consequences of that happening, with June indicated as the month by which this matter needed to be addressed.

MOVED by Mr Jones, seconded Cr Brannigan:

*THAT Report 19/128 Treasury Report be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

### **7.4 Standard and Poors Credit Rating**

#### **Purpose**

To present to the Finance, Audit and Risk Subcommittee the Standard and Poors' report on the review of Council's credit rating.

The response to comments in relation to the Key Rating Factors of Budgetary Performance being recorded as "weak" and Liquidity coverage being "adequate" compared with its peers, was that this was a fair assessment and was due to Council's issue when it came to capital expenditure. The Chair commented that if the Liquidity coverage had been noted as "outstanding" Council would have to have money in the bank. HDC's debt was high for a Council, but it was not out of control; it was comparative to some other Councils which had no debt.

MOVED by Cr Judd, seconded Cr Kaye-Simmons:

*THAT Report 19/132 Standard and Poors Credit Rating be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

Mayor Feyen recorded his ABSTENTION from voting.

5.32 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF FINANCE, AUDIT & RISK  
SUBCOMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....



# Proceedings of the Community Wellbeing Committee 14 May 2019

File No.: 19/189

## 1. Purpose

To present to the Council the minutes of the Community Wellbeing Committee meeting held on 14 May 2019.

## 2. Recommendation

- 2.1 That Report 19/189 Proceedings of the Community Wellbeing Committee 14 May 2019 be received.
- 2.2 That the Council receives the minutes of the Community Wellbeing Committee meeting held on 14 May 2019.

## 3. Issues for Consideration

The following items considered by the Community Wellbeing Committee meeting held on the 14 May 2019 will require further consideration by the Horowhenua District Council and will be included on a future Council agenda:

*THAT the Community Wellbeing Committee endorses the proposed Community Wellbeing Framework for briefing and presentation to Council.*

## Attachments



There are no attachments for this report.

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	Lacey Winiata <b>Communications Manager</b>	
Approved by	Nicki Brady <b>Group Manager - H2040 &amp; Partnership Development</b>	

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# Community Wellbeing Committee

## OPEN MINUTES

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Minutes of a meeting of the Community Wellbeing Committee held in the Council Chambers, Horowhenua District Council, 126-148 Oxford Street, Levin, on Tuesday 14 May 2019 at 1.00 pm.

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### PRESENT

<b>Chairperson</b>	Cr Barry Judd	
<b>Deputy Chair</b>	Cr Jo Mason	
<b>Members</b>	Mayor Michael Feyen	(ex-Officio)
	Mr Josh Kurene attending on behalf of Mr Mike Fletcher	(Oranga Tamariki)
	Mr Jim Greening	(Ministry of Education)
	Ms Eleanor Gully	(Inclusion & Access Rep)
	Dr Betty-Lou Iwikau	(Raukawa Whanau-Ora Ltd)
	Sgt Jeff Lyver attended on behalf of Sgt Beth Purcell	(NZ Police)
	Mr Patrick Rennell	(HLC – Horowhenua Learning Centre)
	Mr Mark Robinson	(Waiopehu College)
	Mr Gavin Rooney	(Local Management Group)
	Ms Jo Smith	(MidCentral DHB)
	Sister Sosefina	(Compassion Housing)
	Ms Samantha Coromandel	(Life to the Max)
	Mr Oliver Parrant	(yEP)
	Miss Jazzmyn Mackie-Ritchie	(yEP)

### IN ATTENDANCE

<b>Reporting Officer</b>	Mrs Lacey Winiata	(Community Engagement Manager)
	Mrs Nicki Brady	(Group Manager - H2040 & Partnership Development)
	Ms Michelle Rogerson	(Community Development Advisor)
	Mr Neil Hirini	(Community Development Advisor)
	Mrs Cathryn Pollock	(Projects Coordination Lead)
	Mr David McCorkindale	(Group Manager - Strategy & Development)
	Mrs Cynthia Ward	(Principal Policy Advisor)
	Mrs Karen Corkill	(Meeting Secretary)

### ALSO IN ATTENDANCE

Mr Andrew Lockhart	(Immigration NZ, MBIE)
Ms Sarah Ward	(Immigration NZ, MBIE)

### MEDIA IN ATTENDANCE

Ms Janine Baalbergen	(Horowhenua Chronicle)
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### PUBLIC IN ATTENDANCE

There were fifteen members of the public in attendance at the commencement of the meeting.

## 1 Apologies

Apologies were received from James Etuale, DIA; Beth Purcell, NZ Police; Maureen Scott, Children's Team; Katie Brosnahan and Richard Fry, MSD; Moira Howard, Levin North School; Eve Fone, Oranga Tamariki; Brenda Rea, Central PHO; Angela Rainham, MCDHB; Keith Hilson, Housing NZ, and Mike Fletcher, MSD.

MOVED by Cr Mason, seconded Mr Rennell:

*THAT the apologies be accepted.*

**CARRIED**

## 2 Public Participation

No requests for public participation had been received.

## 3 Confirmation of Minutes – 12 February 2019

MOVED by Mayor Feyen, seconded Dr Iwikau:

*THAT the minutes of the meeting of the Community Wellbeing Committee held on Tuesday, 12 February 2019, be confirmed as a true and correct record.*

**CARRIED**

Because of the interest in the gallery in relation to item 5. Refugee Resettlement Presentation, with the agreement of the meeting this was the next item addressed.

## 5 Refugee Resettlement Presentation – MBIE representatives

Andrew Lockhart and Sarah Ward from MBIE gave an overview of the Refugee Resettlement Programme, noting:

- New Zealand, together with 28 other countries, was involved in a programme of refugee resettlement, with there being approximately 25 million refugees in the world;
- New Zealand Government had set out what its quota would be over a three year programme and was moving from the current 1,000 refugees and in July 2020 will move to resettling 1,500;
- there were seven settlement locations at present and that was being extended to another six locations;
- part of the reason for the quota starting from 2020 was so that things like housing and support services were in place to ensure that settlement in each of the new locations was successful;
- settlement in Levin would not start until June next year (from the May intake) which may involve around ten per intake, moving up to 12-15 per year, noting that 50% of NZ's quota were children and they came from all parts of the world;
- a cross-agency group would make the assessment as to who would be settled in Levin;
- an important aspect of the assessment was that eventually refugees would seek employment;
- housing was also an issue as was ensuring there were Government support services in place;
- it was recognised that as new locations were developed, Councils and local support were key;
- to this end there had been engagement with the Mayor early on in the process before an announcement was made to make certain there was support for what was proposed as community commitment, engagement and support was very important so that those who came to Levin felt supported and engaged in the community;

- those settled in a community also gave back and there was very little movement because New Zealand had given them a new home and they were committed to making a contribution.

Sarah Ward explained her role, saying that details of what was proposed would roll out as things moved forward. Things were at an early stage with the tender for settlement services the next thing to be done. It was anticipated that the tender to offer settlement support in the region would be up by the end of May and they were working alongside the Community Engagement Team to come up with the best strategy for Levin, including housing, health and education.

Responding to a query in relation to housing being critical and availability, Mr Lockhart said they would not move refugees into a community until they could be moved into a house. That was part of the reason for having a lead in time to enable Government as a whole to start addressing those pressures. When the Government had looked at increasing the quota it had looked at funding for additional housing and this had been set aside. The next phase was for Housing NZ, etc, to get on with building additional houses, which included looking at locations and the size and capacity of dwellings.

Cr Judd commented on how important this topic was for this community as we wanted to be welcoming, noting that the Committee had also talked in the past about the pressure in this community to do with housing for current residents. Mr Lockhart and Ms Ward had come and briefed Elected Members and staff and there had been a free and frank discussion as while the community wanted to be welcoming, there was a need to understand the challenges faced in terms of housing and to ensure the Government did provide support for new residents so that the current pressure on housing provision was not exacerbated. There was work being done in the background with the Community Development Team on what successful integration might look like and engagement with the right community groups to ensure the best outcome.

Engagement with the health sector was raised, particularly in an area where there was an older age group that used a lot of the resources available, with Mr Lockhart confirming that the MoH was part of the working group that had looked at resettlement locations and he explained in some detail what that the provision of health services would look like. Also outlined was what would be available in terms of developing English language skills.

With regard to concerns expressed about bringing extra families into a system that was already challenged, Mr Lockhart acknowledged that while there were significant challenges to be faced and Central Government did not have all the answers, it was committed to working with locals to ensure they had solutions that worked for the community and also for the refugees.



## 4 Reports

### 4.1 Community Services Report to 14 May 2019

To present to the Community Wellbeing Committee the Community Services Report 14 May 2019.

MOVED by Cr Mason, seconded Ms Smith:

*THAT Report 19/160 on Community Services Report to 14 May 2019 be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

Lacey Winiata requested that the report be taken as read, highlighting some of the salient points, including:

- the hosting by Education Horowhenua of the Associate Minister of Education, Tracey Martin;
- there had been some changes in Community Development, including Neil Hirini joining the Team as a Community Development Advisor;
- there would be some robust Community Capacity Building over the next few months and if anyone was aware of any group or organisation who may be able to provide recommendations for community capacity programmes get them to contact the Team.

### 4.2 Chair's Report

The Chair referred to his report which gave an update on some of the activities going on behind the scenes particularly matters relating to the focus areas identified by the Committee late last year, providing some additional comment.

Mr Robinson then spoke to the Youth Wellbeing segment, acknowledging those who had been involved and noting that the drive for this had come from young people.

Oliver Parrant recapped on the yEP (Youth Empowerment Project) with the approach to youth having been widened to up to 50 or more to provide a more diverse range of opinions. Over 60 young people had turned up to the yEP games and over 50 had signed up and said they wanted more involvement.

Following on from Oliver's comments, Jazzmyn Mackie-Ritchie spoke about the four hui that had been held to date on youth wellbeing, acknowledging the assistance from Nicki Brady and Lacey Winiata. She said the three main areas they wanted to focus on were: Culture, Education and Services, explaining in more detail about the rationale behind these.

Saying the CWC would be kept up to date on progress, Cr Judd spoke in support of what these young people were doing. It did not necessarily mean increased investment; it was just about doing things differently and enabling yEP to lead and get a better outcome for our youth.

#### 4.3 Revised Community Wellbeing Framework

To present the revised Community Wellbeing Framework to the Community Wellbeing Committee.

MOVED by Mayor Feyen, seconded Cr Mason:

*THAT Report 19/159 Revised Community Wellbeing Framework be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

Mrs Pollock joined the table to speak to the report, requesting that it be taken as read. The Revised Community Wellbeing Framework was tabled.

Mrs Pollock then reiterated the main points in the report giving the rationale for the changes proposed which looked to provide the Community Wellbeing Committee and the community a simple yet meaningful Community Wellbeing framework that allowed for transparency and accountability.

After discussion and comment by members and with the need for a Framework to be updated and supported, it was:

MOVED by Mr Robinson, seconded Ms Gully:

*THAT the Community Wellbeing Committee endorses the proposed Community Wellbeing Framework for briefing and presentation to Council.*

**CARRIED**

#### 6 Reporting – Community Development Network Meetings Minutes

The Community Development Network Meetings Minutes were received, without further comment, and NOTED.

#### 7 Reports – by Focus Area

The CWC Action 'canvas' with the latest updates was tabled with key points covered as reflected in each report (a copy will be **attached** to the official minutes).

- **Family Harm**

- Mr Jeff Lyver, Coordinator of the Safer Whanau Team, introduced himself giving an overview of his role, which had seen him deal with 1,600 domestic violence incidents last year. He explained in more detail what the Team did and how they tried to capture every single family and engage them with the appropriate support.

- **Health & Wellbeing**

- In her update, Ms Jo Smith commented:
  - on the restructure they had undergone last year; they were now in 6 different clusters and with 2,500 staff working at the DHB, they were a big team;
  - the Annual Forum for Locality Planning was on at Te Takeretanga o Kura-hau-pō today;
  - they were currently developing their 3-5 year strategy;
  - a key issue was everyone was very busy and disruption was the new norm;
  - DHBs were under enormous pressure with debt; however it was about taking what they already had and getting a better outcome;
  - they were looking forward to the Budget which should be focused on wellbeing;
  - because of the issue of time, distance and travel, different mediums were being looked at rather than a physical examination.

- **Growth**

- Commenting particularly on O2NL, the main point made by Mr McCorkindale was that while Council was moving forward with what it could and was continuing to advocate on behalf of the community with NZTA, was still waiting for a more definitive decision and confirmation of what funding would be approved for the next phase to go ahead.

#### **4 Upcoming Communications**

These would be addressed at the next meeting.

3.04 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE COMMUNITY WELLBEING  
COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....



# Proceedings of the Foxton Community Board 27 May 2019

File No.: 19/199

## 1. Purpose

To present to the Council the minutes of the Foxton Community Board meeting held on 27 May 2019.

## 2. Recommendation

- 2.1 That Report 19/199 Proceedings of the Foxton Community Board 27 May 2019 be received.
- 2.2 That the Council receives the minutes of the Foxton Community Board meeting held on 27 May 2019.
- 2.3 That the following decision is recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.4 That as recommended by the Foxton Community Board, the Horowhenua District Council supports the development of a detailed design for a wetland at Holben Reserve and requests officers to progress to a detailed design through an RFP process.

## 2. Issues for Consideration

The following item considered by the Foxton Community Board meeting held on 27 May 2019 requires support from the Horowhenua District Council as per recommendation 2.4:

### Holben Reserve Wetland Development

*THAT the Foxton Community Board supports and recommends to Council the development of a detailed design for a wetland at Holben Reserve and requests officers to progress to a detailed design through an RFP process.*

A further item considered by the Foxton Community Board meeting held on 27 May 2019 will require further consideration by Council and will be included in a future Council agenda:

### Update on the Proposed Foxton Beach Carpark Foredune Work

*THAT the Foxton Community Board supports and recommends to Council the re-profiling and replanting of the foredune at the Foxton Beach Carpark.*

*THAT the Foxton Community Board recommends that the refurbishing of the promenade space, including seating, be placed in the Annual Plan.*

*THAT the Foxton Community Board's support for the foregoing resolutions is conditional on the funding source being other than the Foxton Beach Reserves Investment Plan.*

## Attachments

No.	Title	Page
A	Foxton Community Board Report Holben Reserve Wetland Development 27 May 2019	33


### Confirmation of statutory compliance

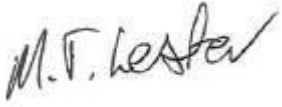
In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in

mind the significance of the decisions; and,  
b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### Signatories

Author(s)	Rob Green <b>Acting Group Manager - Infrastructure Services</b>	
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Approved by	Mark Lester <b>Acting Chief Executive</b>	
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## Foxton Community Board

### OPEN MINUTES

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Minutes of a meeting of the Foxton Community Board held in the Blue Room, Te Awahou Nieuwe Stroom, 22 Harbour Street, Foxton on Monday 27 May 2019 at 6.00 pm.

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#### PRESENT

<b>Chairperson</b>	Mr D J Roache	
<b>Deputy Chairperson</b>	Ms P R Metcalf	
<b>Members</b>	Mr D A Allan	
	Cr N G Gimblett	(from 6.05 pm)
	Ms J M Lundie	

#### IN ATTENDANCE

<b>Reporting Officer</b>	Mr R Green	(Acting Group Manager – Infrastructure Services)
	Mr A Nelson	(Property & Parks Manager)
	Mr S Hester	(Parks & Property Lead North)
	Mrs R Carr	(Parks & Property Officer)
	Mrs K J Corkill	(Meeting Secretary)

#### ALSO IN ATTENDANCE

Mayor M Feyen  
Cr R J Brannigan

#### PUBLIC IN ATTENDANCE

There were twelve members of the public in attendance at the commencement of the meeting.

##### 1 Apologies

An apology was recorded for Mr Girling and an apology for lateness had been received from Cr Gimblett.

MOVED by Mr Roache, seconded Mr Allan:

*That the apologies from Mr Girling, and from Cr Gimblett for lateness, be accepted.*

**CARRIED**

##### 2 Public Participation

- 7.1 Monitoring Report  
Item 19/78 Tax Relief for Earthquake Prone Buildings  
Michael Feyen
- 7.2 Chief Executive's Report  
3.2FBPAI Report  
Ross Brannigan  
3.3Foxton Pool Update  
3.4LGZ Community Boards' Conference  
Michael Feyen
- 7.4 Update on the Proposed Foxton Beach Carpark Foredune Works  
Michael Feyen  
Ted Melton  
Christina Paton  
Ross Brannigan
- 7.5 Proposal for New Carpark Design near Pump Track at Holben Reserve  
John Story  
Ted Melton  
Ross Brannigan

### 3 Late Items

There were no late items.

### 4 Declaration of Interest

There were no declarations of interest.

### 5 Confirmation of Minutes

MOVED by Mr Roache, seconded Mr Allan:

*THAT the minutes of the meeting of the Foxton Community Board held on Monday, 25 March 2019, be confirmed as a true and correct record.*

**CARRIED**

### 6 Announcements

With Cr Gimblett's arrival awaited, the Chair provided the update on behalf of the Foxton Community Board

Mr Roache reported:

- together with Ms Metcalf, he had attended the PNCC Wastewater Treatment plant for a visual inspection and they were shown upgrades and procedures that were being worked on to comply with their upcoming Resource Consent;
- he and Mr Allan continued to hold regular meetings with both the Chairperson and Secretary of the Foxton Beach Progressive Association ;
- he and Ms Metcalf had attended MAVTech's Annual General Meeting.

Cr Gimblett joined the meeting (6.05 pm) and it was agreed he would provide the HDC update at the conclusion of Agenda items.

Foxton Beach Progressive Association Inc Update



Speaking on behalf of the Foxton Beach Progressive Association (FBPA), Mr Melton said the report from the Chair summarised the Association's activity and issues since the FCB's last meeting, which were: Progressing Community Planning for Foxton Beach; the Association's input into the Foxton Beach Freeholding Fund's Strategy/Policy Review; progressing community safety – CCTV for Foxton Beach; a Wellbeing & Health Strategy for Foxton Beach; environmental proposals in the Association's Annual Plan Submission; and the issue with the wharf.

Addressing the speaking point, which he said was purely exploratory, Mr Melton spoke in more detail about the Association's suggestion to appoint a part-time Environmental Ranger to assist with protecting sensitive estuary and dune-scape areas and requested the Board's support to progress that aspiration and FBPA would be canvassing support for the idea at the Marine Boating Club on 14 June. If the idea was supported it would need funding contributions from the three statutory managers and could trigger a review of the Foxton Beach Coastal Reserves Management Plan which was ten years old. There was also the Manawatū Estuary Management Plan that would need to be considered, which Mr Melton said was also overdue for review.

Noting the meeting at the Manawatū Marine Boating Club on 14 June, Mr Roache queried the availability of Board Members to attend.

## 7 Reports

### 7.1 Monitoring Report to 27 May 2019

#### Purpose

To present to Foxton Community Board the updated monitoring report covering requested actions from previous meetings of the Community Board.

MOVED by Ms Metcalf, seconded Mr Allan:

*THAT Report 19/105 Monitoring Report to 27 May 2019 be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

#### Public Participation

In his comments, Mayor Feyen covered a number of Monitoring Report Items, including Target Reserve and the many activities that were now occurring there; Sand Dune Management and his personal view that the area should remain as it is and any Foxton Beach Freeholding Fund monies that may have been expended be used on Holben Reserve; what actually would the Marketing Specialist – Te Awahou Nieuwe Stroom (page 13) be doing?; and the Notice of Motion which requested LGNZ to lobby Government to provide tax relief for owners of earthquake-prone buildings, which he supported and which was a great example of 'localism' currently being promoted by LGNZ.

#### Page 8 14/674 - Target Reserve Strategic Plan

Mr Nelson advised that he had tried to get a meeting of the User Groups but had not had a response from the various groups as yet. Further messages had been sent and he would actively follow them up.

#### 16/16 Kings Canal and Purcell Street Stormwater Catchment

Responding to a request for an update, Mr Roache said he had had a meeting with Horizons including Reg Crs Burnell and Sheldon. They had put two alternative proposals to Horizons and they had been taken away to be evaluated by consultants (from Christchurch) who would look at the whole issue, including submissions. He had an email last week advising that the consultant would be visiting, with Mr Green confirming the visit was scheduled for 5 June. Mr Roache said he would be meeting with HRC and HDC prior to that meeting.

Mr Roache said he had expressed his disappointment that the 'key stakeholders' had not been more involved at an earlier stage; however he did confirm all proposals were going to be peer reviewed by another consultant.

Page 9 Increased Parking in Thomas Place

Mr Roache said he had asked Officers to look at support funding.

Page 13 FCB Meeting Schedule – Strategic Workshop

It was noted that the Marketing Specialist was Arjan van der Boon from the Dutch Connection Trust who had been involved with TANS since its inception.

3.5 Signage – Foxton & Foxton Beach

Responding to a query and the frustration expressed at the lack of some very basic signage and delay in that being addressed, Mr Nelson said that the FBPA's request for a suite of signage required a cross-divisional approach. Whilst Parks & Property could have a local discussion around signage for such things as the Pump Track, in a wider context care needed to be taken that signage fitted in with the overall design, which could involve a number of Council divisions including Roading and Parks & Property. The Chair requested that signage discussions include Proudly Foxton and the Foxton Beach Progressive Association and an update was requested for the next FCB meeting.

Page 14 Notice of Motion

It was suggested that the recent advice that the remit to LGNZ had been referred to the LGNZ National Council to consider/action and would not therefore proceed to the LGNZ AGM was a positive as the AGM step was not required for it to be progressed.

## 7.2 Chief Executive's Report to 27 May 2019

### Purpose

To present to the Foxton Community Board, for information, issues relating to the Foxton Community Board area.

MOVED by Mr Allan, seconded Ms Metcalf:

*THAT Report 19/106 Chief Executive's Report to 27 May 2019 be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

### Public Participation

Cr Ross Brannigan spoke to the item in the FBPA's Chairperson's Report in relation to

the wharf saying it was important that people were fully briefed on the situation with the wharf and what was going on there. Saying he had personally been involved in the wharf issue from the start, Cr Brannigan gave a background to the issue and what was being done to address it with Council Officers, Regional Council and DOC all involved, as well as the Manawatū Marine Boating Club. He advised that Tonkin & Taylor were involved in the shoring up of the western end of the wharf, with there being no immediate danger to the public. There were two streams to the work, one of which was to address the immediate issue and the other was Council working with DOC for a longer term solution, such as the land being vested in Council.

In his comments the Mayor covered a number of matters including:

- his view that in relation to the beach as a road, he would like to see a Policeman again located at Foxton Beach;
- it was great to see the increase in the Pool usage numbers and he would like to have had figures included with regard to income and expenditure;
- thanking Ms Metcalf and Ms Lundie on their report on the recent Community Boards' Conference in New Plymouth, he commented on the Conference which he said he did not think was up to the standard of previous conferences that he had attended.

3.1 Foxton Beach Pump Track – Award for Outstanding Active Park

Expressing his pleasure at receipt of this Award, the Chair said he would like to see this, together with the awards that had been won by Te Awahou Nieuwe Stroom, displayed at TANS.

3.3 Foxton Pool Update

The Chair concurred with the Mayor's comments that it would be helpful to be advised of the income and outgoings for the Pool's operation, with it also noted that it would be helpful to see if it met the Revenue and Financing Policy with regard to the public/private split.

3.4 Report – 2019 LGNZ Community Boards Conference

Both Ms Metcalf and Ms Lundie spoke to the Conference report saying they had enjoyed the opportunity to network with members of other Community Boards.

### 7.3 **Resource Consenting (Planning) Matters Considered Under Delegated Authority**

#### **Purpose**

To present, **for information**, details of decisions made under delegated authority in respect of Resource Consenting (Planning) Matters.

MOVED by Mr Allan, seconded Ms Metcalf:

*THAT Report 19/107 Resource Consenting (Planning) Matters Considered Under Delegated Authority be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

## 7.4 Update on the Proposed Foxton Beach Carpark Foredune Works

### Purpose

To summarise matters related to the foredune at Foxton Beach carpark, and to recommend actions to re-contour and replant the dune and potentially refurbish the promenade including seating. This would achieve a long term solution for this popular coastal area, in terms of the protection of the seawall with additional positive outcomes from recreational, amenity and bio-diversity perspectives.

MOVED by Mr Roache, seconded Ms Lundie:

*THAT Report 19/7 Update on the Proposed Foxton Beach Carpark Foredune Works be received.*

*THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.*

**CARRIED**

### Public Participation

Saying it would cost more than it was worth and he would prefer to see any money this would cost spent on other initiatives, Mayor Feyen reiterated his view that the dune area should be left alone.

Covering matters in relation to this and the following two reports in his comments, in relation to the dune work Mr Melton requested that the FCB not support the recommendation in the Officer's report providing his reasoning.

Speaking to recommendation 3.3, Mrs Christina Paton said in effect it contained two items: there was funding and then there was what that funding was intended to pay for. She requested that Board Members consider Condition 26 which was in the current Resource Consent which covered that area as part of their decision making, giving her reasoning. She further said:

- she recommended that the Board ask for a review of the Consent;
- that there had been no mention of DOC in the report and DOC was one of the major parties to the consent;
- that although it had originally been intended that the cost of the seawall would come out of the Foxton Beach Freeholding Account, Council had decided that the cost would be shared 50/50, with 50% of the seawall funded district wide from the general rate;
- that the foreshore was a district-wide asset.

Responding to a query as to whether she was against the re-profiling of the dunes, Mrs Paton said that if that occurred it should be after full discussion with all the parties, including DOC.

In relation to this issue, Cr Ross Brannigan said that his position was well known to the Board. He said he had been interested to hear Mrs Paton's comments about Condition 26 and asking the Board to look into that; however it was not the Board's job to do that. Council Officers had done a thorough job in taking this matter to the Regional Council and the response had been clear; there was no need for a new consent as long as the work proceeded along the lines discussed. Again touching on the various issues that had been raised and the benefits that would accrue from the work being done, Cr Brannigan urged Board Members to approve it going ahead, noting that the core job was to get it tidied up, and in terms of cost Option 1 (\$15,000) was the responsible option particularly as on-going maintenance costs were not known. In terms of funding, he would prefer to look at Council's Maintenance budgets in the first instance.

Speaking to the report, Mr Nelson responded to some of the issues raised. In terms of Condition 26, his view, having read the Resource Consent, concurred with Cr Brannigan's view that it was not an issue for the Board. He further clarified that whilst there had been some differing opinions within the Regional Council ranks on what could and could not be done as part of the consent, the upshot of discussions was that lowering the dunes for aesthetic reasons would not meet the consent. What did meet the requirements of the consent was to maintain the integrity of the seawall, with Mr Nelson reiterating the main points in the report as to how that would be achieved.

Responding to a query as to whether other funding sources had been considered, Mr Nelson said he was not aware of any other funding sources for physical maintenance and he did not have a pool of money set aside. If there was an issue of on-going maintenance, it was also hard to say what on-going maintenance might cost. However, initially the \$15,000 would be adequate to do the re-profiling and planting and to do some monitoring.

With regard to refurbishing the promenade space, Mr Nelson said the current situation was not ideal and any refurbishment done would be to ensure it would be easier to maintain going forward. For that the whole of life cost would need to be considered. The purpose of the report was to have the conversation and find a way forward. Also noted was the fact that the Foxton Beach Reserve was in the Foxton Beach Reserves Investment Plan, but it was not rated as highly as other reserves.

Board Members discussed in some detail the various, including historical, issues that had brought this matter to this point, with it suggested that the different components of the substantive recommendation 3.3:

- (i) whether or not the Board supported the re-profiling and replanting of the foredune;
  - (ii) whether or not the Board supported the refurbishing of the promenade space;
  - (iii) where the funding for either activity should be sourced from.
- should be considered separately.

After Board Members expressing their views, it was:

MOVED by Mr Roache, seconded Mr Allan:

*THAT the Foxton Community Board supports and recommends to Council the re-profiling and replanting of the foredune at the Foxton Beach Carpark.*

**CARRIED**

MOVED by Mr Roache, seconded Mr Allan:

*THAT the Foxton Community Board recommends that the refurbishing of the promenade space, including seating, be placed in the Annual Plan.*

**CARRIED**

Ms Metcalf and Ms Lundie recorded their vote AGAINST the motion.

Moved: Mr Allan

Seconded: Ms Lundie

THAT the Foxton Community Board's support for the foregoing resolutions is conditional on funding sources other than the Foxton Beach Freeholding Account, including the Foxton Beach Reserves Investment.

After further discussion on possible funding sources, with the agreement of the mover and seconder the motion was reworded so as not to preclude discussion on the use of the Foxton Beach Freeholding Account as a funding source, it was:

MOVED by Mr Allan, seconded Ms Lundie:

*THAT the Foxton Community Board's support for the foregoing resolutions is conditional on the funding source being other than the Foxton Beach Reserves Investment Plan.*

**CARRIED**

Mr Roache recorded his vote AGAINST the motion, saying he would like Officers to source funding from maintenance budgets.

## **7.5 Proposal for New Carpark Design near Pump Track at Holben Reserve**

### **Purpose**

To seek a decision from the Foxton Community Board to endorse the design and construction of an enlarged parking area within Holben Reserve, to be funded from the Foxton Beach Reserves Investment Plan.

MOVED by Ms Metcalf, seconded Ms Lundie:

*THAT Report 19/150 Proposal for New Carpark Design near Pump Track at Holben Reserve be received.*

*THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.*

**CARRIED**

### **Public Participation**

Mr John Story said that before adding more carparks at Holben Reserve, the final stage of Seabury Avenue should be completed, with the final stage of that project having always been put in the too hard basket. He also said that there was a need to look at that whole area for safety reasons, providing the rationale behind his comments in terms of location, speed limits and usage. He asked that Council reconsider the proposal and look at the whole area properly.

Mr Ted Melton said that Mr Story's comments had underscored for him that there were other options on how this could be done better, including revisiting the Foxton Beach Reserves Investment Plan.

Speaking to the report and responding to queries from Board Members, Mr Nelson said he understood Mr Story's perspective but Mr Story was suggesting a much larger project than was being proposed by Officers. He drew Board Members attention to the table in the report which noted that 50% of the people visiting the Pump Track site were from outside Foxton Beach/Foxton which clearly placed some pressure on parking at this point and what was proposed would address that. It had also not been looked at from a roading management perspective, but from a parking perspective for that site.

Mr Green also noted that a rural speed limit review had just been undertaken, following which each town would be looked at in terms of speed limit adjustments and this could feed into some of those safety discussions that would be undertaken.

Because of the number of issues and queries raised by Board Members, it was:

MOVED by Mr Allan, seconded Ms Metcalf:

*THAT the matter of the Proposal for New Carpark Design near the Pump Track at Holben Reserve lay on the table and be part of the upcoming Strategic Workshop Agenda.*

**CARRIED**

## 7.6 Holben Reserve Wetland Development

### Purpose

To seek approval from Foxton Community Board to engage a consultant to develop a detailed design to construct a wetland on Holben Reserve by way of improving the existing water quality of the site and develop recreational use.

MOVED by Mr Roache, seconded Mr Allan:

*THAT Report 19/162 Holben Reserve Wetland Development be received.*

*THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.*

**CARRIED**

### Public Participation

Mayor Feyen expressed his support for this progressing as long as there was proper consultation undertaken with the community and if it was returned to an actual wetland with native plantings and the like. This was another possible project that should be considered at the Strategic workshop.

Mr Melton also spoke in support of this proposal, saying it was the only thing that could be done to develop that area and it would deal with the water that flowed into the site.

Cr Brannigan said he supported in principle the work Council Officers had done, complimenting them on the quality of the report. He noted that when the Bond Street development had been looked at the role that Holben Reserve could play in stormwater mitigation had been discussed. He requested that Board members recommend stormwater mitigation as part of the project as if that did not occur it would be a missed opportunity.

Mr Nelson, speaking to the report, said this was an opportunity to make some reasonably significant improvements to water quality taking out impurities and pollutants before it got into the water ways, as well as improving the recreational value of Holben Reserve itself. This did feature highly in the Foxton Beach Reserves Investment Plan. Specialists would be employed to get this up and running. Any plan produced would come back to not only the Board, but to the community for consideration. From his perspective this was an opportunity to turn a not very well functioning reserve into something that would benefit all the community.

Responding to a query in terms of cost, Mr Nelson said Requests for Proposal would be sought which would have minimal cost. Following that Council would look at engaging a consultant to develop a detailed design for the site. Depending on what was proposed, the project may need to be phased.

MOVED by Mr Allan, seconded Mr Roache:

*THAT the Foxton Community Board supports and recommends to Council the development of a detailed design for a wetland at Holben Reserve and requests officers to progress to a detailed design through an RFP process.*

**CARRIED**

With the majority of issues that would have been covered by Cr Gimblett in his Council update having been addressed during the meeting, the Council update was not required.

8.35 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE FOXTON COMMUNITY  
BOARD HELD ON

**DATE:**.....

**CHAIRPERSON:**.....



File No.: 19/162

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## Holben Reserve Wetland Development

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### 1. Purpose

To seek approval from Foxton Community Board to engage a consultant to develop a detailed design to construct a wetland on Holben Reserve by way of improving the existing water quality of the site and develop recreational use.

### 2. Executive Summary

- 2.1 The 2015-2025 Long Term Plan contained a submission that \$100k per annum from the Foxton Beach Freeholding Account be invested in Foxton Beach Reserves for 10 years to improve the reserves for the benefit of Foxton and Foxton Beach residents and visitors. The submission was supported by FCB and a resolution from Council followed.
- 2.2 An extensive consultation process was undertaken in 2015/2016 to identify where the money should be spent and doing what works. A network of 10 public reserves were identified for investment by the Foxton Beach community with the majority prioritizing Holben Reserve. The Foxton Beach Pump Track was completed in 2017 and has been of significant value to the community. The proposal to develop a wetland at Holben Reserve continues to meet community priorities identified in the Foxton Beach Reserves Investment Plan.

### 3. Recommendation

- 3.1 That Report 19/162 Holben Reserve Wetland Development be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That the Foxton Community Board supports and recommends to Council the development of a detailed design for a wetland at Holben Reserve and request officers to progress to a detailed design through an RFP process.

### 4. Background / Previous Council Decisions

- 4.1 Council resolved that 100k per annum be invested in an investment plan for the reserves at Foxton Beach as part of the 2015-2025 Long Term Plan.
- 4.2 The Foxton Beach Reserves Investment Plan was developed following significant public consultation during 2015/2016. It prioritized the community's wishes for investment in the Foxton Beach Reserves and was adopted by Council in March 2017.
- 4.3 The Foxton Beach Pump Track as prioritized by the local community was completed in March 2018.
- 4.4 The current proposal to install a wetland at Holben Reserve is a continuation of the Foxton Beach Reserves Investment Plan and meets a number of the priorities raised by the local community.

## 5. Discussion

- 5.1 The Foxton Beach Reserves Investment Plan identified community priorities rated from 1 to 9, with 1 being of least importance and 9 of major importance to the community. Of the 10 reserves included in the consultation process only Holben Reserve achieved a prioritization score of 9 (6 items).
- 5.2 The installation of the pump track at Holben Reserve in Mar 2018 was the first project rated as high priority by the Investment Plan (rated 9). The development of a detailed plan for the installation of a wetland and the improvement of recreation and leisure facilities at Holben Reserve addresses 4 further items prioritized highly by the consultation process including –
- prepare working drawings for construction in order to bring the track above water levels and/or install boardwalk sections where required (9);
  - improve visibility, connectivity and safety, while retaining wind-break from the western edge and estuary edge of Holben Parade (9);
  - improve quality of vegetation along western edge of Holben Parade (9);
  - undertake detailed design to area surrounding Holben Pavilion, to improve usability for community events (9).
- 5.3 The proposal addresses a further 2 priorities rated as (8) in the Investment Plan that relate to Holben Reserve, being –
- improve ecological function of waterways and increase amenity of environmental asset (8);
  - Introduce additional walking tracks throughout the reserve so to provide connections to key locations and to better define sub-areas within large unused open space at north of reserve (8).
- 5.4 It is proposed that with agreement from the Foxton Community Board and a subsequent resolution from Council to proceed, Officers will seek a Request for Proposal (RFP) from suitably qualified contractors/consultants to develop the design. The RFP has already been prepared with the outcomes identified below in 5.5.
- 5.5 Anticipated outcomes include the development of a detailed design that –
- Facilitates the installation of constructed wetland to pre-treat and filter stormwater;
  - Achieves recreational water quality for pools and watercourses throughout the reserve;
  - Develops accessible tracks and boardwalks throughout the northern bisect of Holben Reserve connecting the surrounding roads (Holben Parade; Bond Street; Nash Parade and Seabury Avenue);
  - Develops break out spaces for creative play in the northern bisect;
  - Improves in the woodland edge and watercourse planting in the northern bisect;
  - Develops the open space behind Holben Pavilion to facilitate open-air community events.

## 6. Options

Only one option is being considered that being the planning and development of a detailed design for a constructed wetland, and the improvement of environmental, and recreational outcomes at Holben Reserve. There are no rate impacts in respect to the proposal as the budgets already exist in the LTP.

## 6.1 Cost

Costs related to the proposal will be met from the Foxton Beach Reserves Investment fund if agreed by the Foxton Community Board and subsequently Council.

### 6.1.1 Rate Impact

There will be no rate impact arising as the budgets have already been identified as part of the Foxton Beach Reserves Investment Program

## 6.2 Community Wellbeing

The proposal meets the requirements outlined in the Foxton Beach Reserves Investment Plan, will if progressed to physical works, turn a sub-optimal recreation area into a fully functioning recreation area which will add to the unique offering in Foxton Beach, and complement already completed projects (Pump Track). It is anticipated the work will further enhance Foxton Beach and nearby Foxton as destinations.

The proposal meets the following LTP outcomes.

- Thriving communities – by developing a ‘sense of place’ that enables healthy recreation. It assists in making healthy lifestyle choices and is entirely complementary to other recreational developments on site.
- Exuberant economy – the proposal would support economic development in terms of persuading visitors to come and potentially stay longer at Foxton Beach. The development is in close proximity to local cafes and the Top Ten Caravan Park. It adds to local visitor attractions. The development of such a feature supports the existing natural features like the Ramsar site in terms of ecological tourism.
- Stunning environment – the proposal will improve existing water quality in and around Holben Reserve
- Enabling Infrastructure – the proposal allows for the management of stormwater from the surrounding roads and looks to improve the value of it in an ecological context
- Partnership with Tangata Whenua – local iwi will be consulted with as the proposal develops

## 6.3 Consenting Issues

No significant consenting issues are anticipated.

## 6.4 LTP Integration

The expenditure is an existing item in the 2018-2038 Long Term Plan (8574.3.8473), arising from the Foxton Beach Reserves Improvement Plan. There are no special consultative processes required.

## 7. Consultation

- 7.1 The Foxton Beach Reserves Investment Plan was developed following significant public consultation during 2015/2016. It prioritized the community’s wishes for investment in the Foxton Beach Reserves and was adopted by Council in March 2017.
- 7.2 The Foxton Beach Reserves Investment Plan was the prime consultation document that established the proposal as a high priority to the community. The Foxton Community Board, Iwi, interested parties (including FBPA), and other stakeholders will be consulted with as the proposal develops.

## 8. Legal Considerations

There are no legal requirements or statutory obligations affecting options or proposals.

## 9. Financial Considerations

There is no financial impact.

## 10. Other Considerations

There are no other considerations

## 11. Next Steps

Should FCB confirm its support for the plan a report will go to Council (12 June) for the necessary resolution and sufficiently well-qualified consultants/contractors will thereafter be approached for a proposal.

Should the recommendation not get approval from FCB or fail to obtain a Council resolution, Officers will arrange a subsequent workshop with FCB (and FCB invited stakeholders) to consider other options identified in the Foxton Beach Reserves Investment Program..

## 12. Supporting Information

### Strategic Fit/Strategic Outcome

The proposal meets the requirements outlined in the Foxton Beach Reserves Investment Plan.

The proposal meets the following LTP outcomes.

- Thriving communities – by developing a ‘sense of place’ that enables healthy recreation. It assists in making healthy lifestyle choices and is entirely complementary to other recreational developments on site.
- Exuberant economy – the proposal would support economic development in terms of persuading visitors to come and potentially stay longer at Foxton Beach. The development is in close proximity to local cafes and the Top Ten Caravan Park. It adds to local visitor attractions. The development of such a feature supports the existing natural features like the Ramsar site in terms of ecological tourism.
- Stunning environment – the proposal will improve existing water quality in and around Holben Reserve
- Enabling Infrastructure – the proposal allows for the management of stormwater from the surrounding roads and looks to improve the value of it in an ecological context
- Partnership with Tangata Whenua – local iwi will be consulted with as the proposal develops

**Decision Making** N/A

### Consistency with Existing Policy

The proposal is consistent with Council Policy. The 2015-2025 Long Term Plan contained a submission that \$100k per annum from the Foxton Beach Freeholding Account be invested in Foxton Beach Reserves for 10 years to improve the reserves for the benefit of Foxton and Foxton Beach residents and visitors. The submission was supported by FCB and a resolution

from Council followed.

An extensive consultation process was undertaken in 2015/2016 to identify where the money should be spent and doing what works. A network of 10 public reserves were identified for investment by the Foxton Beach community with the majority prioritizing Holben Reserve. The Foxton Beach Pump Track was completed in 2017 and has been of significant value to the community. The proposal to develop a wetland at Holben Reserve continues to meet community priorities identified in the Foxton Beach Reserves Investment Plan.

**Funding**

Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic	Not applicable				In line with strategic documents
Financial	Not applicable				Budgets already identified
Service Delivery	Will increase costs of maintenance	1	5	low	Managed from existing budgets
Legal	Not applicable				No specific issues
Reputational	Not applicable				No specific issues


**Confirmation of statutory compliance**


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### 13. Appendices

There are no appendices for this report

Author(s)	Arthur Nelson <b>Property and Parks Manager</b>	
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Approved by	Rob Green <b>Acting Group Manager - Infrastructure Services</b>	
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# Proceedings of the Finance, Audit & Risk Subcommittee 22 May 2019

File No.: 19/201

## 1. Purpose

To present to the Council the minutes of the Finance, Audit & Risk Subcommittee meeting held on 22 May 2019.

## 2. Recommendation

- 2.1 That Report 19/201 Proceedings of the Finance, Audit & Risk Subcommittee 22 May 2019 be received.
- 2.2 That the Council receives the minutes (Open and In Committee) of the Finance, Audit & Risk Subcommittee meeting held on 22 May 2019.

## 3. Issues for Consideration

The following item considered by the Finance, Audit & Risk Subcommittee meeting held on the 22 May 2019 has been to a briefing and a report is included in today's Agenda:

### Liability Management Policy Changes

*THAT following a briefing on the proposed amendments including the delegations, the Liability Management Policy be brought back to full Council for consideration and adoption.*

## Attachments



There are no attachments for this report.

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	David Clapperton Chief Executive	
Approved by	David Clapperton Chief Executive	

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# Finance, Audit & Risk Subcommittee

## OPEN MINUTES

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Minutes of a meeting of the Finance, Audit & Risk Subcommittee held in the Council Chambers, Horowhenua District Council, Levin on Wednesday 22 May 2019 at 4.00 pm.

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### PRESENT

<b>Chairperson</b>	Mr P Jones
<b>Members</b>	Deputy Mayor W E R Bishop
	Cr R J Brannigan
	Cr R H Campbell
	Mayor M Feyen
	Cr N G Gimblett
	Cr B F Judd
	Cr V M Kaye-Simmons
	Cr J F G Mason
	Cr C B Mitchell
	Cr P Tukapua
	Cr B P Wanden

### IN ATTENDANCE

<b>Reporting Officer</b>	Mr D Law	(Chief Financial Officer)
	Mr D M Clapperton	(Chief Executive)
	Mr D McCorkindale	(Group Manager – Strategy & Development)
	Mr I McLachlan	(Group Manager – Customer & Regulatory Services)
	Mrs N Brady	(Group Manager – H2040 & Partnership Development)
	Mr R Green	(Acting Group Manager – Infrastructure Services)
	Mr J Paulin	(Finance Manager)
	Mr D Haigh	(Growth Response Manager)
	Ms S Hori Te Pa	(Governance & Executive Team Leader)
	Ms A Parker	(Executive Assistance to the Mayor)
	Mrs K J Corkill	(Meeting Secretary)

### PUBLIC IN ATTENDANCE

There were seven members of the public in attendance at the commencement of the meeting.

#### 1 Apologies

An apology was recorded for Cr Brannigan.

MOVED by Cr Feyen, seconded Cr Wanden:

*THAT the apology from Councillor Brannigan be accepted.*

**CARRIED**



A request received from Mr Ten Have to record the meeting was discussed and, as per amended Standing Orders, a resolution was put to the meeting.

MOVED by Cr Feyen, seconded Cr Campbell:

THAT the request from Mr Te Have to record the meeting be approved.

A division was called for, voting on which was as follows:

**For:**

Councillors: Ross Campbell  
Michael Feyen

**Against:**

Councillors: Wayne Bishop  
Neville Gimblett  
Philip Jones  
Barry Judd  
Victoria Kaye-Simmons  
Joanna Mason  
Christine Mitchell  
Piri-Hira Tukapua  
Bernard Wanden

The division was declared LOST by 2 votes to 9.

## **2 Public Participation**

7.1 Projects Update Vivienne Bold  
Charles Rudd  
Christina Paton

The Chair clarified for those who had requested to speak to the Projects Update and for Elected Members that it was not the role of the FAR Subcommittee to debate the merits of a project; the Subcommittee's role was to do with monitoring the outcome in terms of risk, achievement of the objectives of the project and financials. If speakers were questioning the merits of a project, that was not within the purview of this Subcommittee, the avenue to do that would be through full Council.

The Chief Executive added that alternatively it could be done through the RMA process should a person or an individual Councillor want to make a submission to a consent application.

Having heard the Chair's comments, Mrs Vivienne Bold requested clarification as to what she was able to speak on, with the Chief Executive saying it depended on what she wanted to raise. If it was about the RMA process, that was not for the Subcommittee; however she could comment on the progress of a project.

Mrs Bold raised a number of issues particularly in relation to Levin Stormwater including:

- Buller Road and the elbow culvert and whether or not it was effective, commenting on various meetings that had been held;
- dead fish in the streams feeding the Lake that had been reported by the Hokio Progressive Association;
- water takes and what records were held by Council in that regard;
- why Council was putting so much money into Gladstone Green;
- why there were no development fees; and
- why was land being taken away from farmers.

Mr Clapperton said he would be happy to discuss with Mrs Bold directly the things she had raised.

Mr Charles Rudd raised issues in relation to Māori involvement in the various projects, including the differing descriptors (such as mana whenua, iwi, hapu) used when it came to talking about engagement with Māori and said there were questions that needed to be asked in relation to the financials which he had brought up with the previous and current Mayors. He suggested there was a misunderstanding when it came to the Treaty of Waitangi and Councillors needed upskilling in that regard. In relation to Levin Stormwater, Mr Rudd said

this was something that should already have been tackled by the Horowhenua District and Horizons Regional Councils by 2001, tabling a letter he had received in 1995 from the Regional Council.

Mrs Christina Paton said that in her view there was one item missing in the Project Update Report and that was the Levin Landfill Agreement and she queried if it had been removed from the list because Council thought it was completed. She also noted that the original document was inaccurately titled and suggested it threw out the entire agreement.

A point of order, which was declared valid by the Chair, was raised in that what Mrs Paton was referring to was something that was not on the Agenda.

On the basis of the question raised by Mrs Paton, Mr Clapperton said he would be happy to bring back an updated report on the Levin Landfill Project to the next FARS meeting.

### **3 Late Items**

There were no late items.

### **4 Declarations of Interest**

There were no declarations of interest.

### **5 Confirmation of Minutes**

With the removal of the word “no” from the last sentence of the second paragraph of 7.4 Standard and Poors Credit Rating report, it was:

MOVED by Mayor Feyen, seconded Cr Judd:

*THAT the minutes of the meeting of the Finance, Audit & Risk Subcommittee held on Wednesday, 24 April 2019, be confirmed as a true and correct record.*

**CARRIED**

### **6 Announcements**

There were no announcements.

### **7 Reports**

#### **7.1 Projects Update**

##### **Purpose**

To provide the Finance, Audit and Risk Subcommittee with an update of the projects being undertaken by the Infrastructure Projects Team.

The Report was worked through project by project, with Messrs Clapperton and Green providing further information and responding to queries from Elected Members.

MOVED by Cr Wanden, seconded Cr Judd:

*THAT Report 19/165 Projects Update be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

## 7.2 Ten Month Report 1 July 2018 - 30 April 2019

### Purpose

To present to the Finance, Audit & Risk Subcommittee the financial report for the ten months to 30 April 2019.

Speaking to the report, Mr Law drew attention to the enhancements on page 55 in relation to the number of consents issued. In terms of the financials, Mr Law said the trends were the same as for the past few months and he believed that Council was on track with the prediction that the next two months of income and expenditure would cancel each other out. Also, although the deficit was showing as \$1.438m, he did not believe it was an issue at this stage.

MOVED by Cr Judd, seconded Mayor Feyen:

*THAT Report 19/151 Ten Month Report 1 July 2018 - 30 April 2019 be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

## 7.3 Liability Management Policy Changes

### Purpose

- To recommend changes to the Liability Management Policy relating to the management of Interest Rate Risk, (paragraph 4.3) specifically in relation to Fixed Rate Hedging Percentages, and
- To recommend some minor wording change to paragraph 4.6 Management of Funding Risk.

Speaking to the report, Mr Law clarified that it was not a policy that Council was required to consult on but it did need a Council resolution.

Mr Jones expressed a concern that what was being recommended did not allow Council to have a hedge greater than 8 years, which was occasionally required. He recommended that a further box be added to the "Fixed Rate Hedging Percentages" table to allow for: 8 years plus with a maximum amount of 20%.

With concerns expressed in terms of the change in Accountabilities and also having delegations in a Policy it was agreed that this would be brought to a Council briefing (5 June 2019) for more in-depth discussion, with the amended Policy to be brought to a June Council meeting for consideration and adoption.

MOVED by Mr Jones, seconded Mayor Feyen:

*THAT Report 19/170 Liability Management Policy Changes be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

*THAT following a briefing on the proposed amendments including the delegations, the Liability Management Policy be brought back to full Council for consideration and adoption.*

**CARRIED**

## 7.4 Internal Audit Programme

### Purpose

To introduce a proposed three (3) year Internal Audit programme for Council to review.

Mr Law spoke to the rationale behind the suggested involvement in the programme, with Mr Clapperton adding that if the recommendation was adopted a budget would need to be set aside for it in the Annual Plan process.

Mr Jones gave an explanation of how the Auditors who delivered the service were selected, with the engagement being directly with the firm and not through MWLASS, and he also outlined the benefits that would accrue.

MOVED by Deputy Mayor Bishop, seconded Cr Judd:

*THAT Report 19/171 Internal Audit Programme be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

*THAT the Finance, Audit & Risk Subcommittee commits to an internal audit focussing on Procurement subject to budget approval in the 2019/2020 Annual Plan.*

**CARRIED**

## 8 Procedural motion to exclude the public

MOVED by Cr Judd, seconded Cr Campbell:

*THAT the public be excluded from the following part(s) of the proceedings of this meeting.*

*The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.*

*This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:*

### C1 Risk Update

<i>Reason for passing this resolution in relation to each matter</i>	<i>Particular interest(s) protected (where applicable)</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<i>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</i>	<i>s7(2)(b)(i) - The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret. s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest. s7(2)(j) - The withholding of the information is necessary to</i>	<i>s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</i>

	<i>prevent the disclosure or use of official information for improper gain or improper advantage.</i>	
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**C2 Purchase of Land - Gladstone Road**

<i>Reason for passing this resolution in relation to each matter</i>	<i>Particular interest(s) protected (where applicable)</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<i>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</i>	<i>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i>	<i>s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</i>

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

**CARRIED**

6.11 pm      The public were excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

6.50 pm      There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE FINANCE, AUDIT & RISK  
SUBCOMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....



# Monitoring Report to 12 June 2019

File No.: 19/153

## 1. Purpose

To present to Council the updated monitoring report covering requested actions from previous meetings of Council.

## 2. Recommendation

- 2.1 That Report 19/153 Monitoring Report to 12 June 2019 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

## Attachments


No.	Title	Page
A	Horowhenua District Council Monitoring Report	48

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	David Clapperton Chief Executive	
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Approved by	David Clapperton Chief Executive	
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**MONITORING REPORT**  
**HOROWHENUA DISTRICT COUNCIL**

Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
17/534	27 November 2017	Provisional Local Alcohol Policy – Appeals	<i>THAT Council resolves that the Hearings Committee of Council be directed to act on behalf of Council on this matter as may be required following notification by the Licensing Authority.</i>	V Miller			Currently pursuing a negotiated out-of-court solution with appellants. Awaiting result of these efforts through ARLA processes.
18/171	18 April 2018	CE's Report to 18 April 2018 – Electric Vehicle Charging Stations	<i>THAT the Chief Executive be requested to investigate a commercial rental or other revenue source from the placement of Electric Vehicle charging stations on Council-owned land.</i>	D McCorkindale			Information responding to the proposed contract has been received from Charge Net on 26 March 2019. This has led to a positive meeting between the parties to establish a way forward. An updated contract has been prepared on the basis of that meeting and is currently with Charge Net for signing. Details of that contract will be confirmed with Council once the contract is finalised. The timing of the contract being signed by Charge Net may result in the installation of the chargers



MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
							being completed after the anticipated end of June 2019 timeframe.
18/582	10 October 2018	Notice of Motion – Local Government Commission Possible Boundary Change	<i>THAT following an approach to the Palmerston North City Council by a group of residents from Tokomaru and Opiki, the Horowhenua District Council resolves to fully participate in any proposed Horowhenua District boundary change which may be considered by the Local Government Commission and in doing so Horowhenua District Council will ensure open dialogue with neighbouring local authorities.</i>	D Clapperton			The Local Government Commission has publicly notified the boundary change application, with one alternate application being received.
18/575	10 October 2018	Options for Potential Disposal – Court House Museum	<i>THAT Council resolves not to retain the Court House Museum as per the original Officer recommendation.</i>	A Nelson	26 February 2019		A draft EOI has been produced Officers are currently undertaking due diligence and researching

**MONITORING REPORT**

**HOROWHENUA DISTRICT COUNCIL**

Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p><i>THAT Horowhenua District Council disposes of the Foxton Court House Museum using an Expression of Interest process that requires proponents to complete seismic strengthening whilst preserving the heritage and character of the building.</i></p> <p><i>THAT the Chief Executive be delegated the authority to execute the disposal of Foxton Court House Museum.</i></p>	A Nelson 28.03.2019			any encumbrances upon the title. Due diligence has identified some encumbrances relating to the property. These are currently being worked through.
18/484	21 November 2018	Review of Draft Shannon Reserves Management Plan	<i>THAT the Horowhenua District Council approves the Draft Shannon Reserves Management Plan for further public consultation.</i>	A Nelson			The draft plan is currently out for consultation. Consultation, period closed on 01/03/2019. Seven submissions received and currently being evaluated. Hearing date yet to be set.
19/5	6 March 2019	Land Purchase – Due Diligence for Road Re-alignment	<i>THAT the Chief Executive be authorised to undertake due</i>	D Clapperton			Due diligence has been completed. Council resolved at the Finance,

<b>MONITORING REPORT</b> <b>HOROWHENUA DISTRICT COUNCIL</b>							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
		– Gladstone Road	<i>diligence and negotiations for the purchase of 29.58 ha of land in Gladstone Road for roading purposes subject to a mutually satisfactory arrangement for purchase of the land being reached and at an agreeable price.</i>				Audit and Risk Committee May 2019 meeting to proceed with the purchase of the land. Council settled the purchase of the 29.58 ha of land in Gladstone Road on 29 May 2019.
19/6	6 March 2019 13 March 2019	Foxton Flood Relief Pipeline	<i>THAT the Foxton Flood Relief Pipeline report lay on the table until the next Horowhenua District Council meeting and that the Foxton Community Board are involved in any discussions that take place on this matter.</i>	R Green		Completed	Report to be considered 10 April 2019 Council meeting
19/27	13 March 2019	CE's Report – Foxton Beach Freeholding Account Strategy & Policy Review	<i>THAT the Horowhenua District Council gives approval for the Foxton Beach Freeholding Account Strategy and Policy to be reviewed with feedback to be sought from the Foxton</i>	D Clapperton			Project Plan being developed for the review process.

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<i>Beach Community.</i>				
19/103	10 April 2019	Proceedings of the Finance, Audit & Risk Subcommittee 27 March 2019	<i>THAT as recommended by the Finance, Audit and Risk Committee, the Horowhenua District Council will pursue a remit to Local Government New Zealand (LGNZ) to request LGNZ to lobby Central Government to provide tax relief to building owners for the compulsory earthquake strengthening of their buildings.</i>	D Clapperton		Completed	Remit adopted by Local Government New Zealand at the Zone 3 meeting on 5 April 2019
19/99	10 April 2019	Animal Control Fees and Charges 2019/20	The adoption of the Schedule of Animal Control Fees and Charges to apply in the Horowhenua District from 1 July 2019 for the 2019/20 year to lay on the table pending further work/investigation into the options	V Miller	May 2019	Completed	This item was addressed at the Council meeting held on 29 May 2019 following an Elected Members' workshop.

**MONITORING REPORT**

**HOROWHENUA DISTRICT COUNCIL**

<b>Item No.</b>	<b>Meeting Date</b>	<b>Item Description</b>	<b>Resolved / Action</b>	<b>Responsible Officer</b>	<b>Date to Action by</b>	<b>Date Completed</b>	<b>Officer Comment</b>
19/98	10 April 2019	Fees and Charges 2019/2020: Food Act and Resource Consenting (Planning)	<p><i>THAT the Horowhenua District Council resolves that the Food Act Fees and Resource Consent (Planning) Fees for the 2019/20 year be used as the Statement of Proposal, the Summary of Information and the submission form be consulted on using the special consultative procedure as set out in section 83 of the Local Government Act 2002.</i></p> <p><i>THAT the hearing of any submissions on this matter be heard by the Hearings Committee of Council acting under delegated authority, and a subsequent recommendation be made by the Committee to Council on this matter.</i></p>	V Miller/ M Leyland			



# Chief Executive's Report to 12 June 2019

File No.: 19/154

## 1. Purpose

For the Chief Executive to update Councillors, or seek endorsement on, a number of matters being dealt with.

## 2. Recommendation

- 2.1 That Report 19/154 Chief Executive's Report to 12 June 2019 be received.
- 2.2 That these matters or decisions be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Horowhenua District Council supports/does not support the proposed changes to LGNZ Rules and the Mayor is authorised to vote at the LGNZ AGM accordingly.
- 2.4 That the Horowhenua District Council provides the following direction to the Mayor for voting on Remits at the LGNZ 2019 Annual General Meeting:

Support      Neutral      Not Support

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 Government 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

### 3. Chief Executive Updates

#### 3.1 Proposed Change to LGNZ's Rules

**Attached** is information regarding proposed changes to LGNZ's Rules which will be discussed and voted on at LGNZ's Annual General Meeting on Sunday 7 July 2019. This information is provided well in advance of the AGM so Councils have plenty of time to consider and discuss the changes that are proposed.

#### 3.2 LG NZ 2019 Annual General Meeting – Consideration of Remits

Each year, Local Authorities are able to submit proposed remits for consideration at the Local Government New Zealand Annual General Meeting (AGM) which will be held on Sunday 7 July 2019 in Wellington.

Remits should address major strategic 'issues of the moment'. They should also have a national focus, articulating a major interest or concern at the national political level.

The LGNZ National Council's Remit Screening Policy is as follows:

- a. Remits must be relevant to local government as a whole rather than exclusively relevant to a single zone or sector group or an individual council;
- b. Remits should be of a major policy nature (constitutional and substantive policy) rather than matters that can be dealt with by administrative action;
- c. Remits must have formal support from at least one zone or sector group meeting, or five councils, prior to their being submitted, in order for the proposer to assess support and achieve clarity about the ambit of the proposal;
- d. Remits defeated at the AGM in two successive years will not be permitted to go forward;
- e. Remits will be assessed to determine whether the matters raised can be actioned by alternative, and equally valid, means to achieve the desired outcome;
- f. Remits that deal with issues or matters currently being actioned by Local Government New Zealand may also be declined on the grounds that the matters raised are "in-hand". This does not include remits that deal with the same issue but from a different point of view; and
- g. Remits must be accompanied by background information and research to show that the matter warrants consideration by delegates.

A total of 24 remits have been accepted for consideration at the 2019 AGM.

Mayor Michael Feyen will vote on behalf of Horowhenua District Council at the AGM with alternates (should the Mayor not be able to attend) being Cr Bernie Wanden or Cr Neville Gimblett.

The purpose of this item, is for Council to consider the remits in order to provide Mayor Feyen with direction for voting on behalf of Council.

A summary list of remits is **attached** (D) along with a suggested Council position for each remit of 'support' or 'not support'. There are two remits where a suggested Council position has not been provided as it is unclear to Officers what Council's position might be.

A full document of remits is also **attached** (E). This provides more detailed information including the proposing Council, supporting Council or sector group, nature of the issue and how it relates to the objectives of the LGNZ work programme.



### 3.3 Election 2019 – Candidate Week Workshops

As part of Election 2019 Candidate Week, Horowhenua District Council will be hosting two workshops for prospective candidates in this year's local government elections. The first will be at 5:30pm on Tuesday 25 June at Te Awahou Nieuwe Stroom in Foxton, and the second at 5:30pm on Thursday 27 June at Horowhenua District Council in Levin.

The workshops are aimed at people wanting to learn more about the nomination process and role of an elected member. Those who are considering standing for Council or the Foxton Community Board in the 2019 election, are encouraged to come along and find out more.

A more in-depth Election 2019 presentation for candidates (who have registered their nomination or are about to) will be delivered by Electoral Officer, Warwick Lampp, on Monday 5 August, at Horowhenua District Council.

More information can be found on Council's website and Facebook page.

### 3.4 New Zealand Planning Institute Conference 2019

Cr Mason's report on her attendance at the NZPI Conference is **attached**.

## Attachments



No.	Title	Page
A	LGNZ Rules Review - paper for members(2)	58
B	Proposed amendments to LGNZ s Rules	62
C	LGNZ - Proposed Technical Changes to Rules - 2019 (2)	66
D	LGNZ 2019 Annual General Meeting - Remit Summary	99
E	2019 LGNZ AGM Remits - full document	104
F	New Zealand Planning Institute Annual Conference 2019 - Report from Cr Jo Mason	187

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	David Clapperton <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	



## LGNZ Rules Review

### Proposed amendments to the Rules

Since late 2018, LGNZ has consulted with members on options for changing the LGNZ Rules, at Zone and Sector meetings.

Attached are a number of proposed substantive and technical changes to the Rules, which are based on feedback from members. These proposed changes have been discussed with, and endorsed by, LGNZ's Governance and Strategy Advisory Group (GSAG) and National Council.

The rationale for each of the proposed changes is set out in further detail below.

These proposed changes to LGNZ's Rules will be discussed and voted on at LGNZ's Annual General Meeting (AGM) on Sunday 7 July 2019. Although LGNZ's Rules provide that LGNZ is only obliged to give members 10 working days' notice of any proposed changes to the Rules, we are providing the proposed changes to councils early so as to allow proper consideration and discussion of the proposed changes by your council, ahead of the AGM.

### Proposal One – Amendments to provide Te Maruata representation on National Council (including consequential amendments)

To reflect the increasing diversity of the local government family/whanau it is proposed that the Rules be amended to provide that the Chair of Te Maruata is a member of National Council, with full voting rights.

Te Maruata Roopu Whakahaere (Te Maruata) is a subcommittee of the National Council comprised of Māori elected members. Te Maruata was established in response to a remit passed at the 2008 LGNZ AGM. Its role is to promote increased representation of Māori as elected members of local government; to enhance Māori participation in local government processes; provide support for councils in building strong relationships with iwi, hapu and Māori groups; provide Māori input on development of future policies or legislation relating to local government; and foster and support a network of Māori elected members and staff of local government for the purpose of sharing information, challenges and aspirations relevant to kaupapa Māori.

Given Te Maruata's importance, National Council resolved in 2018 that the Chair of Te Maruata would sit on National Council as a non-voting member. Feedback from members is that the time is now right for Te Maruata's Chair to sit as a full member of National Council.

This proposed amendment to the Rules reflects a drive for greater diversity on National Council, the importance of local government engaging with Māori communities and the obligations that local government has to reflect the obligations of the Treaty of Waitangi.

Proposal 1 (attached) details a number of consequential, technical changes that will need to be made to the Rules if the substantive proposal to provide a seat on National Council for Te Maruata's Chair is adopted.

**Proposal Two – Amendments to give effect to Auckland Council representation on National Council (including consequential amendments)**

It is proposed that the Rules be amended to provide that Auckland Council has three seats on National Council, to be held by:

- The Mayor of Auckland (or an alternate member of the Auckland Council governing body appointed by the Mayor);
- A member of the Auckland Council governing body; and
- A member of an Auckland Council local board.

These proposed amendments are designed to reflect the scale of Auckland (one-third of New Zealand's population). They are also designed to bring the LGNZ Rules into line with Auckland Council's current unique governance structure (ie a governing body and local boards). The current LGNZ Rules pre-date the establishment of Auckland Council and its current governance structures, which were introduced by legislation in 2010. LGNZ's view is that its Rules should be consistent with those changes.

Local boards are a unique governance structure, providing governance at a local level within Auckland Council and enabling democratic decision-making by and on behalf of communities within the local board area. There are 21 local boards, comprising 149 elected members in total. Local board responsibilities include adopting local board plans, agreeing annual local board agreements that set annual budgets, and agreeing and overseeing annual work programmes. Currently there is no provision for the representation of local board members on National Council. LGNZ's view is that it is important that provision is made for the representation of this group of elected members on National Council.

As a result of these proposed changes to Auckland's representation, Auckland Council would no longer be part of Zone 1; Zone 1 would be comprised of Far North region councils only. Zone 1 would be entitled to one seat on National Council.

To ensure that the representation of metropolitan New Zealand on National Council is not by Auckland Council alone, specific amendments are proposed to make it clear that three seats on National Council will be held by metropolitan councils *other than* Auckland Council.

Based on feedback from Zone meetings, it is also proposed that the Rules be amended to specifically provide that at least one of the three Metropolitan Sector representatives on National Council be from the South Island. This is designed to ensure that there is appropriate representation of metropolitan South Island on National Council.

Proposal 2 (attached) details a number of consequential, technical changes that will need to be made to the Rules if the substantive proposal to change the representation of Auckland Council on National Council is adopted.

*Note that Proposals 1 and 2 will result in the membership of National Council increasing from 15 members to 18. Feedback from current National Council members is that a Council of this size for a membership based body is workable, particularly given that the Rules give National Council the power to create an executive committee, or subcommittee structures, where that is considered appropriate.*

### **Proposal Three – Minor (administrative) substantive changes**

A number of minor administrative changes to the Rules are proposed, including:

- Inclusion of community board members in the definition of Elected Member;
- The ability for National Council to appoint individuals (with full speaking rights, but no voting rights) to the National Council to provide assistance to National Council because of their training, qualifications or experience; and to ensure diversity of representation;
- Changes to the definition of a quorum for the purpose of National Council meetings; and
- The ability for National Council to pass a resolution without a meeting with the agreement of 75 per cent of all National Council members (as opposed to all National Council members, as currently required).

These proposed amendments are designed to ensure that the Rules provide for all types of elected member, are consistent with the proposed substantive changes to the Rules, and to simplify National Council's processes.

### **Proposal Four – Minor amendments to modernise and rationalise language**

LGNZ is proposing that a number of changes be made to modernise the Rules (eg to make provision for electronic notices and voting), and rationalise the language of the Rules.

These changes are technical in nature, and do not result in any substantive changes to the Rules.

### **Next steps**

As noted above, these proposed changes to the Rules will be discussed and voted on at LGNZ's AGM on Sunday 7 July 2019. Members will receive copies of the proposed changes to the Rules as part of the formal AGM papers.

However, LGNZ is providing copies of the proposed changes in advance so that councils have plenty of time to consider the proposed changes. LGNZ encourages members to now discuss and debate the proposed changes to the Rules, ahead of the AGM.

As per Rule K4(b), each of the four proposed sets of changes to the Rules will require the support of a two-thirds majority of LGNZ's members in order to pass. Therefore your council's vote does matter and can make a difference.

If you would like LGNZ to visit your council to discuss the proposed changes to the Rules ahead of the AGM, please contact Malcolm Alexander or Grace Hall to arrange that – see below for contact details.

For further information on the proposed changes, or if you have any questions, please contact Malcolm Alexander, Chief Executive ([malcolm.alexander@lgnz.co.nz](mailto:malcolm.alexander@lgnz.co.nz)) or Grace Hall, Senior Policy Advisor ([grace.hall@lgnz.co.nz](mailto:grace.hall@lgnz.co.nz)).

**PROPOSED AMENDMENTS TO THE RULES 2019**

**Proposal 1 - Minor (Administrative) Substantive Changes:**

1. Rule A2: - Delete paragraph (b) of the definition of "Elected Member" and substitute:
  - "(b) **A person holding office as a member of a local board within the district of a Member Authority; and**
  - (c) **A person holding office as a member of a community board within the district of a Member Authority."**
  
2. Rule E11A to E11C: Add the following after Rule E11:
  - E11A** **From time to time, the National Council may appoint to the National Council any person whom the National Council believes will assist the National Council in its deliberations because of that person's training, qualifications or experience. Any such person is not required to be qualified to be a National Council member or an Elected Member. The National Council may discharge any such person from the National Council in like manner.**
  
  - E11B** **From time to time, the National Council may appoint to the National Council any person whom the National Council believes will ensure diversity of representation on National Council. Any such person must be an Elected Member. The National Council may discharge any such person from the National Council in like manner.**
  
  - E11C** **Any person appointed under Rules E11A or E11B shall have full speaking rights but no voting rights at National Council meetings."**
  
3. Rule E17: Delete the word "six" in both places it appears and substitute "**a quorum**".
  
4. Rule E26: Delete the current wording and substitute:

**"At any meeting of the National Council, a quorum consists of:**

  - (a) **half of the membership (President and members provided for in Rule E1) if the number of such members (including vacancies) is even; or**
  
  - (b) **a majority of members (President and members provided for in Rule E1) if the number of such members (including vacancies) is odd.**
  
5. Rule E29A: Delete the current wording and substitute:

**"The National Council may pass a resolution without a meeting held in accordance with Rules E20-E29, but only if the resolution is assented to by not less than 75% of the members of the National Council then in office and entitled to vote."**

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Proposed substantive changes

**Proposal 2 - Amendments to provide Te Maruata representation on the National Council (including consequential amendments):**

Rule A2:

Amend the definition of "NATIONAL COUNCIL MEMBER" by deleting the words "elected or appointed" and substituting "elected, appointed or assuming office".

Insert after the definition of "SECTOR GROUP" the following:

**"TE MARUATA" means the committee named Te Maruata Roopu Whakahaere established in response to the remit passed at the 2008 Annual Conference and any committee in substitution for that committee."**

Rule E1: Delete the opening words and paragraph (a) and substitute the following:

**"E1 The National Council of LGNZ consists of the President and:**  
**(a) The person for the time being holding office as the Chair of Te Maruata (or an alternate appointed in writing by that person);"**

Rule E10: Delete the current wording and substitute:

**"E10 Persons appointed to the National Council or who assume office as a member of National Council under Rules E1 to E9 assume office on the day that is eight weeks after the triennial local government elections are held, except that the person who assumes office as a member of National Council pursuant to Rule E1(a) assumes that office at such time that the Chair of Te Maruata is appointed at a hui organised by LGNZ for the purpose of Te Maruata appointment, and subject to Rules E12 to E16 all such persons serve in office until their successors have assumed office."**

Rule E15: After the reference to "the President" add the words "or the position occupied by the Chair of Te Maruata."

Rule E15A: Add the following after Rule E15:

**"E15A In the event of the position on National Council occupied by the Chair of Te Maruata becoming vacant, that position will be filled by the Deputy Chair of Te Maruata until such time that a replacement Te Maruata Chair is elected."**

Rule E16: Add after the reference to "Rule E15" " , or who assumes office under Rule E15A,"

**Proposal 3 - Amendments to give effect to Auckland Council representation on the National Council (including consequential amendments):**

Rule D1: Delete the second sentence and substitute the words **“Each Member Authority (except Auckland Council) shall belong to one Zone, and no Member Authority shall belong to more than one Zone.”**

Rule D2: Delete from the definition of “Zone One” in paragraph (a) the words **“and the Auckland Council”**.

Rule E1: Delete paragraphs (b) to (e) and substitute the following:

- “(b) One person elected by each of Zones One, Two, Three, Four, Five and Six;**
- (c) Three persons elected by the Metropolitan Group –**
  - (i) at least one of whom is an elected member of a South Island Member Authority; and**
  - (ii) none of whom is an elected member of Auckland Council or any of its local boards;**
- (d) Two persons elected by the Regional Group;**
- (e) One person elected by each of the Provincial and Rural Groups;**
- (f) The Mayor of Auckland (or an alternate member of the Auckland Council governing body appointed in writing by the Mayor); and**
- (g) Two persons to represent Auckland as set out in Rule E1A.”**

Add after Rule E1 the following:

**“E1A AUCKLAND REPRESENTATION**

**The appointments referred to in Rule E1(g) must be:**

- (a) one person appointed by the Auckland Council, from members of the governing body (not being the Mayor, or the Mayor’s alternate under Rule E1(f)); and**
- (b) one person appointed by Auckland Council local boards, from elected members of the local boards.”**



**Proposal 4 – Minor Amendments to Modernise (e.g. electronic notices and voting) and rationalise language.**

Please refer to the attached version of the Rules (Appendix X) with all proposed amendments shown in red.

**RULES**

of

**NEW ZEALAND LOCAL  
GOVERNMENT ASSOCIATION  
INC**

**(TRADING AS *Local  
Government New Zealand or  
LGNZ*)**

(adopted at the Annual General Meeting on  
18 July 2001  
and amended at the Special General Meeting  
on 11 March 2005, and at the Annual  
General Meeting on 27 July 2005,  
28 July 2010, 15 July 2012), and Special  
General Meeting 13 March 2014  
~~TRACKED CHANGES ARE THOSE ADOPTED  
BY RESOLUTIONS AT THE SGM OF  
13 MARCH 2014~~

**A NAME AND INTERPRETATION**

**A1.** The name of the Society is the NEW ZEALAND LOCAL GOVERNMENT ASSOCIATION INC (trading as "*Local Government New Zealand*") and referred to as LGNZ in these Rules).

**A2.** In these Rules unless the context requires a different interpretation:

'ANNUAL GENERAL MEETING' means the Annual General Meeting of ~~m~~Member ~~a~~Authorities held in accordance with Part G.

'APPOINTED' means appointed to office whether by election or otherwise and "appointment" has a corresponding meaning.

'CHIEF EXECUTIVE' means the Chief Executive of LGNZ appointed under rule 11, and includes an Acting Chief Executive appointed under Rules 14 and 15 when acting during the absence of the Chief Executive or a vacancy in that office.

'ELECTED MEMBER' means an elected member of a ~~m~~Member ~~a~~Authority and includes –

- (a) A person holding office as Chairperson, Mayor, or Councillor of a ~~m~~Member ~~a~~Authority;
- (b) A person holding office as a member of a local board or governing body established under section 10 of the Local Government (Auckland Council) Act 2009.

'LOCAL AUTHORITY' means a Regional Council, Unitary Authority, or Territorial Authority, or any statutory body being the successor of such local authority, but does not include the Minister of Local Government.

'MEMBER AUTHORITY' means a ~~l~~ocal ~~a~~Authority for the time being admitted to membership of LGNZ in accordance with Part C.

'NATIONAL COUNCIL' means the governing body of LGNZ constituted in accordance with Part E.

'NATIONAL COUNCIL MEMBER' means a member of the National Council elected or appointed from time to time in accordance with Rule E1, and includes the President.

'REGIONAL COUNCIL', 'UNITARY AUTHORITY' and 'TERRITORIAL AUTHORITY' have the same meaning as in the Local Government Act 2002 except that they do not include the Minister of Local Government.

'SECTOR GROUP' means a sector based grouping of ~~m~~Member ~~a~~Authorities as provided for in Part D.

'ZONE' means a geographical grouping of ~~m~~Member ~~a~~Authorities as provided for in Part D.

**A3.** The definitions contained in Section 2 of the Local Government Act 2002, unless the context otherwise requires, apply to any term not expressly defined in these Rules.

- A4.** Subject to Rule A5, for all purposes under these Rules, the population of a Member Authority is its census night population as determined in the most recent census.
- A5.** On application by a Member Authority, the Annual General Meeting may by resolution determine that the population of the Member Authority for the purpose of one or more of these Rules is as determined by any more recent estimate issued by the Department of Statistics.
- A6.** Where any Rule provides that a person assumes office on a specified day, that person shall assume office at the commencement of that day, that is, immediately after midnight of the preceding day, unless otherwise specified.
- A7.** Subject to Rule A6, where any matter or thing is required or authorised by these Rules to be done on or not later than a specified date or day, that matter or thing may be done at any time up to midnight on that day, unless otherwise specified.

**B OBJECTS AND POWERS**

- B1.** The objects of LGNZ are:
- (a) To promote the national interests of local government through the promotion of LGNZ's vision as approved by the National Council from time to time;
  - (b) To advocate on matters affecting the national interests of local government and the communities that it represents;
  - (c) To constructively promote and facilitate regular dialogue with Government, Parliamentarians, and the agencies of Government on matters of national interest to local government with a view to enhancing and ensuring a long-term commitment to partnership between central and local government in New Zealand;
  - (d) To provide full, accurate and timely information to Member Authorities and associate members on matters affecting local government and LGNZ;
  - (e) To research, survey, and investigate those matters in which LGNZ has an interest or a responsibility on behalf of its Member Authorities;
  - (f) To provide advice and to deliver education and training opportunities for Member

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| <p><u>A</u>uthorities and others on the role and practices of local government, sound governance and management practices, best practice operational matters, <del>and</del> the laws affecting local government, <u>and other matters relevant to local government</u>;</p> <p>(g) To hold such conferences and forums as required for the advancement of its objects;</p> <p>(h) Generally to do all such other things as may be incidental or conducive to <u>attaining the attainment of any of</u> the above objects <del>or any of them</del>.</p> <p><b>B2.</b> For the purpose of carrying out all or any of its objects <i>LGNZ</i> has the following powers:</p> <p>(a) To purchase, take on lease or exchange, hire or otherwise acquire any real or personal property and any rights or privileges which <i>LGNZ</i> thinks necessary or expedient;</p> <p>(b) To fund its activities by subscriptions, fees, income, or payments from <u>M</u>ember <u>A</u>uthorities and associate members, sponsorships and other activities and to grant any rights and privileges to <u>M</u>ember <u>A</u>uthorities and associate members;</p> | <p><u>A</u>uthorities and others on the role and practices of local government, sound governance and management practices, best practice operational matters, <del>and</del> the laws affecting local government, <u>and other matters relevant to local government</u>;</p> <p>(g) To hold such conferences and forums as required for the advancement of its objects;</p> <p>(h) Generally to do all such other things as may be incidental or conducive to <u>attaining the attainment of any of</u> the above objects <del>or any of them</del>.</p> <p><b>B2.</b> For the purpose of carrying out all or any of its objects <i>LGNZ</i> has the following powers:</p> <p>(a) To purchase, take on lease or exchange, hire or otherwise acquire any real or personal property and any rights or privileges which <i>LGNZ</i> thinks necessary or expedient;</p> <p>(b) To fund its activities by subscriptions, fees, income, or payments from <u>M</u>ember <u>A</u>uthorities and associate members, sponsorships and other activities and to grant any rights and privileges to <u>M</u>ember <u>A</u>uthorities and associate members;</p> |
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|------|---|------|---|
| (bb) | To engage in any activities that advance the objects of LGNZ, including activities that raise money for that purpose;   | (h)  | To make, draw, accept, discount and execute any promissory notes, bills of exchange, debentures or other negotiable instruments;  |
| (c)  | To borrow, raise or secure the payment of money (with or without security) in such manner as LGNZ, in its discretion, thinks fit;   | (i)  | To subscribe to, become a member of, or co-operate with, any other society whether incorporated or not whose objects are altogether or in part similar to those of LGNZ. To procure from and communicate to that society any information that is likely to advance the objects of LGNZ; |
| (d)  | To invest, lend, advance and deal with the moneys of LGNZ in such a manner as LGNZ, in its discretion, thinks fit;  | (j)  | To provide services for and assistance to any other society whether incorporated or not whose objects are in full or in part similar to those of LGNZ;  |
| (e)  | To appoint, remunerate, remove or suspend any employee of LGNZ;   | (jj) | To provide services for and assistance to any member of LGNZ;   |
| (f)  | To make, adopt, vary and publish rules dealing with any of the matters in the objects set out in Part B and take all steps that are necessary or advisable for applying the Rules;  | (k)  | To acquire or subscribe for shares or other equity securities in any company or other incorporated body;  |
| (g)  | To receive and take any gifts or donations of money or property for any of the objects of LGNZ whether subject to any special trusts or not, and whether as sole trustee or not, but the National Council may decline to accept any gift or donations or take over or hold any property which has annexed to it any condition or obligation not approved by the National Council; | (l)  | To enter into any contract, make any arrangements or undertake any activity for the financial or other benefit of LGNZ;   |
|      |   | (m)  | To prepare and implement a business plan;   |
|      |   | (n)  | To do all other acts and things for the purpose of attaining any of the objects of LGNZ.  |

**C MEMBERSHIP**

**MEMBERS**

- C1.** Subject to Rules C4 and C5 a Local Authority becomes a Member Authority upon payment of the annual subscription.

**ASSOCIATE MEMBERS**

- C2.** Subject to Rules C4 and C5 any other person or organisation that is approved as an associate member of LGNZ by the National Council, becomes an associate member of LGNZ on payment of the appropriate annual subscription.

- C3.** The National Council may from time to time by resolution -

- (a) Create amend or delete any category or categories of associate members; and
- (b) Determine the extent of the rights and privileges of associate members as members of LGNZ (which must not include voting rights as members of LGNZ).

- C3A.** Without limiting the categories of persons or organisations that may become Associate Members, the National Council may make provision for an associate membership category or categories for council organisations, council-controlled organisations, council-controlled trading organisations and exempted organisations (as those terms are defined in the Local Government Act

2002, but without the exclusions provided in section 6(4) of that Act).

**TERMINATION OF MEMBERSHIP**

- C4.** Any Member Authority or associate member may resign from membership by giving to LGNZ notice in writing, and every notice, unless otherwise expressed, takes effect one month after the giving of that notice but does not in any case release the Member Authority or associate member from payment of any subscription, fees or other payments owing to LGNZ at the time of resignation.

- C5.** The National Council has the power, by resolution, to terminate, or suspend for any specified period, the membership of any Member Authority or associate member for whatever reasons, in its discretion, it thinks fit.

- C6.** Any Member Authority or associate member whose membership has been terminated or suspended is entitled to table a motion before an Annual General Meeting seeking the revocation of the termination or suspension, and notwithstanding any provisions of these Rules to the contrary (including any procedural requirement for a seconder to a motion), the motion shall be put to that Annual General Meeting.

- C7.** If any motion referred to in Rule C6 is passed, the termination or suspension shall be deemed to have no effect.

LIFE MEMBERSHIP

- C8.** Notwithstanding anything to the contrary in these Rules, the Annual General Meeting or a Special General Meeting may by resolution, upon the recommendation of the National Council, elect to life membership any person who has given outstanding service to LGNZ or to local government generally.
- C9.** A life member may attend any Annual General Meeting or Special General Meeting of LGNZ without paying a fee, and has such speaking rights as the Chair of the meeting allows but a life member is not entitled to exercise any other rights conferred by or under these Rules upon Member Authorities or associate members.

TRANSITIONAL MEMBERSHIP

- C10.** Notwithstanding anything to the contrary in these Rules but subject to Rule C11, any Local Authority, which pursuant to a final reorganisation scheme or other final scheme whether implemented under the Local Government Act 2002 or otherwise, succeeds to the functions of a regional council, unitary authority or territorial authority, any one or more of which were separately Member Authorities of LGNZ, becomes a Member Authority of LGNZ entitled to all the rights and privileges of that status.
- C11.** The National Council may require payment by a Local Authority whose predecessors were not all Member Authorities ~~or were not all financial member authorities,~~ of such additional sum as it considers necessary to fairly equate, in respect of the balance of the current financial year, with the subscription which would otherwise have been payable had the Local Authority been a Member Authority at the commencement of that financial year.



**D ZONES AND SECTOR GROUPS**

ZONES

**D1.** There shall be six geographical groupings of Member Authorities to be known as Zones. Each Member Authority shall belong to a zone and no member authority shall belong to more than one zone.

**D2.** Subject to paragraph D5, the membership of the six Zones is as follows:

(a) Zone One – All Member Authorities within the area bounded by the Northland Regional Council and the Auckland Council.

(b) Zone Two - All Member Authorities within the area bounded by the Waikato and Bay of Plenty Regional Councils and the Gisborne District Council and those parts of the Waitomo and Taupo District Councils situated in any other Regions.

(c) Zone Three - All Member Authorities within the area bounded by the Taranaki, Hawke's Bay, and Manawatu-Wanganui Regional Councils and that part of the Tararua District situated in the Wellington Region but excluding any parts of the Taupo and Waitomo District Councils.

(d) Zone Four - All Member Authorities within the area bounded by the Wellington Regional Council including that Council but excluding any part of the Tararua District.

(e) Zone Five - All Member Authorities within the area bounded by the Canterbury and West Coast Regional Councils, the Tasman and Marlborough District Councils, the Nelson City Council, and the Chatham Islands County Council but excluding any part of the Waitaki District.

(f) Zone Six - All Member Authorities within the area bounded by the Otago and Southland Regional Councils and that part of the Waitaki District Council included in the Canterbury Region.

**D3.** For the purposes of Rule D2, membership of the six Zones is to be determined by the boundaries specified in Rule D2 even though all or any of the Local Authorities may be abolished or their boundaries altered by any final reorganisation scheme or other final scheme whether implemented under the Local Government Act 2002 or otherwise.

**D4.** In the event that the district of a Member Authority is or becomes located in more than one Zone, or if for any other reason it is unclear to which Zone a Member Authority belongs, the

ZONE FUNCTIONS

D6. In addition to making appointments to the National Council, Zzones may:

- (a) Provide information and advice on issues and concerns affecting members to the National Council and the Chief Executive, and receive and disseminate information to their members; and
- (b) Assist the National Council and the Chief Executive in dealing with national issues and in otherwise furthering the objects of LGNZ.

SECTOR GROUPS

D7. There shall be four sector based groupings of Mmember Aauthorities known as Ssector Ggroups made up as follows:

- (a) Metropolitan Group - All territorial authorities and unitary authorities having populations of 90,000 or over;
- (b) Provincial Group - All territorial authorities and unitary authorities having populations of 20,000 or over and less than 90,000;
- (c) Rural Group - All territorial authorities and unitary authorities having populations of less than 20,000; and

(d) Regional Group - All regional councils and unitary authorities.

D8. Subject to Rule D9, each mMember aAuthority, by virtue of its membership of LGNZ belongs to a Ssector Ggroup specified in Rule D7.

D9. Any mMember aAuthority, may apply to the Chair of the Ssector Group to which it would prefer to belong and may belong to a Ssector Ggroup different from that specified in Rule D7 if:

- (a) The Chair of the Ssector Group to which it applies agrees in writing; and
- (b) The decision of the Chair is confirmed by National Council.

D10. For the purpose of making any appointment under paragraphs (c) or (d) or (e) of Rule E1:

- (a) No Mmember Aauthority may vote in respect of more than one Ssector Ggroup; and
- (b) A Mmember Aauthority which is a unitary authority may vote either as a territorial authority or as a member of the Regional Group but not both.

D11. For any purpose other than ~~for the purpose of~~ making an appointment under paragraphs (c) or (d) or (e) of Rule E1:

- (a) No member is bound to any Ssector Ggroup; and

(b) Any Member Authority may attend meetings of any Sector Group and be treated, subject to the following paragraph (c), as a member of that Sector Group; and

(c) Member Authorities who are described as belonging to a particular Sector Group in Rule D7 may determine from time to time whether other Member Authorities who attend meetings of their Sector Group have voting rights, either generally or in regard to any particular case.

#### SECTOR GROUP FUNCTIONS

**D14.** In addition to making appointments to the National Council, Sector Groups may:

(a) Provide information and advice on issues and concerns affecting members to the National Council and the Chief Executive, and receive and disseminate information to their members; and

(b) Assist the National Council and the Chief Executive in dealing with national issues and in otherwise furthering the objects of LGNZ.

#### ZONE AND SECTOR GROUP MEETINGS

**D15.** Each Zone and each Sector Group must comply with any directions of the National Council as to:

(a) The making of appointments;

(b) The conduct of meetings; or

(c) The conduct of its affairs generally.

**D16.** Each Zone and each Sector Group must meet or conduct ballots at such time or times to enable appointments to the National Council to be made in accordance with these Rules.

**D17.** Subject to the preceding provisions of these Rules, each Zone and each Sector Group may conduct meetings at such times and places, and in such manner as it may itself determine.

**D18.** No Zone or Sector Group meeting may be held unless LGNZ and all Member Authorities within the Zone or Sector Group concerned have been given not less than 5 working days' notice of the meeting, venue and the business to be considered.

**D19.** The President and Chief Executive (or their nominees) are entitled to be notified of, attend, and have speaking rights at all Zone and Sector Group meetings.

**D20.** A record must be kept of all Zone and Sector Group meetings and a copy of the record forwarded to LGNZ.

**D21.** Subject to any directions by the National Council, each Zone or Sector Group is responsible for determining the manner of administering and funding its activities but

**E NATIONAL COUNCIL**

COMPOSITION OF NATIONAL COUNCIL

- E1.** The National Council of LGNZ consists of the President and 14 members appointed as follows:
- (a) Two persons appointed by Zone One;
  - (b) One person appointed by each of Zones Two, Three, Four, Five and Six;
  - (c) Three persons appointed by the Metropolitan Group;
  - (d) Two persons appointed by the Regional Group;
  - (e) One person appointed by each of the Provincial and Rural Groups.

QUALIFICATION AND VOTING

- E2.** Every person who holds office as an ~~elected member~~ is qualified to be ~~appointed to or assume office as a member of~~ ~~appointed to~~ the National Council ~~as the case may be~~.
- E3.** No ~~Local Authority~~ or any representative of a ~~Local Authority~~ is entitled to make an appointment or to vote in the making of appointments pursuant to Rule E1 unless the ~~Local Authority~~ is a ~~member of~~ ~~Authority~~.
- E4.** Subject to the determination referred to in Rule E6, no ~~Member Authority~~ is entitled to exercise more than one vote for

any candidate for appointment under Rules E1(c) or (d) or (e).

- E5.** Subject to these Rules, each ~~zone~~ and each ~~sector group~~ is entitled to determine the manner in which its appointments will be made.

SECTOR GROUP APPOINTMENTS

- E6.** Appointments of National Council members by ~~sector groups~~ must be made in the following manner:

- (a) Elections in each ~~sector group~~ must be held within eight weeks after the triennial local government elections are held;
- (b) Elections are to be conducted under the supervision of the Chief Executive by way of secret ballot and may be carried out by postal vote ~~or electronic voting~~;
- (c) Each ~~Member Authority~~ in a ~~sector group~~ has a single vote for the purpose of the elections;
- (d) If any matter arises in the conduct of the elections which is not expressly provided for in these Rules, the Chief Executive must determine the matter in his or her absolute discretion but may be guided by the provisions of the Local Electoral Act 2001;
- (e) As soon as practicable after the closing of voting the Chief Executive must declare the result of the election;
- (f) If, on any count, two or more candidates have an equal number of votes and one or more of them has to be excluded, the candidate or candidates to be excluded must be decided by the drawing of lots under a procedure supervised by the Chief Executive.

- E7.** Appointments of National Council members by ~~sector groups~~ are for a period of three years except where Rule E16 applies.

ZONE APPOINTMENTS

E8. Appointments of National Council members by Zones must be made in the following manner:

- (a) Elections in each Zone must be held within eight weeks after the triennial local government elections are held;
- (b) Elections are to be conducted under the supervision of the Chief Executive by way of secret ballot and may be carried out by postal vote or electronic voting;
- (c) Each Member Authority in a Zone has the votes allocated to it as determined under Rule H1;
- (d) If any matter arises in the conduct of the elections which is not expressly provided for in these Rules, the Chief Executive must determine the matter in his or her absolute discretion but may be guided by the provisions of the Local Electoral Act 2001;
- (e) As soon as practicable after the closing of voting the Chief Executive must declare the result of the election;
- (f) If, on any count, two or more candidates have an equal number of votes and one or more of them has to be excluded, the candidate or candidates to be excluded

must be decided by the drawing of lots under a procedure supervised by the Chief Executive.

E9. Appointments of National Council members by Zones are for a period of three years, except where Rule E16 applies. Once notified, the persons appointed are not able, while holding office on the National Council, to also hold appointment under Rules E1(c) to (e).

APPOINTMENTS GENERALLY

E109. Persons appointed to the National Council under Rules E1 to E98 assume office on the day that is eight weeks after the triennial local government elections are held, and subject to Rules E12 to E16 serves in office until their successors have assumed office.

E110. In the event that any appointment required to be made in terms of these Rules is not made, a vacancy shall be deemed to result ~~forthwith~~. The vacancy must be filled by appointment by the National Council as soon as practicable.

VACANCIES

E12. If any National Council member (other than the President):

- (a) Resigns from the National Council by giving written notice to that effect to the Chief Executive; or

(b) Subject to Rule E13, ceases to hold office as an Elected Mmember; or

(c) Is elected to the office of President;

then that person's position as a National Council member immediately becomes vacant.

**E13.** If a National Council member ceases to hold office as an Elected Mmember by not standing for election, or failing to win election, at a triennial local government election, the person continues to hold office as a National Council member until his or her successor assumes office under Rule E109.

**E14.** If any National Council member is absent for two consecutive meetings of the National Council, without leave of absence granted by, or an apology satisfactory to, the National Council, then that person's position may be declared vacant by the National Council.

**E15.** Subject to Rules E1 to E14, in the event of any position on the National Council (other than the office of the President) becoming vacant, the Chief Executive must immediately give written notice to all Mmember Aauthorities entitled to have appointed that member, and the relevant Zzone or Ssector Ggroup may appoint a replacement person to the vacant position. If within two months after the giving of such notice, the vacancy has not been filled, the National Council has the power to fill the vacancy by appointment.

**E16.** Any person appointed under Rule E15 holds office only for the unexpired portion of the term of office of that person's predecessor.

**E17.** The National Council may continue to act with a vacancy in its numbers, but if, and so long as, its numbers are reduced below six, the continuing members of the National Council may only act for the purposes of increasing the number of members of the National Council to six or more or for exercising any powers under Part G vested in the National Council.

#### POWERS OF NATIONAL COUNCIL

**E18.** The National Council has and may exercise the sole control, discretion and governance of LGNZ subject only to any limitations imposed by these Rules or directions given by the Annual General Meeting or any Special General Meeting.

#### NATIONAL COUNCIL MEETINGS AND PROCEDURES

**E19.** Meetings of the National Council must be held in accordance with Rules E20 to E29.

**E20.** Meetings of the National Council must be held at the times and places as are fixed by the National Council, or as requisitioned by written notice to the Chief Executive signed by the President or any three National Council members.

**E21.** Subject to Rule E23, the Chief Executive must give each National Council member at least 5 working days' notice of a meeting of the National Council and must,

before each meeting, forward to each National Council member details of the venue and business to be transacted at the meeting.

**E22.** Despite Rule E21, the National Council may deal with other business at the meeting only if a majority~~every member~~ of the National Council agrees.

**E23.** In circumstances in which the President or Chief Executive determine that business has arisen requiring urgent attention by the National Council, a meeting must be held on not less than 48 hours' notice being given by the Chief Executive, (or shorter notice if every member of the National Council agrees) and only the business notified may be transacted at that meeting.

**E24.** The President shall preside at all National Council meetings but if the President is absent, the meeting must appoint a Chair.

**E25.** Each National Council member present at any meeting of the National Council is entitled to one vote, and in the event of an equality of votes, the Chair of the meeting is entitled to exercise a second or casting vote. Proxy voting is not permitted.

**E26.** At any meeting of the National Council, a quorum exists when not less than eight of the total number of National Council members then in office are present.

**E27.** If a quorum is not present within one hour of the time fixed for a National Council meeting, the meeting shall lapse. If the meeting ceases to have a quorum for any

period, no business may be conducted during that time.

**E28.** For the purposes of Rules E26 and E27, a quorum exists at a meeting when sufficient persons to make up the quorum are:

(a) Assembled together at the place fixed for the meeting; or

(b) Are linked by means of audio or audio and visual communication and can simultaneously hear each other; or

(c) Any combination of paragraphs (a) and (b).

**E29.** Subject to Rules E19 to E29A, the National Council may regulate its own procedures.

**E29A.** The National Council may pass a resolution without a meeting, but only if the resolution is assented to by every member of the National Council.

#### NATIONAL COUNCIL COMMITTEES

**E30.** The National Council may appoint committees for general or special purposes and may delegate any of its powers to such committees except the powers in Rules C5, E11~~0~~, E14, and E15.

**E31.** The National Council must appoint the Chair of each committee who shall preside at all meetings of the committee, but if that person is absent, the meeting must

appoint a member of the committee to preside at that meeting.

**E32.** From time to time, the National Council may appoint to any committee appointed under Rule E30, any person whom the National Council believes will assist the committee in its deliberations because of that person's training, qualifications or experience. Any such person is not required to be qualified to be a National Council member or an elected member. The National Council may discharge any such person from a committee in like manner.

**E33.** Every committee appointed under Rule E30 must report to the National Council, and its report must be adopted by the National Council before any action is taken in respect of the matter, unless the committee has been appointed with specific authority to act, as set out in that committee's terms of reference.

**E34.** The Chair of any committee may arrange for the attendance of any person at a committee meeting and that person has full speaking rights at that meeting. The President and the Chief Executive have the right to be notified of, attend, and have speaking rights at any committee meeting.

**E35.** Where there is urgent business to be transacted by any committee, the Chair of that committee or the Chief Executive may convene a meeting on such notice as can conveniently be given; otherwise committee meetings must be convened at such times and on such notice as the committee so determines.

**E36.** Each committee member present at any meeting of a committee is entitled to one vote, and in the event of an equality of votes, the Chair of the meeting is entitled to exercise a second or casting vote.

**E37.** At any meeting of a committee, a quorum exists when not less than one third of the total number of members of the committee are present.

**E38.** If a quorum is not present within one hour of the time fixed for a committee meeting, it shall lapse. If the meeting ceases to have a quorum for any period, no business may be conducted during that time.

**E39.** For the purposes of Rules E37 and E38 a quorum exists at a meeting when sufficient persons to make up the quorum are:

- (a) Assembled together at the place fixed for the meeting; or
- (b) Are linked by means of audio or audio and visual communication and can simultaneously hear each other; or
- (c) Any combination of paragraphs (a) and (b).

**E40.** Subject to these Rules, and any directions from the National Council each committee may regulate its own procedures, including the ability to create working groups reporting to it on such issues as are necessary to advance the purposes of the committee.



**F PRESIDENT AND VICE PRESIDENT**

**ELECTION OF PRESIDENT**

**F1.** The President must be elected by ballot of Mmember Authorities in accordance with these Rules at the Annual General Meeting in the year following the year in which triennial local government elections are held.

**F2.** Any person who is an Elected Mmember at the close of nominations for the role of President; is qualified to be elected to the office of President and holds the office in accordance with these Rules.

**F3.** The election for President must be conducted in accordance with the following-Preferential Voting System set out in these Rules.

**F4.** For the purpose of the Preferential Voting System set out in these Rules,

**ABSOLUTE MAJORITY OF VOTES**, in relation to a candidate, is the number of votes which is greater than one-half of the total number of votes other than non-transferable and informal votes.

**NON-TRANSFERABLE VOTE** means a voting formpaper on which no second or consecutive preference is recorded for an unexcluded candidate, and non-transferable has a corresponding meaning.

**F5.** Each Mmember Authority has the number of votes as set out in Rule H1. Each vote is transferable.

**F6.** Each Mmember Authority exercises its vote:

(a) By marking on the voting formpaper the number "1" in the box next to the name of the candidate who is the Mmember Authority's first preference; and

(b) By marking on the voting formpaper further consecutive numbers in descending order of preference in any or all of the remaining boxes next to the names of the remaining candidates (for example, "2" for the Mmember Authority's second preference, and "3" for the Mmember Authority's third preference and so on).

**F7.** The number of first preferences recorded for each candidate must be counted and all informal voting formpapers must be rejected.

**F8.** The candidate who obtains an absolute majority of votes is elected.

**F9.** If no candidate has an absolute majority of votes, the candidate who has the fewest votes is to be excluded and each voting formpaper counted to that candidate, unless non-transferable, must be counted to the unexcluded candidates next in the order of the Mmember Authority's preference.

- F10.** The process in Rule F9 must be repeated until one candidate has an absolute majority of votes.
- F11.** In this Preferential Voting System, a vote must be set aside as informal if:
- (a) The figure "1" standing alone is not placed so as to indicate a first preference for a candidate; or
  - (b) At the point at which (and not before) the same preference is set opposite the name of more than one candidate; or
  - (c) Rule H20 applies; or
  - (d) The voting ~~formpaper~~ is unmarked or void for uncertainty.
- F12.** For the purpose of these Rules,
- (a) Every voting ~~formpaper~~ not rejected as informal must be counted in every count until it becomes non-transferable when it must be rejected in all further counts; and
  - (b) If a candidate is excluded, any voting ~~formpaper~~ counted to the candidate is non-transferable if there is not indicated on it a consecutive preference for 1 or more unexcluded candidates.
- F12A. For the avoidance of doubt, for the purposes of Rules F4-- F12, a voting form includes any electronic means of casting a vote.
- F13.** If, on any count, two or more candidates have an equal number of votes and one or more of them has to be excluded, the candidate or candidates to be excluded must be decided by the drawing of lots under a procedure supervised by the Chief Executive.
- F14.** A person elected to the office of President in accordance with Rules F1 to F16 assumes office immediately upon the declaration of the closure of the Annual General Meeting at which that person is elected, and subject to Rules F20, and F27 to F32 holds office until a successor assumes office.
- F15.** No person may hold office as President for more than three consecutive terms, provided that any person who holds office as President by virtue of an appointment in accordance with Rules F27 to F32 is eligible for re-election at the end of the unexpired term of office of that person's predecessor. For the avoidance of doubt, a term under this Rule does not include any period of office held by a President by virtue of an appointment in accordance with Rules F27 to F32.
- F16.** The President is a National Council member solely by right of holding the office of President. Where the person elected is already a National Council member, the vacancy that is created must be filled in accordance with Rules E12 to E17.

CONFIDENCE IN PRESIDENT

F17. A motion that the President must vacate office may be moved only at:

(a) A Special General Meeting called in accordance with Rule G7, for the purpose of moving that motion; or

(b) An Annual General Meeting where the requirements of Rules F18 and F19 have been met.

F18. Member Authorities may petition the Chief Executive to include in the business of the Annual General Meeting a motion that the President must vacate office. Rules G9 to G11 apply to the petition. The Chief Executive must receive the petition at least 21 days before the date of the Annual General Meeting.

F19. If the requirements of Rule F18 have been met, the Chief Executive must ensure that the motion is included on the Agenda of the Annual General Meeting. Notice of the motion must be included in the notice of business that must be given to each member authority under Rule G5.

F20. At the Special General Meeting or the Annual General Meeting, the motion that the President must vacate office will be carried if there is simple majority of votes cast in favour of the motion. On the declaration that the motion is carried:

(a) The President is deemed to have resigned immediately on that declaration; and

(b) Rules F28 and F29 apply as if there were a vacancy in the office of President.

ELECTION OF VICE-PRESIDENT

F21. The Vice-President must be elected by ballot of Member Authorities in accordance with these Rules at the Annual General Meeting in the year following the year in which triennial local government elections are held.

F22. Any person (other than the President) holding office as a National Council member at the time at which the election for Vice-President is held, is qualified to be elected to the office of Vice-President.

F23. The election for Vice-President must be conducted in accordance with the Preferential Voting System used for the election of the President as set out in Rules F4 to F13.

F24. A person elected as Vice-President in accordance with Rules F21 to F23 assumes office immediately upon the declaration of the closure of the Annual General Meeting at which that person is elected, and, subject to Rules F37 to F41, holds office until a successor assumes office.

F25. Subject to Rules E12 to E17 and F37 to F41, any person elected to the office of Vice-President continues to hold office as a National Council member representing the Zone or Sector Group by which that person was appointed.

**F26.** Any person may hold office as Vice-President for as many consecutive terms as that person may be elected to the National Council.

VACANCY IN THE OFFICE OF PRESIDENT

**F27.** If any person holding office as President:

- (a) Resigns from that office by giving written notice to that effect to the Chief Executive; or
- (b) Ceases to hold office as an elected member for any reason;

the office immediately becomes vacant except that a President who ceases to be an Elected Mmember by not standing for election, or failing to win election, at a triennial local government election continues to hold office as President as provided in Rule F14 until the new President assumes office under Rule F14.

**F28.** In the event of a vacancy occurring in the office of President within 24 months after the person assumed that office in terms of Rule F14,

- (a) Rule F34 applies; and
- (b) A postal ballot must be held, subject to Rule F30, as soon as practicableossible to elect an Elected Mmember to the vacant office of President.

**F29.** In the event of a vacancy occurring in the office of President in any other case, Rule F35 applies.

**F30.** All the provisions of Rules F1 to F16 apply, with any necessary modifications, to any postal ballot held under Rule F28, subject to the following:

- (a) The close of nominations is at a date and time nominated by the Chief Executive being not less than four weeks nor more than six weeks after the vacancy arises; and
- (b) Any person who is an Elected Mmember at the close of nominations is qualified to be elected to the office of President; and
- (c) No voting formpaper is valid unless signed by the Mayor or Chairperson of the Member Authority, or in that person's absence by the Deputy Mayor or, Deputy Chairperson, or in that person's absence by the chief executive of the member authority provided that no person (other than the Mayor or Chairperson) may sign the voting paper unless authorised to do so by the Mayor or Chairperson or by a resolution of the Member Authority;
- (d) Completed voting formpapers must be returned to the Chief Executive not later than a date and time determined by the Chief Executive being not less than four weeks and not more than six

weeks after the close of nominations; and

- (e) The person elected assumes office immediately on the declaration of the result of the election.

**F30A** For the avoidance of doubt, for the purposes of Rule F30, a voting form includes any electronic means of casting a vote.

**F31.** Where the filling of any vacancy in the office of President creates a vacancy on the National Council, that vacancy must be filled in accordance with Rules E12 to E17.

**F32.** Any person elected under Rule F28 holds office only for the unexpired portion of the term of office of that person's predecessor.

#### ACTING PRESIDENT

**F33.** The Vice-President is the Acting President for any period during which the President:

- (a) Is overseas; or
- (b) Is unable to undertake the duties of office; or
- (c) Is on leave approved by the National Council.

**F34.** In the event of a vacancy occurring in the office of President within 24 months after the person assumed that office in terms of Rule F14, the Vice-President is the Acting President until a ~~postal~~ ballot is held as set out in Rule F28 and a new President has

assumed office in accordance with Rule F30(e).

**F35.** In the event of a vacancy occurring in the office of President in any other case, the Vice-President is the Acting President until a new President is elected in accordance with Rules F1 to F16.

**F36.** If there is, at the same time, a vacancy in the office of President and a vacancy in the office of Vice-President within 24 months of the President and Vice-President assuming office in terms of Rule F14 and Rule F24, the National Council must appoint a National Council member to be Acting President until a ~~postal~~ ballot is held as set out in Rule F28 and a new President has assumed office in accordance with Rule F30(e).

**F37.** No vacancy occurs on the National Council by reason of the Vice-President being the Acting President, or by reason of a National Council member being the Acting President in accordance with Rule F36.

VACANCY IN THE OFFICE OF VICE-PRESIDENT

**F37.** If any person holding office as Vice-President -

- (a) Resigns from the National Council or from the office of Vice-President by giving written notice to that effect to the Chief Executive; or
- (b) Ceases to hold office as an elected member;

the office immediately becomes vacant.

**F38.** In the event of a vacancy occurring in the office of Vice-President within 24 months after the person assumed that office in terms of Rule F24, a postal-ballot must be held, subject to Rule F40, as soon as practicable to elect a National Council member to the vacant office of Vice-President.

**F39.** In the event of a vacancy occurring in the office of Vice-President in any other case, the National Council must appoint a National Council member to the vacant office of Vice-President.

**F40.** Rule F23 applies, to any postal-ballot held under Rule F38, subject to the following:

- (a) The close of nominations is at a date and time nominated by the Chief Executive being not less than four weeks nor more than six weeks after the vacancy arises;

(b) Completed voting [formspapers](#) must be returned to the Chief Executive not later than a date and time determined by the Chief Executive being not less than four weeks and not more than six weeks after the close of nominations; and

(c) No voting [formpaper](#) is valid unless signed by the Mayor or Chairperson of the [M](#)ember [A](#)uthority, or in that person's absence by the Deputy Mayor or Deputy Chairperson, or in that person's absence by the [chief executive principal administrative officer](#) provided that no person (other than the Mayor or Chairperson) may sign the voting paper unless authorised to do so by the Mayor or Chairperson or by a resolution of the [M](#)ember [A](#)uthority; and

(d) The person elected assumes office immediately on the declaration of the result of the election.

[F40A.](#) For the avoidance of doubt, for the purpose of Rule F40, a voting form includes any electronic means of casting a vote.

**F41.** Any person elected under Rule F38 or appointed under Rule F39 holds office only for the unexpired portion of the term of office of that person's predecessor.

**G ANNUAL AND SPECIAL GENERAL MEETINGS**

General Meeting resolves to be considered.

**ANNUAL GENERAL MEETING**

**G1.** An Annual General Meeting of Mmember Authorities must be held on or before the 31st day of July in each year at such time and place that is fixed by LGNZ.

**G2.** The following business is to be conducted at the Annual General Meeting, but in such order as is determined by the National Council or the President:

(a) President's Report and Annual Report;

(b) Financial Statements and Annual Statement of Accounts;

(c) Subject to Rule G3, remits or reports from Zones or Sector Groups or Mmember Authorities;

(ca) Fixing honoraria, if any, for the President, Vice-President, and National Council members;

(d) Date and venue of next Annual General Meeting and any future Special General Meetings that may have been determined by the National Council;

(e) Any notice or notices of motion to alter, add to, rescind or otherwise amend the Rules of LGNZ;

(f) Any other business that the National Council or the Annual

**G3.** Where any Zone or Sector Group or Mmember Authority wishes to bring any remit or report before the Annual General Meeting for discussion, the remit or report must be forwarded to the Chief Executive not less than two months before the date of the meeting; ~~however provided that~~ the National Council has a discretion to accept late remits or reports if received less than two months before the date of the meeting.

**G4.** Remits, reports and other matters approved by the National Council for consideration at the Annual General Meeting must be placed on the meeting agenda order paper.

**G5.** Not later than 10 working days before the date of the Annual General Meeting, notice of the business to be considered together with all reports and statements referred to in Rule G2 must be provided given to each Mmember Authority.

**G6.** A report of the proceedings of the Annual General Meeting must be provided printed and a copy forwarded to each Mmember Authority.

**SPECIAL GENERAL MEETING**

**G7.** A Special General Meeting of LGNZ to discuss any issue of relevance to members may be called:

(a) By the National Council under Rule G8; or

(b) By the Chief Executive under Rule G12.

**G8.** The National Council may call a Special General Meeting of LGNZ at any time. However, any such Special General Meeting may only be held when notice of the meeting, the venue and the business to be considered has been given to each member authority at least five working days before the date of the meeting.

**G9.** Member Authorities may petition the Chief Executive to call a Special General Meeting of LGNZ. The petition must:

(a) Subject to Rules G10 and H4, be signed by Member Authorities representing one third or more of the voting entitlement of all Member Authorities as set out in Rule H1; and

(b) State the issue or issues to be addressed at the Special General Meeting.

**G10.** No Member Authority may sign the petition unless it has passed a resolution to that effect. A copy of the resolution must be sent to the Chief Executive with the petition. The Member Authorities petitioning the Special General Meeting must be from more than one Sector Group and from more than one Zone.

**G11.** On receiving the petition, the Chief Executive must give written notice to all

Member Authorities that he or she has received the petition together with a copy of the petition.

**G12.** If the Chief Executive is satisfied that the requirements of Rules G9 and G10 have been met, the Chief Executive must:

(a) Call a Special General Meeting to be held within 4 weeks after the date on which the Chief Executive received the petition; and

(b) Determine the time and venue of the meeting; and

(c) Give notice of the meeting, the venue, and the business to be considered to each Member Authority at least five working days before the date of the meeting.

#### DELEGATES

**G13.** At the Annual General Meeting and Special General Meetings, Member Authorities admitted to membership under Rule C1 are entitled to representation as follows:

(a) Member Authorities (other than Regional Councils) having populations of 50,000 or over - not more than 4 delegates;

(b) Member Authorities (other than Regional Councils) having populations of 10,000 or over and less than 50,000 - not more than 3 delegates;



(c) Member Authorities (other than Regional Councils) having populations of less than 10,000 - not more than 2 delegates;

(d) Regional Councils having populations of 250,000 or over - not more than 4 delegates;

(e) Regional Councils having populations of 100,000 or over and less than 250,000 - not more than 3 delegates;

(f) Regional Councils having populations of less than 100,000 - not more than 2 delegates.

**G14.** At the Annual General Meeting and Special General Meetings, associate members ~~member—authorities~~ admitted to membership under Rule C2 are entitled to be represented by not more than 2 delegates, unless otherwise determined by the National Council under Rule C3(b).

**G15.** Every Member Authority must appoint one of its delegates as its presiding delegate and may appoint one or more alternate delegates; provided that the number of alternate delegates does not exceed the number of delegates appointed.

**G16.** The chief executive, Mayor or Chairperson of each Member Authority, shall forward to the Chief Executive the name and official position of the presiding delegate, other delegates and all persons appointed by that Member Authority as

an alternate for any delegate who may be absent from the floor of the meeting.

**G17.** In Rules G13 to G16 the term "delegate" includes both an Elected Member and an officer of a Member Authority and may include members of the National Council.

G17A. For the avoidance of doubt, for the purpose of Rules G13 to G17, the names of delegates may be provided to the Chief Executive in electronic form.

#### PROXIES

**G18.** At any Annual General Meeting or Special General Meeting, the votes provided for in Part H may be exercised by a Member Authority by proxy in accordance with this Rule.

**G19.** The provisions of Part H apply, with any necessary modifications, to any person who is a proxy of a Member Authority as though that person was a delegate of the Member Authority.

**G20.** Proxies must be appointed in writing in this form or a similar form (which for the purposes of this Rule includes any electronic form):

**NEW ZEALAND LOCAL GOVERNMENT  
ASSOCIATION INCORPORATED**

The \_\_\_\_\_ Council, a member  
authority of *Local Government New  
Zealand*, appoints \_\_\_\_\_ of

or failing him/her  
of \_\_\_\_\_  
as its proxy to vote on its behalf at the  
Annual General Meeting or Special General  
Meeting of *Local Government New  
Zealand*, to be held on the \_\_\_\_\_ day  
of \_\_\_\_\_ 2019 and at any  
adjournment thereof.

SIGNED this \_\_\_\_\_ day of  
\_\_\_\_\_ 2019

by

Signature

Name

Designation

who, by signing this proxy confirms that he  
or she is entitled to do so.

**G21.** Any instrument appointing a proxy  
appearing to be executed in accordance  
with these Rules, including any electronic  
instrument, must, in the absence of  
evidence to the contrary, be treated as  
valid.

**G22.** No instrument creating a proxy is valid  
unless:

- (a) It is provided to deposited at  
LGNZ's registered office at least

48 hours before the time at which  
the Annual General Meeting or  
Special General Meeting is to  
commence, or

- (b) A motion is passed at the meeting  
to accept it.

CHAIR

**G23.** The President shall preside at the Annual  
General Meeting and any Special General  
Meeting. If the President is absent then  
the meeting must, by resolution, appoint a  
Chair, and the Chief Executive or the Chief  
Executive's nominee must preside at the  
meeting for the purposes of making such  
appointment.

**G24.** The President, or the President's nominee  
or the Chair of the meeting has the power  
to propose or second any motion even  
though the President, the President's  
nominee or the Chair, may not be a  
delegate of a Member Authority.

QUORUM

**G25.** Subject to Rule G23, at the Annual General  
Meeting, a Special General Meeting or at a  
Zone or Sector Group meeting, a  
quorum consists of one half the total  
number of Member Authorities entitled  
to be represented and vote when that  
number is even, and a majority of such  
Member Authorities when the number  
is odd.

**G26.** If a quorum is not present within one hour  
of the time fixed for the meeting, the  
meeting will lapse. If the meeting ceases

to have a quorum for any period, no business may be conducted during that time.

**G27.** For the purpose of calculating whether or not a quorum is present at any Annual General Meeting or Special General Meeting, member authorities whose voting at the meeting will be by proxy are to be treated as being present.

~~**G28.** No business may be conducted at a meeting unless a quorum is present.~~

#### CONDUCT OF MEETINGS

**G29.** Subject to the requirements of these Rules, the Annual General Meeting or any Special General Meeting or Zone or Sector Group meeting may by resolution fix rules of debate and rules for the conduct of the meeting. Subject to any such resolution, a ruling of the President or Chair (as the case may be) on any point of order is final and conclusive.

H VOTING AND ELECTIONS

VOTING

H1. Subject to Rules H3 to H5, at the Annual General Meeting, and any Special General Meeting, or ~~Z~~zone or ~~S~~sector ~~G~~group meeting, or for the purposes of any petition under Rule G9, ~~M~~member ~~A~~authorities admitted to membership under Rule C1 are entitled to vote as follows:

- (a) Member ~~A~~authorities having an annual subscription of \$100,000 or over – 6 votes plus 1 votes for every \$20,000 increment (in whole) in excess of \$100,000:
- (b) Member ~~A~~authorities having an annual subscription of \$80,000 to \$99,999 – 6 votes:
- (c) Member ~~A~~authorities having an annual subscription of \$50,000 to \$79,999 – 5 votes:
- (d) Member ~~A~~authorities having an annual subscription of \$30,000 to \$49,999 – 3 votes:
- (e) Member ~~A~~authorities having an annual subscription of \$20,000 to \$29,999 – 2 votes:
- (f) Member ~~A~~authorities having an annual subscription of less than \$20,000 – 1 vote."

H2. At the Annual General Meeting, any Special General Meeting, or any ~~Z~~zone or

~~S~~sector ~~G~~group meeting, persons or organisations admitted to associate membership under Rule C2 are not entitled to vote.

H3. No ~~M~~member ~~A~~authority whose annual subscription is in arrears is entitled to vote at any Annual General Meeting or Special General Meeting or at any ~~Z~~zone or ~~S~~sector ~~G~~group meeting or by ~~postal~~ ballot involving elections to the National Council, ~~or any zone or sector group meeting~~, until the arrears are paid.

H4. With respect to a petition under Rule G9:

(a) No associate member admitted to membership under Rule C2 is entitled to sign the petition unless the National Council has determined, in accordance with Rule C3 that associate members of that kind may sign the petition; ~~and:~~

(b) No ~~M~~member ~~A~~authority, or associate member whose annual subscription is in arrears is entitled to sign the petition.

H5. Subject to Part K, at any Annual General Meeting, Special General Meeting or ~~Z~~zone or ~~S~~sector ~~G~~group meeting resolutions are carried by a simple majority of votes.

H6. At any Annual General Meeting, Special General Meeting, or ~~Z~~zone or ~~S~~sector ~~G~~group meeting, in the event of an equality of voting (whether on a poll or otherwise), the President, or Chair ~~as the case may be~~, has the casting vote.

**H7.** At any Annual General Meeting, Special General Meeting, or Zzone or Ssector Ggroup meeting, the manner of voting on any issue is determined by the Chair, provided that the Chair, any delegate or Mmember Authority may demand a poll and on the taking of a poll, each Mmember Authority present is entitled to vote in accordance with Rule H1.

**H8.** If a poll is taken at any Annual General Meeting, Special General Meeting, or Zzone or Ssector Ggroup meeting each Mmember Authority must be provided with one voting ~~form~~paper which must indicate the number of votes the Mmember Authority receiving it is entitled to exercise, and no Mmember Authority is entitled to divide its votes for and against the motion. No voting ~~form~~paper is valid unless signed by the presiding delegate or notified alternate.

**H9.** A demand for a poll does not prevent the continuance of any Annual General Meeting or meeting for the transaction of any business, other than in respect of the question upon which the poll is demanded.

#### CONDUCT OF ELECTIONS – PRESIDENT AND VICE-PRESIDENT

**H10.** The ballots referred to in Part F must be conducted in accordance with Rules H11 to H24.

**H11.** The Chief Executive must act as Returning Officer and is responsible for the conduct

of the elections in accordance with these Rules.

**H12.** Should any matter arise in the conduct of the elections which is not expressly provided for in these Rules, the Chief Executive must determine the matter in his or her absolute discretion, but may be guided by the provisions of the Local Electoral Act 2001.

**H13.** All nominations must be in writing signed by the Mayor, Chairperson, Deputy Mayor, Deputy Chairperson, or Chief Executive of a Mmember Authority and must be seconded in writing on the same or another document by one of those office holders of another Mmember Authority.

**H14.** Nomination and seconding ~~form~~papers must be received by the Chief Executive not later than 31 May in the year in which the election is to be held.

**H15.** Any nomination signed in accordance with, and otherwise appearing to comply with these Rules is deemed to be valid for all purposes and LGNZ is not required to inquire into its validity for any purpose whatsoever.

**H15A.** Subject to the requirements of Rules H13 to H15, for the avoidance of doubt, nomination and seconding forms may be provided in electronic form.

**H16.** If only one nomination is received for the office of President by the time nominations close, the person nominated is immediately deemed to be elected and must be declared President-elect by the

Chief Executive. If no nominations are received by the date nominations close, then the National Council must meet as soon as practicable to determine how the office may be filled and has full power to decide on the procedures to apply to ensure that the office of President is filled.

**H17.** If only one nomination is received for the office of Vice-President by the time nominations close, the person nominated is immediately deemed to be elected and must be declared Vice-President elect by the Chief Executive. If no nominations are received by the date nominations close, then the National Council has the power to fill the vacancy on the next occasion it meets after the vacancy has occurred.

**H18.** On the close of nominations the Chief Executive must prepare, for each member authority, voting [formpapers](#) listing the validly nominated candidates to be distributed at the Annual General Meeting. A list of the validly nominated candidates for each office and any biographical material (which may include a photograph and not more than 150 words) provided by the candidates for distribution must be distributed with the Annual General Meeting papers.

**H19.** At any Annual General Meeting at which the election of the President is to occur, voting [formpapers](#) for the election of the Vice-President may not be issued and that election may not take place until the result of the election of the President has been declared.

**H20.** No voting [formpaper](#) is valid unless signed by the presiding delegate or notified alternate.

**H21.** ~~The Chief Executive must determine the date and time of the close of voting.~~

**H22.** Duly completed voting [formpapers](#) must be returned to the Chief Executive, or to any scrutineers appointed by the Chief Executive at the Annual General Meeting, not later than the close of voting.

**H23.** As soon as practicable after the close of voting the Chief Executive must declare the result of the election to the Annual General Meeting.

**H24.** As soon as practicable after any election, the Chief Executive must on the motion of the Annual General Meeting or the National Council destroy the voting [formpapers](#).

**H25.** For the avoidance of doubt, for the purposes of Rules H18 to H24 any reference to voting form includes any electronic means of voting.

**I MANAGEMENT**

11. The National Council shall appoint a Chief Executive for such remuneration and on such terms and conditions as it thinks fit, and may terminate or suspend the ~~appoint~~employment of any Chief Executive so appointed by it, subject to the law and any conditions agreed to in the Chief Executive's employment agreement~~contract~~.
12. The Chief Executive is responsible to the National Council for employing, on its behalf, the staff of LGNZ and negotiating the terms of their appointment and may, subject to the law and any conditions in an employment agreement ~~contract~~ applying to an employee, remove or suspend any employee from his or her employment.
13. The Chief Executive is responsible to the National Council for the administration of the affairs of LGNZ in accordance with policies or directions resolved from time to time by LGNZ or the National Council.
14. The Chief Executive has such additional specific powers and authorities as are delegated by the National Council from time to time, including the power to subdelegate. The Chief Executive may also delegate to any officer or employee of LGNZ any of the powers, functions and duties conferred upon the Chief Executive under these Rules, including from time to time appointing an Acting Chief Executive for such period and on such terms as it thinks fit, to carry out the powers, functions and duties of the Chief Executive during any absence of the Chief Executive.
15. The National Council may, from time to time, appoint an Acting Chief Executive for such period and on such terms as it thinks fit, to carry out the powers, functions and duties of the Chief Executive during any ~~absence of the Chief Executive or a~~ vacancy in that office.

**J FINANCIAL MANAGEMENT**

FINANCIAL YEAR

- J1. The financial year of LGNZ commences on the first day of April in each year and closes on the following 31st day of March.

SUBSCRIPTIONS

- J2. From time to time, the National Council may by resolution, prescribe the subscriptions, fees or other payments, annual or otherwise, to be paid by Mmember Authorities and associate members, and, subject to Rule J4, the time and manner of payment of any such subscriptions, fees, or payments.
- J3. Any resolution may prescribe different subscriptions, fees or other payments for different Mmember Authorities or associate members, or classes of Mmember Authorities, or associate members and provide for exemptions of any subscription, fee or other payment.
- J4. The annual subscription is payable in the month of April in the financial year to which it relates.

CONTROL AND USE OF FUNDS

- J5. All moneys received by or on behalf of LGNZ must be banked immediately in suitable bank accounts in the name of LGNZ (or in the case of a trust account, in such name as clearly identifies the trust) and all cheques or other payment on such accounts must be signed by not less than two signatories from a list of signatories

approved by the National Council (or by the trustees) and must be passed for payment or confirmed by the National Council (or as the case may be by the trustees).

#### INCOME AND PROPERTY

**J6.** Subject to Rules L9 to L11, the income and property of LGNZ must be applied towards the promotion of its objects, and no portion may be paid or transferred directly or indirectly to any Mmember Authority or associate member; provided that LGNZ may in good faith, pay to a National Council member, other member or officer of a Mmember Authority or associate member, or any other body, corporation or person, any or all of the following as may be decided, by the National Council or, acting under delegation, by the Chief Executive:

- (a) Remuneration for services rendered or payment for goods supplied;
- (b) Honoraria, except for the President, Vice-President and National Council members, and annual, daily, and incidental allowances and out of pocket expenses (including travel and accommodation allowances) incurred in any manner in the reasonable and proper conduct of the affairs of LGNZ.

#### AUDITOR

**J7.** In accordance with the Public Audit Act 2001, the auditor of LGNZ is the Auditor-General and the provisions of the Public Audit Act 2001 apply to the audit of the financial statements of LGNZ.

#### K ALTERATION OF THE RULES

**K1.** A change to these Rules may be initiated by-

(a) A resolution of the National Council; or

(b) A Mmember Authority giving more than one month's notice to LGNZ before the Annual General Meeting or any Special General Meeting called for the purpose of discussing changes to the Rules.

**K2.** In all cases, written notice of the proposal to change the Rules must be given to every Mmember Authority at least 10 working days before the Annual General Meeting or the Special General Meeting.

**K3.** Every proposal to change the Rules must clearly identify the words to be deleted from the Rules and any words to be added to the Rules.

**K4.** At a meeting at which the motion to change the Rules is considered-

(a) Any motion to amend a motion to change the Rules may be passed by a simple majority; but

(b) Any motion to change the Rules must be passed by resolution of a two-thirds majority of the valid votes cast.



**L MISCELLANEOUS**

**COMMON SEAL**

**L1.** LGNZ must adopt a Common Seal which must be kept under the control and in the custody of the Chief Executive.

**L2.** Any two of the President, Vice President or Chief Executive, must attest the execution under seal of documents to be executed by LGNZ.

**L3.** The Common Seal must only be affixed pursuant to a resolution of the National Council or [an Annual General Meeting or Special General Meeting of LGNZ](#).

**NOTICE**

**L4.** Any notice to be given to, or any document to be deposited with LGNZ or the Chief Executive, is to be regarded as given or deposited when received at the registered office of LGNZ; or if posted then three days after being posted to the usual postal address of LGNZ, [or if sent electronically at the time that the notice arrives in the inbox of the Chief Executive's email address](#).

**L5.** Any notice to a [Member Authority](#) or associate member is to be regarded as given when received at the principal office of the [Member Authority](#) or associate member or three days after being posted to the usual postal address of the member authority or associate member, [or if sent electronically at the time that the notice arrives in the inbox of an appropriate](#)

[email address for the Member Authority or associate member](#).

**L6.** In Rules L4 and L5 "received" includes received by facsimile or electronic means during ordinary business hours or if received outside those hours then at 9:00am on the next business day.

**L7.** No notice is to be regarded as having been given or received if in accordance with the usual protocols of that kind of notice, the sender has been notified of a failure of delivery.

**L8.** An inadvertent, unintentional, failure to give any notice required by these Rules to be given to a [Member Authority](#), associate member, the Chief Executive, or any other person does not invalidate the doing of any thing or the election of any person in respect of which the notice was required.

**DISSOLUTION**

**L9.** LGNZ may be voluntarily wound up in accordance with section 24 of the Incorporated Societies Act 1908.

**DISPOSITION OF SURPLUS ASSETS ON DISSOLUTION**

**L10.** In the event of LGNZ being wound up at an Annual General Meeting or a Special General Meeting without having passed a resolution directing the disposing of the assets then the assets, after the payment of LGNZ's liabilities and expenses of winding up, must be divided between the [Member Authorities](#) in proportion to the subscriptions paid by the [Member](#)

Authorities immediately prior to the winding up.

L11. Any meeting called for the purpose of considering a winding up resolution pursuant to section 24 of the Incorporated Societies Act 1908 (or any statutory provision passed in amendment or substitution for that provision) must have placed before it any proposal or recommendation of the National Council relating to the disposition of the surplus assets of LGNZ.

L12. A meeting called for the purpose of considering a winding up resolution may, despite anything contained in these Rules (including any requirement for notice of the business to be conducted at such meeting) after considering any proposal or recommendation of the National Council, by resolution direct the disposal of the assets of LGNZ in such manner as the meeting thinks fit.

~~We, the local authorities named below, being members of the New Zealand Local Government Association Incorporated ("LGNZ"), confirm that the rules of LGNZ were amended in the manner set out in this document and that the amendments were made in accordance with Part K of the Rules of LGNZ at a Special General Meeting held on 13 March 2014.~~

~~The COMMON SEAL of \_\_\_\_\_ )  
HASTINGS DISTRICT \_\_\_\_\_ )  
COUNCIL \_\_\_\_\_ )  
was affixed in the presence of \_\_\_\_\_ )~~

~~.....  
The COMMON SEAL of \_\_\_\_\_ )  
HOROWHENUA DISTRICT \_\_\_\_\_ )  
COUNCIL \_\_\_\_\_ )  
was affixed in the presence of \_\_\_\_\_ )~~

~~The COMMON SEAL of \_\_\_\_\_ )  
OPŌTĪKI DISTRICT \_\_\_\_\_ )  
COUNCIL \_\_\_\_\_ )  
was affixed in the presence of \_\_\_\_\_ )~~

~~.....~~

## LGNZ 2019 Annual General Meeting - Remit List

No.	Remit	Suggested Council Position
1	<p>Climate Change – Local Government Representation</p> <p>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.</p>	Support
2	<p>Ban on the Sale of Fireworks to the General Public</p> <p>That LGNZ works with central government to introduce legislation to ban the sale of fireworks to the general public and end their private use.</p>	Neutral
3	<p>Traffic Offences – Red Light Running</p> <p>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.</p>	Support
4	<p>Prohibit Parking On Grass Berms</p> <p>To seek an amendment to clause 6.2 of the Land Transport (Road User) Rule 2004 to prohibit parking on urban berms.</p>	Support
5	<p>Short-term Guest Accommodation</p> <p>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.</p>	Support
6	<p>Nitrate In Drinking Water</p> <p>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.</p>	Support
7	<p>Local Government Official Information and Meetings Act (1987)</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Trends in the volume and nature of LGOIMA requests over</li> </ul>	Support

	<p>time.</p> <ul style="list-style-type: none"> <li>• Trends in users.</li> <li>• 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).</li> <li>• The financial and resource impacts on local authorities in managing the LGOIMA function.</li> </ul> <p>That LGNZ use the data obtained to:</p> <ul style="list-style-type: none"> <li>• Identify opportunities to streamline or simplify LGOIMA processes.</li> <li>• Share best practice between local authorities.</li> <li>• Assess the value of a common national local government framework of practice for LGOIMA requests.</li> <li>• Identify opportunities to advocate for legislation changes on behalf of the sector (where these are indicated).</li> </ul>	
<b>8</b>	<p>Weed Control</p> <p>That LGNZ encourages member councils to consider using environmentally friendly weed control methods.</p>	Support
<b>9</b>	<p>Building Defects Claims</p> <p>LG NZ 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.</p>	Support
<b>10</b>	<p>Social Housing</p> <p>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.</p>	Support
<b>11</b>	<p>Procurement</p> <p>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.</p>	Support
<b>12</b>	<p>Single Use Polystyrene</p> <p>That LGNZ advocates to the Government to phase out single use polystyrene.</p>	Support

<b>13</b>	<p>Local Government Act 2002</p> <p>That LGNZ pursue an amendment to the Local Government Act 2002 to:</p> <p>a. Re-number sub-sections 181 (5) and (6) to sub-sections (6) and (7); and</p> <p>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.</p>	Support
<b>14</b>	<p>Campground Regulations</p> <p>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.</p>	Not support
<b>15</b>	<p>Living Wage</p> <p>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.</p>	Support
<b>16</b>	<p>Sale and Supply of Alcohol Act</p> <p>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 (e.g. price, advertising, purchase age and availability) and fully involve local government in that review.</p>	Support
<b>17</b>	<p>Greenhouse Gases</p> <p>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.</p>	Support
<b>18</b>	<p>Climate Change – Funding Policy Framework</p> <p>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.</p>	Support
<b>19</b>	<p>Road Safety</p>	Support

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 Coordinator 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.

<b>20</b>	<p>Mobility Scooter Safety</p> <p>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.</p>	Neutral
<b>21</b>	<p>Museums and Galleries</p> <p>That central government funding be made available on an annual basis for museums and galleries operated by territorial authorities with nationally significant collections.</p>	Support

<b>22</b>	Resource Management Act That the selection of all independent commissioners for Resource Management Act hearings be centralised to improve independence and enhance the quality of decisions.	Support
<b>23</b>	Mayor Decision to Appoint Deputy Mayor 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.	Not support
<b>24</b>	Beauty Industry 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.	Support

Who's  
putting local  
issues on  
the national  
agenda?

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# 2019 Annual General Meeting Remits



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# 1

## Climate change – local government representation

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**Remit:** 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.

**Proposed by:** Auckland Council

**Supported by:** 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.

2

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**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.

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# 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.

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**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.

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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.

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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.

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# 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.

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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.



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**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.

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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.

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# 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.

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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.

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# 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

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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.

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**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.

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**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.



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# 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.

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## 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).

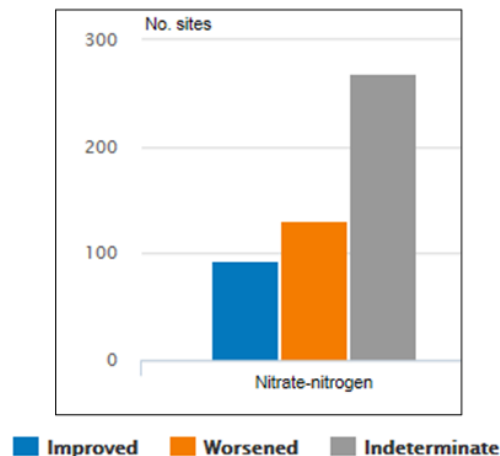


Figure 1. Nitrate levels in groundwater, 2005-2014

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 ..."

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- 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 <i>below</i> 0.87 mg/L</b>	<b>Results <i>at/above</i> 0.87 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

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**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”.

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# 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.

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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.

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- 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.

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**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.



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## 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.

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**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.

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**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.

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# 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.

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**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.

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**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.

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- 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.

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# 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 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.



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#### 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.

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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.

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**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.

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**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.

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# 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 Otorohanga District Council South Taranaki District Council Stratford District Council Thames-Coromandel District Council Waitomo District Council Wellington City Council 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.

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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.

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**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.

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# 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.



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# 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.

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- 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.

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**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.

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# 14

## Campground regulations

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**Remit:** 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.

**Proposed by:** Thames-Coromandel District Council

**Supported by:** Dunedin City Council  
Waikato District Council  
New Plymouth District Council  
Mackenzie District Council  
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.

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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.

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# 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.

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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.

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# 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.



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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.

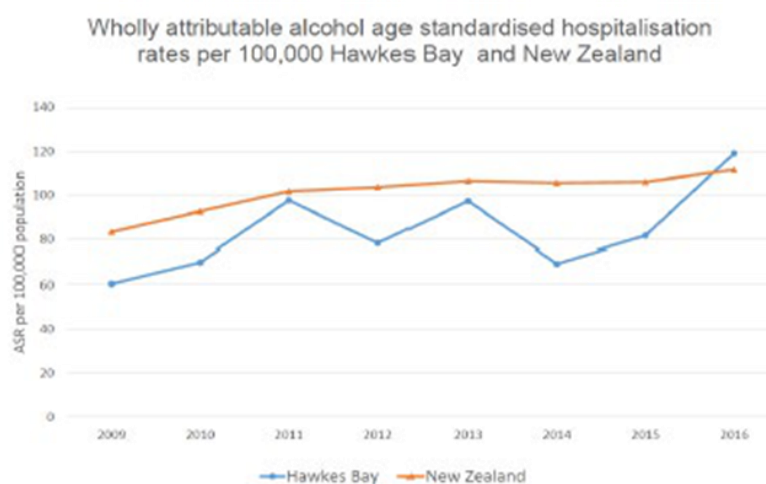
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- Suicide;
  - Is a major cause of premature, avoidable death in Hawke's Bay.
  - From 2010 to 2015, suicide was the second highest reason for premature death for those aged 0 to 74 years.
  - Since 1 July 2018, 29 people have committed suicide in 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.

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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 hazariously 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.

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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.

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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.

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# 17

## Greenhouse gases

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**Remit:** 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.

**Proposed by:** Wellington City Council

**Supported by:** 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.

**We are.  
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**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.

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# 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.



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**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.

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# 19

## Road safety

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**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.*

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<b>Proposed by:</b>	Whakatāne District Council
<b>Supported by:</b>	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.

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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.

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**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.

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# 20

## Mobility scooter safety

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**Remit:** 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.

**Proposed by:** Whanganui District Council

**Supported by:** 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.

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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.

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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.



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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”.

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LGNZ.**

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.

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# 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.
Proposed by:	Whanganui District Council
Supported by:	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.

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- 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.

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- 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	✓

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**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.

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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.

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# 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.



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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.

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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".

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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.

**We are.  
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# 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.

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**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.

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# 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.

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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.

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**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.



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### 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

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### 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

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**NEW ZEALAND PLANNING INSTITUTE**  
**Annual Conference 2019**  
Feedback by Jo Mason

In early April I attended the NZPI (New Zealand Planning Institute) annual conference held in Hawkes Bay. The conference was held over four days and there was a lot of information to absorb.

The following is a snapshot of information from the conference.

New National Planning Standards

The first day of conference included a session for elected members and was chaired by Malcolm Alexander from LGNZ. The session covered information from Ministry for the Environment introducing the new national Planning standards.

The introduction of the RMA devolved some decision making to councils and councils have reflected this in district plans, however there has been a range of varied approaches to district planning nationally. The introduction of planning standards is described as responding to challenges with interpreting District Plans nationally and the standards are intended to make district plans more consistent to interpret. Particular attention is given to the language used in the plans, easier access to plans and the availability to all of plans electronically. There is a requirement to move to having district plans available as EPlan's, this essentially means all plans are accessible within 3 clicks of the council website home page.

My understanding is that Horowhenua District Council is well down the track on meeting the requirements for meeting a number of the new planning standards for the district plan.

Community Engagement

We also had presentations from Mayor Alex Walker of Central Hawkes Bay District Council. Alex outlined the community engagement strategy they have used in this triennium known locally as project THRIVE.

We then heard from Kite Tipuna who is a staff officer at Wairoa District Council. Kite described the journey Wairoa has been through to successfully secure Rocket Lab as a company investing in their district. He described both exciting and challenging times as the small local authority not only deals with the success for the community but also some of the logistical challenges, including with roads and infrastructure that the new venture brings.

Both Mayor Walker and Kite spoke of the key elements for success being early engagement with key stake holders, and the importance of collaborative and visionary leadership in both elected and operational staff with their projects.

Water – Insights from Hawke's Bay

I attended one of the day long conference field trips. I opted to be part of the water focussed field trip. This gave some insights into the challenges and solutions being worked on in Hawkes Bay around water. There was a focus on water, the supply, preservation, use and health of water in Hawkes Bay as this has been topical in Hawkes Bay for a number of years. It is topical for all councils, especially with the three waters review and the central government focus on water. The field trip shared the learning from the Havelock Water issue, the planning, consenting and

design process for the Ruataniwha water storage proposal also known as the Ruataniwha Dam. We also spent some time looking at how farmers and horticulturalists are working together with the regional and district councils to manage water supplies. One of the examples was a water sharing initiative with a group of growers and farmers in Twyford.

### “Weaving the Strands”

The balance of the conference occurred over a further two days. The Conference theme being “Weaving the Strands” a reflection of the many influences for planning in the social and natural environments. This theme included a focus on iwi partnership and community engagement in planning. A strong focus on knowing your community and that good design is not only about meeting needs today but also into the future. Workshop discussions featured some presentations and examples of work that showed planning that didn’t just consider mitigating effects of construction, but through careful design and planning, considered outcomes that potentially made environments better off - rather than compromised by - construction.

SPEAKERS: Ministers Parker and Mahuta, Sue Minter, Tahi Kukutai, and Kosi Latu.

Minister Parker and Minister Mahuta attended the conference as key note speakers. Both strongly advocated the new planning standards. The Ministers messages were consistently advocating the government position as an approach to a focus on more connected and inclusive communities. They spoke of the need for more sustainable productive economies and a focus on circular economies. Minister Mahuta noted that we need brave new solutions to infrastructure challenges, but did not elaborate on what this might look like.

Both Ministers broadly covered the concept of a central government focus on community wellbeing, and place making the issues our nation faces with climate change. They also addressed issues of inequality and poverty, and making New Zealand the best place to raise a child. Both talked of the government agenda of a broader framework to think about well being outcomes.

Sue Minter one of key note speakers came from Vermont and is a planner turned politician. Her message was focussed on the increase in weather based disasters and the need to plan our built world knowing nature will have its way. She also focussed on community resilience and the fundamental principles that planners connect with communities to create good design.

Tahi Kukutai a professor of Demography in Waikato shared some interesting national statistics on both population growth and decline and the importance of having this data when planning. Planners understanding the story of demographic makeup of their district now, and the projections is essential. Tahi discussed the issue of the decline in fertility world issue stating the only way to increase population is through migration. Population aging is a global phenomenon and all TLA will be affected so planning for this changing population is essential.

Climate change was also a focus for the key note speakers. Kosi Latu, the Director General of the Pacific Regional Environment Programme shared concerns of the destructive impacts of climate change with a focus on the pacific region.

### Collegial Sharing of Experience

The balance of the conference was dedicated to planners sharing stories particularly of examples

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of planning that contribute to community and environmental wellbeing. No surprises that I opted for one of the workshops focussed on creating persuasive towns for people living a good and active life. This workshop had some insights into good planning for shared pathways.

#### Conclusion

The conference was relevant and thought provoking for me in my role as an elected member, and my role both in community wellbeing and the hearing committee. Staff from the HDC planning team attended the conference on Thursday and Friday. It was a pleasure to attend alongside this team and I would like to make note of their engagement in the conference workshops and their enthusiasm as a team who are committed to making a positive difference in our district. We are in a period of district wide growth and I congratulate the planning team for keeping current with trends that can be applied in the planning that is occurring across the district.



# Electra Trust 2019 Trustee Elections

File No.: 19/193

## 1. Purpose

To decide Council's two candidates for the Electra Trust Election 2019.

## 2. Recommendation

- 2.1 That Report 19/193 Electra Trust 2019 Trustee Elections be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Horowhenua District Council proceeds/does not proceed with exercising its voting rights for the Electra Trust 2019 Trustee Elections.
- 2.4 That the Horowhenua District Council votes for ..... and .....in the 2019 Electra Trust elections.

## 3. Background/Previous Council Decisions

Each Electra account holder is an elector for the purpose of the Electra Trustee election. Council is the holder of 145 accounts, and is now in receipt of the same number of voting papers, which it may choose to cast for the 2019 Trustee election.

Voting closes at 12 noon on Friday 14 June 2019.

## 4. Issues for Consideration

- 4.1 Council needs to determine whether it will or will not proceed with exercising its voting rights for the Electra Trust 2019 Trustee elections. Over the past few years Council has exercised its voting rights.
- 4.2 Should Council decide to proceed to exercise its voting rights for the Electra Trust 2019 Trustee elections, candidates for election are:
  - Guy BURNS
  - Sharon CROSBIE
  - Bryan GUNNERSEN
  - John YEOMAN

The candidate profiles are **attached** to this report.

- 4.3 The method of casting Council's vote involves an open voting process whereby each member casts up to two votes, with the two highest polling candidates receiving the full number of the Council voting allocation.

## Attachments



No.	Title	Page
A	Electra Trust 2019 Candidate Profile Sheet	193

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### Signatories

Author(s)	David Clapperton <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	





**TRUSTEE ELECTION 2019**  
Election of TWO (2) Candidates

CANDIDATE PROFILES



Guy **BURNS**

Master of Social Work.

I'm the Deputy Chair of the Paraparaumu Raumatī Community Board with a strong awareness of local concerns and issues. My background is in Social Work and Community Development—with extensive experience in community, government and university roles—including solid financial management skills. I have a thorough understanding of Electra's lines network. My commitment is to keep Electra Trust under community ownership and ensure customers continue to receive a cash credit on their power bills.



Sharon **CROSBIE**

New technology is changing the electricity sector very quickly. Electra which YOU own is already at the cutting edge of new developments. All of us in the region benefit from this in annual discounts and one of the highest levels of service in power distribution in NZ and I am committed to this local ownership. It is a privilege to chair the trust and I seek re-election to continue to safeguard your interests in the company as change kicks in. As a former CEO of Radio NZ I have a strong background in governance, community activity and business.



Bryan **GUNDERSEN**

Bryan Gundersen is a passionate advocate for entrepreneurship and sound governance with commercial law expertise and extensive project, energy and infrastructure sector experience. He is a barrister specialising in energy & resources and infrastructure.

He is Chairman Kapiti Youth Employment Foundation (commonly called Work Ready Kapiti), a past Trustee Young Enterprise Trust promoting enterprise and financial literacy education in schools, past National Council member, New Zealand Institute of Directors and past Chairman Wellington Branch Committee.

Bryan's position is that a community Trust owned lines company must focus on reliability of supply to consumers first and the subsidy to consumers second.



John **YEOMAN**

I am currently an Electra Trustee and am seeking re-election.

I am committed to maintaining Trust/local ownership. My considerable financial and commercial management skills are used to support the trustees to monitor Electra's performance to ensure it continues to deliver a strong annual discount to you.

As the previous Chief Executive of Electra from 2002 until my retirement in May 2014, I guided Electra through the many industry changes while continuing to deliver profit growth and increased discounts to the electricity consumers in Kapiti and Horowhenua.

I live in Paraparaumu and am a member of the Chartered Accountants ANZ.

Voting closes at: **12 noon Friday 14 June 2019**



File No.: 19/202

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## Delegations Register - Review

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### 1. Purpose

To seek Council's adoption of the Delegations Register following a review to reflect legislative and staff changes.

### 2. Executive Summary

- 2.1 Council delegates various functions to officers and contractors to allow them to conduct their duties both legally and in accordance with legislation, and as a consequence it is important that these delegations are reaffirmed from time to time.
- 2.2 'Delegation' means the assignment of a duty, or power, or action to another, with the authority to carry out that duty or complete the action assigned, together with the responsibility for the outcome.
- 2.3 There have been a number of legislative changes, together with internal changes, which have prompted a review of the Delegations Register and the review has also provided the opportunity to streamline the administrative delegation process.

### 3. Recommendation

- 3.1 That Report 19/202 Delegations Register - Review be received.
- 3.2 That this decision is recognised is not significant in terms of S76 of the Local Government Act.
- 3.3 That the Horowhenua District Council adopts the Delegations Register attached as Attachment A, effective from 13 June 2019.

### 4. Background / Previous Council Decisions

Delegations are reviewed from time to time – with the last review being in 2017.

### 5. Discussion

This report is to ensure that up-to-date delegations are in place for the purposes of administrative efficiency and expedience in the conducting of the day to day business of Council and to ensure that Council officers and contractors can carry out Council duties and that the delegations reflect the prevailing legislation.

With internal organisational structure and position title changes occurring from time to time, the opportunity has also been taken to streamline the administrative delegations process.

As previously discussed with Council, a key proposed change to the Delegations Register is that wherever possible it has been limited to delegations to the Chief Executive only. An operational (internal) Delegations Register will be maintained in a current state for on delegation by the Chief Executive to other Council Officers as considered appropriate. As above, the reason for this is administrative efficiency. In most cases the law provides that Council delegates to the Chief Executive only. Having an operational (internal) delegations register (i.e. on delegating from the Chief Executive Officer to other Council Officers), maintained in a current state by the Chief Executive, avoids the need to come back to

Council for approval when the delegations are influenced by things like change to organisational structure.

## 6. Options

Option 1 – Approve by resolution the reviewed Delegations Register.

This will ensure delegations in place reflect accurate legislation and that duties and functions conducted are within approved and accurate delegations of Council.

Option 2 – Not approve by resolution the reviewed Delegations Register.

This could mean that Officers and Contractors may not have correct and legal delegations to carry their duties; which could put Council at risk.

Preferred Option: Option 1 – hence recommendation 3.3.

### 6.1 Cost

Not applicable.

#### 6.1.1 Rate Impact

There is no rate impact.

### 6.2 Community Wellbeing

There could be an impact on Community Wellbeing if Officers/Contractors do not have the correct and legal delegations to carry out their duties.

### 6.3 Consenting Issues

There are no consenting issues arising.

### 6.4 LTP Integration

Not applicable.

## 7. Consultation

There are no consultation requirements in respect of this matter – it is an administrative functional requirement.

## 8. Legal Considerations

8.1 If the appropriate and legally correct delegations are not in place, duties may be carried out by staff and contractors for which they do not have the legal basis (delegation) and as a result any action or decision that may be taken in the normal course of their duties could be open to challenge.

8.2 It is also good practice to review delegations periodically to ensure that changes to legislation have been captured.

8.3 The delegations attached as **Attachment A** are made in accordance with the Local Government Act 2002 and any other statutory authority permitting delegation such as the Building Act 2004 or Resource Management Act 1981 (the appropriate authority is as shown in Attachment A).

## 9. Financial Considerations

There could be financial considerations for Council if an officer or contractor's actions in the course of undertaking their duties were challenged.

## 10. Other Considerations

There are no other matters requiring consideration.

## 11. Next Steps

Following adoption of the Delegations Register, Officers and Contractor Warrants of Appointment will be updated.

## 12. Supporting Information

**Strategic Fit/Strategic Outcome** - Not applicable

**Decision Making** – Not applicable

**Consistency with Existing Policy** - Not applicable

**Funding** - Not applicable

Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic					
Financial					
Service Delivery					
Legal					
Reputational					

### **Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### 13. Appendices

No.	Title	Page
A	Delegations Register 2019	199

Author(s)	Mark Lester <b>Group Manager - Corporate Services</b>	
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Approved by	David Clapperton <b>Chief Executive</b>	
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## DELEGATIONS REGISTER 2019

**This Delegation Register records all delegations from the Horowhenua District Council to Standing Committees, Subcommittees, Members and Staff. The delegations have been approved by Council resolution/s. Delegations, unless otherwise stated, are deemed to have been made under Clause 32, Schedule 7 of the Local Government Act 2002 (LGA).**







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## Part A

### INTRODUCTION

Part A of this Delegations Register contains introductory and background information for the reader. Of particular note are the principles and general terms and conditions that apply to all Horowhenua District Council delegations.

## 1.1 Purpose

This document is the Delegations Register for the Horowhenua District Council ('the Delegations Register').

The purpose of the Delegations Register is to set out the Horowhenua District Council's ('the Council') policies, procedures and delegations relating to decision making when giving effect to its statutory duties, responsibilities and powers.

## 1.2 Background

### 1.2.1 Definition of Delegation

Delegation is the conveying of a duty or power to act to another person, including the authority that the person making the decision would themselves have had in carrying out that duty or exercising that power.

For the purposes of administrative efficiency and expediency in the conducting of its day-to-day business, the Council delegates certain statutory duties, responsibilities and powers to its standing committees, subcommittees, members or staff. Likewise the Chief Executive delegates certain duties and responsibilities to a subordinate level. These delegations are a necessary operational requirement to achieve best use of the abilities of elected representatives and officers and to promote effective and expeditious decision-making. Delegations seek to avoid administrative delays and inefficiencies.

### 1.2.2 The Legal Basis

Council's authority to delegate to its standing committees, subcommittees, members or staff is principally derived from Schedule 7, Clause 32 of the Local Government Act 2002 (LGA).

Schedule 7 Clause 32 of the LGA states that:

*"Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of the local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except*

- (a) *The power to make a rate; or*
- (b) *The power to make a bylaw; or*
- (c) *The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan; or*
- (d) *The power to adopt a long-term plan, annual plan, or annual report; or*
- (e) *The power to appoint a chief executive; or*
- (f) *The power to adopt policies required to be adopted and consulted on under this Act in association with the long-term plan or developed for the purpose of the local governance statement; or*
- (g) *The power to adopt a remuneration and employment policy.*

Other statutes<sup>1</sup> also confer or limit the ability for the Council to delegate decision-making powers and duties. For instance, Section 34 of the Resource Management Act 1991 restricts the delegation of certain plan approval functions to other than the Council. While the Local Government Official Information and Meetings Act 1987 provides for delegations under section 42 and 43 of that Act, a response to recommendations made to the Council by the Ombudsman (section 32) may not be delegated.

Authority and responsibility are inseparable. Those with responsibility for a task or function should always have the authority to carry it out effectively. It should be noted that no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.

Delegates should willingly accept authority and responsibility for decision-making in the certain knowledge that their decisions, if made in a full, fair, and objective manner, will not be interfered with. The act of delegating involves mutual trust and respect without which the efficiency and effectiveness of the Council would be at risk.

### **1.2.3 Principles, Terms and Conditions**

Unless a delegation in this Register states otherwise, the delegation is derived from the Council. The Council or Chief Executive in their determination as to duties, responsibilities and powers to be delegated will have regard to the principles outlined in Table 1 (below).

In the exercise of any delegation, the delegate (i.e. the person given the delegation) must comply with the general terms and conditions, which are also identified in Table 1. In addition to the general terms and conditions, the delegate must also comply with any additional terms and conditions that might apply to specific delegations.

The laws relating to local government generally recognise that the decisions of a delegate may be reviewed or appealed to the delegator who may confirm, vary, overrule, or substitute any decision although there are exceptions such as where a decision is made and other review remedies are available (e.g. appeal to a court or tribunal).

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<sup>1</sup> See Building Act 2004 - Section 232; Civil Defence Emergency Management Act 2002 - Section 12; Impounding Act 1955 - Section 63; Local Government Official Information and Meetings Act 1987 - Sections 42, 43; Privacy Act 1993 - Sections 124, 125; Public Bodies Contracts Act 1959 - Section 4; Resource Management Act 1991 - Section 34A(3); Sale and Supply of Alcohol Act; Fencing of Swimming Pools Act 1987, Section 12 repealed 1 January 2017 by section 19 of the Building (Pools) Amendment Act 2016.

**Table 1: Principles, Terms and Conditions**

<b>Principles</b>
<p>Because the business to be transacted by the Council is diverse and wide-ranging, delegations are necessary to ensure the efficient, effective, and timely delivery of services to the communities it represents.</p> <p>Delegations made to Council Officers have generally been made to the lowest level of competence commensurate with the degree of responsibility and difficulty involved in the undertaking of the delegation.</p> <p>Where delegations have been made to the Chief Executive and it is noted that the Chief Executive can further delegate, the Chief Executive will delegate those responsibilities, duties and powers having regard to the degree of responsibility and difficulty involved in the undertaking of the delegation.</p> <p>Wherever possible, delegations to officers and employees will and have been made on a wide basis to promote the most effective and efficient implementation and delivery of Council's policies and objectives.</p>
<b>General Terms and Conditions</b>
<p>No delegations shall limit the power of Council or other delegator to exercise a function, duty or power in substitution for a delegate.</p> <p>Delegations must be precise and in writing in order to protect both the Council and the delegate.</p> <p>In the exercise of any delegation, the delegate will ensure they act in accordance with:</p> <ol style="list-style-type: none"><li>1. Any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and</li><li>2. Any relevant Council policy or procedural documents (including reporting and recording requirements).</li></ol> <p>In relation to delegations to officer level, every delegation will be to a stated officer and will be exercised in relation to the duties of their position as identified in their Position Description or when an officer has been appointed in an acting capacity.</p> <p>Decisions, other than on minor or routine matters, made under delegated authority will be reported to the Council or a relevant Committee.</p> <p>For the avoidance of doubt, supervisors shall have the same powers of delegation as subordinate staff, unless the exercise of such delegation requires, by law, a particular qualification or registration.</p> <p>Except as otherwise provided in this delegations register, the Local Government Act 2002, Local Government Official Information and Meetings Act 1987 or any other enactment, a delegation once made cannot be further sub-delegated.</p> <p>The Council may, at any time, revoke, suspend for a period, or amend the terms of conditions in relation to any delegation it has made. Where this occurs, it will be recorded by resolution of Council.</p> <p>The Chief Executive may revoke or suspend for a period, or amend the terms and conditions in relation to:</p>

1. Any delegation to subordinates that they have made; and
2. Any delegation to the Chief Executive that Council has revoked or suspended.

Staff will not exercise delegated authority in cases of uncertainty or where it would be desirable that policy direction be given. There are also circumstances where staff will be required to seek peer review prior to exercising delegated authority, in which case supervisors will make this known.

All staff decisions made under delegated authority should clearly contain an appropriate endorsement e.g. 'made under delegated authority'. Where a delegation exists to make a decision on behalf of Council, the delegate has all the necessary powers of Council to effect that decision, including any related transitional powers prescribed by statute.

The delegations to staff, if required by any enactment, are also made through the Chief Executive Officer by virtue of inclusion in this Register.

#### 1.2.4 Term of Delegation

Unless any delegation is expressed to be for a definable period it will continue until revoked by the delegator or the Council, or withdrawn by operation of law.

#### 1.2.5 Delegation to Office

Unless a contrary intention is indicated every delegation will be to a stated office or position and not to an individual or the membership of a group in their personal capacities. In every case of this type the delegation will survive any change in the occupier of any such office.

### 1.3 Structure

The Delegations Register is structured in four parts.

**Part A** of the Delegations Register presents introductory and background information for the Delegations Register.

**Part B** of the Delegations Register contains general administrative delegations relating to employment matters, the use of the Common Seal, the making of submissions on behalf of council, and the release of information. Part B has five sections.

**Part C** of the Delegations Register contains legal and financial delegations. Part C has four sections.

**Part D** of the Delegations Register contains delegations (not already addressed) relating to the Council's regulatory functions, duties and powers under various statutes. Part D has four sections.



## Part B

### ADMINISTRATIVE DELEGATIONS

Part B of the Delegations Register sets out general administrative delegations relating to employment matters, the issuing of warrants, the execution of deeds and use of the Common Seal, submissions on behalf of Council, and the release of information.

## **2. EMPLOYMENT RELATED DELEGATIONS**

### **2.1 The Chief Executive**

Pursuant to section 42(2) of the Local Government Act 2002, the Chief Executive is responsible, on behalf of the Council, for ensuring the effective and efficient management of the Council, employing staff and negotiating the terms of employment of staff.

It is the role of the Chief Executive to lead and oversee staff in implementing the decisions of the Council and ensuring that all statutory responsibilities of the Council are met. The CE is also responsible for ensuring that all responsibilities, duties and powers delegated to him or her, or to any person employed by the Council, are properly performed or exercised. The Chief Executive may delegate to any other officer of the Council any of his or her powers under the Act, or any other statute, except the power to delegate or any power that is subject to a prohibition on delegation.

The Chief Executive has absolute control over all employment-related matters concerning staff, and has authority to:

- (a) Approve the employment of all staff.
- (b) Approve staff members taking up or engaging in other employment, in addition to their Council employment, subject to the following provisos:
  - Council duties having priority;
  - The other employment is not to interfere with or impair the due and proper discharge of their normal duties;
  - The other employment will not be carried out during the staff member's Council working hours; and
  - There being no conflict of interest arising from the other employment.

The Chief Executive may nominate another staff member (generally a Group Manager) to act as Chief Executive during temporary periods of absence from duties together with such of the Chief Executive's powers as he or she considers appropriate.

## **3. AUTHORISATION TO EXECUTE DEEDS AND USE COMMON SEAL**

The authority to sign any deed is delegated to any two elected members (being the Mayor, Deputy Mayor and Councillors).

The process for selection of elected members to execute each deed will be dictated by timeframes and the availability of elected members.

The Common Seal of the Council shall be held by the Chief Executive who shall be responsible for its use.

A Council resolution is required for the Seal to be affixed to a document; however in the case of a document of a routine nature, and/or a document which is urgent, the Seal may be affixed to such documents and such action reported to the next Council meeting for a confirmation resolution.

Where the Common Seal of the Council is affixed to any document it shall be attested by:

- (a) the Mayor, or in his/her absence, the Deputy Mayor; and
- (b) the Chief Executive, or in his/her absence, the appointed Acting Chief Executive.

The Common Seal will be affixed to any document that is required to be executed under the Seal, including:

- Warrants to enter private land on behalf of the Council made under the Resource Management Act, the Biosecurity Act, the Building Act, Local Government Act 1974 or the Local Government Act 2002;
- When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002;
- Regional policy statements and regional and district plans prepared under the Resource Management Act;
- Bylaws prepared under the Local Government Act 2002 or other relevant statutes;
- Any documents which otherwise require the use of the Council's Common Seal.

#### **Specific terms and conditions**

All Common Seal transactions will be recorded on the *Common Seal Register*, which is maintained by the Executive Assistant to the Chief Executive, and reported to a subsequent Council meeting when not already authorised by Council resolution.

## 4. DELEGATED AUTHORITY TO MAKE SUBMISSIONS

The authority to:

- Make a submission to a Board of Inquiry in relation to a proposed national policy statement under section 49 of the Resource Management Act;
- Make a further submission to a Board of Inquiry in relation to a proposed national policy statement under section 50(2) of the Resource Management Act;
- Make a submission to the Environment Court in relation to a special tribunal's report relating to a water conservation order (section 209 of the Act);
- Be heard at an inquiry for a proposed Water Conservation Order (section 211 of the Act); and
- Apply for the revocation or amendment of any Water Conservation Order (section 216 of the Act);
- Make a submission to an adjoining local authority on any proposed regional policy statement, regional or district plan or change or variation (Clause 6 of Schedule 1 of the Act);
- Make a submission to any application to an adjoining authority for resource consent (section 96 of the Act);

is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

The authority to make a submission on any other matters of general Council interest or concern, where it is not possible within the available time to refer the matter to the Council or relevant standing committee, is delegated to the Chief Executive,

## 5. REQUESTS AND THE RELEASE OF INFORMATION

### 5.1 Official Information

All requests for official information from the Council will be referred to the LGOIMA Officer on behalf of the Chief Executive for his or her information.

The authority to exercise the Council's powers under Parts II to V of the Local Government Official Information and Meetings Act 1987 (except those in section 32 of that Act) is delegated to the Chief Executive, who can further delegate to any other officer or employee of Council as required.

The ability to refuse to release information under Sections 13 and 17 of the Local Government Official Information and Meetings Act 1987 is restricted to the Chief Executive, who can further delegate to any other officer of Council as required.

### 5.2 Privacy Act Requests

The authority to determine in respect of any request for personal information under Part V of the

Privacy Act 1993:

- Whether the request can be granted in whole or in part; or
- Where a request has been granted, whether any information should be withheld; or
- Whether a request for personal information to be corrected should be granted; or
- Ensure compliance with all related administrative requirements;

Is delegated to:

Chief Executive

Any two Privacy Officers acting jointly

A Privacy Officer in consultation with Council's internal Legal Advisor or an external Legal Advisor suitably experienced in Privacy Law.

### **5.3 News Media and Website**

#### **News Media**

The authority to make statements to the news media relating to Council's business is delegated to the Chief Executive, who can further delegate to any other officer of Council as required

Delegations are exercised in accordance with Council's Media and Communication Policy.

### **5.4 Placement of Public Notices or Advertisements**

The authority to place public notices and advertisements in relevant newspapers or other publications is delegated to the Chief Executive, who can further delegate to any other officer of Council as required

Delegations are exercised in accordance with Council's Media and Communication Policy.

### **5.5 Disposal of Council Records**

The authority to dispose of any Council records after receiving confirmation from the relevant Department Manager or, where required, to make application to another authority for disposal, is delegated to:

Group Manager - Corporate Services

Information Services Manager

Information Specialists.

## Part C

# LEGAL AND FINANCIAL DELEGATIONS

Part C of the Delegations Register sets out delegations relating to legal matters, significant decision-making procedures under the Local Government Act 2002, operating expenditure, financial and accounting matters including rating.

## **6. LEGAL ADVICE AND PROCEEDINGS**

### **6.1 Authorisation to Obtain Legal Advice**

The authority to obtain legal advice on Council's behalf is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

### **6.2 Authorisation to Sign Legal Documents**

The authority to sign on Council's behalf any routine legal administrative document is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

### **6.3 Authorisation to Release or Alter Loans, Mortgages and Statutory Land Charges**

The authority to release or alter loans, mortgages and statutory land charges has been delegated to the Chief Executive, who can further delegate to any other officer of Council as required:

### **6.4 Authorisation to Commence Court Proceedings**

Unless otherwise provided for in this Register, the authority to commence Court proceedings is confined to the Council except in exceptional circumstances where time does not permit consideration by Council and where such action is necessary to protect or further Council's interests. In such circumstances the authority to commence Court proceedings is delegated to the *Chief Executive*, following discussion with the *Mayor, the Deputy Mayor, or the Chief Executive Relationship Subcommittee*.

The authority to file in the name of the Council a Statement of Defence, or other appropriate response, to any proceedings against the Council, commenced in any Court or Tribunal is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

### **6.5 Authorisation to Settlement of Claims against Council**

The authority to settle claims against Council, where proceedings are filed or contemplated, up to a limit of **\$50,000** (exclusive of GST) in accordance with a recommendation from Council's insurers, or competent legal advice, where time constraints do not permit the matter to be referred to a meeting of Council or an appropriate Committee, is delegated to the Chief Executive.

### **6.6 Authorisation to Initiate Proceedings to Recover Costs**

The authority to:

Initiate to have Court costs awarded; and  
Initiate legal proceedings to collect Court costs awarded;

is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

## **6.7 Authorisation to Issue a Trespass Notice**

The authority to issue a trespass notice on Council's behalf is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

## **6.8 Authorisation to Vote on behalf of Council**

The authority to vote on behalf of Council, where a resolution of Council is not a prerequisite, is delegated to:

Chief Executive, and

is delegated to:

the Mayor; and in their absence  
the Deputy Mayor; or  
the Chair of the Hearings Committee

The proxy is instructed to vote in the best interests of Council but to take direction from Council on sensitive or controversial matters before committing Council's shareholder votes.

# **7. OPERATING, PLANT AND CONTINGENCY EXPENDITURE**

## **7.1. Authorisation of Operating and Capital Expenditure within Approved Budgets**

The authority to enter into specific contracts for goods and/or services up to a limit of \$1,000,000.00 excl GST, whether operational expenditure or capital expenditure, is delegated to the Chief Executive, who may further delegate to any other officer of Council as required.

That the following financial authority is delegated to the Chief Executive:

\$1,000,000 for both operational and capital expenditure where budgets have been established by an adopted Annual or Long Term Plan.

The Chief Executive has the delegated authority to exceed the \$1,000,000 (for either operational or capital expenditure) in situations where 'whole of life' (e.g. multiyear) contract costs exceed that limit provided that corresponding 'whole of life' (multiyear) budgets have been established by an approved Long Term Plan and those costs are within those budgets.

The Chief Executive has the delegated authority to approve expenditure in excess of \$1,000,000 (for either operational or capital expenditure) for progress claims/payments that are submitted



under a contract that has been approved by Council, an appropriate Council Committee or Subcommittee or Procurement Group established by Council's procurement policy.

The Chief Executive is authorised to re-allocate operating expenditure between budgets with the same provided it is necessary to achieve committed outputs and provided the end-of-year budgeted surplus or deficit will be achieved, provided that any likely exceedance is reported to Council or the relevant Committee.

Table 2 below provides the level of delegated financial authority provided to Group Managers for both operational and capital expenditure within agreed Annual Plan and Long Term Plan budgets.

**Table 2: Delegated authority to approve operating expenditure within approved budgets**

Opex	Capex	Designation
\$400,000	\$500,000	Group Manager – Infrastructure Services
\$200,000	\$150,000	Group Manager – Customer and Regulatory Services
\$200,000	\$200,000	Group Manager - Corporate Services
\$50,000	\$20,000	Group Manager - Strategy and Development
\$50,000	\$50,000	Group Manager - H2040 and Partnership Development

The Chief Executive has the authority to establish financial delegations to other officers (in writing) as he/she considers appropriate.

### 7.3 Authorisation of Contingency Expenditure

The authority to approve contingency expenditure for an emergency including but not limited to flood events, a civil defence emergency management event, maritime oil spills or a pest animal, plant or disease outbreak is delegated to the officers identified in Table 3 and in accordance with the reporting thresholds identified below.

**Table 3: Delegated authority to approve contingency expenditure**

Position	Name	Reporting threshold (exclusive of GST)	Reporting to
Local Controller	As notified in the current Manawatū-Wanganui CDEM Group Plan	\$200,000	Horowhenua District Council as soon as practicable
Recovery Manager	As notified in the current Manawatū-Wanganui CDEM Group Plan	\$200,000	
Logistics Manager	As notified in the current Manawatū-Wanganui CDEM Group Plan	\$50,000	

### 7.4 Authorisation for Carbon Credit Transactions

The authority to approve carbon credit transactions including but not limited to sell, purchase, transfer and redeem carbon credits is delegated to the officers identified in Table 4.

**Table 4: Delegated authority to approve carbon credit transactions**

Account	Position
<b>NZ-6885 Forestry</b>	Chief Financial Officer
	Group Manager – Corporate Services
	Property and Parks Manager
<b>NZ-8244 Landfill</b>	Group Manager – Infrastructure Services
	Planning Manager
	Environmental Engineer

## 8. FINANCIAL AND ACCOUNTING MATTERS

For other specific delegated financial authorities, please refer to Council's Treasury Management Policy

### 8.1 Authorisation to Bank, Invest and Sign Cheques

The authority to:

- (a) Bank, transfer, and invest funds held by the Council in accordance with Council policy, subject to the observance of appropriate internal controls;
- (b) Sign and countersign cheques, bills of exchange, promissory notes and other negotiable instruments, withdrawal notices or authorise electronic payments on behalf of Council;
- (c) Approve payroll payments and all payroll related matters; and
- (d) Approve all tax payments and tax related matters:

is delegated to:

Chief Executive who can further delegate to any other officer of Council as required.

#### Specific terms and conditions:

The above delegation is subject to two of the delegates signing and countersigning appropriate documentation

### 8.2 Authorisation for raising and managing public debt

The authority to provide for and manage Council's borrowing facilities, debt and risk hedging is delegated to the Chief Executive (who can further delegate to any other officer of Council as required) in accordance with the Council's Borrowing Management Policy and the Long Term Plan and/or applicable Annual Plan. (This includes without limitation issuing bonds, drawing debt under existing facilities, renegotiation and extension of existing facilities, negotiation and establishment

of new facilities, hedging interest rates, entry into ISDA agreements to govern derivative hedges, and the approval of counterparties.).

### **8.3 Authorisation to Recover Debts**

The authority to take appropriate action within Council policy to recover debts, including, but not limited to Court (excluding High Court), Tribunal proceedings and debt collection agencies is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.:

### **8.4 Authorisation to Consider Bad Debts**

The authority to write off bad debts of up to \$30,000 following discussion with the Manager of the Department from where the debt originated is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

### **8.5 Authorisation to Approve Credit Notes**

The authority to approve credit notes up to \$30,000 following discussion with the Manager of the Department from where the debt originated is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

### **8.6 Council Property, Leases, and Licenses**

The authority to:

- (a) Approve the leasing or granting of any licence to occupy or tenancy, to vary the terms and conditions of any lease, licence to occupy or tenancy, or to terminate any lease, licence to occupy or tenancy involving Council land;
- (b) Enter into contracts for the maintenance, management and development of any council property.
- (c) Enter into binding agreements for the sale and purchase of property (in accordance with the Long Term Plan) with schedules listing such sales or purchases being submitted to the relevant Standing Committee and/or Council on a regular basis
- (d) Grant and administer stall site licences including licences for the occupation of legal road (including termination thereof where required for non-payment of rental or other good reason):

is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

### **8.7 Use of Council Property, Assets and Staff by Outside Organisations**

The authority to approve:

- (a) The use of any Council building, facility or equipment by an outside person or organisation in accordance with established guidelines;

(b) The hiring out, and the terms and conditions thereof, of any Council asset and staff;

is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

The authority to approve:

- (a) The disposal (whether by tender or otherwise) of any motor vehicle or item of plant in accordance with a recognised programme of vehicle and plant replacement;
- (b) The disposal (whether by tender or otherwise), and the terms thereof, of any other surplus Council asset up to a book value of \$50,000 (exclusive of GST) per item;

is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

### **8.8 Elected Member Payments**

The authority to consider and approve elected members' remuneration and expense claims is delegated to the Chief Executive, who can further delegate to any other officer of Council as required.

### **8.9 Authorisation for Credit Card Expenditure**

Delegated authority to approve credit card expenditure is assigned to:

- (a) the Deputy Mayor or Chair of Finance, Audit and Risk Subcommittee for the Mayor's card
- (b) the Chair of the Chief Executive Relationship Subcommittee or in the Chair's absence the Chair of Finance, Audit and Risk Committee for the Chief Executive's card.
- (c) The Chief Executive for any credit card held by any other staff member.

### **8.10 Authorisation to decide on Rates Remissions**

The authority to consider and decide on applications made under the following Rates Remissions Policies is delegated to the:

Group Manager – Corporate Services, Chief Financial Officer or Finance Manger (or equivalent positions within the Finance Department) to a value of \$2,500. Any requested remissions above \$2,500 or if there is any doubt or dispute arising, the application is to be referred to the Chief Executive and a member of the Finance, Audit and Risk Subcommittee for a decision.

- i. Part 1 Community groups
- ii. Part 2 Voluntarily protected land
- iii. Part 3 Penalties on rates
- iv. Part 4 Excessive water charges
- v. Part 5 Remnant land
- vi. Part 6 Rating units in industrial and commercial areas used for residential purposes
- vii. Part 8 Small rate balances
- viii. Part 9 Targeted rates on non-rateable land

- ix. Part 11 Subdivisions which are in Common Ownership but do not meet the criteria of a Contiguous Property
- x. Part 12 On Bare Land
- xi. Part 13 Council Owned Utilities
- xii. Part 14 Contiguous rating units not in common ownership.

The authority to consider and decide on applications made under the Policy on;

- i. Part 7 Land Used for Primary Industry and Rural Residential purposes in areas that have been rezoned as Residential and Business Zones, is by the Group Manager – Corporate Services and/or Chief Financial Officer with the Chief Executive and/or Chairperson of the Finance, Audit and Risk Subcommittee hearing any appeal.
- ii. Part 10 Properties affected by disasters, is decided by the Council.

The authority to consider and decide on applications made under the following Rates Policies is delegated as follows:

### **8.11 Objections to Rating Valuations**

Section 6 of the Rating Valuations Regulations 1998 allows for a local authority to extend the due date for objections to rating valuations, either because the valuation wasn't received or for any other good reason. The power to decide on an extension to a due date for an objection is delegated to either of:

Chief Executive  
Group Manager – Corporate Services  
Chief Financial Officer.

8.10 Delegations within the Local Government (Rating) Act 2002

Section	Details of Power	Reasons	Delegations
27(5)	The decision on whether to divide rating units and the methodology for division.	A division may be required where a single rating unit falls into a number of differential categories.	CEO Group Manager – Corporate Services Chief Financial Officer Finance Manager
28(2)	The decision on whether the disclosure of the name of any person is necessary to identify a rating unit.	The Rating Information Database (RID) may not contain the name of any person unless this is necessary to identify the particular property.	CEO Group Manager – Corporate Services Chief Financial Officer Finance Manager
29	Authority to determine objections to the RID.	An owner has the right to object to any entry in the RID on a number of grounds. Council determines whether the objection is valid and any actions required correcting it.	CEO Group Manager – Corporate Services Chief Financial Officer Finance Manager
35	Authority to remove a name from the RID.	A person's name may be removed from the RID in circumstances outlined in Section 35. Generally this is as a result of a sale or disposal of the property.	CEO Group Manager – Corporate Services Chief Financial Officer Finance Manager
39	Authority to determine objections to rates records.	A ratepayer may object to information contained in the rates records on the ground that the rates are calculated incorrectly or that the rates balance is incorrect.	CEO Group Manager – Corporate Services Chief Financial Officer
40	Authority to correct errors in the RID and Rate Records.	Errors in the RID or rate records may be corrected even if there was no objection.	CEO Group Manager – Corporate Services Chief Financial Officer Finance Manager
52	Authority to agreed methods of payments for rates.	The Act allows rates to be paid by any method that is agreed by the local authority.	CEO Group Manager – Corporate Services Chief Financial Officer Finance Manager
54	Authority not to collect small amounts, up to \$10.00.	The Act allows the authority to not collect small amounts where, in its opinion, it is uneconomic to do so. It is envisaged that this will only occur where the cost to collect a debt is likely to exceed the amount of the debt due.	CEO Group Manager – Corporate Services Finance Manager

Section	Details of Power	Reasons	Delegations
61	Authority to collect unpaid rates from the owner.	Where a ratepayer, other than the owner, is in default, the local authority may collect rates that are in default, from the owner.	CEO Group Manager – Corporate Services Finance Manager Rates Officer
62	Authority to collect unpaid rates from persons other than the owner.	Where the owner is in default of their rates, the local authority may recover the rates from a mortgagee.	CEO Group Manager - Corporate Services Finance Manager Rates Officer
63	Ability to commence legal proceedings for the recovery of rates that are in default.	Where rates are in default, the local authority may commence legal proceedings against the owner for recovery of the rates.	CEO  Group Manager – Corporate Services Chief Financial Officer Finance Manager
67	Commencement of rating sales or lease provisions.	Once a local authority has received judgement and payment had not been received within the prescribed period, the authority may commence the process to carry out a rating sale or lease of the land to satisfy the level of the debt. <i>Note: This process is carried out by the District Court Registrar and does not apply to Māori Freehold Land.</i>	CEO Group Manager – Corporate Services Chief Financial Officer
72	Authority to sell land by private treaty.	If land that was the subject of a rating sale does not sell above the reserve set by the Registrar, the Registrar may, with the consent of the local authority, sell the land by private treaty for any consideration that the Registrar thinks reasonable. <i>Note: This does not apply to Māori Freehold Land.</i>	CEO Group Manager – Corporate Services Chief Financial Officer
77–83	Authority to sell abandoned land.	<i>A local authority has the power to commence the process to have land declared ‘abandoned’ if rates have not been paid on it for three years, and the ratepayer:</i> <ul style="list-style-type: none"> <li>• is unknown, or</li> <li>• cannot be found after due enquiry, or</li> <li>• is deceased and has no personal representative, or</li> <li>• has given notice of the intention to abandon or has</li> </ul>	CEO Group Manager – Corporate Services Chief Financial Officer

Section	Details of Power	Reasons	Delegations
		<p>abandoned the land. The process is carried out through the District Court and the Court has to be satisfied the appropriate endeavours have been made to discover the owner. <i>Note: This does not apply to Māori Freehold Land.</i></p>	
85	Authority to administer rate remission and postponement policies.	As defined within the remission and postponement policies.	CEO Group Manager – Corporate Services Chief Financial Officer Finance Manager
99	Authority to apply for charging orders.	The Act provides that where it has proved impossible to obtain rate on Māori Freehold Land, a local authority may apply to the Māori Land Court for a charging order on the land.	CEO Group Manager – Corporate Services Chief Financial Officer
135	Authority to sign documents for Court proceedings.	The Act authorises Council to commence legal proceedings. The authority to sign such documents needs to be delegated to appropriate officers.	CEO Group Manager – Corporate Services Chief Financial Officer

## 8.12 Receipting and administering external grants

Staff are already delegated the authority to enter into contracts within authorised expenditure limits. However at other times, staff are required to enter into contracts where Council is receiving external funding or administering funding on behalf of external organisations. The power to receive and/or administer external grants or funding is delegated to the Chief Executive, who can further delegate to any other officer of Council as required::



## Part D

# STATUTORY DELEGATIONS

Part D of the Delegations Register sets out delegations under various statutes to Council committees, staff, and other functionaries.

## 12. DELEGATION TO OFFICERS

### Group Manager - Customer and Regulatory Services

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
  - (a) Section 168 Power to dispose of property seized and impounded
  - (b) Section 171 General powers of entry
  - (c) Section 172 Power of entry for enforcement purposes
  - (d) Section 173 Power of entry in cases of emergency
  - (e) Section 174 Authority to act
  - (f) Section 177 Power to appoint enforcement officer
  
2. Building Act 2004
  - (a) Section 83 Removing section 78 Notices (buildings constructed over title boundaries)
  - (b) Sections 121-130 Seek advice and perform functions in relation to Dangerous & Insanitary Buildings including carry out work and take measures to avoid immediate danger or fix insanitary conditions
  - (c) Section 220 Territorial authority may carry out building work on default
  - (d) Section 221 Recovery of costs when territorial authority carries out work on default
  - (e) Section 377 Lay information for prosecution
  - (f) Section 381 Apply to District Court for Injunction
  
3. Dog Control Act 1996
  - (a) Section 22(4) To give written Notice – Decision on a probationary owner objection
  - (b) Section 27(2) To give written Notice – Decision on a disqualified owner objection
  - (c) Section 31(5) To give written Notice – Decision on a Dangerous Dog objection
  - (d) Section 33D(4) To give written Notice – Decision on a Menacing Dog objection
  - (e) Section 35 Supply of Register Information
  - (f) Section 66 Power to Waive Infringement Notice
  
4. General
  - (a) Authorise Legal proceedings in respect of any area of responsibility.
  
5. Local Government Act 1974
  - (a) Section 327A Building line restrictions
  - (b) Section 348 Powers with respect to private roads and ways
  - (c) Section 353 General safety provisions as to roads
  - (d) Section 356 Removal of abandoned vehicles from roads
  
6. Traffic and Parking

- (a) To waive Stationary Vehicle Infringement Offence Notices in accordance with defined policy
- (b) To authorise parking exemption/permit requests in accordance with defined policy.

**Consents Manager**  
**Compliance Manager**  
**Customer Experience Manager**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 168 Power to dispose of property seized and impounded
- (b) Section 171 General powers of entry
- (c) Section 172 Power of entry for enforcement purposes
- (d) Section 173 Power of entry in cases of emergency
- (e) Section 174 Authority to act

2. Building Act 2004

- (a) Section 83 Removing section 78 Notices (buildings constructed over title boundaries)
- (b) Sections 121-130 Seek advice and perform functions in relation to Dangerous & Insanitary Buildings including carry out work and take measures to avoid immediate danger or fix insanitary conditions
- (c) Section 220 Carrying out building work on default
- (d) Section 377 Lay information for prosecution

3. Dog Control Act 1996

- (a) Section 21(1), (2) & (4) Classifying a Probationary Owner
- (b) Section 22(4) Probationary Owner Objection
- (c) Section 25(1), (3) & (4) Disqualification of Dog Owners
- (d) Section 26 Objection to disqualification of owners
- (e) Section 31(1) & (2) Dangerous Dog Classification and Objections
- (f) Section 32(1)(f) Disposal of Dangerous Dog
- (g) Section 33A & 33C Classifying Dog as Menacing
- (h) Section 33D Menacing Dog Objection
- (i) Section 35 Supply of Register Information
- (j) Section 66 Power to Waive Infringement Notice

4. Local Government Act 1974

- (a) Section 327A Building-line restrictions
- (b) Section 348 Powers with respect to private roads and ways
- (c) Section 353 General safety provisions as to roads
- (d) Section 356 Abandoned Vehicles Removal

5. Horowhenua District Council Bylaws and Policies

- (a) Land Transport Bylaw

- (b) Dog Control Policy and Bylaw
- (c) Food Premises Grading Policy
- (d) Public Places Bylaw
- (f) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw
- (g) Dangerous & Insanitary Buildings Policy
- (h) Gambling Class 4 Venue Policy
- (i) TAB Venue policy
- (j) Local Alcohol Policy
- (k) Psychoactive Substances Policy
- (l) Infringement Policies
- (m) Solid Waste Bylaw 2014

6. The Sale and Supply of Alcohol Act 2012

- (a) Section 64 Issue of licences, certificates and authorities
- (b) Section 65 Set up and maintain registers
- (c) Section 66 Keep record of Applications
- (d) Section 196 Perform function of Secretary of Licensing Committee (delegated under section 198 to Group Manager - Customer and Regulatory Services or in their absence the Compliance Manager).

7. Litter Act

- (a) Section 5 Litter Control Officer

8. General

- (a) Authorise Legal proceedings in respect of any area of responsibility

9. Food Act 2014

- (a) To carry out any functions as the registration authority as detailed in the Act.

10. Regulations

- (a) To issue, revoke and decline certificates of registration, grant certificates of exemption and issue notices under Regulation 9 of the Health (Registration of Premises) Regulations 1966, including those for the purposes of the Health (Hairdressers) Regulations 1980; Camping Ground Regulations 1985 and Health (Burial) Regulations 1946.
- (b) Functions as detailed in the Food Fees and Charges Regulations 2015 (exempt, waive, or refund fees).

11. Traffic and Parking

- (a) To waive Stationary Vehicle Infringement Offence Notices in accordance with defined policy.
- (b) To authorise parking exemption/permit requests in accordance with defined policy.

12. Health Act 1956 (subject to the officer holding a qualification recognised under the Environmental Health Officers Qualifications Regulations 1993)

- (a) Section 28 Be appointed as an Environmental Health Officer
- (b) Section 41 Issue Cleansing Orders
- (c) Section 42 Issue Repair Notices

- (d) Section 81 & 83 Powers in relation to cleaning and disinfecting
- (e) Section 128 Entry onto premises for Inspection

### Animal Control Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Dog Control Act 1996

- (a) Section 11 To carry out all or any of the functions and powers of a Dog Control Officer
- (b) Section 12 To carry out all or any of the functions and powers of a Dog Ranger
- (c) Section 14 Power of Entry
- (d) Section 15 Power to Feed and Shelter Dogs
- (e) Section 19 & 19A Power to Request Information
- (f) Section 31(1) & (2) Classifying Dog as Dangerous
- (g) Section 33A & 33C Classifying Dog as Menacing
- (h) Section 57 To seize, or destroy Dog attacking persons or animals
- (i) Section 57A To seize Dog rushing at persons, animals or vehicles
- (j) Section 66 Issue of Infringement Notices
- (k) Section 69 To give written notice to the owner of an impounded dog
- (l) Section 69 To sell, destroy or otherwise dispose of a dog
- (m) Section 71 To seize, or destroy Dog threatening public safety.

3. Stock Impounding Act 1955

- (a) Section 8 Appointed as a Pound Keeper
- (b) Section 13(k) Authorised to keep records required to be kept by a Local Authority

4. Horowhenua District Council Bylaws and Policies

- (a) Land Transport Bylaw
- (b) Dog Control Bylaw
- (c) Public Places Bylaw
- (d) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw.

5. Local Government Act 1974

- (a) Section 356 Abandoned Vehicles Removal

### Environmental Health Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry

- 
- (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
2. Building Act 2004
- (a) Section 121 & 124 Insanitary Building Provisions
  - (b) Section 222 Carry Out Inspections
3. Health Act 1956
- (a) Section 28 Be appointed as an Environmental Health Officer
  - (b) Section 41 Issue Cleansing Orders
  - (c) Section 42 Issue Repair Notices
  - (d) Section 81 & 83 Powers in relation to cleaning and disinfecting
  - (e) Section 128 Entry onto premises for Inspection
4. Resource Management Act 1991
- (a) Section 38 Appointed as an Enforcement Officer
  - (b) Section 332 Power of Entry for Inspection
  - (c) Section 336 Return of Property Seized under Sections 323 & 328
5. Food Act 2014
- (a) To carry out any functions as the registration authority as detailed in the Act.
6. Regulations
- (a) To issue, revoke and decline certificates of registration, grant certificates of exemption and issue notices under Regulation 9 of the Health (Registration of Premises) Regulations 1966, including those for the purposes of the Health (Hairdressers) Regulations 1980; Camping Ground Regulations 1985, and Health (Burial) Regulations 1946.
  - (b) Take actions under Food Act Regulations 2015.
7. Horowhenua District Council Bylaws and Policies
- (a) Land Transport Bylaw
  - (b) Dog Control Bylaw
  - (c) Food Premises Grading Policy
  - (d) Public Places Bylaw
  - (e) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw
  - (f) Dangerous & Insanitary Buildings Policy.
8. Local Government Act 1974
- (a) Section 356 Abandoned Vehicle Removal
9. The Sale and Supply of Alcohol Act 2012
- (a) Section 197(1) Appointed as District Licensing Inspector
  - (b) Section 197(3) Carry out functions and duties of inspector
  - (c) Section 262(1) Issue specified infringement notices
  - (d) Section 267 Powers of Entry on Licensed Premises

- (e) Section 268 Power to seize samples of Alcohol
- (f) Section 279 Building not complying with Building Act 2004
- (g) Section 280 Variation, suspension, or cancellation of licences other than special licences
- (h) Section 283 Variation, suspension, or cancellation of special licences
- (i) Section 285 Suspension or cancellation of Manager's Certificates

10. Litter Act

- (a) Section 5 Litter Control Officer

**Building Advisory Officer**  
**Building Advisory Cadet**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Building Act 2004

- (a) Section 12(1) Functions incidental and related to or consequential upon the functions in paragraphs (a) to (e)
- (b) Section 34 Issue Project Information Memorandum
- (c) Section 48(2) Suspend a building consent because of lack of information
- (d) Section 49 Grant building consent
- (e) Section 50 Refuse building consent
- (f) Section 51 Issue building consent
- (g) Section 52 Lapse building consent
- (h) Section 62 Recover unpaid levies from building consent applicant
- (i) Section 67 Grant building consent subject to waivers or modifications of Building Code
- (j) Section 71 Refuse to grant consent on land subject to natural hazards
- (k) Sections 72 & 73 Grant building consent on land subject to natural hazards
- (l) Section 74 Removing Section 71 Notices
- (m) Sections 75 & 77 Permit construction of building on two or more allotments
- (n) Section 83 Grant authority to remove entry under section 78
- (o) Section 90 Inspect building work
- (p) Sections 91 - 95 Issue Code Compliance Certificate
- (q) Section 95A Refuse to issue Code Compliance Certificate
- (r) Sections 96, 98 & 99 Issue Certificate of Acceptance
- (s) Sections 102 & 106 Issuing and Amending of Code Compliance Certificate
- (t) Section 108 Administering Annual Building Warrant of Fitness
- (u) Section 109 Consider recommendation to amend Compliance Schedule
- (v) Section 111 Inspections in relation to Building Warrant of Fitness
- (w) Section 112 Approve or Waive requirement for building alterations to comply with Building Code
- (x) Sections 113, 115 & 116 Grant consent for alterations to building with Specified Intended Life
- (y) Section 116A Grant of Certificate under section 224(f) of Resource Management Act 1991

- (z) Sections 121 - 130 Seek advice and perform functions in relation to Dangerous & Insanitary Buildings
  - (aa) Section 126 Apply for Order to carry out building work
  - (bb) Sections 129 & 130 Take measures to avoid immediate danger or to fix insanitary conditions
  - (cc) Section 162D Inspection of Residential Pools
  - (dd) Section 164 Issue Notice to Fix
  - (ee) Section 167 Inspect building work under Notice to Fix
  - (ff) Section 177 Make application for Determination
  - (gg) Section 212 Act as Building Consent Authority
  - (hh) Section 220(2) Make application to District Court for order to carry out building work
  - (ii) Section 221(2) Recovery of costs for carrying out work
  - (jj) Section 222 Carry out Inspections
  - (kk) Section 363A Issue of Certificate for Public Use of Premises
  - (ll) Section 371A, B & C Authorised as an enforcement officer
  - (mm) Section 372 Issue Infringement Notices
  - (nn) Section 377 Lay information for prosecution
  - (oo) Section 381 Apply to District Court for Injunction
  - (pp) Schedule 1 Exempting work from need to obtain building consent
3. Amusement Device Regulations 1978
- (a) Regulation 11(3) Inspection of Amusement Device
  - (b) Regulation 11(5) Issue of Permit
4. Horowhenua District Council Bylaws and Policies
- (a) Public Places Bylaw
  - (b) Dangerous & Insanitary Buildings Policy
5. Resource Management Act 1991
- (a) Section 224(f) Power to certify compliance with building code provisions
6. Local Government Act 1974
- (a) Section 356 Abandoned Vehicles Removal.

### **TA Building Compliance Officer**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
- (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
2. Building Act 2004
- (a) Section 12 Functions incidental and related to or consequential upon the functions in paragraphs (a) to (k)
  - (b) Section 34 Issue Project Information Memorandum



- 
- |      |                         |  |
|------|-------------------------|--|
| (c)  | Section 62              | Recover unpaid levies from building consent applicant                              |
| (d)  | Section 67              | Grant building consent subject to waivers or modifications of Building Code        |
| (e)  | Section 75              | Permit construction of building on two or more allotments                          |
| (f)  | Section 77              | Building consent must not be granted until condition is imposed under section 75   |
| (g)  | Section 83              | Grant authority to remove entry under section 78                                   |
| (h)  | Sections 96, 98, & 99   | Issue Certificate of Acceptance  |
| (i)  | Section 102 & 106       | Issuing and Amending of Compliance Schedules                                       |
| (j)  | Section 108             | Administering Annual Building Warrant of Fitness                                   |
| (k)  | Section 109             | Consider recommendation to amend Compliance Schedule                               |
| (l)  | Section 111             | Inspections in relation to Building Warrant of Fitness                             |
| (m)  | Section 112             | Approve of Waive requirement for building alterations to comply with Building Code |
| (n)  | Sections 113, 115 & 116 | Grant consent for alterations to building with Specified Intended Life             |
| (o)  | Section 116A            | Grant of Certificate under section 224(f) of Resource Management Act 1991          |
| (p)  | Section 123A & 124      | Seek advice and perform functions in relation to Dangerous & Insanitary Buildings  |
| (q)  | Section 126             | Apply for Order to carry out building work   |
| (r)  | Section 129 & 130       | Take measures to avoid immediate danger or to fix insanitary conditions            |
| (s)  | Section 162D            | Inspection of Residential Pools  |
| (t)  | Section 164             | Issue Notice to Fix  |
| (u)  | Section 167             | Inspect building work under Notice to Fix  |
| (v)  | Section 177             | Make application for Determination   |
| (w)  | Section 220(2)          | Make application for District Court for order to carry out building work           |
| (x)  | Section 221(2)          | Recovery of costs for carrying out work  |
| (y)  | Section 222             | Carry out inspections  |
| (z)  | Section 363A            | Issue of Certificate for Public Use of Premises                                    |
| (aa) | Section 371A, B & C     | Authorised as an enforcement officer   |
| (bb) | Section 372             | Issue Infringement Notices   |
| (cc) | Section 377             | Lay information for prosecution  |
| (dd) | Section 381             | Apply to District Court for Injunction   |
| (ee) | Schedule 1              | Exempting work from need to obtain building consent                                |
3. Amusement Device Regulations 1978
- |     |                  |                                |
|-----|------------------|--------------------------------|
| (a) | Regulation 11(3) | Inspection of Amusement Device |
| (b) | Regulation 11(5) | Issue of Permit                |
4. Horowhenua District Council Bylaws and Policies
- |     |   |
|-----|---|
| (a) | Public Places Bylaw   |
| (b) | Land Transport Bylaw  |
| (c) | Dangerous & Insanitary Buildings Policy                         |
| (d) | Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw |
5. Resource Management Act 1991
- |     |                |   |
|-----|----------------|---|
| (a) | Section 224(f) | Power to certify compliance with building code provisions |
|-----|----------------|---|
6. Local Government Act 1974

- (a) Section 356 Abandoned Vehicles Removal

### Liquor Licensing Inspector

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry  
(b) Section 172 Power of entry for enforcement purposes  
(c) Section 173 Power of entry in cases of emergency  
(d) Section 174 Authority to act

2. The Sale and Supply of Alcohol Act 2012

- (a) Section 197(1) Appointed as District Licensing Inspector  
(b) Section 197(3) Carry out functions and duties of inspector  
(c) Section 262(1) Issue specified infringement notices  
(d) Section 267 Powers of Entry on Licensed Premises  
(e) Section 268 Power to seize samples of Alcohol  
(f) Section 279 Building not complying with Building Act 2004  
(g) Section 280 Variation, suspension, or cancellation of licences other than special licences  
(h) Section 283 Variation, suspension, or cancellation of special licences  
(i) Section 285 Suspension or cancellation of Manager's Certificates

3. Resource Management Act 1991

- (a) Section 38 Appointed as an Enforcement Officer  
(b) Section 336 Return of Property Seized under sections 323 & 328

4. Local Government Act 1974

- (a) Section 356 Abandoned Vehicles Removal

5. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw  
(b) Land Transport Bylaw  
(c) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw.

### Parking Enforcement Officers

#### Parking Warden

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry  
(b) Section 172 Power of entry for enforcement purposes  
(c) Section 173 Power of entry in cases of emergency  
(d) Section 174 Authority to act

2. Traffic and Parking

To exercise the powers, functions and duties of an Authorised Officer under the Horowhenua District Council Land Transport Bylaw as it relates to Traffic and Parking.

3. Land Transport Act 1998

- (a) Section 128D Appointment of Parking Warden
- (b) Section 128E Powers of Parking Warden
- (c) Section 139(1) Issuing of Infringement Notices

4. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw

**Customer Support Officer - Consents (Planning)**

**Customer Support Officer - Consents (Building)**

**Customer Support Officer – Compliance**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. The Sale and Supply of Alcohol Act 2012

- (a) Section 66 Keep record of Applications
- (b) Section 65 Set up and maintain register

3. Local Government Act 1974

- (a) Section 356 Abandoned Vehicles Removal

4. General

- (a) Conduct administrative requirements as it relates to the Food Act 2014, Health (Registration of Premises) Regulations 1966, Building Act 2004, Resource Management Act 1991, and any other relevant legislation and bylaws.

5. Traffic and Parking

- (a) To waive Stationary Vehicle Infringement Offence Notices in accordance with defined policy.
- (b) To authorise parking exemption/permit requests in accordance with defined policy.

**RMA Monitoring and Compliance Officer**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry

- 
- (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
2. Resource Management Act 1991
- (a) Section 38 Appointment as an Enforcement Officer
  - (b) Section 332 Power of Entry for Inspection
  - (c) Section 336 Return of Property Seized under Sections 323 & 328.
3. Horowhenua District Council Bylaws and Policies
- (a) Land Transport Bylaw
  - (b) Dog Control Bylaw
  - (d) Public Places Bylaw
  - (f) Animal Nuisance and the Keeping of Pigs, Poultry and Bees Bylaw
4. Litter Act
- (a) Section 5 Litter Control Officer
5. Local Government Act 1974
- (a) Section 356 Abandoned Vehicles Removal
6. Traffic and Parking
- (a) To waive Stationary Vehicle Infringement Offence Notices in accordance with defined policy.
  - (b) To authorise parking exemption/permit requests in accordance with defined policy.

**Resource Management Planner**  
**Resource Management Planner Cadet**  
**Planning Technician**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
- (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
2. Resource Management Act 1991
- (a) Section 38 Appointment as an Enforcement Officer
  - (b) Section 332 Power of Entry for Inspection
3. Horowhenua District Council Bylaws and Policies
- (a) Land Transport Bylaw
  - (b) Public Places Bylaw.

**Group Manager – Strategy and Development**  
**Principal Policy Advisor**  
**Strategic Planner**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
  - (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
2. Resource Management Act 1991
  - (a) Section 38 Appointment as an Enforcement Officer
  - (b) Section 332 Power of Entry for Inspection

**Armourguard Security Officers**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
  - (a) Section 164 Seizure of Property not on Private Land
  - (b) Section 171 General powers of entry
  - (c) Section 172 Power of entry for enforcement purposes
  - (d) Section 173 Power of entry in cases of emergency
  - (e) Section 174 Authority to act
2. Resource Management Act 1991
  - (a) Section 38 Appointment as an Enforcement Officer
  - (b) Section 16 & 17 Noise Control provisions
  - (c) Section 327 Issue of Excessive Noise Direction
  - (d) Section 328 (3) & (4) Seizure and Removal of excessive noise equipment
  - (e) Section 338 Issue Infringement Notices - failing to comply with excessive noise direction
3. Litter Act
  - (a) Section 5 Litter Control Officer
4. Horowhenua District Council Bylaws and Policies
  - (a) Land Transport Bylaw (Traffic and Parking Bylaw)
  - (b) Dog Control Bylaw
  - (c) Public Places Bylaw
  - (d) Animal Nuisance and Keeping of Pigs, Poultry and Bees Bylaw.
5. Local Government Act 1974
  - (a) Section 356 Abandoned Vehicles Removal
6. Reserves Act 1977

- (a) Section 8 Honorary Ranger

7. Camping Grounds Regulations 1985

**Customer Services and Advisory Officers**

To exercise responsibilities, powers, duties and functions under the following:

1. Horowhenua District Council Prevention of Spread of Fires Involving Vegetation Bylaw

- (a) Clause 6 Issue of Fire Permits

2. Traffic and Parking

- (a) To authorise parking exemption/permit requests in accordance with defined policy.

**Beach Wardens – Foxton Beach and Waitare Beach**

To exercise responsibilities, powers, duties and functions as a warranted Beach Traffic Control Warden and Litter Control Officer under the control of Council.

**Property and Parks Manager**

**Parks and Property Leads**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 164 Seizure of Property not on Private Land  
(b) Section 171 General powers of entry  
(c) Section 172 Power of entry for enforcement purposes  
(d) Section 173 Power of entry in cases of emergency  
(e) Section 174 Authority to act

2. Local Government Act 1974

- (a) Section 355 Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan

3. Litter Act

- (a) Section 5 Litter Control Officer

4. Horowhenua District Council Bylaws and Policies

- (a) Public Places Bylaw  
(b) Land Transport Bylaw  
(c) Solid Waste Bylaw  
(d) Trade Waste Bylaw

5. Reserves Act 1977

Representative for purpose of Section 40 of the Reserves Act.

- (a) Section 8 Honorary Ranger

6. Resource Management Act 1991
  - (a) Section 38 Appointment as an Enforcement Officer
7. Camping Ground Regulations 1985

Officer for purpose of administering Act.
9. Burial and Cremation Act

Appointment as Officer under Section 19.
10. Fencing Act

Appointment as representative for administering of the Act.
11. Residential Tenancies Act

Appointed Council's representative for administration of the Act.

### **Parks and Property Officer**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
  - (a) Section 164 Seizure of Property not on Private Land
  - (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
2. Local Government Act 1974
  - (a) Section 355 Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan
3. Litter Act
  - (a) Section 5 Litter Control Officer
4. Horowhenua District Council Bylaws and Policies
  - (a) Public Places Bylaw
  - (b) Animal Nuisance and Keeping of Pigs, Poultry, and Bees Bylaw
5. Reserves Act 1977
  - (a) Section 8 Honorary Ranger
6. Camping Ground Regulations 1985

It is noted that by virtue of being an office holder under some statutes, staff have duties and powers which are additional to any delegation. In those cases staff are acting under appointment rather than delegation.

## Group Manager - Infrastructure Services

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
  - (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
  - (e) Section 177 Power to appoint an enforcement officer
2. Local Government Act 1974
  - (a) Section 355 Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan
3. Resource Management Act 1991
  - (a) Section 38 Authorisation of an Enforcement Officer
4. Horowhenua District Council Bylaws and Policies
  - (a) Solid Waste Bylaw
  - (b) Trade Waste Bylaw
  - (c) Water Supply Bylaw
  - (d) Wastewater Bylaw
5. General
  - (a) Authorise Legal proceedings in respect of any area of responsibility.

## Roading Services Manager

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
  - (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
2. Horowhenua District Council Bylaws and Policies
  - (a) Public Places Bylaw
  - (b) Land Transport Bylaw
3. Litter Act
  - (a) Section 5 Litter Control Officer



### Roading Projects Team Leader

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
  - (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
2. Horowhenua District Council Bylaws and Policies
  - (a) Public Places Bylaw
  - (b) Land Transport Bylaw
3. Litter Act
  - (a) Section 5 Litter Control Officer

### Roading Compliance / CAR Officer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
  - (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
  - (e) Section 182 Power of entry to Check utility services
2. Local Government Act 1974
  - (a) Section 355 Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan
3. Resource Management Act 1991
  - (a) Section 38 Authorisation of an Enforcement Officer
4. Horowhenua District Council Bylaws and Policies
  - (a) Solid Waste Bylaw
  - (b) Trade Waste Bylaw
  - (c) Public Places Bylaw
  - (d) Land Transport Bylaw
5. Litter Act
  - (a) Section 5 Litter Control Officer

### Roading Engineer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
  - (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
2. Horowhenua District Council Bylaws and Policies
  - (a) Public Places Bylaw
  - (b) Land Transport Bylaw
3. Litter Act
  - (a) Section 5 Litter Control Officer

### Roading Projects Team Leader

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
  - (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
2. Horowhenua District Council Bylaws and Policies
  - (a) Public Places Bylaw
  - (b) Land Transport Bylaw
3. Litter Act
  - (a) Section 5 Litter Control Officer

### Roading Projects Engineer

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
  - (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
2. Horowhenua District Council Bylaws and Policies
  - (a) Public Places Bylaw
  - (b) Land Transport Bylaw

3. Litter Act

- (a) Section 5 Litter Control Officer

**Environmental Engineer**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry  
(b) Section 173 Power of entry in cases of emergency  
(c) Section 174 Authority to act

2. Horowhenua District Council Bylaws and Policies

- (a) Solid Waste Bylaw  
(b) Trade Waste Bylaw  
(c) Water Supply Bylaw

3. Litter Act

- (a) Section 5 Litter Control Officer

**Graduate Services Engineer – Wastewater**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry  
(b) Section 173 Power of entry in cases of emergency

2. Horowhenua District Council Bylaws and Policies

- (a) Solid Waste Bylaw  
(b) Trade Waste Bylaw  
(c) Water Supply Bylaw  
(d) Wastewater Bylaw

3. Litter Act

- (a) Section 5 Litter Control Officer

**Water Services Engineer**

**Graduate Services Engineer – Water**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry  
(b) Section 173 Power of entry in cases of emergency

2. Horowhenua District Council Bylaws and Policies

- (a) Solid Waste Bylaw
- (b) Trade Waste Bylaw
- (c) Water Supply Bylaw
- (d) Wastewater Bylaw

3. Litter Act

- (a) Section 5 Litter Control Officer

**Planning Manager (Alliance)**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act
- (e) Section 177 Power to appoint an enforcement officer
- (f) Section 182 Power of entry to check utility services

2. Local Government Act 1974

- (a) Section 355 Requiring removal of overhanging trees etc. with the exception of trees scheduled or generally protected by the Operative District Plan

3. Resource Management Act 1991

- (a) Section 38 Authorisation as an Enforcement Officer

4. Horowhenua District Council Bylaws and Policies

- (a) Solid Waste Bylaw
- (b) Trade Waste Bylaw
- (c) Water Supply Bylaw
- (d) Wastewater Bylaw 2015

5. General

- (a) Authorise Legal proceedings in respect of any area of responsibility.

6. Litter Act 1979

- (a) Litter Control Officer

**Project Management and Design Engineer (Civil)**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- 
- (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
  - (e) Section 182 Power of entry to check utility services
2. Resource Management Act 1991
- (a) Section 38 Authorisation as an Enforcement Officer
3. Horowhenua District Council Bylaws and Policies
- (a) Solid Waste Bylaw
  - (b) Trade Waste Bylaw
  - (c) Water Supply Bylaw
  - (d) Wastewater Bylaw 2015
4. Litter Act 1979
- (a) Litter Control Officer

### **Projects Engineer**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002
- (a) Section 171 General powers of entry
  - (b) Section 172 Power of entry for enforcement purposes
  - (c) Section 173 Power of entry in cases of emergency
  - (d) Section 174 Authority to act
  - (e) Section 182 Power of entry to check utility services
2. Resource Management Act 1991
- (a) Section 38 Authorisation as an Enforcement Officer
3. Horowhenua District Council Bylaws and Policies
- (a) Solid Waste Bylaw
  - (b) Trade Waste Bylaw
  - (c) Water Supply Bylaw
  - (d) Wastewater Bylaw 2015
4. Litter Act
- (a) Litter Control Officer 1979

### **Development Engineer** **Asset Planning Manager** **Asset Planning Technician**

To exercise responsibilities, powers, duties and functions under the following:

1. Local Government Act 2002

- (a) Section 171 General powers of entry
- (b) Section 172 Power of entry for enforcement purposes
- (c) Section 173 Power of entry in cases of emergency
- (d) Section 174 Authority to act

2. Resource Management Act 1991

- (a) Section 38 Authorisation as an Enforcement Officer
- (b) Section 332 Power of Entry for Inspection

## RESOURCE MANAGEMENT ACT 1991 AND ASSOCIATED LEGISLATION DELEGATIONS

These are specific delegations to the Chief Executive, Group Manager - Customer and Regulatory Services, Group Manager Strategy & Development, Strategic Planner, Principal Policy Advisor, Consents Manager, Resource Management Planners and Customer and Regulatory Services.

Section or Clause Number	Delegation Description	Delegated To (Acronym)	Notes
		<p>Council Chief Executive (CE),</p> <p>Group Manager - Customer and Regulatory Services (GMCRS)</p> <p>Group Manager – Strategy and Development (GMSD)</p> <p>Customer Experience Manager (CEM) Consents Manager (CM) Compliance Manager (CPM) Strategic Planner (SP) Principal Policy Advisor (PPA)</p> <p>Resource Consents Planners (P), Planning Technician and Resource Management Planner Cadet</p> <p>In consultation with the Chairperson of the Hearings Committee (ICWC). See notes</p>	<ol style="list-style-type: none"> <li>1. Delegations include temporary Acting CE, GMCRS, GMSD, PPA, or SP when relevant or required.</li> <li>2. The notation (ICWC) requires any officers exercising powers under the relevant section to obtain the consent of the Chairperson of the Hearings Committee before exercising any authority. Where the delegations refer to consultation with the Chairperson, the Chairperson shall retain the discretion to require such matters to be referred back to the Hearings Committee.</li> </ol>

<b>LOCAL GOVERNMENT ACT 1974</b>			
327A	Cancellation of building line restrictions	CE, GMCRS, GMSD, CEM, CM, CPM, SP, PPA	
348	The power to exercise all powers of Council in respect of private roads and private ways	CE, GMCRS, GMSD, CM SP, P, PPA	
319(i)	To name (alter name) of roads	CE	
319	General powers in respect of roads	CE, GMCRS, GMSD, CM, SP, P, PPA	
<b>LOCAL GOVERNMENT ACT 2002</b>			
171	The power to approve entry to any land or building other than a dwelling house (and to sign a warrant to that effect) for doing anything that the Local Authority is empowered to do under this Act or any other Act and to issue a warrant under the seal of Council authorising that the person is so authorised.	CE, GMCRS, GMSD, CM, SP, PPA	See RMA S332/333
177	The power to appoint an enforcement officer.	CE, GMCRS	
215	The power to approve an application for a removal order.	CE, GMCRS	
<b>UNIT TITLES ACT 2010</b>			
32(2)	The power to provide certification pursuant to subsection (2)	CE, GMCRS, GMSD, CM, SP, PPA	



RESOURCE MANAGEMENT ACT 1991			
10(2)(b)	Time extension to existing use	CE, GMCRS, GMSD, CM, SP, PPA	
34(A)(1) and (2) and 100(A)	The nomination of one or more commissioners from the list of commissioners appointed by the Council for hearings (Ref. report No 3654 / 2008 adopted 1/10/2008).	CE, GMCRS, GMSD, CM, SP, PPA (ICWC)	
36(5)	Power to reduce or waive fees or deposits for charitable or community organisations or in other situations deemed appropriate.	CE, GMCRS	
37(1)	Power to waive or extend time limits as specified in this section.	CE, GMCRS, GMSD, CM, SP, P, PPA	
37(2)	Waive compliance with the requirement to submit information as outlined in Section 37(2) and the power to set new terms for the rectification or the omission of the inaccuracy.	CE, GMCRS, CRSM, GMSD, CM, SP, P, PPA	
37A(6)	Power to determine and notify those persons who are directly affected by the extension or waiver of compliance with a time period, method of service, or service of document.	CE, GMCRS, GMSD, CM, SP, P, PPA	
38	Power to authorise an Enforcement Officer/s to carry out all or any of the functions and powers as an enforcement officer under this Act. functions	CE, GMCRS	
41B	The power to direct an applicant to provide briefs of evidence to the authority before a hearing.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	

41C	The power to request further information prior to or at a Hearing.	CE, GMCRS, GMSD, CM, SP, P, PPA	
42	The power to make an order that a hearing be held with the public excluded. The power to make an order prohibiting or restricting the publication or communication of any information supplied or obtained in the course of any proceedings.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC).	
42A(1)	The power to commission a report by an officer or consultant for hearing.	CE, GMCRS, GMSD, CM, SP, P, PPA	
42A(5)	The Authority to waive compliance with service of documents requirements.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
86D(2)	The power to make an application to the Environment Court for a rule to have legal effect.	CE, GMCRS, GMSD (ICWC).	
87AAB(1) and (2)	New Consent Exemption under this section	P	Effective 18/10/17
87BB	Exemption of activities from resource consent for marginal or temporary breaches	P	Effective 18/10/17
87(E)	Decision on whether to allow an application to be determined by the Environment Court and authority to determine an application for referral to the Environment Court is incomplete.	CE, GMCRS, GMSD (ICWC).	
88(3)1(3A)	The power to determine that an application is incomplete and to return the application with written reasons for the determination.	CE, GMCRS, GMSD, CM, SP, P, PPA	
91	The power to defer an application pending additional consents.	CE, GMCRS, GMSD, CM, SP, P, PPA	

92(1)	The power to request further information relating to an application.	CE, GMCRS, GMSD, CM, SP, P, PPA	
92(2)	The power to commission a report on any matter relating to the application.	CE, GMCRS, GMSD, CM, SP, P, PPA	
92A (2)	The power to set a time limit within which further information requested by a territorial authority should be provided.	CE, GMCRS, GMSD, CM, SP, P, PPA	
92A(3)	The power to decline an application for failure to meet requirements under this subsection.	CE, GMCRS, GMSD, CM, SP, P, PPA	
92B(2)	The power to decline an application in accordance with this section.	CE, GMCRS, GMSD, CM, SP, P, PPA	
95 and 95(A)–(F)	The power to determine when applications shall be non-notified, limited notified or publicly notified.	CE, GMCRS, GMSD, CM, SP, P, PPA	
99	The power to convene a pre-hearing meeting and exercise all powers under this section.	CE, GMCRS, GMSD, CM, SP, P, PPA	
99A	The power to refer applicants and persons who made submissions on the application to mediation and the authority to appoint a mediator under section 34A.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC).	
100	The power to determine that a hearing is not needed.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
101	The power to fix a hearing date and time and place of the hearing.	CE, GMCRS, GMSD, CM, SP, P, PPA	

102	Functions in relation to joint hearings.	CE, GMCRS, GMSD, CM, SP, P, PPA	
103	Functions in relation to combined hearings for resource consents in relation to the same proposal.	CE, GMCRS, GMSD, CM, SP, P, PPA	
104A, 104B, 104C, 104D	The power to grant or refuse non notified resource consents, and the power to decide on applications made with full or limited notification where a hearing is not required under Section 100 of this Act.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	Consultation with the Chairperson is required in respect of any application involving full or limited notification before a decision on the application is made.
106	The power to refuse to grant a subdivision taking in consideration the issues specified in S106.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
108	The power to determine conditions of a resource consent	CE, GMCRS, GMSD, CM, SP, P, PPA	
108A (1), (2) and(3)	Bonds	CE, GMCRS, GMSD, CM, SP, P, CPM, PPA	
109	The power to authorise Council use of bond funds	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
124(2)(e)	The power to permit an existing consent to continue while applying for a new consent.	CE, GMCRS, GMSD, CM, SP, P, PPA	
125	The power to extend the period within which a resource consent lapses.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC).	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.
126	The power to cancel unexercised resource consents.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC).	Consultation with the Chairpersons hall only be required in respect of applications which have been the subject of a hearing.

127	The power to decide on an application for change to or cancellation of consent conditions.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.
128-132	The power to initiate and determine a review of conditions of a resource consent.	CE, PSM?????, (ICWC)	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.
133A	Power to approve an amended resource consent within 20 working days of the granting of the original.	CE, GMCRS, GMSD, CM, SP, P, PPA	
138	The power to grant or refuse partial or full surrender of a resource consent.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	Consultation with the Chairperson shall only be required in respect of applications which have been the subject of a hearing.
139	The power to grant or refuse an application for a certificate of compliance.	CE, GMCRS, GMSD, CM, SP, P, PPA	
139A	The power to grant or refuse an application for an existing use certificate.	CE, GMCRS, GMSD, CM, SP, P, PPA	
149Z	The power to process applications referred from the Minister for the Environment or the EPA.	CE, GMCRS, GMSD, CM, SP, P, PPA	
169	The power to process notices of requirement from a requiring authority.	CE, GMCRS, GMSD, CM, SP, P, PPA	
170	The power to decide whether to include a notice of requirement in a proposed plan change.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
174	The power to appeal to the Environment Court against the whole or any part of a decision of a requiring authority.	CE, GMCRS, CRSM, GMSD, CL, SP, P, PPA (ICWC).	

176A(2)	The power to waive the requirement for an outline plan.	CE, GMCRS, GMSD, CM, SP, P, PPA	
176A(4)	The power to request changes to an outline plan.	CE, GMCRS, GMSD, CM, SP, P, PPA	
176A(5)	The power to Appeal against the decision of a requiring authority to the Environment Court.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC).	
181	The power to alter a designation.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
184(1)(b) and 184(2)(b)	The power to extend the expiry period of a designation that has not been given effect to.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC).	
190	The power to process notices of requirement for a heritage order from a heritage authority.	CE, GMCRS, GMSD, CM, SP, P, PPA	
195A	The power to alter heritage orders.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC).	
198C	The power to decide whether a notice of requirement application will be determined by the Environment Court as requested by applicant.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
198I	The power to decide whether a notice of requirement application will be determined by the Environment Court	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
220	The power to impose conditions on subdivision consents.	CE, GMCRS, GMSD, CM, SP, P, PPA	
221(1)	The power to impose a condition requiring the issuing of a consent notice.	CE, GMCRS, GMSD, CM, SP, P, PPA	

221(3)(b)	The power to review, vary or cancel any consent notice.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	A variation of a consent notice approved by the Hearings Committee may only be approved after consultation with the Chairperson of the Committee.
222	The power to extend a completion period and to issue a completion certificate.	CE, GMCRS, GMSD, CM, SP, P, PPA	
223	The power to approve any survey plan	CE, GMCRS, GMSD, CM, SP, P, PPA	
224(c)	Power to certify compliance with specified conditions prior to deposit of survey plan.	CE, GMCRS, GMSD, CM, SP, P, PPA	
224(f)	Power to certify compliance with building code provisions.	CE, GMCRS, GMSD, CM, SP, P, PPA	
226(e)	Power to issue a certificate in accordance with this Section.	CE, GMCRS, GMSD, CM, SP, P, PPA	
S232.	The power to approve the creation of an esplanade strip in accordance with S232 (1) and (2).	CE, GMCRS, GMSD, CM, SP, P, PPA	
S234(6)	The power to grant (with or without modifications) or decline an application to vary or cancel an instrument creating an esplanade strip.	CE, GMCRS, GMSD, CM, SP, P, PPA	
234(7)	The power to certify a varied or cancelled esplanade strip.	CE, GMCRS, GMSD, CM, SP, P, PPA	
235	Power to agree to create an esplanade strip with the agreement of the registered proprietor.	CE, GMCRS, GMSD, CM, SP, P, PPA	

237	The power to approve survey plans where esplanade reserves or esplanade strips are required.	CE, GMCRS, GMSD, CM, SP, P, PPA	
237B	The power to authorise the creation, variation, or cancellation of easements.	CE, GMCRS, GMSD, CM, SP, P, PPA	
240(1) and (3)	The power to endorse survey plans with covenants and to approve the covenant instrument.	CE, GMCRS, GMSD, CM, SP, P, PPA	
240(4) and (5)	The power to approve the cancellation of a covenant imposed under this Section or under the corresponding provision of any former enactment for non-notified applications.	CE, GMCRS, GMSD, CM, SP, P, PPA	
S241(2)(a)	The power to approve the individual disposal of land or the holding of land in separate titles which have previously been amalgamated.	CE, GMCRS, GMSD, CM, SP, P, PPA	
241(3) and (4)(b)	The power to cancel in whole or in part any condition described in Subsection (2).	CE, GMCRS, GMSD, CM, SP, P, PPA	
243	The power to revoke an easement in whole or in part.	CE, GMCRS, GMSD, CM, SP, P, PPA	
274	The power to nominate an officer or other person to attend a proceeding of the Environment Court.	CE, GMCRS, GMSD, CM, SP, P, PPA	
299	The power to appeal against the decision or report and recommendation of the Environment Court to the High Court on a point of law.	CE (ICWC)	
311	The power to apply for a declaration in accordance with this Section.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	



316	The power to apply for an enforcement order or interim enforcement order.	CE, GMCRS, GMSD, CM, SP, P, PPA	
325A(2)	The power to cancel an abatement notice.	CE, GMCRS, GMSD, CM, SP, P, PPA	
325A(5)	The power to determine an application to review and/or amend an abatement notice.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	A variation of an abatement notice may only be approved after consultation with the Chairperson of the Committee.
330	The power to make the necessary determinations and undertake such actions as are provided for in subsections (1) - (3) inclusive	CE, GMCRS, GMSD, CM, SP, P, PPA	Applies to emergency work and the power to take preventative or remedial action.
334	The power to seek a search warrant from a District Court Judge or any duly authorised Justice or any Community Magistrate or Registrar for entry for search.	CE, GMCRS, GMSD, CM, SP, P, PPA	
357C	The power to grant an extension of time to lodge an objection under sections 357 to 357B hear and determine any matters under this Section.	CE, GMCRS, GMSD, CM, SP, P, PPA (ICWC)	
First Schedule, Part one, Clause 5	Power to decide on whom public notice shall be sent in relation to a policy statement or plan or a change thereto	CE, GMCRS, GMSD	
First Schedule Part One Clause 6	The power to make a submission on a proposed policy statement or plan that was notified under Clause 5.	CE, GMCRS, GMSD (ICWC)	

First Schedule, Part one, Clause 8AA	The power to refer to mediation issues raised by persons who have made submissions on the proposed plan or policy statement and the power to appoint an independent mediator in accordance with this Clause.	CE, GMCRS, GMSD (ICWC)	
First Schedule, Part One, Clause 14	The power to authorise an appeal against any aspect of a requiring Authority's or heritage protection authority's decision.	CE, GMCRS, GMSD (ICWC)	
First Schedule, Part two, Clause 23	The power to require further information from an applicant.	CE, GMCRS, GMSD	
First Schedule, Part three, Clause 32	The power to certify as correct copies of material to be incorporated by reference into a plan or proposed plan.	CE, GMCRS, GMSD	

File No.: 19/203

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## 2019/20 Draft Exceptions Annual Plan

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### 1. Purpose

To provide Elected Members with the opportunity to debate and provide direction on the various components of the 2019/20 Draft Exceptions Annual Plan (Draft EAP) prior to its adoption on 26 June 2019.

### 2. Executive Summary

- 2.1 On completion of hearing of submissions and associated deliberations on the 2019/20 Draft EAP, Council requested Officers undertake further analysis and report back on key issues raised by submitters and Council itself.
- 2.2 Officers have completed that further analysis and have developed a range of proposals for Council consideration that if approved by Council address the key issues of an achievable capital works programme, the general rate increase and, in part, the proposed increase in total rate requirement.
- 2.3 If approved by Council a final Draft EAP will be developed on this basis for Council consideration and adoption at the 26 June 2019 Council meeting.

### 3. Recommendation

- 3.1 That Report 19/203 2019/20 Draft Exceptions Annual Plan be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That the Horowhenua District Council agrees to the proposed changes to the Draft EAP and requests Officers to prepare a final Draft EAP reflecting Council's decisions for presentation to the 26 June 2019 meeting for adoption.

### 4. Background / Previous Council Decisions

- 4.1 Council heard from submitters to the Draft EAP on 8 May 2019, with Elected Members having the opportunity to question submitters to gain further understanding of the issues each submitter raised.
- 4.2 Council deliberated on the submissions received on 29 May 2019, having received and considered Officers' recommendations and suggested actions in relation to the individual submissions.
- 4.3 On hearing of submissions and deliberating on such, Council instructed officers to do further analysis on the following key issues:
  - Capital Expenditure Works Programme
  - Growth Related Expenditure
  - General Rate.

## 5. Discussion

- 5.1 As requested, Officers have undertaken further analysis on the aforementioned issues and have developed a range of proposed changes to the Draft EAP (for Council's consideration) in response to the concerns expressed by submitters and Council itself.
- 5.2 The following section seeks to outline Officer's findings and proposals for each of the identified areas.

### **Capital Expenditure**

Officers have taken a critical review of the proposed Capital Works Programme with a view to more closely aligning it to both need (in terms of asset renewal, service levels and growth) and ensuring that it is appropriately sized (i.e. closer to what has historically been delivered) albeit with stretch targets.

Historically Council has budgeted for an Annual Capital Works programme of \$40-\$45m but only achieved an annual actual spend of \$20-25m on average.

After careful re-consideration officers are now proposing a total spend on capital work of \$31m for 2019/20, \$32m for 2020/21 and \$27m for 2021/22 financial years respectively. Whilst still higher than the historic average spend of \$20-25m Officers believe that a total budgeted spend of around \$30m equates to a much more realistic 'stretch target' for Council to aim for. Further, it is suggested that the current market capacity (contracting) would struggle to deliver on a local works programme any larger than this.

The following provides a high level summary of the suggested changes to 'right size' the proposed capital expenditure programme going forward.

### **Parks and Property**

- Removed budgets for renewal and levels of service expenditure for non-core properties identified for disposal.
- Spread renewals budgets for halls and reserves over two financial years to reflect what is likely achievable in terms of delivery but still ensure that assets are refreshed in a timely manner (traditionally an under investment in this space).
- Retained budgets for design capacity for projects such a Donnelly Park resurfacing, Playford Park Level of Service improvements and Waikawa Beach Pedestrian Bridge in the 2019/20 financial year but moved actual construction budgets to the subsequent financial year.

### **Roading:**

- Queen St/Cambridge St Roundabout – Project delayed, awaiting the installation of the Pressure Reducing Valve on the water main before the roading work is commenced, which will be now be after winter.
- Poads Rd Bridge replacement – Project deferred until summer. The procurement strategy for this project is being re-evaluated.
- Roothing Improvements O2NL – Funding for these projects has been carried forward and spread over the next three financial years due to delays by the New Zealand Transport Agency (NZTA). External funding by NZTA for these works will continue to be advocated for.
- Rail crossing upgrades - Funding still hasn't been signed off by NZTA and KiwiRail still haven't provided Business Cases for the upgrades. As a result, funding for these projects has been carried forward and spread over the next three financial years. These budgets can be revisited if necessary (by way of Council resolution) as further information comes to hand from NZTA and Kiwi Rail.

### Three Waters:

- A number of growth related projects (Water and Wastewater) have been moved out to better reflect the likely time required to re-zone the land and for additional units of demand to occur – i.e. buildings constructed.
- No water reticulation renewals are planned for in Levin next financial year as the renewal programme was brought forward to the current year to achieve synergies in completing the physical works.
- Stormwater capital budgets are suggested to be allocated to Foxton East (HDC share) with other works being deferred for at least a year while additional modelling is done to ensure model results align with observed flooding.
- Key Wastewater Project Budgets (e.g. Foxton and Tokomaru) have been carried forward in to next year and are expected to be spent.

Whilst relatively significant in a financial sense (proposed 25% reduction in total capital spend) there is not a material impact on agreed service levels as a result of the above recommendations. With the exception of the proposed changes to renewals to halls and reserves the majority of the changes are related to growth related capital expenditure. Those budgets were established in the Long Term Plan (LTP) as capacity to respond to expected growth and the timing of execution was always subject to demand and progress of other organisations, particularly NZTA with O2NL.

An increased level of renewal expenditure for halls and reserves was established via the LTP in response to (Officer) concerns that those assets had been 'sweated' over a period of time and that amenity value was suffering as a result. Whilst officer advice has not changed in that regard it is considered reasonable to reduce the rate of renewal (and therefore budget for such) without significantly altering service levels. Service levels would however continue to deteriorate if no renewals were undertaken.

### **Growth Planning**

The question was recently posed by the Finance, Audit and Risk Committee Chairperson, Phil Jones as to whether Council had adequate budget/funding to support the growth planning programme of works in 2019/20. The growth planning work has evolved over the last 12-18 months as the opportunities and growth pressures have increased to the point where Council has had to start planning for growth and changing community needs in ways that it has not previously needed to.

There is a significant range of growth planning projects that Officers are proposing to be working on during the 2019/20 year these include:

- Levin Town Centre Implementation
- District Plan Changes
- Master Plans for Gladstone Green, Foxton Beach and Waitarere Beach
- Community Plans for six communities
- Horowhenua Integrated Transport Strategy (HITS) including O2NL advocacy and planning.

It is important to note that these projects generally sit in the activities they are best aligned with. I.e. HITS and O2NL advocacy is in the Roding Activity, Master Plans and Community Plans sit within Governance and Representation and District Plan Changes within the District Plan function.

For the most part this work is a continuation of the projects already underway or a transition to implementation once the planning phase is completed.

In terms of financial treatment of these costs the intention is to loan fund these projects, recognising the inter-generational value these plans bring beyond the 2019/20 financial period.

Capex budgets were included in the Draft Annual Plan that will contribute to parts of this growth planning particularly where it relates to infrastructure planning e.g. Gladstone Green Master Plan and Foxton Beach Master Plan. Other specific budgets have also been identified for the District Plan Changes, Heritage Fund, Levin Town Centre Implementation and the development and implementation of the HITS.

Officers are in dialogue with NZTA to seek subsidy for the HITS work including Council's planning work on O2NL.

### **General Rate:**

As discussed at the Deliberations Meeting the Senior Management Team (SMT) has been doing some analysis and looking at options for reducing the increase in the general rate requirement. Genuine concerns were raised by the rural community via submissions that warranted further investigation.

### **Employee Benefit Expenses**

A review of Employee Benefit Expenses budgeted for the 2019/20 financial year has been undertaken to ensure the correct level of resource is provided for to deliver on Council's expectations. A reduction in overall Employee Benefit Expenses of approximately \$361,000 is recommended compared to what was shown in the Draft EAP. This has largely been achieved by way of natural attrition i.e. not replacing staff that have recently resigned from the organisation. It is intended that the SMT look to review how work programmes can be re-organised to still be achieved with reduced capacity. Whilst in some circumstances that might result in minor reductions in service levels (e.g. Property LIM processing time might extend by perhaps one day) we are likely still to be performing better than required by legislation.

### **Interest Rate Assumption**

The current interest rate assumption in the Annual Plan Model is set at 4.5%. Importantly in real terms Council's average cost of funds on external borrowings is currently 3.6%. Further, many commentators have moved away from talking about the current interest rate environment as 'all time historic lows' or an anomaly. Most consider the lower interest rate environment to be the 'new norm'.

Officers are of the view that given the above it is sensible to adjust (downwards) the interest rate assumption for the 2019/20 financial year. Advice is that there is minimal risk in adjusting the interest rate assumption by 50 basis points to 4.0%. With the average cost of funds at 3.6% a safety margin of 40 basis points remains to mitigate any upward market movement over the 2019/20 financial year.

Whilst the majority loan funding is in the areas of infrastructure and therefore activities that are funded by Targeted Uniform Annual Charge this will still have the effect of reducing the general rate to an extent, as a result of the loan funding attributable to the property activity.

### **Non- Rate Revenue**

Over the last few days, the SMT has taken a detailed review of non-rate revenue budgets with a view of establishing some stretch targets for additional external funding to offset expenditure. Whilst not significant, it is suggested that these amounts be added to the following activities:

Aquatics Programmes	\$10,000
Building Warrant of Fitness Work	\$15,000
Community Development and Support	\$100,000
Addition Building Consent Revenue	\$100,000

### **Allocation of Staff Time (Capital Expenditure)**

As part of the review of the Capital Works Programme mentioned above it was discovered that the overhead model was somewhat inconsistent in the way in which staff time is allocated to Capital Works across the various Council Activities. The reality is that there are a range of staff across the organisation that spend time on capital projects. The overhead allocation model (to date) has only recognised that certain parts of the organisation (e.g. Parks and Property, Projects and Asset Management Teams) work on capital projects and at varying levels. This has been reviewed so a more consistent approach is taken to allocating time to capital projects and to ensure that all staff are working on such are allocated accordingly. This is important as it means the cost of Officer time is funded appropriately. The majority of Council's Capital Works Programme is funded by way of either loans or depreciation. This means the cost of this Officer time is moved from operations (predominately rate funded) to capital and the associated funding source.

### **Overall Impact of Suggested Amendments**

Officers have now had the opportunity to model the impact of the suggested amendments to the Draft EAP for Council consideration.

The above changes result in a lowering of both the total rate requirement for the 2019/20 financial year and the general rate component.

The general rate was forecast to increase by 16% in the Draft EAP that went out for consultation. If agreed to by Council, the proposed changes will result in an 8.8% increase in the general rate for the 2019/20 financial year.

Further, if endorsed the proposed changes will result in the total rate requirement for the 2019/20 reducing from 5.98% in the Draft EAP that went out for consultation, to 4.6%

## **6. Options**

Council has the option of approving the proposed changes to the Draft EAWP or if it wishes to further change or reduce the rate requirement direct the Chief Executive as to where it would be prepared to lower service levels in order to further decrease costs.

### **6.1.1 Rate Impact**

The rate impact of proposed changes to the Draft EAP are described in the body of this report.

### **6.2 Community Wellbeing**

The Draft EAP gives effect to year two of the 2018-38 Long Term Plan which is linked to Community Outcomes and therefore Community Wellbeing.

### **6.3 Consenting Issues**

There are no Consenting Issues.

### **6.4 LTP Integration**

The Draft EAP gives effect to year two of the 2018-38 Long Term Plan. There are no significant departures from the Long Term Plan.

## **7. Consultation**

The Draft EAP has been subject to Community Consultation.

## 8. Legal Considerations

There are no legal considerations. The Draft EAP has been developed in accordance with the Local Government Act 2002.

## 9. Financial Considerations

The financial considerations are outlined in the body of this report.

## 10. Other Considerations

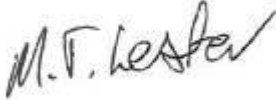

There are no other considerations.

## 11. Next Steps

If Council agrees to the proposed changes to the Draft EAP Officers will prepare a final Draft EAP reflecting Council's decisions and present that to the 26 June 2019 Council meeting for adoption.

## 12. Appendices

There are no appendices for this report

Author(s)	Mark Lester <b>Group Manager - Corporate Services</b>	
Approved by	David Clapperton <b>Chief Executive</b>	



# Resource Consenting (Planning) Matters Considered Under Delegated Authority

File No.: 19/156

## 1. Purpose

To present, **for information**, details of decisions made under delegated authority in respect of Resource Consenting (Planning) Matters.

## 2. Recommendation

- 2.1 That Report 19/156 Resource Consenting (Planning) Matters Considered Under Delegated Authority be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

## 3. Issues for Consideration

The following decisions were made under delegated authority:

- (i) Subdivision and Land Use Consents Approved:

### **Subdivision Resource Consents Approved – 30/03/19 – 29/05/2019**

<i>Approved Date</i>	<i>File Ref</i>	<i>Applicant</i>	<i>Address</i>
01/04/2019	502/135	Retrac Road Limited	14B Seabury Avenue, Foxton Beach
02/04/2019	502/138	C P Phelan	135 McLeavey Road, Levin Rural
03/04/2019	502/141	A L & A L Hamilton	23A Tiro Tiro Road, Levin
09/04/2019	502/144	M L Seymour	1 Norton Street, Foxton Beach
10/04/2019	502/75	R L Harrison	55 Avenue Road North, Levin
15/04/2019	502/146	S Ballinger	66 Lindsay Road, Levin Rural
16/04/2019	502/145	L C Raikes	6 Gordon Place, Levin
18/04/2019	502/147	L J Nowicki	2 Watchorn Place, Foxton Beach
26/04/2019	502/149	MJ Davie Builder Limited	41 Queenwood Road, Levin
26/04/2019	502/150	Jerona Limited	18 Heatherlea West Road, Levin Rural
29/04/2019	502/115	JLJ Land Company Limited	Tainui Street, Levin
30/04/2019	502/153	H Lampe	200A Bartholomew Road, Levin
30/04/2019	502/104	C P Long	14 Ocean Beach Street, Foxton Beach
01/05/2019	502/151	B D Boddy	57 Kent Avenue, Waitarere Beach
05/05/2019	502/155	D G MacLean	54 Trafalgar Street, Levin
13/05/2019	502/140	C D & J E Jones	143 Muhunoa West Road, Levin Rural
15/05/2019	502/156	T Jans & Trax Properties Limited	59 Grey Street, Shannon
16/05/2019	502/158	R A Dunn	13 Clark Street, Levin
28/05/2019	502/159	W T O'Donnell	59A Norbiton Road, Foxton
28/05/2019	502/111	S M Smith & M A Fogden	59c Reay MacKay Grove, Levin Rural

**Land Use Resource Consents Approved – 30/03/19 – 29/05/2019**

Approved Date	File Ref	Applicant	Address
12/04/2019	501/92	J A Tate	21 Oakland Lane, Tokomaru
30/04/2019	501/95	G J G Benton & J G E Benton	29 Shortt Street, Foxton Beach
01/05/2019	501/90	G B & M C Parlato	32 Graham Street, Shannon
02/05/2019	501/100	G J Gouldsmith	37 Laward Road, Shannon
09/05/2019	501/65	Beta Developments Limited	16 Stanley Street, Levin
10/05/2019	501/96	T R & J A R Cameron	72 Te Whanga Road, Levin Rural
14/05/2019	501/98	M A Mees	51 Manakau Heights Drive, Levin Rural
22/05/2019	501/87	R J & N M Curtis	44 Strathnaver Drive, Levin Rural
24/05/2019	501/102	R R Rivett & W J Van Der Molen	15 Strathnaver Drive, Levin Rural

(ii) Road Names Approved

None during the reporting period.

**Attachments**

There are no attachments for this report.


**Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

**Signatories**

Author(s)	Megan Leyland <b>Consents Manager</b>	
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Approved by	Ian McLachlan <b>Group Manager - Customer &amp; Regulatory Services</b>	
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# Adoption of Fees and Charges 2019/2020: Food Act Premises and Resource Consenting (Planning)

File No.: 19/195

## 1. Purpose

To seek a resolution of Council to adopt fees and charges in respect of Food Act Premises and Resource Consenting for the 2019/2020 year.

## 2. Recommendation

- 2.1 That Report 19/195 on Adoption of Fees and Charges 2019/2020: Food Act Premises and Resource Consenting (Planning) be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the schedule of fees and charges as **Attachment A** (Food Act 2014) and **Attachment B** (Resource Consenting) be adopted as operative fees and charges for the 2019/2020 year, effective from 1 July 2019.

## 3. Background/Previous Council Decisions

- 3.1 At the 10 April 2019 meeting, Council resolved to consult on proposed fees and charges in respect of Food Act Premises and Resource Consenting, using the special consultative process.
- 3.2 In relation to Food Act 2014 fees and charges one submission was received during the special consultative process from a community (not for profit) organisation requesting that the fees remain the same as the previous year. The submitter was unaware of the process available to request a fee reduction for non-profit organisations. Following a discussion the organisation withdrew its submission.
- 3.3 There were no submissions received in relation to Resource Consenting (Planning) fees for the 2019/20.
- 3.4 Therefore a resolution of Council is sought to adopt the schedule of fees and charges as Attachment A (Food Act Premises) and Attachment B (Resource Consenting) as operative fees and charges for the 2019/2020 year, effective 1 July 2019.

## 4. Issues for Consideration

There are no issues requiring the consideration of Council other than the adoption of the fees and charges proposed – due process has been followed in respect of the setting of these fees.

## Attachments


No.	Title	Page
A	Food Act 2014 Fees and Charges	269
B	Resource Consenting (Planning) Fees and Charges	270


**Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### Signatories

Author(s)	Vaimoana Miller <b>Compliance Manager</b>	
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Approved by	Ian McLachlan <b>Group Manager - Customer &amp; Regulatory Services</b>	
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Food Act 2014 – Fees and Charges 2019/20

Description	Fees (incl GST)
Registering a Food Control Plan that is based on a MPI template	\$250.00 fixed fee
Registering a business under a national programme	\$250.00 fixed fee
Renewing the registration of a Food Control Plan that is based on a MPI template	\$200.00 fixed fee
Renewing the registration of a business operating under a national programme	\$200.00 fixed fee
Amendment to registration	Charged at hourly rate of \$150.00 per hour
Verification of a Food Control Plan that is based on an MPI template	\$150.00 fixed fee (for up to 1 hour) then additional time charged at \$150.00 per hour
Verification of a National Programme <i>*Not currently available, expected to be available part-way through the 2019/20 year</i>	\$150.00 fixed fee (for up to 1 hour) then additional time charged at \$150.00 per hour
Compliance and Monitoring	Charged at hourly rate of \$150.00 per hour
Charges for travel outside of Horowhenua District - <i>*Applicable where a verifier is required to travel outside of the Horowhenua District to verify a template Food Control Plan or a National Programme business.</i>	Cost + 20%

**Resource Consenting Fees**

Description	Fee/Charge 18/19	Proposed 19/20	Variation
<b>Consent Applications</b>			
Processing Fee	\$150.00 per hour	\$155.00 per hour	\$5 per hour
10 Day Land Use Consents	\$1,000.00 fee	\$1,000.00 fee	Nil
Land Use Consent (non-notified)	\$1,000.00 deposit	\$1,000.00 deposit	Nil
Subdivision Consents (non-notified)	\$1,200.00 deposit	\$1,200.00 deposit	Nil
Digital Capture Levy (applies to hard copy consent applications only)	\$25.00 fee	\$200.00 fee	Increased to reflect extra time involved with processing hard copy applications
<b>Other Applications</b>			
	<b>Deposit &amp; Time Based Fee/Charge 18/19</b>	<b>Proposed Deposit &amp; Time Based Fee 19/20</b>	
Bond Administration	\$200.00 fee	\$200.00 fee	Nil
s125 Extension of Time	\$750.00 fee	\$750.00 fee	Nil
s221 Preparation of Consent Notice	\$210.00 fee	\$210.00 fee	Nil
S223 Approval of Land Transfer Plan	\$150.00 fee	\$150.00 fee	Nil
Certificate of Compliance	\$600.00 deposit	\$600.00 deposit	Nil
Existing Use Certificate	\$600.00 deposit	\$600.00 deposit	Nil
s127 Application	\$600.00 deposit	\$600.00 deposit	Nil
s221 Consent Notice Amendment and/or cancellation	\$600.00 deposit	\$600.00 deposit	Nil
s224(c) or (f) Application	\$400.00 deposit	\$400.00 deposit	Nil
Outline Plan approval or waiver	\$600.00 deposit	\$600.00 deposit	Nil
Any other application or certificate under the RMA	\$205.00 deposit	\$205.00 deposit	Nil
Any other application under provisions of LGA 1974 not repealed	\$500.00 deposit	\$500.00 deposit	Nil
Boundary Activities	\$350 fixed fee	\$350 fixed fee	Nil
Marginal or Temporary Activities	\$500 per hour or part thereof	\$500 per hour or part thereof	Nil

<b>Notification &amp; Hearing Costs</b>	<b>Fee/Charge 18/19</b>	<b>Proposed 19/20</b>	
Limited Notification	\$1,115.00 deposit	\$1,115.00 deposit	Nil
Full Notification	\$2,230.00 deposit	\$2,230.00 deposit	Nil
Hearing Costs – Council Hearings Committee	\$3,200.00 deposit based on 6 hour hearing	\$3,200.00 deposit based on 6 hour hearing	Nil
Commissioner Costs	At cost	At cost	Nil
s357 Lodgement of Objection & Assessment	\$550.00 deposit	\$550.00 deposit	Nil
<b>Miscellaneous Matters</b>	<b>Fee/Charge 18/19</b>	<b>Proposed 19/20</b>	Nil
Consultant s42A planning reports	Cost + 20%	Cost + 20%	Nil
Specialist Reports	Cost + 20%	Cost + 20%	Nil
Mileage	AA rate applicable	AA rate applicable	Nil
Disbursements	Cost + 20%	Cost + 20%	Nil
Pre-Hearing Meetings	Cost + 20%	Cost + 20%	Nil





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# Liability Management Policy Changes

File No.: 19/198

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## 1. Purpose

- To recommend changes to the Liability Management Policy relating to the management of Interest Rate Risk, (paragraph 4.3) specifically in relation to Fixed Rate Hedging Percentages, and
- To recommend some minor wording change to paragraph 4.6 Management of Funding Risk.

## 2. Recommendation

- 2.1 That Report 19/198 Liability Management Policy Changes be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Horowhenua District Council adopts the changes as identified in the draft Liability Management Policy.

## 3. Background/Previous Council Decisions

Council is required to have a Liability Management Policy under section 102(2)(b) of the Local Government Act 2002. The content of the policy is stipulated in section 104. Section 102(5) states that consultation on the policy is not needed .i.e. any change can be adopted by resolution of Council.

This matter was considered by the Finance, Audit & Risk Subcommittee on 22 May 2019 at which time it was resolved:

*THAT following a briefing on the proposed amendments including the delegations, the Liability Management Policy be brought back to full Council for consideration and adoption.*

Following a briefing on 5 June 2019, Council's adoption of the amended Liability Management Policy is now sought.

## 4. Issues for Consideration

The changes to the policy are identified in the attachment by tracked changes.

The amended Fixed Rate Hedging Percentages parameters are in response to a structural change in the financial markets with the world now in a lower growth, lower inflation and lower interest rate environment. This means that borrowers do not need as much fixed rate cover as has previously been the case. Also the new parameters avoid the need in some situations to enter into fixed rate cover merely to achieve policy compliance but which in reality adds little economic benefit to HDC.

Note there are also changes to officer delegations to change these to the Chief Executive Officer.

The suggested change to the Fixed Rate Hedging Percentages (paragraph 4.3) to add a line for 8+ years requested has been done. This allows us to have an Interest rate Swap beyond 8 years. It is unlikely that Council will use this as it has proven to be too expensive in the past.

Also, the second bullet point in Clause 4.6 has been changed from 50% to 40%. This is higher than discussed at the Finance, Audit and Risk Sub-committee as we need to allow for short-term investments at low interest rates to be part of the portfolio in order to take advantage of the advantageous interest rates on these short-term investments. Quite often the quantum of these investments may be enough to breach a lower percentage. As an example Council has \$19m falling due in the 2020/21 financial year which is currently this represents 20% of the total loan portfolio; if you add to this the \$10-15m of short term loans this increases the percentage to above the original proposal of 25%. This necessitated the change to the 40%. This modification was done on advice from our treasury consultant, Bancorp.

## Attachments

No.	Title	Page
A	Liability Management Policy Review June 2019 - tracked changes	275

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	Doug Law <b>Chief Financial Officer</b>	
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Approved by	David Clapperton <b>Chief Executive</b>	
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## Liability Management Policy

### 1. Legislative Provisions

The Local Government Act (LGA) 2002 requires:

- liabilities to be managed prudently and in a manner that promotes the current and future interests of the Community (Section 101(1));
- a Liability Management Policy to be adopted by Council (Section 102); and
- specific content of such a policy (Section 104).

### 2. Objectives

- a. The objectives of the Liability Management Policy are to:
- minimise the cost of borrowing (including interest, contracted services, staff, time and administration);
  - minimise the exposure to the risks associated with borrowing;
  - maintain strong financial ratios;
  - consider long term indebtedness as a means of creating intergenerational equity; and
  - maintain the integrity of Council's Long Term Plan (LTP).
- b. The objectives of the Management of Liquidity and Funding Risk are to:
- ensure Council's continued ability to meet its debts in an orderly manner as and when they are due in both the short and long term, through appropriate liquidity and funding risk management;
  - arrange appropriate funding facilities for Council, ensuring they are at market related margins utilising bank debt facilities and/or capital markets as appropriate; and
  - maintain lender relationships and Council's general borrowing profile in the local debt and capital markets, so that Council is able to fund itself appropriately at all times.

c. The objectives relating to Reporting are to:

- produce accurate and timely information that can be relied on by senior management and the full Council for control, exposure monitoring, and performance measurement purposes in relation to treasury activity.

### 3. Current Liabilities

Current liabilities are those which Council has to meet within the following 12 months.

Council will arrange such terms and conditions as it considers necessary for the establishment and provision of normal trade credit to enable it to carry out its Activities. Such credit will not normally involve the issue of any security, undertaking, or collateral as a condition of the provision of such credit, except finance leases and hire purchase, which normally include a charge over the assets being purchased.

Council policy is to pay all routine expenditure obligations by the due date.

### 4. Borrowing

(For these purposes 'borrowing' does not include hire purchase, deferred payment, or the giving of credit for goods and services where the transaction is for less than 91 days or does not exceed \$500,000).

#### 4.1 Borrowing Limits

Debt will be managed within the following limits:

- Net annual interest costs will not exceed 20% of total annual operating revenue.
- Net annual interest costs will not exceed 25% of total annual rates revenue.
- Net debt shall not exceed 195% of total operating revenue.

Council will also monitor and report:

- The ratio of equity: debt.
- Debt per rateable property.

#### 4.2 Instruments or methods to raise debt

The following funding instruments and methods may be used by Council to raise external debt:

- Committed bank facilities.
- Uncommitted bank facilities.
- Local Authority Bonds which includes fixed rate bonds and floating rate notes.
- Medium Term Notes.
- Local Government Funding Agency.

#### 4.3 Management of Interest Rate Risk

Fixed Rate Hedging Percentages		
Years	Minimum Fixed Rate Amount	Maximum Fixed Rate Amount
0 - 2 years	450%	100%
2 - 45 years	25%	80%
45 - 840 years	0%	60%
8 + Years	0	20%

The fixed rate hedging percentages shall apply to the core debt of Council as detailed in the Long Term Plan or Annual Plan or as otherwise amended by the Finance Manager/Chief Executive Officer.

The Finance Manager/Chief Executive Officer after consulting with

appropriate external advisors may use the following interest rate risk management instruments to manage the core debt of Council.

- Interest rate swaps.
- ~~Swaptions~~ (options on swaps).
- Interest rate options, including collar type structures but only in a ratio of 1: 1.
- Forward rate agreements.

#### 4.4 Management of Credit Risks

All bank borrowing and interest rate hedging transactions must be undertaken with a New Zealand Registered Bank with a minimum Standard and Poor's Long Term credit rating of at least A+ (or the Moody's or Fitch Ratings equivalents).

Council will satisfy itself in all its borrowing transactions that counterparties are financially adequate, have an appropriate industry standing, and have an appropriate track record to give Council reasonable certainty that obligations under concluded contracts will be performed.

#### 4.5 Management of Liquidity Risks

Liquidity Risk Management has the objective of ensuring that adequate funding sources and liquid assets are available at all times to meet the short term commitments of Council as they arise. Appropriate cash flow reports will be maintained to monitor Council's estimated liquidity position over the next 12 months, with such reports being updated at least every three months.

~~The establishment of any overdraft facility is delegated to the Chief Executive Officer/Group Manager – Finance or Finance Manager.~~

#### 4.6 Management of Funding Risk

- Council must maintain committed funding lines of not less than 110% of projected core debt.
- ~~Where practicable n~~o more than 5040% of debt shall mature in any rolling 12 month period.

#### **4.7 Debt Repayment**

Loan Repayment Reserves will be established to ensure that sufficient funds are on hand to allow appropriate repayment and/or appropriate refinancing.

#### **4.8 Provision of Security**

When arranging funding facilities, Council will have a preference for unsecured facilities unless a cost benefit accrues from offering security.

Council's first choice will be to offer security for borrowings by way of a pledge of rates.

Physical assets will be pledged only where there is a direct relationship between the debt and the asset purchase or construction, or Council considers such a pledge to be more appropriate.

Finance leases for such assets as office equipment, information technology, and vehicles may be entered into provided that the interest rates are commercially advantageous.

#### **4.9 Accountabilities**

~~The management of approved borrowing and interest rate instruments will be carried out by the Chief Executive Officer Finance Manager. As provided in the Delegations Register, the authority to provide for and manage Council's borrowing facilities, debt and risk hedging is delegated to the Chief Executive (who can further delegate to any other officer of Council as required) in accordance with the Council's Borrowing Management Policy and the Long Term Plan and/or applicable Annual Plan. (This includes without limitation issuing bonds, drawing debt under existing facilities, renegotiation and extension of existing facilities, negotiation and establishment of new facilities, hedging interest rates, entry into ISDA agreements to govern derivative hedges, and the approval of counterparties.)~~

The quarterly debt reports shall detail Council's weighted average cost of funds as at the end of the relevant quarter.

The ~~Chief Executive Officer Group Manager – Finance or Finance Manager~~ will report to the Finance, Audit and Risk Subcommittee or Council meetings on borrowing management transactions and any instances where the policy has not been able to be complied with, and on all aspects of the Liability Management Policy.

There will also be accountability through the Annual Report at the end of the year.

#### **4.10 Internal Borrowing**

Council may, from time to time, instead of raising loans or borrowing on overdraft, internally borrow from any Special Fund accounts on such terms and conditions as it thinks appropriate in any instance, but without interrupting the normal cash flow requirements of any such fund. Such terms and conditions may include, amongst other matters, a nil rate of interest and deferral or future waiving of repayments.

Repayments may be made directly to the source fund or through an Internal Loan Repayment Fund.

Internal borrowing arrangements will not be subject to clauses 4.1 or 4.2 of the Liability Management Policy.

The interest rate for internal borrowing will be the sum of the current three year swap bid rate as quoted by Council's principal bank, plus a margin (which includes a commitment fee) of 1.50%.

#### **4.11 New Zealand Local Government Funding Agency Limited Investment**

Despite anything earlier in this Liability Management Policy, Council may borrow from the New Zealand Local Government Funding Agency Limited (LGFA) as a Principal Shareholding Local Authority. In connection with that borrowing, Council may enter into the following

related transactions to the extent it considers necessary or desirable:

- (a) Contribute a portion of its borrowing back to the LGFA as subordinate debt, convertible equity if required by LGFA;
- (b) Provide a guarantee of the indebtedness of the LGFA;
- (c) Commit to contributing additional equity to the LGFA if

required;

- (d) Subscribe for shares and uncalled capital the LGFA; and
- (e) Secure its borrowings from LGFA, and the performance of other obligations to the LGFA or its creditors with a charge over Council's rates and rates revenue.

File No.: 19/172

## Statement of Proposal - Update to the Land Transport Bylaw 2017 - Part 10 Schedule of Speed Limits

### 1. Purpose

To obtain Council's acceptance of the proposed changes to speed limits as set out in the Statement of Proposal.

To gain Council's approval to initiate the public notification process to update the Land Transport Bylaw 2017: Part 10 Schedule of Speed Limits.

### 2. Executive Summary

- 2.1 The changes detailed in the Statement of Proposal affect most of the rural roads across the district. Also included is the extension of a number of 50 km/h urban zones and the inclusion of five variable speed limits in school zones.
- 2.2 The Land Transport Rule: Setting of Speed Limits 2017 (the Rule) details a number of requirements for Road Controlling Authorities in setting speed limits on their network. Section 2.2(2) of the Rule states: "In carrying out its functions under 2.2(1), a Road Controlling Authority must consider whether a speed limit for a road is safe and appropriate in accordance with this Rule."
- 2.3 The New Zealand Government in the Government Policy Statement (GPS) for Land Transport has indicated a desire to reduce road trauma on New Zealand roads by investing in road safety improvements for all road users. They have tasked all Road Controlling Authorities with implementing safety improvements by setting safe and appropriate travel speeds, improving roads, roadsides and intersections and to do this as quickly as possible.
- 2.4 NZTA's new Speed Management Guide and the Safer Journeys Online Risk Assessment tool is available to all road controlling authorities as a guide for the setting of speed limits, which provide the criteria for determining and implementing safe and appropriate speeds for road networks.
- 2.5 In response to the above and significant areas of development in rural zones a speed limit review of the districts rural roads was undertaken in 2018. The outcome of the review proposes the implementation of lower speed limits on rural and rural residential roads.
- 2.6 An overview of the proposed changes is included in Appendix A to this report.
- 2.7 Reasons for the proposal:
  - ensure safe and appropriate speed limits are set on rural roads
  - bring about a greater level of credibility and consistency with the speed limit system
  - to align the bylaw with the criteria set out in NZTA's Speed Management Guide
  - respond to New Zealand Government requirement to reduce road trauma on local roads

### 3. Recommendation

- 3.1 That Report 19/172 Statement of Proposal - Update to the Land Transport Bylaw 2017 - Part 10 Schedule of Speed Limits be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That the Horowhenua District Council adopts the speed limit changes laid out in the Statement of Proposal.
- 3.4 That the Horowhenua District Council proceed to Publicly Notify the update to Land Transport Bylaw 2017, Part 10, Schedule of Speed Limits.

### 4. Background / Previous Council Decisions

#### Speed Limit Review

The Horowhenua District has experienced significant areas of development and changing land use in rural areas since speed limits were first set. In recent years the urban extents of local areas have and continue to extend into rural zones. This has led to occurrences of inconsistent and inappropriate speed limits that are no longer suitable for the road environment and conditions.

In addition a number of requests via CRM were received requesting Council look at implementing lower speed limits on some of the rural roads, in particular roads where there has been significant rural residential growth and commercial interests.

In response to the above along with compliance with legislative requirements a speed limit review was undertaken in 2018 to determine safe and appropriate speed limits.

An area wide approach was undertaken which meant that rather than just looking at individual roads, the surrounding roads were also considered to avoid frequent changes to speed limits and ensure there would be area wide consistency throughout the district.

All roads were assessed against the criteria in the Speed Management Guide with the following considerations taken into account with assessing the recommended speeds:

- Current posted speed limit
- Actual speeds
- Safe and appropriate speed
- Roadside environment – degree of development
- Road Users
- Function of Road - One Network Road Classification
- Consistency with wider network

The proposal for lower speed limits will ensure appropriate speeds throughout the rural road network bringing about a greater level of credibility and consistency in accordance with the Government's Safer Journeys Strategy.

#### School Zone Variable Speed Limits

Roads outside schools can be dangerous for children and research has shown that reducing vehicle speeds to 40km/h or less, significantly reduces the risk, or the consequence, of injury.

In accordance with the Land Transport Rule: Setting of Speed Limits, a Road Controlling Authority may set a speed limit of 40km/h in an area that operates as a school zone for a



specified period of time. Horowhenua already has School Zones in front of Horowhenua College & St Joseph's School, Koputaroa School and Opiki School.

The proposal is to create four additional School Zones in Levin, with variable speed limits, where the speed limit would reduce to 40km/hr during the periods before school starts and after school ends and remain at 50km/hr for the balance of the time.

The four proposed school zones are:

1. Levin East School and Waiopehu College.
2. Fairfield School.
3. Levin North School.
4. Levin School and Levin Intermediate.

New electronic signs, as shown below, will be installed on the main roads past the schools (a total of 10 electronic signs) with static signs installed in the side roads. The roads affected are detailed in the Statement of Proposal.



## 5. Discussion

### Engagement and Submissions

In accordance with the requirements of the Land Transport Rule 'Setting of Speed Limits 2017' a road controlling authority must consult with those persons or groups listed below that may be affected by any proposed changes to speed limits:

1. Local communities and general public
2. Any adjacent Road Controlling or Territorial Authorities
3. The Commissioner – Ministry of Transport
4. The Chief Executive of the New Zealand Automobile Association
5. New Zealand Transport Agency (NZTA)
6. NZ Police.

Therefore in compliance with the above Rule the following engagement and consultation was undertaken:

#### 1. Online Survey

The survey ran from 19 December to 1 February 2019. There were 740 respondents to the survey with the majority supporting lower speed limits from 100 km/h to at least 80 km/h and in many cases to 60 km/h.

## 2. Written Submissions

- a. The recommendations of the speed limit review were put out for public submission which ran from 15 February to 15 March 2019. 98 submissions were received from people and groups with the majority supporting the proposed speed limit changes.
- b. While some submitters supported most of the speed limit options, others provided comment on individual roads that they had a particular interest in.
- c. The public response to the proposed speed limit changes was mixed depending on the road(s) in question. Some submitters wanted different speed limits on one or more roads. However, the majority of submitters did support lower speed limits, citing safety. Those wanting speed limits to remain unchanged, had the view that current speed limits were appropriate and motorists should drive to the road conditions.

## 3. No Variation

All feedback received has been considered by staff and there is no variation to the Statement of Proposal as consulted on, as staff consider that the technical assessment that led to the proposed changes remains valid.

## 4. Feedback

A summary report of the public submissions and survey is included in Appendix B & C to this report.

## 6. Options

The options are to adopt, amend or decline the proposed speed limit changes.

### 6.1 Cost

Option	Cost
As per Statement of Proposal	Funds are available in current subsidised operational budgets

### 6.1.1 Rate Impact

There will be no Rate impacts arising.

### 6.2 Community Wellbeing

The proposal supports the Community Wellbeing goal:

'Safer Community – dedicated to injury prevention and safety promotion'

### 6.3 Consenting Issues

There are no Consents required or consenting issues arising.

### 6.4 LTP Integration

There is no LTP programme related to the options or proposals in this report. There are no Special Consultative Processes required.

## 7. Consultation

Consultation already undertaken.

## 8. Legal Considerations

- The Land Transport Rule: Setting of Speed Limits 2017 establishes procedures that enable road controlling authorities to set enforceable speed limits on roads within their jurisdictions.
- The Speed Limit Review was completed in accordance with the Land Transport Rule: Setting of Speed Limits 2017 and the NZTA Speed Management Guide.
- The Land Transport Bylaw 2017 enables Council to set speed limits by resolution publically notified

## 9. Financial Considerations

The purchase and installation of new speed limit signs will be coming out of existing operational budgets.

## 10. Other Considerations

The submission from the New Zealand Transport Agency did not support speed limits of 80 km/h on a number of the districts narrower rural roads and instead recommended Council set the speed limit to 60 km/h on those roads, to align with the actual mean travel speeds along these roads. The Agency agrees with the 80 km/h for all other roads.

## 11. Next Steps

- Following the adoption of the Statement of Proposal, publicly notify the speed limit changes.
- July Council meeting to ratify the changes to the Land Transport Bylaw 2017: Part 10 Schedule of Speed Limits at the conclusion of the speed limit changes being publicly notified.
- Inform key stakeholders of the changes by separate letter.
- Carry out a systematic programme to update signage and implement the speed limit changes.

## 12. Supporting Information

<b>Strategic Fit/Strategic Outcome</b>
This proposal contributes to the strategic community outcomes of Safer Communities
<b>Decision Making</b>
The report is to request Council's approval on proposed changes to speed limits
<b>Consistency with Existing Policy</b>
The information provided is consistent with Council Policy
<b>Funding</b>

Funding will be provided from existing operational budgets in 2018/19

Risk Area	Risk Identified	Consequence	Likelihood	Risk Assessment (Low to Extreme)	Managed how
Strategic					
Financial					
Service Delivery					
Legal					
Reputational					


**Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

**13. Appendices**

No.	Title	Page
A	Statement of Proposal - Speed Limit Changes	285
B	Speed Limit Review - Analysis of Submissions	297
C	Speed Limit Review Survey Summary	300
D	Horowhenua District Rural Speed Limit Review - Compiled Submissions - 5 June 2019 ( <i>Under Separate Cover</i> )	

Author(s)	Jenny Braithwaite <b>Roading Operations Team Leader</b>	
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Approved by	Kevin Peel <b>Roading Services Manager</b>	
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## List 1: UNSEALED ROADS

Road Name	To/From	Posted Speed Limit	Proposed Speed Limit	Reasons For Change
BOWE ROAD	Himatangi Block Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
BUCKLEY WEST ROAD	Buckley Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
GLADSTONE ROAD	40m West of Makahika Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
HEIGHTS ROAD	SH57/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
LANGLEYS ROAD	Kere Kere Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
LINTON DRAIN ROAD (SOUTH)	Tane Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
MAKAHIKA ROAD	Gladstone Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
MANGAORE ROAD	Mangahao Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
MARINOTO ROAD	SH57/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
MAROTIRI ROAD	Foxton Shannon Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
POADS ROAD	Gladstone Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
POULTON DRIVE	Gladstone Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
SHANNON BUCKLEY ROAD	Buckley Road/Thompson Street	100 km/h	60 km/h	Metal road, consistent safe approach
STRATTON ROAD	Florida Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
TOKOMARU VALLEY ROAD	Mangahao Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
TOTARA PARK ROAD	SH1/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
VICKERMAN ROAD	Whirokino Road/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach
VICTORIA ROAD	SH57/End of Road	100 km/h	60 km/h	Metal road, consistent safe approach

## List 2: RURAL RESIDENTIAL ROADS

Road Name	To/From	Posted Speed Limit	Proposed Speed Limit	Reasons For Change
ARAWHATA ROAD	Hokio Beach Road/End of Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
AVENUE NORTH ROAD	SH1/SH1 (Full Length)	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
BISHOPS ROAD	80km/h Zone/SH1	80 km/h	60 km/h	Rural residential area, road not suitable for 80km/h. consistent safe approach
BROWN STREET	Levin Street/End of Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
BULLER ROAD	C.D Farm Road/ End of Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
FLORIDA ROAD	House #85/End of Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
GARTH ROAD	Tararua Road/End of Road	100 km/h	60 km/h	Rural residential area and consistent safe approach
GREFOR LANE	Waitarere Beach Road/ End of Road	100 km/h	60 km/h	Rural residential area, short road, consistent safe approach
HANAWERA RIDGE ROAD	Manakau Heights Drive/Nikau Lane	100 km/h	60 km/h	Rural residential area, roadside hazards, short road, consistent safe approach
HIGHLAND VIEW DRIVE	Williams Road/End of Road	100 km/h	60 km/h	Rural residential area, consistent safe approach
KONINI STREET	SH57/Williams Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
LEVIN STREET	Nathan Terrace/End of Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
MANAKAU HEIGHTS DRIVE	Honi Taipua Street/South Manakau Road	70 km/h	60 km/h	Rural residential area and consistent safe approach
MANGAHAO ROAD	Mangaore Hall/End of Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
MARSDEN TERRACE	SH1/End of Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
MATAKARAPA ROAD	SH1/End of Road	100 km/h	60 km/h	Not suitable for 100km/h, part metal road, consistent safe approach

MOUNTAIN VIEW DRIVE	South Manakau Road/End of Road	100 km/h	60 km/h	Rural residential area, consistent safe approach
OLD FOXTON ROAD	Bryce Street/End of Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
PINOT CRESCENT	Muhunoa East Road/End of Road	80 km/h	60 km/h	Rural residential area, consistent safe approach
POHUTUKAWA DRIVE	Gladstone Road/End of Road	80 km/h	60 km/h	Rural residential area, consistent safe approach
PUKEMATAWAI LANE	Tararua Road/End of Road	80 km/h	60 km/h	Rural residential area, not suitable for 80km/h, roadside hazards, built up area and consistent safe approach
REAY MACKAY GROVE	Strathnaver Drive/End of Road	100 km/h	60 km/h	Rural residential area, consistent safe approach
REDWOOD GROVE	Queen Street East/End of Road	80 km/h	60 km/h	Not suitable for 80km/h, consistent safe approach
ST LAURENT WAY	Muhunoa East Road/End of Road	80 km/h	60 km/h	Rural residential area, consistent safe approach
STRATHNAVER DRIVE	Sarah Street/Reay Mackay Drive	100 km/h	60 km/h	Rural residential area, consistent safe approach
TARRANT WAY	Western Rise/End of Road	80 km/h	60 km/h	Rural residential area, consistent safe approach
THOMPSON STREET	Sheehan St/Shannon Buckley Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
TOKOMARU EAST ROAD	100km/h Zone Start/End of Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach
TOKOMARU EAST ROAD	SH57/100km/h Zone	70 km/h	60 km/h	Not suitable for 100km/h, school area, consistent safe approach
TUI GLEN DRIVE	SH57/End of Road	100 km/h	60 km/h	Rural residential area, consistent safe approach
TULLAHOMA WAY	Western Rise/End of Road	80 km/h	60 km/h	Rural residential area, consistent safe approach
WAITARERE RISE	Waitarere Beach Road/ End of Road	70 km/h	60 km/h	Rural residential area, consistent safe approach
WAKEFIELD ROAD	Queen Street East/End of Road	100 km/h	60 km/h	Rural residential area, consistent safe approach
WESTERN RISE	Muhunoa West Road/End of Road	80 km/h	60 km/h	Rural residential area, consistent safe approach
WILLIAMS ROAD	SH57/End of Road	100 km/h	60 km/h	Not suitable for 100km/h, consistent safe approach

### List 3: EXTENSION OF 50 KM/H SPEED LIMIT ZONE

Road Name	To/From	Posted Speed Limit	Proposed Speed Limit	Reasons For Change
FAIRFIELD ROAD	50KM/H Temporary/Roslyn Road	70 km/h	50 km/h	Rural residential area, consistent safe approach
HAMARIA ROAD	Mako Mako Road/Hokio Beach Road	70 km/h	50 km/h	Industrial/residential area, consistent safe approach
KARAKA STREET (Tokomaru)	SH57/East Boundary of House #44	100 km/h	50 km/h	Residential Area
MAKO MAKO ROAD	70km/h Zone/West End of Road	70 km/h	50 km/h	Industrial/residential area, consistent safe approach
MATIPO STREET	Matai Street/Matipo Rail Crossing	70 km/h	50 km/h	Not suitable for 70km/h, consistent safe approach
NIKAU STREET	North end of road/Rail crossing	70 km/h	50 km/h	Not suitable for 70km/h, consistent safe approach
PUKETEIA STREET	Nikau Street/ToiToi Street	70 km/h	50 km/h	Not suitable for 70km/h, consistent safe approach
TARARUA ROAD	70km/h Zone/100km/h Zone	70 km/h	50 km/h	Not suitable for 70km/h, consistent safe approach
TOITOI STREET	Puketea Street/End of Road	70 km/h	50 km/h	Not suitable for 70km/h, consistent safe approach



## List 4: RURAL ROADS

Road Name	To/From	Posted Speed Limit	Proposed Speed Limit	Reasons For Change
ALBERT ROAD	SH57/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
ARAPAEPAE ROAD	SH57/Muhunoa East Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
ASHLEA ROAD	Nikau Street/SH56	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
AUSTIN ROAD	Cummerfield Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
BARBER ROAD	Foxton Shannon Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
BUCKLEY ROAD	SH57/Buckley West Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
BULLER ROAD	SH1/C.D Farm Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
C.D FARM ROAD	Buller Road/Hokio Beach Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
CAMPBELLS ROAD	SH56/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
CARTER ROAD	Foxton Shannon Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
CHESHAM ROAD	Himatangi Block Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
CORBETTS ROAD	South Manakau Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
CUMMERFIELD ROAD	Hickford Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
EASTON ROAD	Foxton Shannon Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
EMMA DRIVE	Waikawa Beach Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
ENGLES ROAD	Start of 100km Zone/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
FAIRFIELD ROAD	Roslyn Road / North End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
FLORIDA ROAD	Muhunoa East Road/House #85	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach

Road Name	To/From	Posted Speed Limit	Proposed Speed Limit	Reasons For Change
GLADSTONE ROAD	Tararua Road/40m West of Makahika Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
HEATHERLEA EAST ROAD	SH1/SH57	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
HEATHERLEA WEST ROAD	Koputaroa Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
HENNESEY ROAD	Mangahao Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
HICKFORD ROAD	Ridge Road/Motuiti Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
HIMATANGI BLOCK ROAD	Foxton Shannon Road/Manawatu Boundary	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
HOGGS ROAD	Kuku Beach Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
HOKIO BEACH ROAD	50km/h urban zone/Hokio Beach township	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
HOKIO SAND ROAD	Hokio Beach Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
HUMES ROAD	Tane Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
JACKSONS ROAD	Koputaroa Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
JOBLINS ROAD	C.D Farm Road/ End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
KAIHINAU ROAD	SH57/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
KARA ROAD	SH57/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
KARAKA STREET	East Boundary of House #44/Matipo Street	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
KERE KERE ROAD	Foxton Shannon Road/Springs Road	100 km/h	80 km/h	Not suitable for 100km/h, section of metal road, consistent safe approach
KIMBERLEY ROAD	SH57- Arapaepae Rd Intersection/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
KINGSTON ROAD	SH57/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
KOPUTOROA ROAD	SH1/SH1 (Full Length)	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach

Road Name	To/From	Posted Speed Limit	Proposed Speed Limit	Reasons For Change
KRISTIN PLACE	Emma Drive/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
KUKU BEACH ROAD	SH1/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
KUKU EAST ROAD	SH1/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
KUKUTAUAKI ROAD	Koputaroa Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
LAWARD ROAD	Buckley Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
LINTON DRAIN ROAD (NORTH)	Tane Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
MANGAHAO ROAD	East Road/Mangaore Hall	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
MARTINS ROAD	North Manakau Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
MATIPO STREET	Matipo Rail Crossing/Karaka Street	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
MCDONALD ROAD	SH57/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
MIRANUI ROAD	Ngui Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
MOTUITI ROAD	SH1/Himatangi Block Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
MOUTERE ROAD	Hokio Beach Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
MUHUNOA EAST ROAD	Arapaepae Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
MUHUNOA WEST ROAD	#433 Muhunoa West Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
NEWTH ROAD	SH1/Hickford Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
NGUI ROAD	Okuku Road/SH56	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
NIKAU STREET	Rail crossing/South End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
NORTH MANAKAU ROAD	SH1/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
OKUKU ROAD	SH57/Poplar Road	100 km/h	80 km/h	Not suitable for

				100km/h, consistent safe approach
OTAURU ROAD	100km/h Zone Start/Northern End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
OTAWHIWHI ROAD	Paiaka Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
OTUROA ROAD	SH1/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
PAEROA ROAD	SH1/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
PAIAKA ROAD	Koputaroa Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
PAINUA ROAD	Hokio Sand Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
PARAKAWAU ROAD	SH1/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
PARANUI ROAD	SH1/Himatangi Block Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
POPLAR ROAD	80km/h Zone/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
POPLAR ROAD (NORTH)	Foxton Shannon Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
POPLAR ROAD (SOUTH)	Foxton Shannon Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
POTTS ROAD	SH57/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
PRETORIA ROAD	SH57/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
REWAREWA STREET	Matai Street/SH57	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
RIDGE ROAD	Nye Street/Kere Kere Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
SOLDIERS ROAD	Kuku Beach Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
SORENSONS ROAD	Heatherlea East Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
SOUTH MANAKAU ROAD	South Manakau Road/Waitohu Valley Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
SPRINGS ROAD	Foxton Shannon Road/Kere Kere Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
SYD CLARIDGE ROAD	SH56/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent

				safe approach
TAKAPU ROAD	Waikawa Beach Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
TAMATARAU ROAD	SH57/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
TANE ROAD	SH57/80km/h Zone	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
TANGIMOANA ROAD	Muhunoa East Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
TARARUA ROAD	Arapaepae Road (SH57)/80km/h Zone	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
TARARUA ROAD	100km/h Zone/Arapaepae Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
TAVISTOCK ROAD	SH57/Koputaroa Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
TE REWA ROAD	SH56/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
TE ROHENGARUA ROAD	SH57/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
TE WHANGA ROAD	SH1/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
TEMIKANUI ROAD	Ashlea Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
TWIN PEAKS GROVE	Jackson Roads/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
VISTA ROAD	SH1/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WAIHOU ROAD	SH57/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WAIKAWA BEACH ROAD	80km/h zone/Waikawa Beach Township	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WAITARERE BEACH ROAD	SH1/Existing 80km/h Zone	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WAITARERE HOKIO ROAD	Waitarere Beach Road/ End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WAITOHU VALLEY ROAD	South Manakau Road/KCDC Boundary	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WALL ROAD	SH1/Himatangi Block Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WALLACE LOOP ROAD	Wallace Road/Wallace Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach

WALLACE ROAD	SH57/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WHAKAHORO ROAD	SH1/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WHELANS ROAD	C.D Farm Road/ End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WHIROKINO ROAD	SH1/Kere Kere Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WHITAUNUI ROAD	Okuku Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WILSONS ROAD	SH56/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WOODS ROAD	Okuku Road/End of Road	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach
WYLIE ROAD	Palmer Road/Manawatu DC Boundary	100 km/h	80 km/h	Not suitable for 100km/h, consistent safe approach

## List 5: VARIABLE SPEED LIMIT IN SCHOOL ZONE

Road Name	To/From	Posted Speed Limit	Proposed Variable Speed Limit	Reasons For Change
<b>Levin East School and Waiopehu College Zone</b>				
BARTHOLOMEW ROAD	40m north of Parsons Avenue to 40m south of Meadowvale Drive	50 km/h	40 km/h	Provide a safer road environment outside schools
PARSONS AVENUE	40m east of Bartholomew Road to Bartholomew Road	50 km/h	40 km/h	Provide a safer road environment outside schools
BATH STREET	80m west of Bartholomew Road to Bartholomew Road	50 km/h	40 km/h	Provide a safer road environment outside schools
MEADOWVALE DRIVE	70m east of Bartholomew Road to Bartholomew Road	50 km/h	40 km/h	Provide a safer road environment outside schools
<b>Fairfield School Zone</b>				
MACARTHUR STREET	40m west of Bartholomew Road to Fairfield Road	50 km/h	40 km/h	Provide a safer road environment outside schools
FAIRFIELD ROAD	50m north of Kennedy Drive to Macarthur Street	50 km/h	40 km/h	Provide a safer road environment outside schools
BARTHOLOMEW ROAD	30m south of Macarthur Street to Macarthur Street	50 km/h	40 km/h	Provide a safer road environment outside schools
RIMU STREET	30m south of Macarthur Street to Macarthur Street	50 km/h	40 km/h	Provide a safer road environment outside schools
EASTON WAY	70m south of Fairfield Road to Fairfield Road	50 km/h	40 km/h	Provide a safer road environment outside schools
HOMWOOD AVENUE	40m east of Fairfield Road to Fairfield Road	50 km/h	40 km/h	Provide a safer road environment outside schools
PHOENIX PALMS GROVE	20m west of Fairfield Road to Fairfield Road	50 km/h	40 km/h	Provide a safer road environment outside schools
KENNEDY DRIVE	60m west of Fairfield Road to Fairfield Road	50 km/h	40 km/h	Provide a safer road environment outside schools
<b>Levin North School Zone</b>				
WERAROA ROAD	20m north of Read Street to 20m north of Kings Drive	50 km/h	40 km/h	Provide a safer road environment outside schools
READ STREET	30m west of Weraroa Road to Weraroa Road	50 km/h	40 km/h	Provide a safer road environment outside schools
CHESTER STREET	30m east of Weraroa Road to Weraroa Road	50 km/h	40 km/h	Provide a safer road environment outside schools

DUDLEY STREET	30m west of Weraroa Road to Weraroa Road	50 km/h	40 km/h	Provide a safer road environment outside schools
GRAHAM STREET	30m west of Weraroa Road to Weraroa Road	50 km/h	40 km/h	Provide a safer road environment outside schools
YORK STREET	20m west of Salisbury Street to Weraroa Road	50 km/h	40 km/h	Provide a safer road environment outside schools
LANCASTER STREET	30m south of York Street to York Street	50 km/h	40 km/h	Provide a safer road environment outside schools
CLARK STREET	30m south of York Street to York Street	50 km/h	40 km/h	Provide a safer road environment outside schools
<b>Levin School and Levin Intermediate School Zone</b>				
TIRO TIRO ROAD	30m north of Grenville Street to 30m south of Collingwood Street	50 km/h	40 km/h	Provide a safer road environment outside schools
FORTH STREET	30m east of Tiro Tiro Road to Tiro Tiro Road	50 km/h	40 km/h	Provide a safer road environment outside schools
COLLINGWOOD STREET	30m east of Adkin Avenue to Tiro Tiro Road	50 km/h	40 km/h	Provide a safer road environment outside schools
COOK STREET	Full Length	50 km/h	40 km/h	Provide a safer road environment outside schools
RODNEY STREET	Full Length	50 km/h	40 km/h	Provide a safer road environment outside schools
DRAKE STREET	Full Length	50 km/h	40 km/h	Provide a safer road environment outside schools
GRENVILLE STREET	30m west of Tiro Tiro Road to Tiro Tiro Road	50 km/h	40 km/h	Provide a safer road environment outside schools



**SPEED LIMIT REVIEW - ANALYSIS OF SUBMISSIONS**

98 Submissions were received. The results show a consensus in the support of the Statement of Proposal

**Summary of Results :**

PROPOSAL	YES SUPPORT	NO SUPPORT	NO COMMENT	SPECIFIC ROAD(S)
Rural Unsealed Roads - 60km	44%	12%	42%	
Rural Residential Roads - 60km	48%	16%	34%	
Extension of 50 Km/h Zone	42%	12%	44%	
Rural Roads - 80km	53%	18%	8%	19%

'NO COMMENT' - those that did not commit to any Proposal

'SPECIFIC ROAD(S)' - submissions that were related to a particular road(s)

NZTA's submission (see attached link) agrees on unsealed, rural residential and most of the rural roads. There are only a few 50km extensions and rural roads where they disagree

Count	Record	Rural Unsealed Roads		Rural Residential Roads		Extension of 50 Km/h Speed Limit Zone		Rural Roads		Rural Specific Roads	COMMENTS
		60KM		60KM		EXTEND 50KM		80KM			
		YES	NO	YES	NO	YES	NO	YES	NO		
1	723	YES		YES		YES		YES			
2	724	YES		YES		YES		YES			
3	725	YES		YES		YES		YES			
4	726									MUHUNOA EAST	REDUCE TO 60KM
5	727		NO		NO		NO		NO		
6	728									WAITARERE BCH RD	100KM PREFERRED
7	730	YES		YES			NO		NO		70KM PREFERRED FOR EXT 50KM & RURAL RDS
8	731									POTTS	REDUCE TO 60KM
9	778									WAITARERE BCH RD	100KM PREFERRED
10	779		NO		NO	YES			NO		REDUCE TO 50KM FOR ALL ROADS
11	780									WAITARERE BCH RD	REDUCE TO 50KM FROM SH1 FOR 1KM
12	804	YES		YES		YES		YES			70KM PREFERRED FOR RURAL
13	805	YES		YES		YES		YES			
14	845		NO		NO		NO		NO		
15	848	YES		YES							
16	849			YES						KAWIU RD	80KM IS TOO HIGH
17	858			YES				YES			REDUCE TO 60KM FOR JOBLINS RD
18	859				NO	YES			NO		
19	872	YES		YES		YES		YES			
20	873			YES		YES		YES			BUT LOOK AT INDIVIDUAL ROADS
21	879	YES		YES		YES		YES			SIGNAE TO BE CLEAR AND LARGE
22	888			YES		YES					
23	911	YES				YES		YES			
24	915							YES			REDUCE TO 60KM ON LINDSAY RD
25	922	YES		YES		YES		YES			70KM PREFERRED FOR UNSEALED & RESIDENTIAL RDS
26	925										
27	945	YES						YES			
28	956										
29	968	YES			NO		NO	YES			70-80KM FOR UNSEALED ROADS

Count	Record	Rural Unsealed Roads		Rural Residential Roads		Extension of 50 Km/h Speed Limit Zone		Rural Roads		Rural Specific Roads	COMMENTS
		60KM		60KM		EXTEND 50KM		80KM			
		YES	NO	YES	NO	YES	NO	YES	NO		
30	969				NO				NO		REDUCE TO 50KM ONLY OUTSIDE TOKOMARU SCHOOL
31	1009		NO		NO		NO		NO		
32	1010			YES		YES		YES			
33	1019	YES				YES		YES			
34	1023	YES		YES		YES		YES			
35	1037	YES		YES		YES		YES			
36	1038	YES		YES		YES		YES			70-80KM FOR RURAL RESIDENTIAL
37	1050							YES			REDUCE TO 60KM BY CELTIC WINERY
38	1073							YES			100KM PREFERRED ON HIMITANGI BLOCK RD
39	1081	YES		YES		YES		YES			100KM PREFERRED ON WAITARERE BCH RD, HIMITANGI BLK RD
40	1102			YES				YES			REDUCE TO 50KM FOR STRATHNAVER, REAY MACKAY
41	1121			YES				YES			
42	1122	YES		YES		YES					
43	1126	YES		YES		YES		YES			
44	1143			YES				YES			
45	1181		NO		NO		NO		NO	WAITARERE BCH RD, WYLIE RD	100KM PREFERRED
46	1182	YES		YES		YES		YES			REQUEST CYCLIST SIGN FOR WAITARERE BCH RD
47	1192	YES		YES		YES		YES			
48	1210	YES						YES			
49	1213	YES		YES		YES					EXTEND TO TOKOMARU
50	1215	YES		YES		YES		YES			LINE MARKING
51	1216	YES		YES		YES		YES			
52	1217									WAITARERE BCH RD	100KM PREFERRED
53	1218									WAITARERE BCH RD	100KM PREFERRED
54	1220		NO		NO		NO		NO		
55	1221		NO		NO		NO		NO		
56	1222	YES			NO		NO	YES			70KM PREFERRED FOR RURAL RESIDENTIAL AND 50KM EXTN
57	1223									WAITARERE BCH RD	100KM PREFERRED
58	1224	YES		YES		YES		YES			
59	1227									WAITARERE BCH RD	100KM PREFERRED
60	1228	YES		YES		YES		YES			
61	1230	YES		YES		YES		YES			
62	1244	YES		YES		YES		YES			
63	1245	YES		YES		YES		YES			
64	1247			YES		YES		YES			
65	1248	YES				YES			NO		PROPOSAL FOR RURAL RDS IS TOO EXTENSIVE
66	1249									VISTA RD	REDUCE TO 60 OR 70KM
67	1252	YES		YES		YES		YES			
68	1253	YES		YES		YES			NO		REDUCE TO 70KM ON RURAL RESIDENTIAL
69	1254							YES		EMMA DR	REDUCE TO 50KM

Count	Record	Rural Unsealed Roads		Rural Residential Roads		Extension of 50 Km/h Speed Limit Zone		Rural Roads		Rural Specific Roads	COMMENTS
		60KM		60KM		EXTEND 50KM		80KM			
		YES	NO	YES	NO	YES	NO	YES	NO		
70	1255		NO		NO	YES		YES			
71	1256									WAITARERE BCH RD	100KM PREFERRED
72	1257						NO		NO		
73	1265	YES		YES		YES		YES			SUPPORTS BUT THINKS SOME RURAL ROADS SHOULD BE <80KM
74	1266							YES			SUPPORTS BUT THINKS SOME RURAL ROADS SHOULD BE <80KM
75	1271									CD FARM RD	REDUCE TO 70KM
76	1272		NO	YES		YES			NO		
77	1277	YES		YES		YES					
78	1278	YES		YES						WAITARERE BCH RD, HIMITANGI BLK RD	100KM PREFERRED
79	1288		NO		NO				NO		
80	1292		NO						NO		
81	1293									WAIKAWA BCH RD TO TAKAPU RD	60KM PREFERRED
82	1294									KAWIU RD	WANTS SPEED HUMPS AND SLOWER SPEED IN 70KM SECTION
83	1299							YES			
84	1304		NO		NO		NO		NO		
85	1319							YES			REDUCE PAPAITONGA RD TO 60KM
86	1381	YES		YES				YES			
87	1441									KAWUI RD	WANTS LOWER THAN 80KM AS BUSY RD INTO LEVIN
88	13539	YES			NO	YES		YES			40KM PREFERRED FOR RURAL RESIDENTIAL , 60KM PREFERRED FOR NARROW RURAL RDS
89	22936	YES		YES				YES			ONLY WHERE ROADS HAVE ADEQUATE WIDTH & MARKINGS
90	22941				NO					BISHOPS VINEYARD RDS	REDUCE TO 40KM
91	46827									POTTS RD	REDUCE TO 60KM
92	46828			YES							
93	46834										10KM IS URGED IN FRONT OF FSLSC HOUSE
94	46836							YES			
95	46842	YES		YES		YES		YES			
96	46845							YES			
97	46846	YES		YES			NO		NO		NZTA DISAGREES ON A FEW ROADS - LINK TO SUBMISSION BELOW <a href="#">D19/46846</a>
98	47172			YES				YES			60 KM FOR EMMA DR & KRISTIN PL, 50KM FOR STRATHNAVER & REAY MACKAY GR AS PUBLIC THINK IT ALREADY IS 50km
	<b>TOTAL</b>	<b>43</b>	<b>12</b>	<b>47</b>	<b>16</b>	<b>41</b>	<b>12</b>	<b>52</b>	<b>18</b>		

## Rural Roads Speed Limit Review - Survey Summary

### Background

In June 2018 the NZ Government released a policy statement for land transport, which indicated their desire to reduce road trauma on NZ roads, not only by investing in road safety improvements to improve roads and roadsides, but also ensuring safe and appropriate travel speeds.

In response to the above, and due to areas of development and changing land use in rural zones, a speed limit review of all the rural roads was undertaken to ensure these roads have appropriate speed limits and operate efficiently.

The rural areas are being looked at first as part of a district wide speed limit review. A speed limit review of urban roads will commence once the rural review is completed.

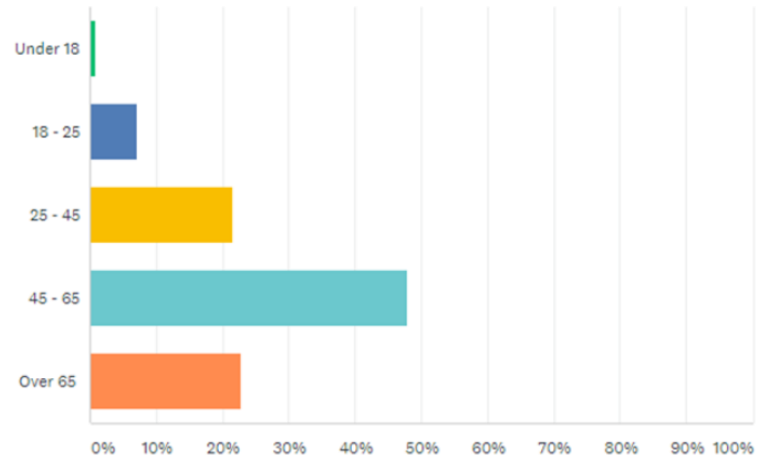
As part of the engagement process an online survey was carried out seeking initial views from the community on appropriate speed limits for the rural roads. The survey ran from December 2018 to February 2019 and received over 700 responses with people having their say. The following report presents the survey questions and the survey results.

Further engagement by way of written submissions will start on Friday 15<sup>th</sup> February until Friday 15<sup>th</sup> March. The recommendation will be for lower speed limits on rural roads.

Rural Roads Speed Limit Review - Survey Summary

Age group

Answered: 741 Skipped: 0

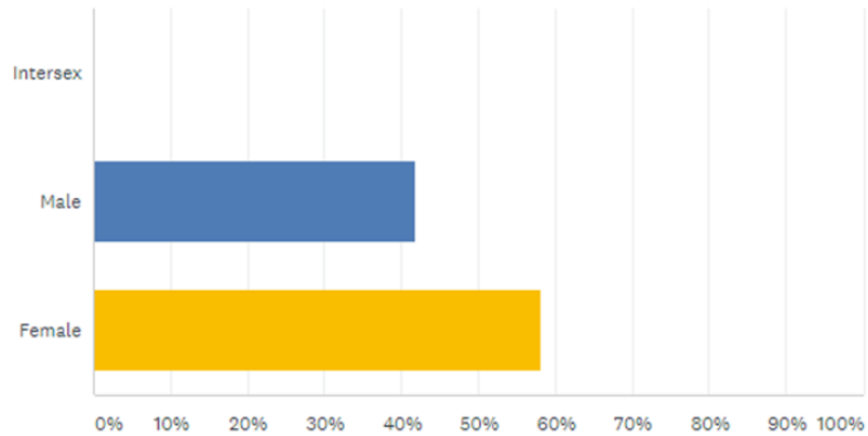


ANSWER CHOICES	RESPONSES
Under 18	0.81% 6
18 - 25	7.02% 52
25 - 45	21.46% 159
45 - 65	47.91% 355
Over 65	22.81% 169
<b>TOTAL</b>	<b>741</b>

## Rural Roads Speed Limit Review - Survey Summary

### Gender

Answered: 741 Skipped: 0

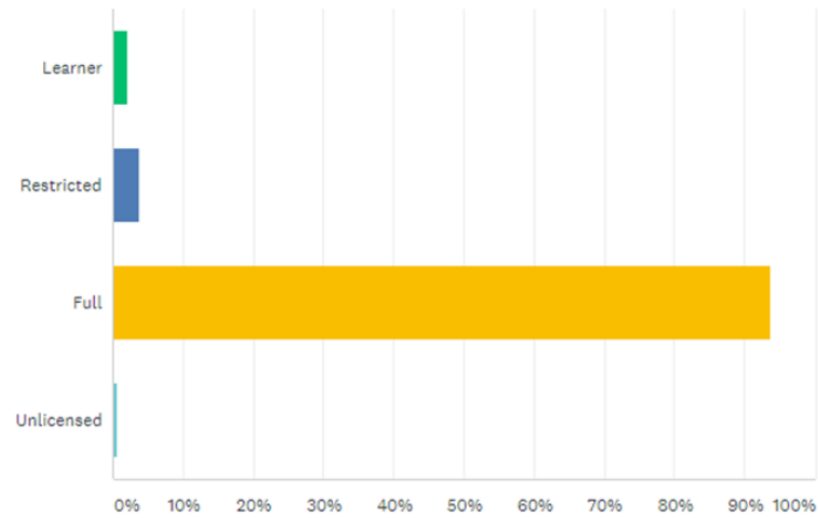


ANSWER CHOICES	RESPONSES
▼ Intersex	0.00% 0
▼ Male	41.84% 310
▼ Female	58.16% 431
<b>TOTAL</b>	<b>741</b>

## Rural Roads Speed Limit Review - Survey Summary

### Type of Driver's Licence

Answered: 741 Skipped: 0

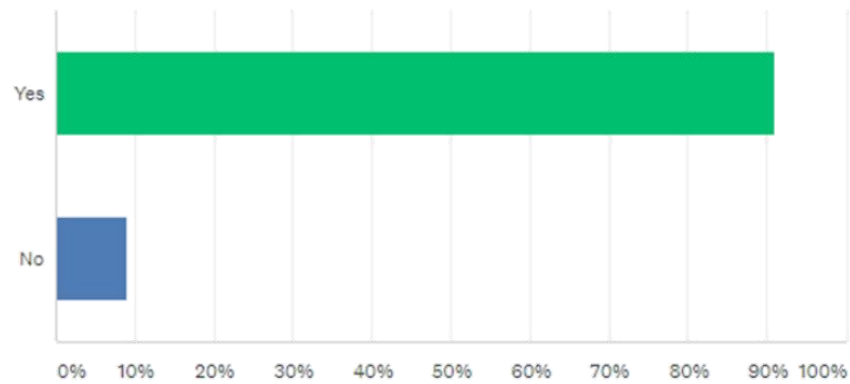


ANSWER CHOICES	RESPONSES
▼ Learner	2.02% 15
▼ Restricted	3.78% 28
▼ Full	93.66% 694
▼ Unlicensed	0.54% 4
<b>TOTAL</b>	<b>741</b>

## Rural Roads Speed Limit Review - Survey Summary

### Are you a resident of Horowhenua

Answered: 740 Skipped: 1



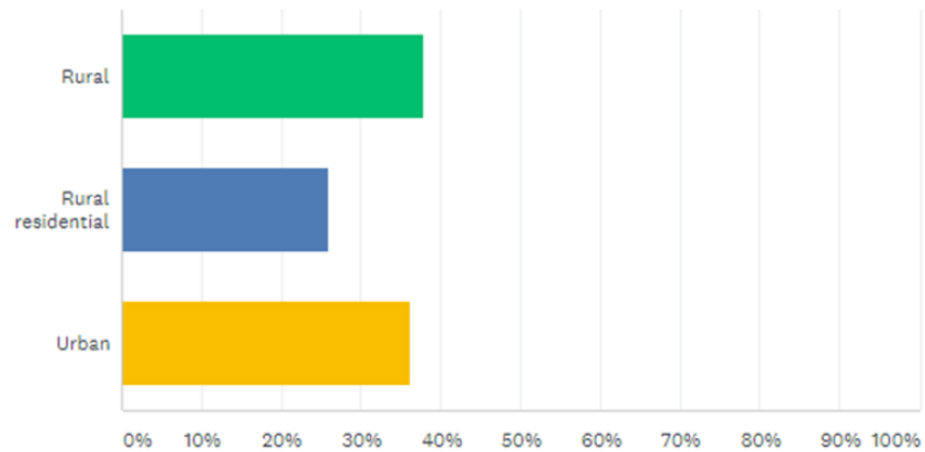
ANSWER CHOICES	RESPONSES	
▼ Yes	90.95%	673
▼ No	9.05%	67
<b>TOTAL</b>		<b>740</b>



## Rural Roads Speed Limit Review - Survey Summary

### Where do you live?

Answered: 739 Skipped: 2

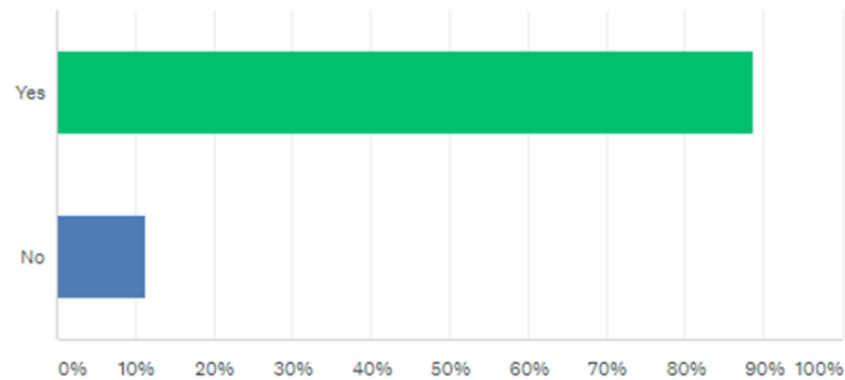


ANSWER CHOICES	RESPONSES
▼ Rural	37.89% 280
▼ Rural residential	25.85% 191
▼ Urban	36.27% 268
<b>TOTAL</b>	<b>739</b>

### Rural Roads Speed Limit Review - Survey Summary

Do you think our rural roads should have a posted speed limit that is safe and appropriate for the conditions?

Answered: 739 Skipped: 2

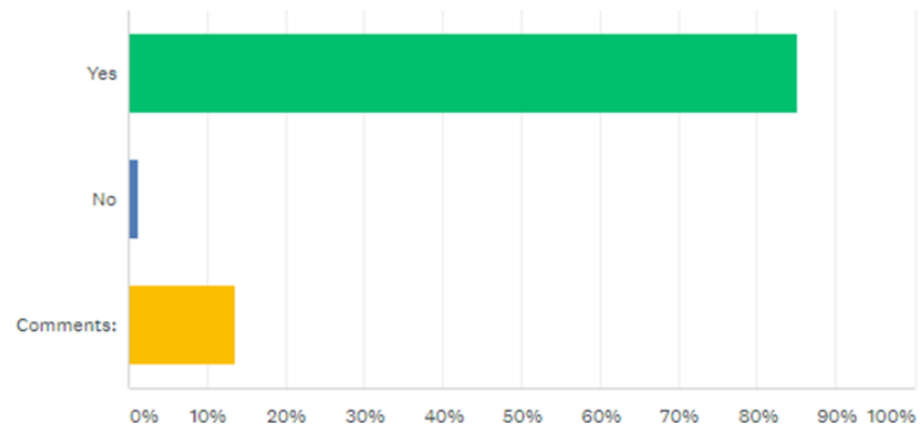


ANSWER CHOICES	RESPONSES	
▼ Yes	88.63%	655
▼ No	11.37%	84
TOTAL		739

Rural Roads Speed Limit Review - Survey Summary

Would you like to see a reduction in deaths and serious injury crashes on Horowhenua roads?

Answered: 738 Skipped: 3

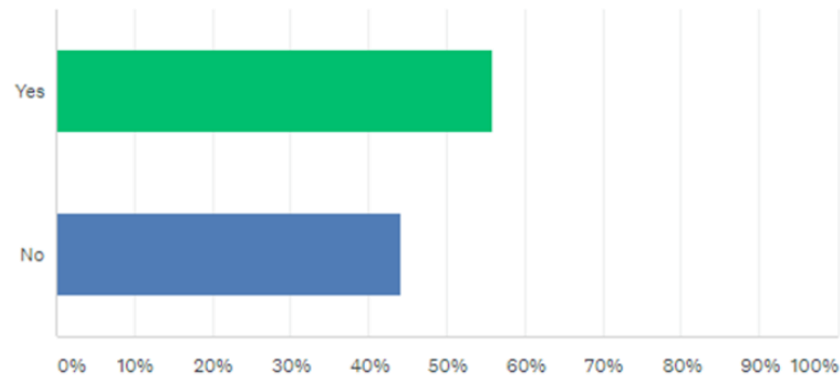


ANSWER CHOICES	RESPONSES
Yes	85.09% 628
No	1.36% 10
Comments:	Responses 13.55% 100
<b>TOTAL</b>	<b>738</b>

### Rural Roads Speed Limit Review - Survey Summary

Are you aware of the central government's 'Safer Journeys Strategy' which has been designed to improve road safety?

Answered: 738 Skipped: 3



ANSWER CHOICES	RESPONSES
▼ Yes	55.83% 412
▼ No	44.17% 326
<b>TOTAL</b>	<b>738</b>

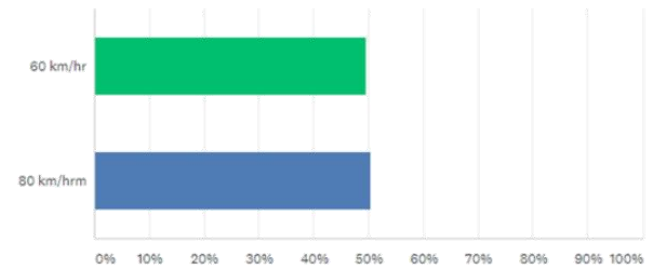
## Rural Roads Speed Limit Review - Survey Summary

The road below is narrow with roadside hazards such as power poles and drains. There is also a one lane bridge and no line marking. NZTA's Speed Management Guidelines and the Safer Journeys Online Risk Assessment Tool has determined that 100km/hr is not appropriate on this road.

Do you think the appropriate speed for this road is 80km/h or 60km/h? (Please Tick One)    80km/h     60km/h



Answered: 689    Skipped: 52



ANSWER CHOICES	RESPONSES
60 km/hr	49.64%    342
80 km/hr	50.36%    347
<b>TOTAL</b>	<b>689</b>

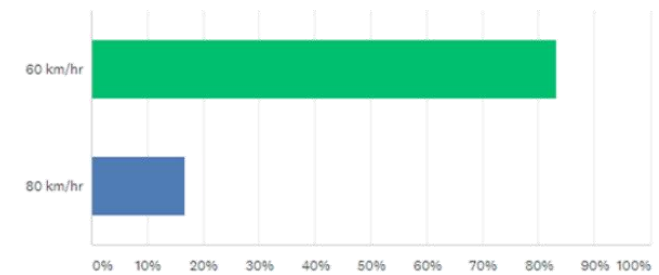
## Rural Roads Speed Limit Review - Survey Summary

The road below has roadside hazards such as drains and drop offs. It is unsealed and has a blind corner. NZTA's Speed Management Guidelines and the Safer Journeys Online Risk Assessment Tool has determined that 100km/hr is not appropriate on this road.

Do you think the appropriate speed for this road is 80km/h or 60km/h? (Please Tick One) 80km/h  60km/h



Answered: 698 Skipped: 43



ANSWER CHOICES	RESPONSES
60 km/hr	83.24% (581)
80 km/hr	16.76% (117)
<b>TOTAL</b>	<b>698</b>

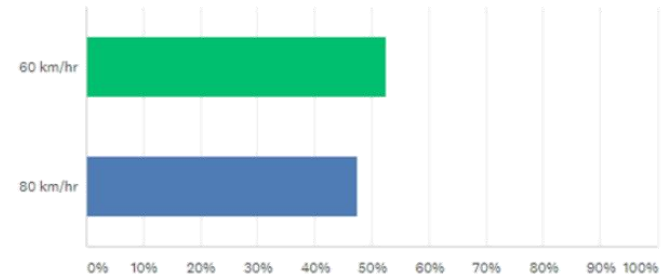
## Rural Roads Speed Limit Review - Survey Summary

The road below is a typical country road with no line marking, farming operations such as Milk tankers and tractors etc. and roadside hazards such as power poles, fences and drains.  
NZTA's Speed Management Guidelines and the Safer Journeys Online Risk Assessment Tool has determined that 100km/hr is not appropriate on this road.

Do you think the appropriate speed for this road is 80km/h or 60km/h? (Please Tick One)    80km/h     60km/h



Answered: 679    Skipped: 62



ANSWER CHOICES	RESPONSES	
60 km/hr	52.58%	357
80 km/hr	47.42%	322
<b>TOTAL</b>		<b>679</b>

## Rural Roads Speed Limit Review - Survey Summary

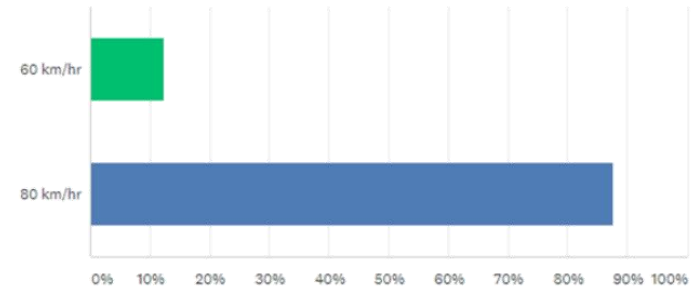
The road below is a typical country road, it is windy and has roadside hazards such as power poles, fences and drains.  
NZTA's Speed Management Guidelines and the Safer Journeys Online Risk Assessment Tool has determined that 100km/hr is not appropriate on this road.

Do you think the appropriate speed for this road is 80km/h or 60km/h? (Please Tick One)

80km/h  60km/h



Answered: 651 Skipped: 90



ANSWER CHOICES	RESPONSES	
▼ 60 km/hr	12.29%	80
▼ 80 km/hr	87.71%	571
<b>TOTAL</b>		<b>651</b>



## Rural Roads Speed Limit Review - Survey Summary

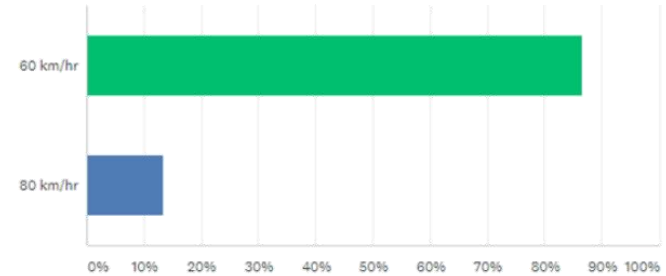
The road below is a typical unsealed road, it is windy and has roadside hazards such as drop offs and trees. NZTA's Speed Management Guidelines and the Safer Journeys e Risk Assessment Tool has determined that 100km/hr is not appropriate on this road.

Do you think the appropriate speed for this road is 80km/h or 60km/h? (Please Tick One)

80km/h  60km/h



Answered: 683 Skipped: 58



ANSWER CHOICES	RESPONSES
60 km/hr	86.68% 592
80 km/hr	13.32% 91
<b>TOTAL</b>	<b>683</b>

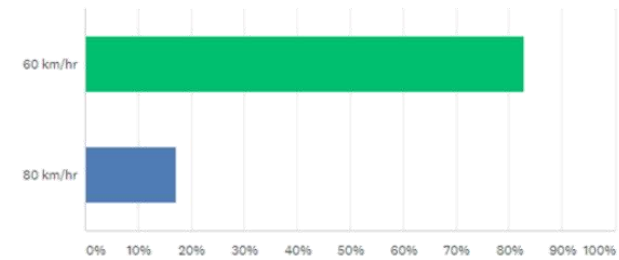
## Rural Roads Speed Limit Review - Survey Summary

The road below is a typical rural residential road, it is narrow and has a lot of housing development going on. NZTA's Speed Management Guidelines and the Safer Journeys e Risk Assessment Tool has determined that 80km/hr is not appropriate on this road.

Do you think the appropriate speed for this road is 80km/h or 60km/h? (Please Tick One) 80km/h  60km/h



Answered: 692 Skipped: 49



ANSWER CHOICES	RESPONSES	
60 km/hr	82.95%	574
80 km/hr	17.05%	118
<b>TOTAL</b>		<b>692</b>

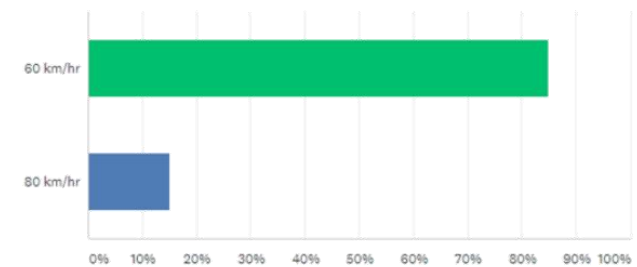
## Rural Roads Speed Limit Review - Survey Summary

The road below is a typical unsealed road, it has roadside hazards such as trees.  
NZTA's Speed Management Guidelines and the Safer Journeys e Risk Assessment Tool has determined that 100km/hr is not appropriate on this road.

Do you think the appropriate speed for this road is 80km/h or 60km/h? (Please Tick One)  80km/h  60km/h



Answered: 685 Skipped: 56



ANSWER CHOICES	RESPONSES	
▼ 60 km/hr	84.96%	582
▼ 80 km/hr	15.04%	103
<b>TOTAL</b>		<b>685</b>

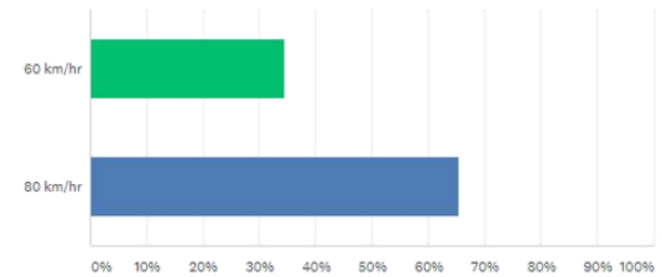
## Rural Roads Speed Limit Review - Survey Summary

The road below is a typical country road, it has roadside hazards such as power poles, fences and drains. There is also a one lane bridge NZTA's Speed Management Guidelines and the Safer Journeys Online Risk Assessment Tool has determined that 100km/hr is not appropriate on this road.

Do you think the appropriate speed for this road is 80km/h or 60km/h? (Please Tick One)    80km/h     60km/h



Answered: 677    Skipped: 64



ANSWER CHOICES	RESPONSES	
▼ 60 km/hr	34.56%	234
▼ 80 km/hr	65.44%	443
<b>TOTAL</b>		<b>677</b>

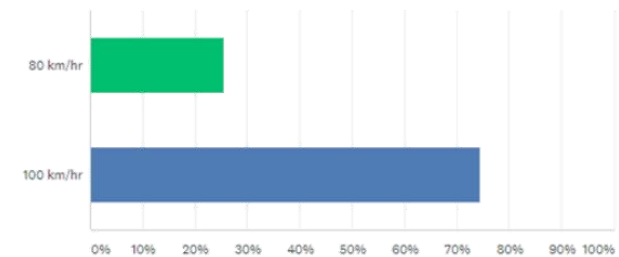
## Rural Roads Speed Limit Review - Survey Summary

The road below is an arterial road which NZTA's Speed Management Guidelines and the Safer Journeys e Risk Assessment Tool has determined could be 100km/h or 80km/h. The road is wide with line marking and not many hazards.

Do you think the appropriate speed for this road is 100km/h or 80km/h? (Please Tick One)    100km/h     80km/h



Answered: 721    Skipped: 20



ANSWER CHOICES	RESPONSES	
80 km/hr	25.52%	184
100 km/hr	74.48%	537
<b>TOTAL</b>		<b>721</b>

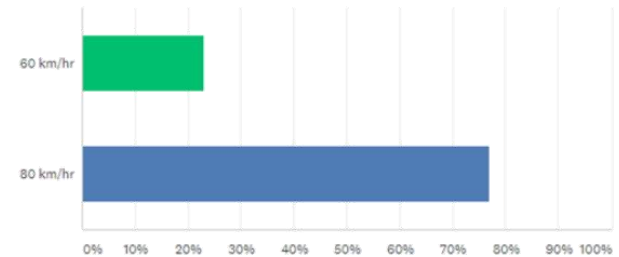
## Rural Roads Speed Limit Review - Survey Summary

The road below is a typical country road, it is narrow and has roadside hazards such as trees and fences, it also has a blind crest. NZTA's Speed Management Guidelines and the Safer Journeys e Risk Assessment Tool has determined that 100km/hr is not appropriate on this road.

Do you think the appropriate speed for this road is 80km/h or 60km/h? (Please Tick One)    80km/h     60km/h



Answered: 660    Skipped: 81



ANSWER CHOICES	RESPONSES	
60 km/hr	23.03%	152
80 km/hr	76.97%	508
<b>TOTAL</b>		<b>660</b>