



Agenda Council Meeting

**Tuesday 5 July 2022
at 9.00am**

All attendees at this meeting are advised that the meeting will be electronically recorded (audio and video) for the purpose of webcasting to the Council 's website. Every care will be taken to maintain individuals' privacy; however, attendees are advised they may be recorded as part of the general meeting proceedings.



NOTICE OF MEETING

**A MEETING OF THE WAITOMO DISTRICT COUNCIL IS TO BE HELD IN THE
WAITOMO DISTRICT COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON
TUESDAY 5 JULY 2022 COMMENCING AT 9.00AM**

COUNCIL MEMBERS

Mayor John Robertson
Cr Allan Goddard

Deputy Mayor Guy Whitaker
Cr Lisa Marshall

Cr Phil Brodie
Cr Janene New


MICHELLE HIGGIE
MANAGER – GOVERNANCE SUPPORT

ORDER PAPER

Items of Business	Page No.
1. Council Prayer	
<i>Almighty God we give thanks for the blessings which have been bestowed on Waitomo District. Laying aside all personal interests, we pray for guidance in our deliberations, that we may conduct the affairs of this Council with wisdom and humility, for the public welfare.</i>	
2. Apologies	
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5. Verbal Reports: Elected Member Roles and Responsibilities	
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10. Review of Freedom Camping Bylaw and Adoption of Statement of Proposal	58 – 112
11. Town Concept Plans – Refresh Project	113 – 122
12. Progress Report: King Country Indoor Sport and Recreation Centre	123 – 126
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PLEASE NOTE

The business papers attached to this Order Paper set out recommendations and suggested resolutions only. Those recommendations and suggested resolutions **DO NOT** represent Council policy until such time as they might be adopted by Council resolution.

1. This Order Paper may be subject to amendment either by the addition or withdrawal of items contained therein.
2. This Meeting will be **webcast** in real time to the Waitomo District Council website and will also be available for viewing on demand as soon as reasonably practicable following the meeting.

Document No: A619685

Report To: Council



Meeting Date: 5 July 2022

Subject: Declaration of Members' Conflicts of Interest

Purpose of Report

- 1.1 The purpose of this business paper is for elected members to –
- 1 Declare interests that may be deemed a potential conflict with their role as an elected member relating to the business papers for this meeting, and
 - 2 Declare any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968.

Commentary

2.1 **Conflicts of Interest**

2.2 Every elected member has a number of professional and personal links to their community. They may own a business or be a member on a board or organisation. They may have a pecuniary (financial) interest or a non-pecuniary (non-financial) interest. These interests are a part of living in the community which they need to make decisions about in their role with Council.

2.3 Elected members are governed by the Local Authorities (Members' Interests) Act 1968 and are guided by the Auditor-General in how this Act is administered. In relation to pecuniary interests, the two underlying purposes of the Act are to:

- Ensure members are not affected by personal motives when they participate in local authority matters; and
- In contracting situations, prevent members from using their position to obtain preferential treatment from the authority (the Council).

2.4 Non-pecuniary interests relate to whether an elected member could be in danger of having a real or perceived bias for an issue under consideration.

2.5 Elected members will also have interests that are considered no greater than the public at large. For example, most elected members will own a property and therefore be a ratepayer in the Waitomo District.

2.6 Conflicts of interest at times cannot be avoided, and can arise without anyone being at fault. They need not cause problems when they are promptly disclosed and well managed.

2.7 **Declarations of Interests and Conflicts**

2.8 At the beginning of each triennial council term, elected members are requested to disclose known interests on behalf of themselves (including spouses and partners). It is up to the elected member to judge whether they have any interests to declare. Some elected members may not have any, other elected members may have many.

2.9 As well as this, elected members may decide that they have an interest in a particular issue or item to be discussed at a meeting. There is a standing item on every meeting agenda for elected members to declare conflicts of interest.

- 2.10 These declarations should be clear as to whether there is just an “interest” with no pecuniary benefit and no greater benefit than to any member of the public, or they may be a Council appointed representative to an organization, or whether there is a “conflict of interest” in that there could potentially be a pecuniary or other direct benefit to the elected member.
- 2.11 Members who have declared a “conflict of interest” at the commencement of a meeting should make a further declaration when that item of business is considered and leave the meeting table (or the meeting room) and not take part in any discussion, debate or voting on the matter of conflict.
- 2.12 Attached to and forming part of this business paper is information to assist elected members in determining conflicts of interest.

Declarations

Mayor Robertson will invite elected members to give notice of any conflicts of interest relating to the business for this meeting.

In the event of a Declaration being made, the elected member must provide the following information relating to the Declaration:

Item(s) of Business on the Order Paper	Elected Member Name and Reason for Declaration	Type of Conflict Financial Non-Financial Conflict of Roles Pre-Determination
Item No –	•	•



MICHELLE HIGGIE
MANAGER – GOVERNANCE SUPPORT

Local Authority (Members' Interests) Act 1968
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- 3.1 The Local Authority (Members' Interests) Act 1968 helps to protect the integrity of local authority decision-making by ensuring that Councillors are not affected by personal motives when they participate in Council decision-making and cannot use their position to obtain preferential access to contracts. This Act deals with two forms of "interest":
1. Pecuniary
 2. Non-pecuniary
- 3.2 **Pecuniary Interest**
- 3.3 The **two** specific rules in the Act are that members cannot:
1. Enter into contracts with their local authority worth more than \$25,000 (including GST) in a financial year unless the Auditor-General approves the contracts (referred to as the contracting rule). Breach of this rule results in automatic disqualification from office; and
 2. Participate in matters before the Council in which they have a pecuniary interest, other than an interest in common with the public (referred to as the participation rule). Breach of this rule is a criminal offence and conviction results in automatic disqualification from office
- 3.4 A pecuniary interest is one that involves money. This could be direct or indirect. It is sometimes difficult to decide whether an interest in a particular matter is pecuniary or some other kind. It is always the responsibility of elected members to make this decision, to declare any interest when appropriate and to ensure that as an elected member you comply with the Act's requirements at all times. The Act generally provides that no person shall be capable of being a member of Council if that person is concerned or interested in any contracts with the Council where the total payments made by the Council in respect of such contracts exceeds \$25,000 in any one financial year.
- 3.5 The Act also provides that an "interest" exists where a member's spouse is involved and/or where a member or their spouse is a major shareholder or have control or management of a company which contracts with Council or where the company has a pecuniary interest in the decision. It may also apply where your family trust has a contract with the Council.
- 3.6 The Act does provide that on application to it the Office of the Auditor General may give specific approval to a member being concerned or interested in a particular contract, in which case the provisions of the Act will not disqualify the Councillor from remaining in office. The approval needs be gained before the contract concerned is entered into.
- 3.7 The Act also requires that a member shall not vote or take part in the discussion of any matter in which he/she has any pecuniary interest, other than an interest in common with the public. This interest is required to be declared by the member and is noted in the minutes.
- 3.8 The Office of the Auditor General is the agency, which oversees this legislation and it also has the responsibility and power to institute proceedings against any member. The Act does not define pecuniary interest, however the Office of the Auditor-General uses the following test: "Whether, if the matter were dealt with in a particular way, discussing or voting on that matter could reasonably give rise to an expectation of a gain or loss of money for the member concerned."
- 3.9 In deciding whether you have a pecuniary interest you should consider the following factors: What is the nature of the decision being made? Do I have a financial interest in that decision – do I have a reasonable expectation of gain or loss of money as a result of making that decision? Is my financial interest one that is in common with the public? Do any of the exceptions in the Act apply to me? Could I apply to the Auditor-General for approval to participate?
- 3.10 Further guidance is provided in the booklet "Guidance for members of local authorities about the Local Authorities (Members' Interests) Act 1968" which has been provided to 5 elected members. It is important that you pay particular attention to the contents of this booklet as this is one of the few areas of the Council's business where staff do not set out to provide

pro-active advice and members are personally liable for compliance with the provisions of this Act.

3.11 Non-Pecuniary Interest

3.12 Non-pecuniary interest is any interest the member may have in an issue that does not involve money. A common term for this is "bias" or pre-determination. Rules about bias operate not only to ensure that there is no actual bias, but also so there is no appearance or possibility of bias. The principle is that justice should not only be done, but it should be seen to be done. Bias may be exhibited where:-

- By their statements or conduct a member may indicate that they have predetermined the matter before hearing or considering all of the relevant information on it (including the Council's debate); or
- The member has a close relationship with an individual or organisation affected by the matter.

3.13 Non-pecuniary interest is a difficult issue as it often involves matters of perception and degree. The question you need to consider, drawn from case law, is: "Is there, to a reasonable, fair-minded and informed observer, a real indication of bias on the part of a member of the decision making body, in the sense that they might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?" If there is, the member should declare their interest and withdraw from the debate and take no further part in the discussion of this item. The law about bias does not put you at risk of personal liability. Instead, the validity of the Council's decision could be at risk. The need for public confidence in the decision-making process is paramount and perception can be an important factor. Again the booklet provided by Office of the Auditor General provides some excellent advice and information on this issue.

Waitomo District Council Procurement Policy 2018

4.1 The following are extracts from WDC's Procurement Policy:

WDC's procurement activities will be conducted in line with the core Procurement Principles and a decision framework that ensures:

- **Adherence** – all procurement is required and is undertaken in accordance with the Procurement Policy and all other associated WDC Policies and Strategies;
- **Openness** - all procurement is made in an open and transparent manner with full and fair opportunity for all eligible suppliers;
- **Fairness** - all procurement is carried out in a fair manner and decisions are made with impartiality and without bias;
- **Integrity** - all WDC employees and/or authorises third parties undertaking procurement do so ethically, equitably and with behavioural standards of the highest levels;
- **Value for Money** – all procurement considers the costs and benefits over the life of the goods, services and/or works, and in doing so takes into consideration local procurement;
- **Risk** – all procurement considers the risks (commercial and otherwise) and ensures these are managed appropriately;
- **Lawfulness** - all procurement is within the law and meets WDC's legal and organisational obligations;
- **Accountability** - employees and/or authorised third parties and suppliers are accountable for their performance; and
- **Sustainability** - all procurement is environmental and socially sustainable wherever possible, having regard to economic, environmental, and social impacts over their lifecycle.

Conflict of Interest and Declarations Policy 2018

WDC is required to identify, disclose, document and manage employees' conflicts of interest, and to ensure that decisions made on behalf of WDC and the community are fair and free of bias or perceived bias.

Note: the words "decision" and "decisions" should be taken to include recommendations and advice:

- (a) that might significantly influence decisions that will be made by other people; or
- (b) on development of strategies and policies that will guide future WDC decision making on service provision, purchasing, contracting or staff employment.

WDC recognises that the professional and personal interests of employees mean that conflicts of interest sometimes cannot be avoided, and can arise without necessarily establishing a fault. Conflict need not cause difficulties, and can be managed so that the best interests of WDC and its ratepayers, residents or customers are served.

DEFINITION OF CONFLICT OF INTEREST

A **conflict of interest** exists when an employee could be influenced or could be perceived as being influenced by a personal or private interest in **any transaction** while performing their WDC duties and/or responsibilities. A personal or private interest is an interest that may bring benefit to an employee as an individual, or to others associated with the employee i.e. spouse or family member, to whom the employee may later benefit.

A **transaction** includes, but is not limited to:

- (a) the exercise or performance of a function, duty, or power of WDC; or
- (b) an arrangement, agreement, or contract to which WDC is a party; or
- (c) a proposal that WDC enter into an arrangement, agreement, or contract; or
- (d) development of a strategy or policy that will guide future decision making on service provision, purchasing, contracting or staff employment; or
- (e) the consideration of or decision made by or at a meeting of Council or its committees and subcommittees.

A Conflict of Interest may exist where the employee:

- will or may derive a benefit from the transaction – a financial, professional or personal benefit;
- has a financial interest in another party to a transaction;
- is a director, shareholder, officer or trustee of another party to the transaction, or is a person who will or may derive a financial benefit from the transaction;
- has an interest in another party tendering for work which WDC is considering; or
- is the partner, parent, child, spouse, sibling, or close friend of another party to the transaction, or a person who will or may derive a benefit from the transaction; or
- is an affected member or interested party in a proposal considered by Council.

Managing conflicts of interest

A conflict of interest is a situation where the responsibilities you have in your work for a public organisation are affected by an interest or relationship you have in your private life.

Having a conflict of interest does not necessarily mean you have done anything wrong. It all depends on how you manage it.

You need to ask yourself not just whether the interest or relationship means you are biased, but also whether someone looking in from the outside could have reasonable grounds to think you might be.

The “rules” for managing conflicts of interest in the public sector are generally stricter than in the private sector. If you work for a public organisation, the public needs to have confidence that any decisions you make:

- are made impartially and for the right reasons; and
- are not influenced by personal interests or ulterior motives.

Any decisions about conflicts of interest should take into account the core public service values:

- integrity;
- impartiality
- trustworthiness;
- respect; and
- responsiveness.



Tips for managing conflicts

- Make sure you know what rules apply to you, whether in your employment contract, contract for services, terms of appointment, or any internal policies of the entity you work for.
 - Declare any interests you have that might pose a conflict. This shows you are being open. It will also help the entity you work for avoid putting you in a situation where a conflict might arise, or to manage a conflict if one arises.
 - Follow any rules or guidance provided by the entity you work for when deciding how to manage a conflict.
- As a minimum, declare any conflicts you have as soon as you become aware of them, preferably in writing.
 - Think about what else you might need to do to manage the conflict. Get advice if you need to. Talk to your manager, or if you are on a board, the chairperson.
 - You need to consider ethics as well as legal rules. Just because it's not unlawful to participate, that does not necessarily mean it would be appropriate to participate.

If in doubt, stay out.



When you have to make a decision, ask yourself:

FINANCIAL

- Do you stand to gain or lose financially from the decision?
- Does someone close to you – like an immediate family member – or a business you are involved with stand to gain or lose financially from the decision?

A situation does not need to involve cash changing hands to be considered a financial interest. A financial interest could, for example, relate to an effect on the value of property.

A financial interest might be direct or indirect. In situations that someone close to you or a business you are involved with has a financial interest, you might be considered to share their interest.

Financial interests are generally treated more strictly than other types of interest. If you have a financial conflict of interest, the law presumes you are biased. This is why you should automatically treat a financial conflict of interest seriously, even if it seems trivial to you.

For some entities in the public sector, there are specific statutory requirements that apply to managing the financial conflicts of interest, which you need to be aware of.

NON-FINANCIAL

- Is someone close to you or an organisation you are involved with likely to be affected by the decision you make?
- If so, is there a risk that you will be seen to be biased in your decision because of this relationship or association?

If you have a conflict of interest, but not one from which you stand to gain or lose financially, the law does not automatically assume you are biased.

This does not necessarily mean a non-financial conflict is less serious than a financial conflict – but there is generally more room for judgement about whether it is acceptable for you to participate.

Questions you need to think about include:

- How close is your relationship with this other person or organisation?
- Will they be directly affected by the decision?
- How seriously will they be affected?

CONFLICT OF ROLES

Will a second organisation you have a role in (entity B) be affected by the decision you are making for the public organisation you work for (entity A)?

If so:

- Is there a risk that you will be seen to be acting in the interests of entity B rather than entity A?
- If you participate in this decision, is there a risk that you might breach obligations you owe to either entity – for example, a duty of loyalty or confidentiality?

The issue with a conflict of roles is not so much whether you personally have a conflict, but whether the interests of the two organisations conflict.

If you have a conflict of roles, you will need to consider whether it is appropriate for you to participate in the decision-making process “on both sides of the table”. You will also need to think about whether you are going to be in a position to fulfil your obligations to both entities at the same time.



If there is a risk that there might be conflicts at some point during the decision-making process, you should discuss your situation with both entities. This gives each an opportunity to consider the risks from their perspective and decide whether they are comfortable with you participating on both sides.

PRE-DETERMINATION

Is there anything you have previously done or said that might make people think you are not going to listen fairly to all the relevant information before you make your decision?

It is accepted that people working for public entities will have their own views on many matters, and, in many cases, might already have views on what the “right answer” to an issue is.

You are not required to approach every decision as though you have given it no prior thought, or have no existing knowledge or opinion. However, you are required to keep an open mind, and you must be prepared to change or adjust your views if the evidence or arguments warrant it.

That means you need to take care that what you do or say does not make it look like you have already made your decision before you have considered all the relevant information and evidence.

Where to read more

FINANCIAL	NON-FINANCIAL	CONFLICT OF ROLES	PRE-DETERMINATION
Paragraphs 3.7-3.11	Paragraphs 3.12-3.24	Paragraphs 3.25-3.31	Paragraphs 3.32-3.40
Scenarios 3, 5	Scenarios 1, 2, 3, 9, 11	Scenarios 8, 10	Scenarios 4, 7
If you are an elected member of a local council, or a member of the governing body of any other entity to which the Local Authorities (Members' Interests) Act 1968 applies, please also read our Guide on that Act.			

WAITOMO DISTRICT COUNCIL

MINUTES OF A MEETING OF THE WAITOMO DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, QUEEN STREET, TE KUITI ON TUESDAY 31 MAY 2022 AT 9.00AM

- PRESENT:** Mayor John Robertson
Deputy Mayor Guy Whitaker
Councillor Phil Brodie
Councillor Allan Goddard
Councillor Lisa Marshall
Councillor New
Councillor Sue Smith
- IN ATTENDANCE:** Te Maramatanga Christine Toroa (Submitter)
Wayne Jensen (Submitter)
- Chief Executive, Ben Smit
Manager – Governance Support, Michelle Higgie
General Manager – Infrastructure Services, Shyamal Ram
General Manager – Strategy and Environment, Alex Bell (for part only)
Manager – Strategy and Policy, Charmaine Ellery (for part only)
Shay Allen, Pinnacles (Roading) (for part only)
- Via Zoom:** General Manager – Community Services, Helen Beever
General Manager – Business Support, Alister Duncan
Special Projects Coordinator, Greg Boyle (for part only)

1. Council Prayer

2. Declarations of Member Conflicts of Interest

Members declared interests/conflicts of interest in respect to the Agenda as set out below:

Item(s) of Business on the Order Paper	Member and Reason for Declaration	Type of Conflict <i>Financial / Non-Financial / Conflict of Roles / Pre-Determination</i>
Item 15: Progress Report: King Country Indoor Sport and Recreation Centre	<ul style="list-style-type: none"> • Cr New (Trustee on Game On Charitable Trust) 	Non-Financial

3. Hearing of Submitters - Review of Rates Remission Policy

The following Submitters were in attendance at the meeting to speak in support of their written Submissions to Council's Draft Rates Remission Policy (Including Remissions and Postponements of Rates on Māori Freehold Land):

9.05am - Wayne Jensen

Wayne Jensen tabled a further written submission to replace the earlier written submission and spoke in support of the submission.

Council thanked Mr Jensen for his very comprehensive submission.

9.15am - Te Maramatanga Christine Toroa

Te Maramatanga Toroa spoke in support of her written submission advising that she agreed with everything Mr Jensen had submitted and the only additional item she wished to raise was the issues experienced with rate demands for property with multiple owners being sent to only one of the owners.

The Mayor advised the Submitters that their submissions would be deliberated on later in this meeting and they would receive written responses in due course.

Resolution

The verbal submissions from Wayne Jensen and Te Maramatanga Christine Toroa be received.

New/Smith Carried

Wayne Jensen and Te Maramatanga Christine Toroa left the meeting at 9.20am.

Note: The third submitter to be heard did not present.

4. Confirmation of Minutes – 26 April 2022**Resolution**

The Minutes of the Waitomo District Council meeting of 26 April 2022 be confirmed as a true and correct record.

Robertson/Whitaker Carried

5. Receipt of Unconfirmed Audit, Risk and Finance Committee Minutes – 17 May 2022**Resolution**

The Unconfirmed Minutes of the Waitomo District Council Audit, Risk and Finance Committee meeting of 17 May 2022 be received.

Robertson/Brodie Carried

The General Manager – Strategy and Environment and Manager – Strategy and Policy left the meeting at 9.23am.

6. Verbal Reports: Elected Member Roles and Responsibilities

Elected members gave verbal reports on their individual portfolio roles and responsibilities as follows:

Council noted that due to the Covid restrictions in place, many scheduled meetings/events have been cancelled with some meetings being convened via Zoom.

Deputy Mayor Whitaker

1. Wally Bain (Coroner) – Book Launch Evening
2. Brook Park
3. Legendary Te Kuiti
4. District Licencing Committee Hearing

Cr Smith

1. Tere Waitomo
2. Waitomo Museum

Cr Marshall

1. Kainga Ora Meeting for Lawrence St
2. Te Kuiti Community House
3. Te Kuiti High School
4. Hauora Expo at Les Munro Centre

Cr Goddard

1. Federated Farmers AGM
2. Benneydale Hall
3. Emergency Management and CD Joint Committee

Cr New

1. Wally Bain (Coroner) – Book Launch Evening
2. Legendary Te Kuiti
3. Waitomo Sister City – planning inbound and outbound exchanges for 2023

Cr Brodie

1. Mokau Ki Runga Meeting
2. Regional Transport Committee
3. Regional Public Transport Meeting in Hamilton
4. KC River Care Seminar
5. St Helens Domain Board AGM
6. Zone 2 Meeting

Mayor

1. King Country Indoor Sport and Recreation Centre PCG Meeting
2. MP Barbara Kuriger and Simon Watts
3. Composting Session at Maara Kai Ropu
4. Marokopa Site Visit with Chief Executive
5. NZ Police - Western Commander
6. Mayors Taskforce for Jobs Breakfast with involved local businesses
7. Meeting with new retailers
8. Introduced to The Lines Company Acting Chief Executive Mike Fox
9. Inframax Construction Ltd – meeting with new Chairperson
10. Tiki Tour – Opotiki, Katikati and Takanini (looking at arts, museums, libraries)

Resolution

The verbal reports be received.

Robertson/Marshall

Carried

7. Mayor's Report – May 2022

Council considered the Mayor's Report for May 2022.

Resolution

The Mayor's Report – May 2022 be received.

Robertson/Smith

Carried

8. Inframax Construction Ltd - Dividend Write-Off and Internal Loan Balance
--

Council considered a business paper –

- 1 Recommending that Council consider the writing off of a historical dividend contribution shortfall from Inframax Construction Ltd; and
- 2 Providing details of the current loan balance relating to a loan raised for the purpose of injecting capital into Inframax Construction Ltd to improve the company's financial structure.

The Chief Executive and General Manager – Business Support expanded verbally on the business paper and answered Members' questions.

The General Manager – Strategy and Environment and Manager – Strategy and Policy re-entered the meeting at 9.47am.

Resolution

- 1 The business paper on Inframax Construction Ltd - Dividend Write-Off and Internal Loan Balance be received.
- 2 That the internal loan of \$2.485M, raised to fund budgeted dividends which were not received from Inframax Construction Limited in the 2007/2008 and 2008/2009 financial years be written off.

Robertson/Whitaker Carried

9. Adoption of the Annual Plan 2022/2023

Council considered a business paper -

- 1 Presenting a draft Annual Plan 2022/23 for Council consideration and adoption as per Section 95 of the Local Government Act 2002; and
- 2 Proposing the setting of rates for the 2022/23 financial year pursuant to Sections 23 and 24 of the Local Government (Rating) Act 2002.

The Chief Executive, General Manager – Business Support and Manager – Strategy and Policy expanded verbally on the business paper and answered Members' questions.

Council noted that a final proofing of the document is to be undertaken prior to sending to print.

Mayor Robertson noted that a comment needs to be included in the Introduction from the Mayor and Chief Executive about the fact that Council has maintained the proportionality between groups of rates following the District property revaluations.

Resolution

- 1 The business paper on Adoption of Annual Plan 2022-23 be received.
- 2 Council adopt the Annual Plan 2022-23 document.
- 3 The Chief Executive be authorised to make any final editorial amendments to the Annual Plan 2022-23 document and any changes directed by the Council at this meeting.
- 4 Pursuant to Sections 23 and 24 of the Local Government (Rating) Act 2002, Council set the rates, charges, and instalment due dates for the 2022/23 financial year commencing 1 July 2022 and ending on 30 June 2023 as follows:

1. GENERAL RATE

A General Rate set under section 13 of the Local Government (Rating) Act 2002 (LGRA) made on every rating unit across the District, assessed as a rate per \$100 of capital value. The General Rate is not set differentially. The General Rate will contribute to the funding of:

Leadership	Public Facilities	District Promotion
Other Land and Buildings	Parks and Reserves	Emergency Management
District Libraries	Community Halls	Regulatory Services
Aquatic Centre	Cemeteries	Waste Minimisation
Les Munro Centre	Community Development	Resource Management
Aerodrome	Economic Development	

Requirement in 2022/23 (incl. GST)

General Rate	Rate per \$100 capital value	Total Revenue Requirement (\$000)
All rating units in the District	0.19504	8,450

2. UNIFORM ANNUAL GENERAL CHARGE

A Uniform Annual General Charge (UAGC) per separately used or inhabited part of a rating unit across the District, set under Section 15(1)(b) of the LGRA. The UAGC will contribute to the funding of:

Leadership	Other Land and Buildings	Community Development
Parks and Reserves	Public Facilities	Emergency Management
District Libraries	Community Halls	Regulatory Services
Aquatic Centre	Cemeteries	Resource Management
Les Munro Centre	Aerodrome	Waste Minimisation

Requirement in 2022/23 (incl. GST)

Uniform Annual General Charge	Charge per SUIP	Total Revenue Requirement (\$000)
All rating units in the district	\$423	2,341

Definition of SUIP

A separately used or occupied part of a rating unit includes any part of a rating unit that is used or occupied by any person, other than the ratepayer, having a right to use or inhabit that part by virtue of a tenancy, lease, licence, or other agreement, or any part or parts of a rating unit that are used or occupied by the ratepayer for more than one single use. This definition includes separately used parts, whether or not actually occupied at any particular time, which are provided by the owner for rental (or other form of occupation) on an occasional or long-term basis by someone other than the owner.

For the avoidance of doubt, a rating unit that has only one use (i.e. does not have separate parts or is vacant land) is treated as being one SUIP.

3. TARGETED RATES

Targeted Rates are set on categories of land defined by some factor, such as geographic location or provision of service. The titles of 'Targeted Rate' (TR) and 'Targeted Fixed Rate' (TFR) are used by this Council. Targeted Fixed Rates are based on a uniform amount set per separately used or inhabited part of a rating unit (SUIP) or set per rating unit. Targeted Rates are assessed based on capital value or water consumption.

Targeted Rates Differentiated on Location

Council will use location (Schedule 2(6) LGRA) to define the land liable for the Aquatic Centre TFR, Piopio Retirement Village Contribution TFR, Rural Stormwater TFR, and Te Kuiti Urban Stormwater TFR and targeted rate.

The following location definitions for the respective rating areas will apply:

Te Kuiti Urban Rating Area	All rating units situated within the Te Kuiti Urban Rating Area (Refer to Revenue and Financing Policy for further details)
Te Kuiti Urban and Periphery Rating Area	All rating units situated within a 5km radius, all around, from the Information Centre (deemed to be the centre of town), in Te Kuiti. (Refer to Revenue and Financing Policy for further details)
Rural Rating Area	All rating units situated within the Rural Rating Area (Refer to Revenue and Financing Policy for further details)

Piopio Township	All rating units connected or with the ability to connect to the Piopio Wastewater System (Refer to Revenue and Financing Policy for further details)
Piopio Wider Benefit Rating Area	All rating units situated in the rural areas around Piopio Township (excluding Rating units/SUIPs connected or with the ability to connect to the Piopio Wastewater System) that are deemed to indirectly benefit from the Piopio Wastewater reticulation network. (Refer to Revenue and Financing Policy for further details)

3.1 Aquatic Centre TFR

An Aquatic Centre TFR set under section 16 of the Local Government (Rating) Act 2002 per separately used or inhabited part of a rating unit in the District, differentiated by rating areas, to part fund the Aquatic Centre Activity. The rating areas for the purpose of assessing the Aquatic Centre TFR will be the Te Kuiti Urban and Periphery Rating Area and Rating Units in the District not in the Te Kuiti Urban and Periphery Rating area.

Requirement in 2022/23 (incl. GST)

Aquatic Centre (TFR)	Charge per SUIP	Total Revenue Requirement (\$000)
Te Kuiti Urban and Periphery Rating Area	\$105	247
Rating Units in the District not in the Te Kuiti Urban and Periphery Rating Area	\$19	62

3.2 Piopio Retirement Village Contribution TFR

Council set a TFR under section 16 of the Local Government (Rating) Act 2002 per rating unit situated within the Piopio Township and the Piopio Wider Benefit Rating Area to fund the support of the continued delivery of elderly housing accommodation services provided by the Piopio Retirement Trust Board through the remission of service charges.

Requirement in 2022/23 (incl. GST)

Piopio Retirement Village Contribution (TFR)	Charge per Rating Unit	Total Revenue Requirement (\$000)
Piopio Wider Benefit Rating Area and Piopio Township	\$20	15

3.3 Rural Stormwater TFR

Council set a TFR under section 16 of the Local Government (Rating) Act 2002 per separately used or inhabited part of a rating unit in the Rural Rating Area of the District to fund the Rural Stormwater Activity.

Requirement in 2022/23 (incl. GST)

Rural Stormwater (TFR)	Charge per SUIP	Total Revenue Requirement (\$000)
Rural Rating Area	\$8	26

3.4 Te Kuiti Urban Stormwater TFR and Targeted Rate.

- (i) Council set a TFR under section 16 of the Local Government (Rating) Act 2002 per rating unit in the Te Kuiti Urban Rating Area to partly fund the Te Kuiti Urban Stormwater Activity.
- (ii) Council set a Targeted Rate under section 16 of the Local Government (Rating) Act 2002 to partly fund the Te Kuiti Urban Stormwater Activity, to be assessed as a rate per \$100 of Capital value on every rating unit in the Te Kuiti Urban Rating Area excluding those in respect of which there is a current resource consent to discharge stormwater into the Mangaokewa Stream, and so are not using any part of the urban reticulated stormwater or drainage network.

Requirement in 2022/23 (incl. GST)

Te Kuiti Urban Stormwater (TFR)	Charge per rating unit	Total Revenue Requirement (\$000)
Te Kuiti Urban Rating Area	\$173	310

Te Kuiti Urban Stormwater Targeted Rate (TR)	Rate per \$100 Capital Value	Total Revenue Requirement (\$000)
Te Kuiti Urban Rating Area (excluding rating units not using network)	0.02830	208

3.5 Water Rates

Council set a TFR under section 16 of the Local Government (Rating) Act 2002 for Water Supply differentiated on the basis of supply area. The TFR is set per separately used or inhabited part of a rating unit within Te Kuiti and Rural Communities (Piopio, Maniaiti / Benneydale and Mokau), with liability calculated based on whether the SUIP is connected, or merely serviceable (Serviceable means the rating unit is within 100m of water main and practicably serviceable in the opinion of Council).

Requirement in 2022/23 (incl. GST)

Water Supply (TFR)	Charge		Total Revenue Requirement (\$000)
	Per Connected SUIP	Per Serviceable SUIP	
Te Kuiti	\$719	\$360	1,485
Piopio	\$989	\$494	242
Maniaiti / Benneydale	\$989	\$494	118
Mokau	\$989	\$494	217

3.6 Extraordinary Water Supply Rate

Council set a TR under section 19 of the Local Government (Rating) Act 2002 per cubic metre of water consumed over and above an annual consumption of 292m³ per SUIP, differentiated by supply area that has been fitted with a water meter and/or is defined as having an extraordinary supply (in accordance with Council's Water Services Bylaw). The rates are:

Requirement in 2022/23 (incl. GST)

Water Supply Rate (TR)	2022/23 Charge per cubic metre (including GST) above 292m ³
Te Kuiti	\$3.05
Piopio	\$3.33
Maniaiti / Benneydale	\$3.67
Mokau	\$4.88
Total Revenue Requirement (\$000)	1,124

Metered Water Supply Due Dates

	Reading Period	Due Date
Te Kuiti Meat Companies	Monthly	15 th of the month following invoice
Te Kuiti, Piopio, Mokau and Maniaiti / Benneydale	Jul – Dec 2022 Jan – Jun 2023	15 th of the month following invoice

3.7 District Wide Benefit Rate for Water Supply

Council set a TFR under section 16 of the Local Government (Rating) Act 2002 on every rating unit within the District to part fund the water supply activities.

Requirement in 2022/23 (incl. GST)

District Wide Benefit Rate for Water Supply (TFR)	Charge per Rating Unit	Total Revenue Requirement (\$000)
All Rating Units in the District	\$50	229

3.8 Wastewater Rates

Council set a TFR under section 16 of the Local Government (Rating) Act 2002 to provide for the collection and disposal of sewage. The TFR is set per separately used or inhabited part of a rating unit

within the District, with liability calculated based on whether the SUIP is connected to the wastewater network, or merely serviceable (Serviceable means the rating unit is within 30m of sewer reticulation and practicably serviceable in the opinion of Council).

Requirement in 2022/23 (incl. GST)

Wastewater (TFR)	Charge		Total Revenue Requirement (\$000)
	Per connected SUIP	Per serviceable SUIP	
Maniaiti / Benneydale	\$824	\$412	92
Te Waitere	\$824	\$412	14
Te Kuiti	\$824	\$412	1,394
Piopio	\$824	\$412	175

3.9 Wastewater rates for non-residential properties in Te Kuiti

For all non-residential properties in Te Kuiti, Council set a TFR under section 16 of the Local Government (Rating) Act 2002 per SUIP set on a differential basis based on the following Categories

- **Category 1** - All Businesses
- **Category 2** - Education & Community Childcare, Places of Worship, Marae, Clubs and Societies and Emergency Services. This category consists of organisations that are generally deemed 'not for profit'. For avoidance of doubt, Category 2 only covers properties with uses listed within this category and no others.
- **Category 3** - Government Department use, Rest Homes and Hospitals.

All non-residential SUIPs will be charged one base charge for up to four pans and per pan (Pan Charge) for every pan over and above this threshold on the following basis:

Base Charge:

Requirement in 2022/23 (incl. GST)

Non-Residential Targeted Rate (TFR)	Base Charge per SUIP (up to 4 pans)	Per serviceable SUIP	Total Revenue Requirement (\$000)
Category 1	\$412	\$412	84
Category 2	\$412	\$412	14
Category 3	\$824	\$412	7

Pan Charge:

Requirement in 2022/23 (incl. GST)

Non-Residential Targeted Rate (TFR)	Number of pans	Charge per pan (Pan Charge)	Total Revenue Requirement (\$000)
Category 1	5th pan and over	\$577	59
Category 2	5-10 Pans	\$247	2
	Over 10 Pans	\$165	20
Category 3	5th pan and over	\$577	26

3.10 Trade Waste Contribution TFR

Council set a Trade Waste Contribution TFR under section 16 of the Local Government (Rating) Act 2002 per rating unit in the District in recognition of the contribution made to the social and economic well-being of the District by the large industrial users of the Te Kuiti Wastewater Network.

Requirement in 2022/23 (incl. GST)

Trade Waste Contribution (TFR)	Charge Per rating unit	Total Revenue Requirement (\$000)
All Rating Units in the District	\$40	182

3.11 District Wide Benefit Rate for Wastewater

Council set a TFR under section 16 of the Local Government (Rating) Act 2002 on every rating unit within the District to part fund the wastewater activities.

Requirement in 2022/23 (incl. GST)

District Wide Benefit Rate for Wastewater (TFR)	Charge Per Rating Unit	Total Revenue Requirement (\$000)
All rating units in the District	\$46	210

3.12 District Roding Rate

Council set a District Roding targeted rate under section 16 of the Local Government (Rating) Act 2002 as a rate per \$100 of capital value on every rating unit across the District to part fund the Roads and Footpaths Activity.

Requirement in 2022/23 (incl. GST)

District Roding Rate (TR)	Rate per \$100 Capital Value	Total Revenue Requirement (\$000)
All rating units in the District	0.11875	5,145

3.13 Solid Waste Collection Rate

Council set a TFR under section 16 of the Local Government (Rating) Act 2002 per separately used or inhabited part of a rating unit to which Council provides a kerbside collection and recycling service differentiated by service areas where Council operates kerbside collection and kerbside recycling services (Te Kuiti, Piopio, Mokau (including Awakino) communities and Waitomo Village and some surrounding parts).

Requirement in 2022/23 (incl. GST)

Solid Waste Collection (TFR)	Charge per SUIP	Total Revenue Requirement (\$000)
Te Kuiti	\$67	135
Waitomo	\$71	48
Piopio	\$148	34
Mokau	\$147	45

3.14 Solid Waste Rate

Council set a TFR under section 16 of the Local Government (Rating) Act 2002 per separately used or inhabited part of a rating unit District wide to part fund the Solid Waste activity.

Requirement in 2022/23 (incl. GST)

Solid Waste (TFR)	Charge per SUIP	Total Revenue Requirement (\$000)
All rating units in the District	\$177	975

3.15 District Development Rate

Council set a District Development Targeted Rate under section 16 of the Local Government (Rating) Act 2002 as a rate per \$100 of capital value differentiated between Commercial and Industrial Businesses, and Rural Businesses, to part fund Economic Development and District Promotion.

Requirement in 2022/23 (incl. GST)

District Development Rate (TR)	Rate per \$100 Capital Value	Total Revenue Requirement (\$000)
Commercial and Industrial Businesses	0.04204	177
Rural Businesses	0.00686	177

4. RATES PAYMENTS

Rates will be payable in four equal instalments with the due dates for payments being:

1st Instalment	31 August 2022 (Wednesday)
2nd Instalment	30 November 2022 (Wednesday)
3rd Instalment	28 February 2023 (Tuesday)
4th instalment	31 May 2023 (Wednesday)

Note: The due date for payment of each instalment is the last working day in each of the months specified above. Rates payments will be allocated to the oldest debt first.

5. RATES REMISSIONS AND POSTPONEMENTS

Council has developed a rates remissions policy as per LGA (section 102 (3)(a), 108 and 109) and LGRA (Section 85). Remission categories include Properties Used Jointly as a Single Unit, Community Organisations and Clubs and Societies, Organisations Providing Care for the Elderly, New Residential Subdivisions, Maori Freehold Land, Cases of Land Affected by Natural Calamity, New Businesses, Penalties, and Rates and/or penalties following a Rating Sale or Abandoned Land Sale. The estimated value of these remissions is \$268,000 for the 2022/23 year.

Under the Policy on Remission of Rates, Council will not offer any permanent postponements of rates.

6. PENALTIES

Pursuant to sections 57 and 58 of the Local Government (Rating) Act 2002, Council may apply penalties as follows:

- (a) A penalty charge of 10 percent (10%) on any part of an instalment that has been assessed for the financial year commencing 1 July 2022 and which remains unpaid after 5pm on the due date for payment of that instalment, to be added on the penalty dates below:

Instalment 1	5 September 2022
Instalment 2	5 December 2022
Instalment 3	3 March 2023
Instalment 4	5 June 2023

A further penalty charge of 10 percent (10%) on any part of any rates assessed before 1 July 2022 that remains unpaid on 1 July 2022, to be added on 7 July 2022.

No penalties will be charged where a ratepayer is paying rates by direct debit or where there is an approved payment arrangement in place

Robertson/Brodie Carried

Council noted a vote of thanks to the staff for their work on the 2022/2023 Annual Plan.

The Manager – Strategy and Policy left the meeting at 10.07am.

10. Adoption of Draft Updated Procurement Policy 2022

Council considered a business paper presenting a draft updated Procurement Policy for consideration and adoption.

The Chief Executive expanded verbally on the business paper and answered Members' questions.

Council noted that the financial level to which reporting is made to the Audit, Risk and Finance Committee on procurement also needs to be revised.

Resolution

- 1 The business paper on the draft updated Procurement Policy 2022 be received.
- 2 The draft updated Procurement Policy 2022 be adopted as amended.

Goddard/New Carried

11. Adoption of Statement of Proposal for Consultation on the Waitomo District Council Local Alcohol Policy Review

Council considered a business paper presenting a Statement of Proposal to Council for consideration and adoption to enable public consultation on the proposed changes to the Waitomo District Council Local Alcohol Policy.

The General Manager – Strategy and Environment expanded verbally on the business paper and answered Members’ questions.

Resolution

- 1 The business paper on Adoption of Statement of Proposal for Consultation on Council’s Local Alcohol Policy be received.
- 2 Council adopts the Statement of Proposal for the proposed amendments to the Local Alcohol Policy for public consultation from 3 June to 1 July 2022.

Robertson/Whitaker Carried

12. Review of the Rates Remission Policy - Submissions

Council considered a business paper presenting to Council the submissions received on the Rates Remission Policy review and providing analysis on these submissions for deliberation.

The General Manager – Strategy and Environment expanded verbally on the business paper and answered Members’ questions.

The Special Projects Coordinator entered the meeting at 10.40am.

Council noted that the analysis of submissions and draft Policy as presented address the matters raised in the submissions received.

Council noted that the issuing of rate demands for properties under multiple ownership would need to be addressed on a case by case basis when requested.

Resolution

- 1 The business paper on the Review of the Rates Remission Policy - Submissions be received.
- 2 Council receive and acknowledge the written and verbal submissions from Te Maramatanga Christine Toroa and Wayne Jensen and the written submission from Charles Taituha.
- 3 Following deliberation of the written and verbal submissions, Council adopts the Rates Remission Policy as presented.

Robertson/Marshall Carried

Cr New thanked staff for a very clear and concise business paper which provided a good understanding of the new legislation.

13. Draft 2022/23 Fees and Charges Schedule for Adoption

Council considered a tabled business paper presenting to Council the draft 2022/23 Fees and Charges Schedule for adoption.

The General Manager – Strategy and Environment, General Manager – Business Support and Chief Executive expanded verbally on the business paper and answered Members’ questions.

Shay Allen (Pinnacles) entered them meeting at 10.54am.

Resolution

- 1 The business paper on 'Draft 2022/23 Fees and Charges schedule for adoption' be received.
- 2 Council adopt all fees and charges referred to in Attachment 1: Proposed Fees and Charges Schedule for 2022/23, to become effective on 1 July 2022.

Robertson/New Carried

14. Progress Report: King Country Indoor Sport and Recreation Centre

Council considered a progress report on the King Country Indoor Sport and Recreation Centre project.

The General Manager – Community Services and Special Projects Coordinator expanded verbally on the business paper and answered Members' questions.

Resolution

The Progress Reporty on the build phase of the King Country Indoor Sport and Recreation Centre be received.

Robertson/Smith Carried

The Special Projects Coordinator left the meeting at 11.08am.

15. Progress Report: Cyclone Dovi Road Reinstatement – May 2022

Council considered a business paper providing updates on the progress of the Cyclone Dovi roading reinstatement works.

The General Manager – Infrastructure Services and Shay Allen of Pinnacles expanded verbally on the business paper and answered Members' questions.

Council noted the importance of making regular communication releases to keep the residents and ratepayers briefed on progress also.

Resolution

The Progress Report: Cyclone Dovi Road Reinstatement – May 2022 be received.

Robertson/Smith Carried

Shay Allen (Pinnacles) left the meeting at 11.21am.

16. Motion to Exclude the Public

Council considered a business paper pursuant to Section 48 of the Local Government Official Information and Meetings Act 1987 giving Council the right by resolution to exclude the public and/or staff from the whole or any part of a meeting on one or more of the grounds contained within that Section.

Council noted the Amended Order Paper and tabled items of business and agreed to re-order the public excluded business after moving the 2021 Resident Survey into the public part of this meeting.

Resolution

- 1 The public be excluded from the following part of the proceedings of this meeting.
- 2 The general subject of each matter to be considered while the public is excluded and the reason for passing this resolution in relation to each matter, as specified by Section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Section 48(1) grounds for the passing of this resolution
1. Annual Report and Summary Annual Report 2021/22 – Audit Engagement, Plan and Timeline	Section 7(2)(c)(i) – To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(1)
2. Taumatotara Wind Farm Limited (RM190041 and 200019) - Objection to Recovery of Costs for Resource Consent	Section 7(2)(g) – To maintain legal professional privilege;	Section 48(1)(a)(1)
3. Proposal to Dispose of Council Properties for Housing Development	Section 7(2)(c)(h) – To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;	Section 48(1)(a)(1)
4. Procurement of Contract 500/21/068– 3 Waters Reticulation Maintenance	Section 7(2)(c)(i) – To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(1)
5. Procurement of Contract 500/22/001 Waitomo District Landfill Operations	Section 7(2)(c)(i) – To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(1)
6. Proposed District Plan: Flood Hazard Management – Landowner Engagement	Section 7(2)(c)(i) – To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 48(1)(a)(1)

- 3 Council agree the following staff, having relevant knowledge to assist in the consideration of the items of business to be public excluded, remain in attendance to assist the Committee with its decision making:

Staff Member	Reason for Remaining in Attendance
Chief Executive	Council CEO
Manager – Governance Support	Committee Secretary
General Manager – Business Support	Portfolio Holder
General Manager – Strategy and Environment	Portfolio Holder
General Manager – Infrastructure Services	Portfolio Holder

- 4 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 the public.

Robertson/Marshall

Carried

17. Consideration of Public Excluded Items to be made public following Council's decision taking

Resolution

Following Council's consideration and decision taking of the public excluded items of business, Council agreed:

1 Annual Report and Summary Annual Report 2021/22 – Audit Engagement, Plan and Timeline

The Resolution only be made public as follows:

Resolution

- 1 *The business paper on Annual Report and Summary Annual Report 2021/22 – Audit Engagement, Plan and Timeline be received.*
- 2 *The Deloitte Audit Engagement Letter be accepted as presented.*
- 3 *The Deloitte Draft Confirmation of Engagement – Limited Independent Assurance Report in respect to the Waitomo District Council's Debenture Trust Deed be accepted as presented.*
- 4 *The Deloitte Audit Planning Report be accepted as presented.*
- 5 *In accordance with the delegation contained in the Terms of Reference of the Audit, Risk and Finance Committee, the Chief Executive be delegated authority to sign on behalf of the Waitomo District Council –*
 - a) *The Deloitte Audit Engagement Letter; and*
 - b) *The Deloitte Confirmation of Engagement – Limited Independent Assurance Report in respect to the Waitomo District Council's Debenture Trust Deed, subject to no material changes from the draft enclosed.*

Goddard/Robertson Carried

2 Procurement of Contract 500/21/068 – 3 Waters Reticulation Maintenance

The Resolutions only be made public after the Contractor has been notified.

3 Procurement of Contract 500/22/001 – Waitomo District Landfill Operations

The Resolutions only be made public after the Contractor has been notified.

4 Proposal to Dispose of Council Properties for Housing Development

The Resolution only be made public as follows:

Resolution

- 1 *The business paper on the potential housing development of two Council properties be received.*
- 2 *Council agree to investigate opportunities for future housing development of the properties at Eketone Street and Ward Street, Te Kuiti for consultation with the community.*

Robertson/Marshall Carried

5 Taumatotara Wind Farm Limited (RM190041 and 200019) - Objection to Recovery of Costs for Resource Consent

The Resolution only be made public as follows:

Resolution

The business paper on Taumatotara Wind Farm Limited (RM190041 and 200019) - Objection to Recovery of Costs for Resource Consent be received.

Robertson/Goddard Carried

6 Proposed District Plan: Flood Hazard Management – Landowner Engagement

The Resolution only be made public as follows:

Resolution

1 The business paper on flood hazard management landowner engagement be received.

2 Council agree to write to affected landowners as part of the Proposed District Plan notification process.

Whitaker/Robertson Carried

Robertson/Marshall Carried

There being no further business the meeting closed at 12.15pm.

Dated this day of 2022

JOHN ROBERTSON
MAYOR

Confidential

Confidential

Confidential

Confidential

Document No: A619989	
Report To:	Council
	Meeting Date: 5 July 2022
	Subject: Mayor's Report – June 2022

I am extremely disappointed with Central Government's Three Waters Reform process and agenda. The reform feels like it is being made up on the fly as the months move on.

The first piece of legislation was passed last year - the **Water Services Act 2021**. This has the purpose of ensuring that water services providers provide safe drinking water to consumers. For our constituents who draw from private sources, like springs in limestone terrain, there is reason to be concerned by the reach of the regulatory authority now set up, Taumata Arowai.

The second piece of legislation has now been tabled – **The Water Services Entities Bill**. This proposes to establish four entities to provide water services. Submissions on this Bill are now open, with a closing date of 22 July.

Our Council has not taken a formal position on this reform. Last year when government announced its reform agenda it appeared to me that elected members would not be of one view. However, given the enormity of the changes that we are seeing and the implications for our residents and ratepayers, I think we should test this around our Council table today.

As Mayor, I am firmly in the camp of opposition. My concern over the model proposed was first flagged in early 2021. I believed at the time that there was a better funding option available, one that I describe it as somewhat similar to the NZTA model used for funding local roads.

My opposition today is driven by a number of factors.

Firstly, I am tired of the Government's propaganda machine, as are most Mayors around the country. Misleading advertisements advocating reforms continue.

Secondly, I am tired of the blame game promoted by Central Government. Deferred maintenance on water assets has always been a funding issue. This was identified in the Shand report in 2007 and by the Productivity Commission in 2019. On both occasions the Crown chose to ignore the calls for rating reform, such as enabling local government to rate DOC land.

Thirdly, I am appalled by the financial and business case analysis that has been used to support the Government's model. Their thirty-year forecasts and assumptions made are not credible. Even one of the Government's reviewers, Farriers Wier, raise serious questions over the reliability of the Water Industry Commission for Scotland's analysis.

Finally, I have read the latest draft legislation on the Water Services Bill. In its proposed form it will establish a clumsy and complicated governance and decision-making process for the four entities. And how water used will be priced remains undefined.

One of the Government's purported goals with this reform was to gain operational efficiencies for water service delivery. I am now concerned that these four entities will be tied up in bureaucracy, becoming far from the much-promised efficient service providers on which the business case is based.

For our Council and ratepayers, there remains huge uncertainty.

- DIA's analysis still claims that our Council has no water debt. Council officers have advised DIA of the analytical errors, but DIA have chosen not to correct them. This is unacceptable and exposes our Council to risk.
- Our Council and the constituents of our district will have negligible say in the policies and strategies of the Western-Central Water Services Entity of which we will become part. This includes the appointment of members to the Regional Representative Group, the setting of investment priorities, and the pricing of water used by our consumers.
- The promise of "equity" with respect to water charges – a key driver of the reforms - remains undefined. Section 130 of the Bill indicates that this may be delivered through a Government Policy Statement, not by law or regulation. For our relatively small water schemes, this is cold comfort.

Public submissions on this Bill are now open.

I intend to make a submission, opposing the four entities model, suggesting there is a better option. Most importantly, however, I want to express concerns over the last three bullet points. I want to focus especially on the last bullet point – how pricing "equity" will be achieved.

Today I invite the Council to consider whether it would support such a submission being made on behalf of the Council rather than the Mayor alone. If this can be agreed upon, I will draft such a submission for circulation to elected members and the Chief Executive.

As a resolution today, I wish to test the following:

"That subject to the majority of elected members indicating their support by email to the Mayor's submission to the Finance and Expenditure Select Committee on the Water Services Entities Bill, the Mayor's proposed submission be made on behalf of the Council."



JOHN ROBERTSON, QSO
MAYOR

Document No: A619683	
Report To:	Council
	Meeting Date: 5 July 2022
	Subject: Resignation of Councillor Sue Smith – Vacancy on Council
	Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to outline to Council the process required under the Local Government Act 2002 and Local Electoral Act 2001 for the extraordinary vacancy created by the resignation of Councillor Sue Smith.

Commentary

2.1 Resignation of Councillor Sue Smith

- 2.2 Immediately following closure of the Council meeting on 31 May 2022, Cr Sue Smith handed her written resignation to the Chief Executive.

2.3 Local Government Act 2002 provisions for a member resignation

- 2.4 Schedule 7 clause 4 of the Local Government Act 2002 provides the following in respect to a member's resignation:

- (1) A member of a local authority may resign office by notice in writing addressed and delivered to the chief executive of the local authority.
- (2) The notice takes effect on the day on which it is delivered to the chief executive of the local authority.

- 2.5 Cr Smith's resignation took effect following receipt by the Chief Executive on 31 May 2022.

- 2.6 Cr Smith's resignation has created an extraordinary vacancy on the Council.

2.7 Local Electoral Act 2001 requirements following the creation of a vacancy

- 2.8 Extraordinary vacancies in a local authority must be dealt with in accordance with the Local Electoral Act 2001. The process for dealing with the extraordinary vacancy created by Cr Smith's resignation is set out as follows.

- 2.9 The Chief Executive must notify the Council immediately when a resignation is received. In this instance, the full Council were present when Cr Smith tendered her resignation and the Mayor and Council acknowledged Councillor Smith's contribution to local government and to the residents and ratepayers she has represented during her terms on the Waitomo District Council (2007 to 2010 and 2013 to 2022).

- 2.10 The relevant clauses of Section 117 of the Local Electoral Act 2001 provide as follows in relation to the actions required to be taken by the Council following Cr Smith's resignation:

- (2) If a vacancy occurs in the office of a member of a local authority or in the office of an elected member of a local board or community board 12 months or less than 12 months before the next triennial general election, the chief executive of the local authority concerned must notify the local authority or local board or community board of the vacancy immediately.
- (3) On receiving notice under subsection (2), the local authority or local board or community board must, at its next meeting (other than an extraordinary meeting) or, if that is not practicable, at its next subsequent meeting (other than an extraordinary meeting), determine by resolution—

- (a) that the vacancy will be filled by the appointment by the local authority or local board or community board of a person named in the resolution who is qualified to be elected as a member; or
 - (b) that the vacancy is not to be filled.
- 2.11 When a local authority vacancy occurs near to, but within, 12 months prior to the next triennial election, it is sometimes the practice of local authorities to fill such a vacancy by appointment of the highest unsuccessful candidate from the last triennial election.
- 2.12 Section 118 of the Local Electoral Act 2001 provides the process required when a Council resolves to fill a vacancy by appointment as follows:
 - (1) If, under section 117(3)(a) or section 117A, a local authority or local board or community board resolves that a vacancy will be filled by the appointment of a person by the local authority or local board or community board, it must immediately, unless the vacancy is for the office of mayor, give public notice of—
 - (a) the resolution; and
 - (b) the process or criteria by which the person named in the resolution was selected for appointment.
 - (2) The local authority or local board or community board must, at a meeting held not later than the expiry of the prescribed period, by resolution confirm the appointment described in the resolution under subsection (1); and the person appointed is for all purposes to be treated as having been elected to fill the vacancy on the date on which that resolution is made.
 - (3) For the purposes of subsection (2), the expiry of the prescribed period is 30 days after the date of notification of the resolution under subsection (1).
 - (4) If for any reason the person specified in the resolution is unavailable or otherwise unable to be confirmed in the appointment, a further vacancy occurs in that office.
- 2.13 While the option to fill the vacancy by appointment is available to Council, it is not practical in this case, as by the time the appointee is deemed "elected to fill the vacancy" they would be in office for only a little over one month.
- 2.14 Section 119 of the Local Electoral Act 2001 provides that if Council resolves to leave the vacancy unfilled, it just needs to give immediate public notice of its decision.
- 2.15 Recommendation**
- 2.16 Due to the fact that there is only three months until the 2022 triennial elections (Saturday 8 October 2022), it is recommended, pursuant to the provisions of Section 117 of the Local Electoral Act 2001, that Council not fill the vacancy created by the resignation of Cr Smith.

Suggested Resolutions

- 1 The business paper on Resignation of Councillor Sue Smith - Vacancy on Council be received.
- 2 Council note the resignation of Councillor Sue Smith as hand delivered to the Chief Executive on Tuesday 31 May 2022.
- 3 In accordance with Section 117(3) of the Local Electoral Act 2001, Council resolve that the vacancy not be filled.
- 4 In accordance with Section 119 of the Local Electoral Act 2001, Council give public notice of its decision.



MICHELLE HIGGIE
MANAGER – GOVERNANCE SUPPORT

Document No: A619681

Report To: Council



Meeting Date: 5 July 2022

Subject: **Local Government New Zealand – 2022 Annual General Meeting: Remits**

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to present to Council the Remits received and approved by Local Government New Zealand (LGNZ) for consideration at the 2022 LGNZ Annual General Meeting (AGM) and for Council to resolve how it will vote at the LGNZ AGM on each of the Remits.

Commentary

2.1 LGNZ Membership

- 2.2 All local authorities who are fully paid up financial members of LGNZ at the time of the AGM are entitled to representation at the AGM.

- 2.3 The representation of each member authority at the LGNZ AGM is determined by the Mayor or Chair of each member authority, and can be elected members and/or staff.

2.4 Voting Entitlements

- 2.5 WDC is entitled to 3 votes. The voting entitlement of each member authority is determined by the authority's subscription levels. A member authority is not entitled to vote at the AGM if their annual subscription is in arrears. A list of voting entitlements can be found in rule H1 of LGNZ's constitution.

2.6 Remit Process

- 2.7 Proposed remits, other than those relating to the internal governance and constitution of LGNZ, should address only major strategic "issues of the moment". They should have a national focus articulating a major interest or concern at the national political level.

- 2.8 LGNZ's Remits Screening Policy includes the criteria that 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 clarity of the proposal.

- 2.9 LGNZ has screened the remits submitted and they have been published and circulated to enable Council's to consider whether the remits should be supported or not at the 2022 LGNZ AGM.

2.10 2022 LGNZ AGM

- 2.11 The 2022 LGNZ AGM is being convened Online via Zoom on Thursday 28 July 2021.

- 2.12 Mayor Robertson will be attending the AGM to vote as presiding delegate for WDC. Note: The presiding delegate is the person responsible for voting on behalf of the authority at the AGM.

2.13 The Chief Executive will also be attending the online AGM and has been registered as an “other delegate” who may vote in the event the presiding delegate is not able to attend on the day.

2.14 2022 Remits

2.15 LGNZ has distributed five Remits received and approved for consideration at the 2022 LGNZ AGM.

2.16 Full detail of the Remits is included in the LGNZ 2022 Annual General Meeting Remits booklet which is attached to and forms part of this business paper.

2.17 A summary of the Remits is as follows:

1	Central Government Funding for Public Transport
Remit:	That LGNZ: <ul style="list-style-type: none"> • Calls on central government to fully and permanently fund free public transport for students, community service card holders, under 25s, and total mobility card holders and their support people. • Joins the Aotearoa Collective for Public Transport Equity (ACPTE) in support of the Free Fares campaign.
Proposed by:	Porirua City Council
Supported by:	Metro Sector
2	Review of Government Transport Funding
Remit:	That LGNZ call for an independent review into the way in which Government, through Waka Kotahi, fund transport investments in Aotearoa. This includes funding of new developments and maintenance programmes.
Proposed by:	New Plymouth District Council
Supported by:	Rangitikei District Council, Hauraki District Council, South Taranaki District Council, Western Bay of Plenty District Council, Stratford District Council and Hamilton City Council
3	Illegal Street Racing
Remit:	That Local Government New Zealand (LGNZ) implement a nation-wide working group of subject matter experts with the objective of formulating an action plan to effectively enforce the Land Transport Act 1998 and work with police to tackle illegal street racing and the antisocial behaviour associated with it.
Proposed by:	Hutt City Council
Supported by:	Upper Hutt City Council, Masterton District Council, Carterton District Council, Tauranga City Council, Hamilton City Council and Porirua City Council
4	Bylaw Infringements
Remit:	That LGNZ lobby Government to implement an infringement notice regime for general bylaws.
Proposed by:	Auckland Council
Supported by:	Auckland Zone

5	Density and Proximity of Vaping Retailers
Remit:	That LGNZ requests the Government to: <ul style="list-style-type: none"> • Restrict the sale of vaping products to R18 specialist vape stores. • Develop proximity limits to prevent the clustering of vaping product retailers and protect young people.
Proposed by:	Kaipara District Council
Supported by:	Zone 1

Recommendation

- 3.1 It is recommended that Council resolve its support/opposition to the remits so that the Mayor can vote accordingly at the 2022 LGNZ AGM.

Suggested Resolutions

- 1 The business paper on Local Government New Zealand – 2022 Annual General Meeting: Remits be received.
- 2 Mayor Robertson be authorised to vote in support/opposition of the Remits to be considered at the 2022 Local Government New Zealand Annual General meeting as follows:

Remit	Support / Oppose	Other Comments
1 Central Government Funding for Public Transport		
2 Review of Government Transport Funding		
3 Illegal Street Racing		
4 Bylaw Infringements		
5 Density and Proximity of Vaping Retailers		



MICHELLE HIGGIE
MANAGER – GOVERNANCE SUPPORT

Attachment: 2022 LGNZ AGM Remits

Who's
putting local
issues on
the national
agenda?

**We are.
LGNZ.**

Te Kāhui Kaunihera o Aotearoa.

2022 Annual General Meeting

Remits

1

Central government funding for public transport

Remit:	That LGNZ: <ul style="list-style-type: none"> • Calls on central government to fully and permanently fund free public transport for students, community service card holders, under 25s, and total mobility card holders and their support people. • Joins the Aotearoa Collective for Public Transport Equity (ACPTE) in support of the Free Fares campaign.
Proposed by:	Porirua City Council
Supported by:	Metro Sector

Background information and research

1. Nature of the issue

At present, an inequitable, car-dominated transport system constrains mobility and limits opportunity for thousands of people. Transport is the second-largest source (21%) of domestic carbon emissions in Aotearoa – and 70% of these emissions come from cars, SUVs, utes, vans and light trucks.

The Aotearoa Collective for Public Transport Equity (ACPTE) are a vast collection of community organisations from across Aotearoa, joining together to advocate for more equitable public transport. The ACPTE are now asking for councils across the country to join their Free Fares campaign.

ACPTE's Free Fares campaign is asking for central government to fund free fares for public transport users, starting with low income groups and under-25s. The ACPTE believes that these groups are the right place to start because they represent a large portion of public transport users who rely on the service the most but are least likely to be able to afford it.

2. Background to its being raised

Transport is New Zealand's fastest growing source of greenhouse gas emissions, having doubled since 1990. Targeting transport is a key way to mitigate our fastest growing source of emissions. Porirua City Council's view is that we need to provide more sustainable transport options and enable people to transition from private vehicles to public transport.

The proposed remit suggests we can't meet our climate change targets without reducing how much we drive – not even by replacing petrol and diesel cars with EVs. Both in Aotearoa and overseas there are examples of free public transport incentivising mode shift away from private vehicle use. Free fares enable people to switch to public transport, which produces far less emissions per kilometre than private cars.

With housing costs and other expenses rising, many Community Service Card holders, tertiary students, under 25s and total mobility card holders find that a regular \$3 bus ticket is out of reach – and that's at the very time that we need to promote connection to combat loneliness and poor mental health. The high cost of public transport also leaves too many disconnected from family, friends and activities that bring us joy, leading to isolation and loneliness. The proposed remit suggests free fares would allow disadvantaged communities to better access services and seek education and employment.

To ensure transport equity, Porirua City Council suggests it is imperative we prioritise those who struggle the most to afford and access transport. All sectors of society are affected when the cost of fares prevent people from travelling. Businesses miss out on customers, community groups lose participants and volunteers, and tourist spots miss out on visitors. Free fares will allow more people to make these trips, connecting communities so we are all better off.

The ACPTE started in 2021 calling for free public transport for students and community card holders. A coalition of climate action groups, student organisations, churches, unions and political youth wings joined together in asking central government and the Greater Wellington Regional Council to fund a trial for free public transport for these two target groups in the Greater Wellington region.

After submitting to GWRC, the ACPTE decided that leading up to the Emissions Reduction Plan (ERP) consultation, the campaign should go national. Over the months leading up to the ERP consultation, the ACPTE connected with groups across Aotearoa to advocate for free fares. The campaign also shifted to include under 25s, with the aim of normalising public transport as the main form of transport for the next generation.

During this time, the ACPTE also reached out to councils inviting them to join in the advocacy effort, and several councils passed motions supporting free fares.

This campaign is specifically requesting that free fares are funded by central government. Signing onto this campaign would have no impact on councils' finances and would add no extra burden on rates.

3. New or confirming existing policy

This is new policy.

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

This remit is broadly consistent with existing LGNZ work, particularly on climate change mitigation and the Future for Local Government Review, but has a more specific focus.

LGNZ is committed to working alongside central government and iwi to address social issues in our communities, including inequity between social groups.

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

The Government began a trial of half-price public transport fares from 1 April 2022. This three-month trial was extended by two months, and made permanent for community services cardholders, as part of the Government's Budget 2022 announcements. (Note that this decision is to provide half-price fares only to community service card holders, and not free fares which this remit and the ACPTA are advocating for).

While LGNZ has made statements in press releases about the Government's half-price public transport fares trial and its decisions around continuing this trial as part of Budget 2022 and ERP announcements, no formal work has been undertaken by LGNZ on this issue.

ACPTA has undertaken work on this issue, detailed in section 2 above. In addition to the work noted above, ACPTA has compiled research from within Aotearoa and abroad about the impact free fares could have for climate and equity and submitted their findings to the ERP consultation, and started a petition which received over 13,000 signatures and was handed to the Minister of Transport in March 2022.

6. Any existing relevant legislation, policy or practice

- Central government's public transport half-price fares trial extended for two months (total 5 months), and made permanent for community services cardholders, as part of Budget 2022 announcements
- NZ Transport Agency [Total Mobility scheme: policy guide for local authorities](#) 2017
- Ministry of Transport [SuperGold Card public transport funding](#)
- Aotearoa Collective for Public Transport Equity (ACPTA) [Free Fares NZ](#)
- [Government Policy Statement on Land Transport, 2021/22](#) – 30/31 including outcomes addressing "Inclusive Access" and "Resilience and security"
- [The Zero Carbon Act](#) 2019 and [Emissions budgets and the emissions reduction plan](#)

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

This proposed remit was endorsed by the Metro Sector at its meeting on 13 May 2022.

8. Suggested course of action

That LGNZ calls on central government to fully and permanently fund free public transport for students, community service card holders, under 25s, and total mobility card holders and their support people.

That LGNZ joins the Aotearoa Collective for Public Transport Equity (ACPTA) in support of the Free Fares campaign.

2

Review of Government transport funding

Remit:	That LGNZ call for an independent review into the way in which government, through Waka Kotahi, fund transport investments in Aotearoa. This includes funding of new developments and maintenance programmes.
Proposed by:	New Plymouth District Council
Supported by:	Rangitīkei District Council, Hauraki District Council, South Taranaki District Council, Western Bay of Plenty District Council, Stratford District Council and Hamilton City Council

Background information and research

1. Nature of the issue

A key part of the advocacy role of LGNZ includes being involved in discussions with central government on significant issues affecting local government. This is a critical role that is at the core of the work and purpose of LGNZ.

This remit asks that LGNZ work with government to ensure that an independent review into the funding model of Waka Kotahi is undertaken. The current funding model does not fully recognise the costs of maintenance of roads and related infrastructure and does not provide certainty to councils in setting their own budgets. This appears to be related to funding being heavily reliant on the annual budget of the government of the day and income that varies depending on many factors.

Such a review should consider how long-term projects such as roading should not be so reliant on annual fluctuations and more should be funded through long-term debt such as with local government major infrastructure.

2. Background to its being raised

The Government Policy Statement on land transport (GPS) states that “transport investments have long lead times, high costs and leave long legacies. Therefore transport planning and investments need to be guided by a long-term strategic approach, with a clear understanding of the outcomes that government is seeking to achieve”.

Over \$4 billion of New Zealanders’ money is spent through the national land transport fund each year, which is supplemented by co-investment from local government and additional funding and financing.

The GPS recognises that as the largest co-funder of National Land Transport Programme (NLTP) projects, local government has an important role in building strong, evidence-based projects and programmes for investment. This shows the appropriateness of LGNZ requesting a review is undertaken.

The Ministry of Transport and Waka Kotahi already look to other financing tools for larger intergenerational projects over \$100 million. The review should consider if this goes far enough and options for fixing the massive hole in existing budgets – such as the \$400 million one recently highlighted in Auckland for road maintenance and public transport projects.

The review should also consider the consistency of government actions across various infrastructure. The Three Waters Reform programme creates new entities to gain “a greater ability to borrow to fund long-term infrastructure” and aims “to protect consumer interests and drive efficient investment and performance”. Government recognises that Three waters requires long-term investment, but this review is needed to consider that view in relation to transport infrastructure.

3. New or confirming existing policy

Transport is one of LGNZ’s five key policy priorities. However, LGNZ is not currently actively advocating for a review of transport funding. This is therefore a new policy issue.

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

Transport is, and always has been, a very critical issue for local government. There is a heavy reliance on uncertain Waka Kotahi funding and the need to advocate for investment in our regions. One of the LGNZ priorities is “Ensuring local voice is heard on the important issues – three waters, resource management, housing, transport, climate change and the future for local government”.

This remit meets the existing aims of LGNZ to represent the national interest of councils in Aotearoa, to ‘decode policy’ and to “help local government run better through development, support and advocacy”. By working with government to ensure an independent review of transport funding is undertaken, LGNZ would help fulfil their Whakamana/Advocate role.

As transport is also one of LGNZ’s five key policy priorities, and the ongoing funding of the local roading network is an issue that has emerged in ongoing conversations with the sector and in Future for Local Government workshops, advocating for an independent review of the funding system may speed up the pace of any review.

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

The Ministry of Transport regularly reviews its Government Policy Statement on Transport (typically every three years). This however would not meet the intent of the remit that there be an independent review of the broader system of funding of transport investment.

Based on recent engagement with the Ministry of Transport, LGNZ is aware that the Ministry has begun scoping work on what the future funding tools and requirements of the transport system should be. As such, this remit may provide value in demonstrating to the Government

how important this issue is to local government, and it may also signal some of the issues that should be included in scope of that review (including the benefit of the review being independent). As noted above, the remit may need to be updated depending on whether a Ministry of Transport-led review into how the transport system is funded is announced prior to the AGM. We do not have any indication of when such a review will be announced (if indeed it does proceed).

6. Any existing relevant legislation, policy or practice

The Land Transport Management Act 2003, Government Policy Statement on land transport and the National Land Transport Programme outline Government's position.

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

The proposed remit is supported by Rangitikei District Council, Hauraki District Council, South Taranaki District Council, Western Bay of Plenty District Council, Stratford District Council and Hamilton City Council.

8. Suggested course of action envisaged

That LGNZ work with the Government to ensure a review of land transport funding in New Zealand is undertaken. This should include looking at the funding of new transport infrastructure and maintenance and how best to fund these in a realistic, efficient and equitable manner alongside local government.

An independent review may not be possible given decisions around this work programme for the Government may be made (and possibly announced) prior to the AGM in July – though we do not have any indication of when the Government will make announcements about a possible review, or if indeed it will do that. However, support for this remit would provide LGNZ with the ability to demonstrate the importance of such a review to local government, and influence the particular issues that local government thinks should be within the scope of any review – including funding of new developments and maintenance programmes.

3

Illegal street racing

- Remit:** That Local Government New Zealand (LGNZ) implement a nation-wide working group of subject matter experts with the objective of formulating an action plan to effectively enforce the Land Transport Act 1998 and work with police to tackle illegal street racing and the antisocial behaviour associated with it.
- Proposed by:** Hutt City Council
- Supported by:** Upper Hutt City Council, Masterton District Council, Carterton District Council, Tauranga City Council, Hamilton City Council and Porirua City Council

Background information and research

1. Nature of the issue

Excessive noise from vehicles and other intimidating behaviour (such as convoys blocking the road and vehicles driving at high speeds) has been a frequent complaint from residents towards their local councils. Various attempts to curb this behaviour have had some success, while some measures have simply moved the problematic behaviour to another geographical location.

Councils across the nation have implemented various measures to limit dangerous vehicle use, such as speed cushions, concrete speed bumps, and visual distractions. With the additional cost of maintenance and road signs, these can be a significant cost to councils with only a limited impact on the problem.

Due to the illegal street racers often being in a network, they can communicate to avoid detection by police and move across several councils' territories in one night. This can pose an issue if multiple councils do not have consistent bylaws in their respective areas.

2. Background to its being raised

New Zealand laws deterring illegal street racing (occasionally referred to as 'boy racing') include the Land Transport Act (1998) and the Land Transport (Unauthorised Street & Drag Racing Amendment Act) (2003). Several other councils around New Zealand have chosen to include illegal street racing in their Public Places Bylaw, noting that intimidating behaviour or excessive noise from vehicles is prohibited. New Plymouth District Council and Waipā District Council both have proposed bylaws (not yet in force) specifically about illegal street racing. Christchurch City Council has a "Cruising and Prohibited Times on Roads Bylaw 2014" which is currently under

review. It is unclear how successful these bylaws have been, as there has been no evaluation material available to view.

Based on reports from other locations, the issue of vehicle noise, speed, intimidation, and damage is widespread across the country. Despite laws from central government and supplementary bylaws from local councils, the issue continues to persist. This does not support the argument that these laws have been effective.

Discussions with police and council officers have revealed the challenges of enforcing the law. Under-resourcing has not met the demand, as there are incidents where upwards of 100 illegal street racers converge in a single area with only one patrol car available.

Complaints about illegal street racers have been received by the Hutt City Council Deputy Mayor and council officers in the transport division. Noise is a prominent theme in these complaints when the illegal street racers are in close proximity to residences, along with tyre tread marks and oil on the road. Stolen road signs and other damage to property (both public and private) create further safety issues, along with alcohol use and some assaults to police officers or members of the public when attempting to communicate with the illegal street racers.

3. New or confirming existing policy

The issue is not currently covered by existing LGNZ policy.

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

The issue aligns with LGNZ's Whakahono//Connect leadership pillar given the request from Hutt City Council to bring together the different actors involved with local government (including NZ Police, Waka Kotahi and the Ministry of Social Development) to address illegal street racing.

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

There does not appear to be any collective effort or plan underway to nationally address street racing. However, it does seem that there are a few localised plans, initiatives (including bylaws, speed cushions etc) or teams being stood up to address this issue (for example, in the Waikato, New Plymouth and Hutt City).

Hutt City Council's view is that these initiatives have had a limited impact on the problem, which is often moved elsewhere rather than stopping gatherings altogether.

6. Any existing relevant legislation, policy or practice

Land Transport Act (1998), and Land Transport (Unauthorised Street and Drag Racing) Amendment Act (2003).

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

The proposed remit is supported by Upper Hutt City Council, Masterton District Council, Carterton District Council, Tauranga City Council, Hamilton City Council and Porirua City Council.

8. Suggested course of action envisaged

The remit recommends LGNZ establishes a nation-wide working group of subject matter experts to develop a plan of action to address the issue and enforcement of the law. It suggests it will be useful to have input from police, community patrol officers, policy makers, and transport analysts in formulating the group.

4

Bylaw infringements

Remit:	That LGNZ lobby Government to implement an infringement notice regime for general bylaws.
Proposed by:	Auckland Council
Supported by:	Auckland Zone

Background information and research

1. Nature of the issue

Section 259 of the Local Government Act 2002 (LGA) provides for the making of regulations and amongst other matters, prescribing breaches of bylaws that are infringement offences under the Act. The power has been seldom used to date.

Between working with and “educating” people and taking a prosecution, there are no enforcement options available making it extremely difficult to achieve compliance especially in an environment of increasing disrespect for authority and aggression.

Working with people or educating them can be time consuming but is effective especially where the breaches are unintentional. However, in relation to intentional breaches of bylaws, in the absence of an infringement regime, after working with and educating people the next step is prosecution. Prosecution is expensive and time consuming. Also, it is often out of proportion with the breach that has occurred. Even following a successful prosecution, the penalties available to courts are low and provide minimal deterrence.

The obstacle in passing regulations allowing for infringement fee regulations has been the need to tailor those regulations to each instance of an infringement offence bylaw by bylaw. Therefore, a two-step approach is required: firstly, amending the legislation to enable regulations to be made nationwide across different bylaw types and then relevant regulations being passed.

By developing a more comprehensive infringement regime, councils in New Zealand will be better able to take proportionate and timely steps to help ensure compliance with their bylaws. In doing this, confidence of communities in the work of local government will be enhanced.

2. Background to its being raised

Discussion around the need for an infringement regime for local government bylaws is not new.

Provision for the making of regulations was included in section 259 of the LGA. Part 9, Subpart 3 “Infringement Offences” of the LGA provides a mechanism for imposing and collecting infringement fees. Apart from regulations establishing infringement fees for some navigational bylaws, the provisions have not been used.

This issue was well-canvassed in the Productivity Commission’s 2013 Report, *“Towards better Local Government Regulation.”* The Productivity Commission’s report includes the following comment:

Much of a local authority’s regulatory functions are authorised by its bylaws. The Act under which bylaws are made may authorise the local authority to enforce certain provisions in bylaws by the use of infringement offence notices. If not, bylaws must be enforced under the Summary Proceedings Act 1957...I submit that the enforcement of local authorities’ regulatory functions would be significantly more effective and efficient if the use of infringement offence provisions is more widely available than at present.” (Richard Fisk, sub.19, p.1).

In the Auckland Region, the challenges in enforcing bylaws were brought into stark relief over summer 2021/2022 with an increased number of complaints about people camping on beaches and in reserves (not freedom camping) and an expectation from members of the public and elected members that steps would be taken to enforce the bylaws.

With the changing attitudes and behaviours of our communities arising in part through people’s experience of the Covid-19 response, Auckland Council’s position is that now is the right time to revisit the development of a more comprehensive infringement regime for local government.

3. New or confirming existing policy

This remit would confirm and enhance existing policy work that LGNZ has underway.

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

This remit connects indirectly to LGNZ’s strategy and Work Programme to the extent that the lack of being able to enforce local bylaws frustrates local citizens and undermines public perceptions of local government’s effectiveness.

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

As noted above, the Productivity Commission considered bylaws and an infringement notice regime in its 2013 Report, *“Towards better Local Government Regulation.”* Findings and recommendations set out in that report have not been acted on to date, but remain relevant, specifically:

- F4.8 – There are indications of a low level of prioritisation of monitoring and enforcement resources based on risks. Constraints on the use of infringement notices – combined with the low level of fines where infringement notices can be used – can also inhibit councils’ capacity to encourage compliance with regulation.

- R10.3 – Agencies responsible for regulations that local government enforces should work with Local Government New Zealand to identify regulations that could usefully be supported by infringement notices and penalty levels that need to be increased.
- R10.4 – Section 259 of the Local Government 2002 – relating to the empowerment of infringement notices – should be amended to enable regulations to be made for infringement notices for similar kinds of bylaws across local authorities, rather than on a council-specific and bylaw-specific basis.

LGNZ has highlighted this issue in a number of briefing papers and advice to various ministers and central government officials since the early 2000s. Although the issue has been of concern to LGNZ and councils for nearly 20 years, it has never been the subject of an AGM remit.

Parliament’s Regulations Review Committee wrote to LGNZ in late 2021 advising that it was considering a review of the bylaw provisions of the LGA. LGNZ was invited to provide advice on the effectiveness of local authority bylaws and the enforcement of them. LGNZ recently appeared before the Committee to speak to its submission.

We are still awaiting a decision from the Committee on whether or not it will undertake a review of the bylaw provisions of the LGA, and if so, what the scope of that review will be. Although the Committee did ask for specific advice on the infringement regime, it also sought advice on other matters including the use of model bylaws and the expansion of the model bylaws used in the Freedom Camping Act 2011.

6. Any existing relevant legislation, policy or practice

- Local Government Act 2002
- Productivity Commission’s 2013 Report, *“Towards better Local Government Regulation.”*

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

This proposed remit was supported by the Auckland Zone.

8. Suggested course of action envisaged

Auckland Council has not provided any detail as to how it suggests LGNZ progresses the proposed remit.

While the inquiry that the Regulations Review Committee has underway (and in which LGNZ has been engaged) is a significant step forward, there is no guarantee that the Committee will agree with LGNZ’s submission, or, should the Committee agree, that work to review the bylaw provisions of the LGA would be supported by either this Government or a future one.

To gain traction, and to ensure that any review of the bylaw provisions addresses the issues that local government is most concerned with, this remit (along with the national publicity that tends to accompany successful remits) might be very helpful at this time.

5

Density and proximity of vaping retailers

Remit: That LGNZ requests the Government to:

- Restrict the sale of vaping products to R18 specialist vape stores.
- Develop proximity limits to prevent the clustering of vaping product retailers and protect young people.

Proposed by: Kaipara District Council

Supported by: Zone 1

Background information and research

1. Nature of the issue

Vaping products are widely available from generic retailers (e.g., dairies, service stations) and specialist vape retailers. To date, New Zealand has 713 specialist vape stores; a British American vape brand is available from 2000 retail outlets throughout Aotearoa. Vaping products are also available via several online stores (both NZ-based and international).

Dargaville's main street, Victoria Street, has 13 vape retailers: ten General Vape Retailers and three Specialist Vape Retailers, all within a 1km length. The three licensed Specialist Vape Retailers are located within 150m of each other.

Youth vaping has risen sharply over recent years; among 14 to 15 year olds, daily vaping rose from 1.8% in 2018 to 9.6% in 2021; among 14-15 year old Rangatahi Māori, daily vaping rose from 5.9% in 2019 to 19.1% in 2021. Widespread product availability normalises vaping and makes experimentation easier.

Many towns and regions around New Zealand also need to address the proliferation of vaping outlets and rising vaping among Rangatahi.

2. Background to its being raised

The widespread sale of vaping occurred in 2018, when the Ministry of Health lost a case taken against Philip Morris alleging their "HEETS" products breached the Smokefree Environments Act 1990. Until the Smokefree Environments and Regulated Products Amendment Act was passed in 2020, vaping products were largely unregulated and vaping manufacturers

advertised their brands using youth-oriented promotions. Even post-legislation, retailers with little or no knowledge of vaping remain able to sell vaping products.

Surveys of young people, such as the Youth19 survey and the Snapshot Year 10 survey conducted by ASH revealed many adolescents who had never smoked had begun vaping. A 2021 report into youth vaping found that 14.6% of those surveyed reported smoking one or more traditional cigarettes in the last 7 days and 26.6% reported that they had vaped (e-cigarettes) in the past 7 days. Almost all those (98%) who had smoked a traditional cigarette in the last week had also vaped in the last week. However, a significant portion (46.2%) of those who had vaped in the last week had not smoked a cigarette. These data provide important evidence that youth vaping is rising rapidly and reveal that many young people who vape have never smoked.

The Smokefree Environments and Regulated Products Amendment Act 2020 extended many of the existing restrictions governing smoked tobacco products to vaping products. This legislation allows any business to sell vaping products as long as they follow the regulations for General Vape Retailers or apply to become a Specialist Vape Retailers. However, the Vaping Regulatory Authority does not consider retailer density or proximity to facilities such as schools when assessing applications.

The Government's Smokefree 2025 Action Plan will introduce a provision requiring general retailers selling vaping products to advise the Director-General of Health that they are doing so. This provision aims to provide information on the number and type of retailers selling vaping products.

We recognise that people who smoke and who have not been able to quit using existing treatments will benefit if they make a complete transition to vaping products and stop smoking. However, survey data showing rising vaping prevalence among young people suggests existing policy does not provide an appropriate balance between the needs of people who smoke and the rights of young people who do not, and who deserve protection from products that are designed to target them.

Limiting the retail availability of vaping products to specialist stores will not prevent people who smoke from accessing these products and instead will increase the likelihood they receive smoking to vaping transition advice that improves the chances they will stop smoking. Furthermore, people who smoke will continue to be able to access vapes through stop smoking services.

Kaipara District Council elected members have been receiving questions and concerns from the local community about the density and proximity of vape retailers in Dargaville.

While we support the supply of vapes to people wanting to use these products to stop smoking, it is of the utmost importance that we also protect our community, particularly our Rangatahi and other whānau who would not usually vape, from using these addictive products.

3. New or confirming existing policy

This is a new policy.

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

This remit aligns with LGNZ's pillar Whakauru // Include – to ensure that every New Zealander can participate, thrive and be represented by local government.

It could be argued that restricting the density and proximity of vaping retailers shows some alignment with enhancing community safety, public health and promoting social wellbeing. However, the remit does not show strong alignment with LGNZ's existing policy priorities or engagement in major ongoing local government reform programmes. Further discussion is needed to determine whether LGNZ's membership agree it is relevant to local government as a whole.

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

A petition was received by Kaipara District Council regarding the density and proximity of vape retailers. The petition was accepted and responded to. Given this issue sits outside Kaipara District Council's control and existing policy frameworks, a remit was recommended as the appropriate action to take. Councillor Karen Joyce-Paki is the sponsor of the remit and is working closely with Smokefree NZ, Cancer Society and local Māori Health Provider, Te Ha Oranga.

The Smokefree Coordinator for Northland, Bridgette Rowse, has been providing support and is working with the Far North District Council (FNDC) policy team to review the FNDC Smokefree Policy, which currently covers smokefree parks, playgrounds and sports grounds. She has also worked with Whāngarei District Council and Kaipara District Council to review and align our smokefree policies to create more smokefree outdoor public spaces as well as making all smokefree outdoor public spaces vape-free.

6. Any existing relevant legislation, policy or practice

The relevant legislation is the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020. The Act aims to balance between ensuring vaping products are available to smokers who want to switch to a less harmful alternative, while ensuring these products aren't marketed or sold to young people. New regulations are in the process of being implemented from November 2020 until January 2023. While these regulations cover factors such as how vape retailers can advertise, who they can sell their products to and where vaping is allowed, there are no regulations around proximity limits to prevent the clustering of vaping product retailers as the remit requests.

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

The remit was supported at the most recent Zone 1 meeting by all members present.

8. Suggested course of action envisaged

This remit suggests that LGNZ requests the Government to:

- Restrict the sale of vaping products to R18 specialist vape stores.
- Develop proximity limits to prevent the clustering of vaping product retailers and protect young people.

We understand that an Amendment Bill is expected to be introduced in 2022 (according to the Government's Smokefree Action Plan). Kaipara District Council has suggested that one way to progress this remit would be to advocate for the Amendment Bill provision which only allows authorised retailers to sell smoked tobacco products to be extended to restrict the number who can sell vape products.

Progressing this remit is likely to require LGNZ working with officials from the Ministry of Health to advocate for changes to regulations and the upcoming Amendment Bill.

Document No: A619991

Report To: Council



Meeting Date: 5 July 2022

Subject: **Elected Members Remuneration**

Type: Information Only

Purpose of Report

- 1.1 The purpose of this business paper is:
1. To inform Council of the outcome of the Remuneration Authority's review of Local Government Members Remuneration for the period 1 July 2022 to 30 June 2023.
 2. To inform Council of the remuneration set by the Remuneration Authority for the current elected Council for the period 1 July 2022 until the period ending on the close of the day on which the official result of the 2022 local election is declared under section 86 of the Local Electoral Act 2001.
 3. To inform Council of the allowances and hearing fees payable as set by the Remuneration Authority for the period 1 July 2022 to 30 June 2023.
 4. To inform Council of the remuneration pool amount and the minimum allowable remuneration set by the Remuneration Authority for the new Council to be elected at the 2022 Local Elections.
 5. To inform the process the newly elected Council will need to complete to consider and make recommendations to the Remuneration Authority on how the remuneration pool should be distributed for the period on and from the date on which the official result of the 2022 election is declared.

Background

- 2.1 The Remuneration Authority (RA) sets the pay for key public office holders including local government elected members.
- 2.2 Since the end of 2001, the setting of elected members' remuneration was removed from local councils and became the responsibility of the Remuneration Authority (RA), including the setting of rules for reimbursement of costs incurred by elected members in carrying out their roles.
- 2.3 In 2018, the RA completed a review of its approach to determining the remuneration and allowances for local government elected members and introduced a Remuneration Pool which provides the total amount that must be paid in remuneration to councillors (this Pool does not include the Mayor's remuneration or allowances which are set by the RA separately).

Commentary

3.1 OUTCOME OF REMUNERATION REVIEW

- 3.2 As part of the RA's 2021/22 remuneration review, in May 2021 feedback was sought from all councils on the local government size indices introduced in 2019 (there are three indices, each representing a type of local authority – territorial, unitary or regional).

- 3.3 These indices were introduced by the RA to assist in fulfilling its statutory obligations, to help achieve and maintain fair relativities between councils, and to fulfil its legal obligation to be fair to the persons who are being remunerated and to the ratepayers.
- 3.4 The result of the review being that the RA has maintained the existing factors and weightings for informing the remuneration decisions during the next council triennium as follows:

Local Government Size Indices: Factors and Weightings						
Size Index / Authority Type	Factors and Weightings					
	Population	Total Assets	Total Operating Expenditure	Socioeconomic Deprivation	Geographic Area	Passenger Boardings
Territorial	50%	15%	20%	15%	n/a	n/a
Regional	25%	25%	20%	n/a	20%	10%
Unitary	25%	10%	20%	15%	20%	10%

- 3.5 Based on the above facts and weightings the RA updated the size indices to apply for the full triennium commencing on 9 October 2002 (being the day after the date of the next local election).
- 3.6 The RA advise that supporting data was also drawn from the following sources:
- Population: Stats NZ Estimated Resident Population as at 30/06/2020
- Total Assets: Stats NZ Local Authority Financial Statistics as at 30/06/2020
- Total Operating Expenditure: Stats NZ Local Authority Financial Statistics as at 30/06/2020
- Socioeconomic Deprivation: University of Otago, New Zealand Deprivation Index Analysis from 2018 Census
- Geographic Area: Stats NZ Geographic Boundary Files as at January 2021
- Passenger Boardings: Ministry of Transport Public Transport Boardings by Region 2018/19.

- 3.7 The new size indices resulted in changes in the rankings for some councils when compared to the 2019 indices.
- 3.8 The Local Government Members (2022/23) Determination 2022 has now been gazetted for the period 1 July 2022 to 30 June 2023. It contains two schedules –

Schedule 1 covers the period beginning on 1 July 2022 and ending on the close of the day on which the official result of each council's 2022 election is declared under section 86 of the Local Electoral Act 2001.

Schedule 2 will apply on and from the day after the date on which the official result of each council's 2022 election is declared under section 86 of the Act.

- 3.9 Under Schedule 1, council governance pools and the remuneration of elected members continue to be informed by the current 2019 size indices. Under Schedule 2, council governance pools and the remuneration of elected members are covered by the new 2022 size indices.

- 3.10 WDC is one of the councils who has been impacted by the new size indices, resulting in a significant increase in the remuneration pool. Due to the significance of this increase, the RA has agreed to spread the increase over two years. See table below.

Impact of Review on Remuneration Pool Totals for Waitomo

2021/2022	
Local Government Members (2021/22) Determination 2021 From 1 July 2021 to 30 June 2022	\$215,148
Review completed by Remuneration Authority	
2022/2023	
Local Government Members (2022/23) Determination 2022	
<u>Schedule 1</u> : From 1 July 2022 and ending on the close of the day on which the official result of the 2022 local election is declared	\$218,160
<u>Schedule 2</u> : On and from the date on which the official result of the 2022 election is declared until 30 June 2023	\$288,802
2023/2024	
Provisional Local Government Members (2023/24) Determination From 1 July 2023 to 30 June 2024	\$325,194

- 3.11 A copy of the Local Government Members (2022/23) Determination 2022 has been circulated to elected members previously and is available online as follows:

<https://www.legislation.govt.nz/regulation/public/2022/0178/latest/LMS702449.html>

3.12 REMUNERATION FROM 1 JULY 2022

- 3.13 Schedule 1 of the Local Government Members (2022/2023) Determination 2022 sets out the remuneration set by the RA for the Mayor and Councillors from 1 July 2022 and ending on the close of the day on which the official result of the 2022 local election is declared. For comparison purposes the table below sets out the new 2022/2023 remuneration levels against the remuneration levels of 2021/2022.

	2021/2022	2022 <i>From 1 July 22 up to Elections</i>
Mayor	\$98,500	\$99,879
Deputy Mayor	\$49,479	\$50,172
Councillor (x5)	\$33,134	\$33,598

3.14 ALLOWANCES AND HEARING FEES

- 3.15 There have been a number of increases to the Allowances and Hearing Fees payable as set out in the Local Government Members (2022/2023) Determination 2022. Again, for comparison purposes, the tables below set out the new 2022/2023 rates against the 2021/2022 rates.

Note: There are provisions in the Determination relating to motor vehicles for mayors, however as WDC does not provide the Mayor with a vehicle, those provisions do not currently apply.

Vehicle Kilometre AllowanceFor the first 14,000 kilometres

	2021/2022	2022/2023 <i>(Increase)</i>
Petrol and Diesel Vehicles	79 cents per kilometre	83 cents per kilometre
Petrol Hybrid Vehicles	79 cents per kilometre	83 cents per kilometre
Electric Vehicles	79 cents per kilometre	83 cents per kilometre

After the first 14,000 kilometres

Petrol and Diesel Vehicles	30 cents per kilometre	31 cents per kilometre
Petrol Hybrid Vehicles	19 cents per kilometre	18 cents per kilometre
Electric Vehicles	9 cents per kilometre	10 cents per kilometre

Travel-time Allowance

	2021/2022	2022/2023 <i>(Increase)</i>
	\$37.50 per hour is claimable after the first hour (up to a maximum of 8 hours in any one 24-hour period)	\$40.00 per hour is claimable after the first hour (up to a maximum of 8 hours in any one 24-hour period)

Information and Communication Technology

Note: WDC elected members are not paid any allowance for ICT consumables as elected members can request printer cartridges and paper supplies from the Manager – Governance Support

	2021/2022	2022/2023 <i>(No Change)</i>
Use of Personal Computer	\$400.00	\$400.00
Use of Personal Printer	\$50.00	\$50.00
Use of Personal Mobile Phone	\$200.00	\$200.00
Use of ICT consumables	\$200.00	\$200.00
Use of Personal Internet Service	\$800.00	\$800.00
Use of Personal Mobile Phone Service	\$500.00	\$500.00

Childcare Allowance

	2021/2022	2022/2023 <i>(No Change)</i>
	To a total of not more than \$6,000 per child per annum upon receipt of satisfactory evidence of the amount paid for childcare.	To a total of not more than \$6,000 per child per annum upon receipt of satisfactory evidence of the amount paid for childcare.

Fees relating to Hearings

Note: For hearing time less than 1 hour, the fee must be apportioned accordingly.

	2021/2022	2022/2023 <i>(Increase)</i>
Hearing Chairperson	\$100 per hour	\$116 per hour
Hearing Member (not a Chairperson)	\$80 per hour	\$93 per hour

3.16 REMUNERATION POST 2022 ELECTIONS

3.17 Schedule 2 of the Local Government Members (2022/2023) Determination 2022 sets out the remuneration set by the RA for the Mayor and the minimum allowable remuneration for councillors on and from the date on which the official result of the 2022 election is declared until 30 June 2023 as follows:

Mayor	\$115,856
Councillor (Minimum Allowable Remuneration)	\$32,333

3.18 The minimum allowable remuneration rate for councillors takes effect from the day after the date on which the official results for the council are declared. This is the pay that all councillors will receive following the Elections.

3.19 Approved remuneration rates for the positions of responsibility (i.e. Deputy Mayor) will then be backdated to the day after the council formally votes to confirm its recommendation(s). The approved remuneration rates for positions with no additional responsibilities are backdated to the day after the date on which the official results for the council are declared.

3.20 Table 2 of the Explanatory Memorandum attached to the Local Government Members (2022/2023) Determination 2022 sets out the remuneration pool that will apply on and after the day after the date on which the official result of the 2022 local election of members for an individual council is declared. From this date, the new size indices apply for the next council triennium, therefore a significant increase in the remuneration pool in comparison to the previous year is seen. (Refer to Table in paragraph 3.10 above).

3.21 Following the 2022 local elections, the newly elected Council must consider the Remuneration Pool of \$288,802 and how it should be divided amongst the six Councillors (which includes the Deputy Mayor position).

3.22 It is important to note that Council must allocate the entire Pool.

3.23 The RA has provided two worksheets for the purpose of division of the remuneration pool. One worksheet is based on a "Dollar" calculation and the second is on a "Ratio" calculation.

3.24 Although division of the remuneration pool will be up to the newly elected Council to consider and make recommendations to the RA, for interest purposes and possibly to give some indication to those who may be looking to stand for Council at the upcoming election, if the pool was divided on the basis of the current Council's modelling - using the "Dollar" calculation on the basis of the Deputy Mayor receiving remuneration equivalent to 50% of the Mayor's remuneration (i.e. 50% of \$115,856 = \$57,928), with the remainder of the Pool being divided equally between the other five Councillors, the resulting remuneration would be as below. Note: The Deputy Mayor's remuneration has been rounded down by \$1.00 to make a clean division of the Pool:

Deputy Mayor	1 x \$57,927	\$57,927
Councillor	5 x \$46,175	<u>\$230,875</u>
Total Pool		\$288,802

3.25 For comparison purposes, the result for the "Ratio" calculation based on the Deputy Mayor role being 1.5 of a Councillor role is as follows:

Ratio Calculation

Deputy Mayor	1 x Base remuneration: \$44,431 x 1.5	\$66,647
Councillor	5 x Base remuneration: \$44,431 x 1	<u>\$222,155</u>
Total Pool		\$288,802

3.26 **Timeline for Making Recommendations on Division of the Remuneration Pool**

3.27 The RA has provided the following timeline for setting of the new remuneration rates following the local elections.

Action	By Whom	Date
Familiarisation by elected members and staff with the process	Councils	Up till remuneration proposals submitted
Incoming councils formally decide remuneration attached to different roles within allocated pool and forward proposals to Remuneration Authority (round 1)	Councils	Proposals must be submitted by <u>Wednesday 16 November 2022</u> to meet deadline for the first amending determination
Remuneration Authority considers councils' proposals	Remuneration Authority	From 10 October to 19 November 2022
Amending determination drafted	Parliamentary Counsel Office	From 21 November to 15 December 2022
First amending determination is gazetted	Remuneration Authority	Thursday 22 December 2022
Incoming councils which miss the 16 November deadline, must formally decide remuneration attached to different roles within allocated pool and forward proposals to Remuneration Authority (round 2)	Councils	Proposals submitted by <u>Friday 27 January 2023</u> to meet deadline for second amending determination
Remuneration Authority considers councils' proposals	Remuneration Authority	From 16 January to 31 January 2023
Second amending determination drafted	Parliamentary Counsel Office	From 3 February to 17 February 2023
Second amending determination gazetted	Remuneration Authority	Late February/early March 2023

Suggested Resolution

The business paper on Elected Members Remuneration be received.



MICHELLE HIGGIE
MANAGER – GOVERNANCE SUPPORT

29 June 2022

Document No: A619806

Report To: Council



Meeting Date: 5 July 2022

Subject: Review of the Freedom Camping Bylaw and Adoption of Statement of Proposal

Purpose of Report

- 1.1 The purpose of this business paper is to present to Council the draft Freedom Camping Bylaw (the Bylaw) and Statement of Proposal for consideration and adoption to enable public consultation on the proposed changes to the Bylaw.

Background

- 2.1 Section 11(2) of the Freedom Camping Act 2011 (the Act) sets out the requirements for making a Freedom Camping Bylaw:

(2) *A local authority may make a bylaw under subsection (1) only if it is satisfied that—*

(a) *the bylaw is necessary for 1 or more of the following purposes:*

(i) *to protect the area:*

(ii) *to protect the health and safety of people who may visit the area:*

(iii) *to protect access to the area; and*

(b) *the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and*

(c) *the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990."*

- 2.2 When determining to make a Freedom Camping Bylaw, Council must ensure that the following three thresholds are met:

Council must be satisfied that the bylaw is necessary for one or more of the purposes listed in clause (2)(a) for each area it wishes to either prohibit or restrict freedom camping; and

Council must be satisfied that the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to the area; and

The bylaw must not be inconsistent with the New Zealand Bill of Rights Act 1990.

- 2.3 In August 2018, elected members considered the Waitomo District Council Site Assessment and determined that these three thresholds were met, and a bylaw was warranted.

- 2.4 The initial resolution to make the Freedom Camping Bylaw 2018 (the Bylaw) was passed by the Waitomo District Council at an ordinary meeting of the Council held on 25 September 2018 and was adopted following consideration of submissions received during the special consultative procedure, by a resolution at a meeting of the Council on 27 November 2018. The Bylaw came into force on 1 January 2019.

- 2.5 Section 13(1) of the Act requires Council to review the Bylaw within five years of its commencement using the special consultative procedure in section 83 of the Local Government Act 2002 (LGA) when reviewing a freedom camping bylaw.

Commentary

- 3.1 Due to the COVID-19 global pandemic, which began to impact international travel in late 2019, it is considered that this Bylaw has not been fully tested with 'normal summer' tourist numbers. However, given that domestic travel has been occurring in reasonably high numbers over the last two years, it is considered that the prohibited and restricted area locations have been adequately tested.
- 3.2 In total since the Bylaw became operative, there have been seven service requests, five of which related to campers staying longer than allowed in restricted areas or in prohibited areas. The other requests relate to improvements such as additional signage and bollards to help ensure the provisions of the Bylaw are complied with.
- 3.3 As we have not received significant feedback on the Bylaw, or identified any significant issues, we are only proposing to make minor amendments to the Bylaw; such as reformatting the Bylaw into the new template and make some editorial changes.
- 3.4 Through the District Plan review process, the Kiritehere Cemetery Reserve has been identified as a Site or Area of Significance to Māori (SASM). This requires a change to the schedules to make the Kiritehere Cemetery Reserve a prohibited camping area, previously this was just the fenced cemetery portion. However, we have made provision for a restricted area on the small portion of road reserve next to the cemetery.
- 3.5 A copy of the draft Bylaw is attached, changes marked in red for Council's reference (refer Attachment 1).
- 3.6 **PROPOSED AMENDMENTS**
- 3.7 Kiritehere Cemetery Reserve in its entirety a being a prohibited camping area.
- 3.8 Transferred the Bylaw into the new Council bylaw template.
- 3.9 The purpose to include the scope of the bylaw by including the freedom camp definition and local authority (previously in the definitions section).

Analysis of Options

- 4.1 **OPTIONS**
- 4.2 The reasonably practicable options related to the adoption of the proposed bylaw are:
- Option 1: Adopt the Statement of Proposal for consultation (recommended)
- Option 2: Status quo, continue with the current Bylaw.
- 4.3 Option 1, if approved, would require Council to commence consultation for the Bylaw to be undertaken as outlined below.

Considerations

- 5.1 **RISK**
- 5.2 If the Bylaw is not reviewed and adopted within 5 years of being made, as specified in the Act, it may be revoked 2 years after the last date on which the bylaw should have been reviewed.
- 5.3 **PUBLIC CONSULTATION**
- 5.4 The proposed changes to the Bylaw, can only be made after the public consultation using the special consultative procedure as provided for in section 83 of the Local Government Act 2002 (LGA).

- 5.5 Section 83 of the LGA process will involve;
- The development and adoption by of a statement of proposal for consultation
 - Consultation period of one month;
 - An opportunity for people wishing to present their views to Council in person; and
 - Council consideration of any submissions, and subsequent adoption of the bylaw.
- 5.6 The proposed timeframes for the consultation and adoption process are set out below.

Timeframes for consultation	
Consultation Period	8 July – 5 August 2022
Council Meeting Hearing and Deliberations	30 August 2022
Council Meeting Adopt the Final Bylaw	30 August 2022

- 5.7 The Statement of Proposal and Submission Form will be available on the WDC website, Waitomo District Council Library and Te Kuiti i-SITE. Public notice will also be given in the King Country News. Waitomo District Council Facebook page will also be used to notify the public regarding the consultation.
- 5.8 **SIGNIFICANCE AND COMMUNITY VIEWS**
- 5.9 Adoption of option 1 will trigger Council's Significance and Engagement Policy. Community views are proposed to be sought on the Bylaw.

Recommendation

- 6.1 Council adopts the Statement of Proposal for public consultation.

Suggested Resolutions

- 1 The business paper on Review of the Freedom Camping Bylaw and Adoption of Statement of Proposal be received.
- 2 Council adopts the Statement of Proposal for the proposed amendments to the Freedom Camping Bylaw for public consultation from 8 July to 5 August 2022.



CHARMAINE ELLERY
MANAGER STRATEGY AND POLICY



ALEX BELL
GENERAL MANAGER – STRATEGY AND ENVIRONMENT

Attachments:

- 1 Draft Freedom Camping Bylaw (A619805)
- 2 Statement of Proposal – Freedom Camping Bylaw Review 2022 (A619826)



STATEMENT OF PROPOSAL

Review of Freedom Camping Bylaw

Waitomo District Council



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PURPOSE

Waitomo District Council's (Council) vision is to be a vibrant District. Council policies support this vision and the community outcomes.

The purpose of the Freedom Camping Bylaw (the Bylaw) is to control freedom camping in the Waitomo District in order to:

- Protect local authority areas.
- Protect the health and safety of people who may visit local authority areas.
- Protect access to local authority areas.

BACKGROUND

A local authority is able to adopt a freedom camping bylaw under section 11 of the Freedom Camping Act 2011 (the Act) a bylaw that prohibit or restricts freedom camping in some local authority areas.

The local authority must determine that a bylaw is necessary for protection of the area (including access to). Also, the health and safety of those using the area is considered.

Council must be satisfied that the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to the area and the bylaw must not be inconsistent with the New Zealand Bill of Rights Act 1990.

REASON FOR PROPOSAL

The Bylaw was first adopted by Council in November 2018 and came into effect 1 January 2019. Pursuant to section 13 of the Act, Council is required to review its Bylaw within five years of it being adopted.

This scheduled review of the Bylaw has provided an opportunity to make some minor amendments and updates to the Bylaw, such as removal of the Kiritehere Cemetery Reserve as a restricted area for freedom camping as it has been identified as a Site or Area of Significance to Māori (SASM) and is therefore being classified as a prohibited camping area.

Council wants your feedback on this Bylaw.

Key dates

WHEN	WHAT
8 July 2022	Submissions open
5 August 2022	Submissions close
30 August 2022	Hearings (should people wish to speak to their submissions)
30 August 2022	Deliberations – Council discusses feedback from the community and changes are agreed to if appropriate
30 August 2022	Council adopts the final Bylaw

This Statement of Proposal has been prepared to fulfil the requirements of sections 83 and 87 of the Local Government Act 2002 (LGA).

WHAT WE ARE PROPOSING

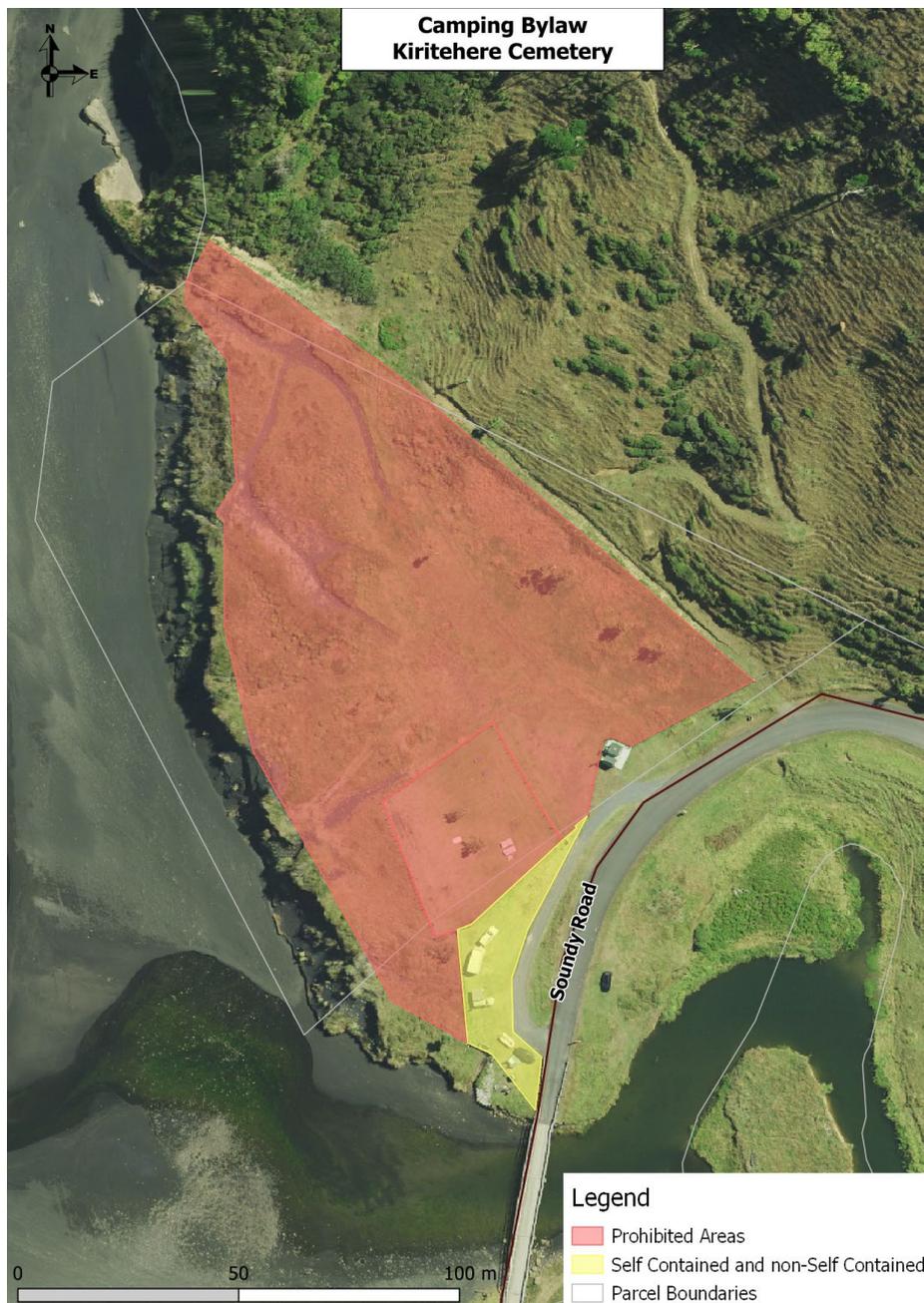
To ensure a balance of areas for freedom camping are available while providing protection to sensitive areas within the Waitomo District, Council is reviewing its Bylaw. Since its implementation in January 2019, the Bylaw has proven to be fit for purpose. Although, there have been reduced international tourist numbers during this time, there is no evidence that the Bylaw requires any significant changes.

Summary of the changes

Removal of Kiritehere Cemetery Reserve in its entirety and reclassification of the whole area as a prohibited camping area.

Transferring the Bylaw into the new Council Bylaw template.

The purpose to include the scope of the Bylaw by including the freedom camp definition and local authority (previously in the definitions section).



DRAFT

Waitomo District Council

**Freedom Camping Bylaw
2022**

First Adopted:	August 2018
Review History:	June 2022
Date of Next Review:	June 2032
Responsibility:	Infrastructure Services
Adopted by:	Council (27 November 2018)
Associated Documents:	Freedom Camping Act 2011

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Pursuant to the powers vested in it by the Freedom Camping Act 2011, the Waitomo District Council makes this Bylaw.

The following note is explanatory and is not part of the Bylaw:

This Bylaw applies only to the areas under the control of the Waitomo District Council. Compliance with this Bylaw does not remove the need to comply with all applicable Acts, regulations, bylaws, and rules of law. This includes complying with any parking or other traffic restrictions in any area, any restrictions on keeping of animals, not littering, not lighting fires in breach of any fire ban, not making excessive noise, and complying with the directions of enforcement officers. This Bylaw should also be read alongside the Freedom Camping Act 2011.

TITLE | TAITARA

This Bylaw may be cited as the Waitomo District Council Freedom Camping Bylaw 2022.

COMMENCEMENT | TĪMATA

The initial resolution to make this Bylaw was passed by the Waitomo District Council at an ordinary meeting of the Council held on 25 September 2018 and was adopted following consideration of submissions received during the special consultative procedure, by a resolution at a meeting of the Council on 27 November 2018. The bylaw came into force on 1 January 2019.

PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. The purpose of this Bylaw is to control freedom camping in the District in order to:
 - (a) Protect local authority areas;
 - (b) Protect the health and safety of people who may visit local authority areas;
 - (c) Protect access to local authority areas.
2. The scope covered by the term Freedom Camp for the purpose of this Bylaw is the same definition given in the Act:
 - 2.1 In this [Bylaw], freedom camp means to camp (other than at a camping ground) within 200m of a motor vehicle accessible area or the mean low- water springs line of any sea or harbour, or on or within 200m of a formed road or a Great Walks Track, using 1 or more of the following:
 - (a) A tent or other temporary structure;
 - (b) A caravan;
 - (c) A car, campervan, house-truck, or other motor vehicle.
 - 2.2 In this [Bylaw], freedom camping does not include the following activities:
 - (a) Temporary and short-term parking of a motor vehicle;
 - (b) Recreational activities commonly known as day-trip excursions;
 - (c) Resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.
 - 2.3 In this [Bylaw], camping ground means
 - (a) A camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985;

- (b) Any site at which a fee is payable for camping at the site

2.4 In this [Bylaw], Great Walks Track means

- (a) A track specified in Schedule 1 (of the Act); and
 (b) Any other track specified by Order in Council made under section 44 (of the Act) as a Great Walks Track.

DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

Act	Freedom Camping Act 2011
Certified self-contained vehicle	Refers all vehicles designed and built for the purpose of camping which is practically configured to meet the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days, without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self- containment warrant issued under New Zealand Standard Self-Containment of Motor Caravans and Caravans, NZS 5465:2001 and any subsequent amendments.
Chief Executive	The person for the time being exercising the functions of the Chief Executive of the Council.
District	The territory contained within the Waitomo District as defined in Schedule 2 to the Local Government Act 2002.
Council	Waitomo District Council
Night	The time period between 10pm and 9am
Waste receptacle	A receptacle or facility that is provided for the purposes of disposing of waste (for example, a rubbish bin, public toilet, a public dump station or public transfer station).

BYLAW | PĀERO

1. Local authority areas where freedom camping is permitted

- 1.1. Freedom camping is permitted in any local authority area within the District unless it is prohibited or restricted.
- a) By this Bylaw; or
 b) Under any other enactment or bylaw

2. Prohibited Areas

- 2.1. A person must not freedom camp in any local authority area in the District in any vehicle that is not a certified self-contained vehicle.
- 2.2. A person must not freedom camp in any tent or temporary structure in any local authority area, except as allowed in clause 7.
- 2.3. A person must not freedom camp in any local authority area described in Schedule 1 and marked red on the maps in Schedule 3.

3. Restricted Areas

- 3.1. In any area described in Schedule 2 and marked blue on the maps in Schedule 3, freedom camping is allowed subject to the following restrictions:
- (a) The freedom camping must only take place in a certified self-contained vehicle as specified in Schedule 2; and
 - (b) The maximum period of stay in any location within a blue area is two consecutive nights on no more than two separate occasions in any calendar month (unless otherwise detailed in the schedule); and
 - (c) Other restrictions as specified in Schedule 2.
- 3.2. In any area described in Schedule 2 and marked yellow on the maps in Schedule 3, freedom camping is allowed subject to the following restrictions:
- (a) The freedom camping must only take place in a certified self-contained vehicle non-self-contained vehicle or tent as specified in Schedule 2; and
 - (b) The maximum period of stay in any location within a yellow area is two consecutive nights on no more than two separate occasions in any calendar month (unless otherwise detailed in the schedule); and
 - (c) Other restrictions as specified in Schedule 2.
- 3.3. In any area described in Schedule 2 and marked green on the maps in Schedule 3, tenting only is allowed in the location defined, subject to other restrictions as defined in Schedule 2.
- 3.4. In clauses 7.1(b) and 7.2(b) "location" means the land within 500m of the place where the certified self-contained vehicle or tent is situated for the purpose of freedom camping.

4. Prior Permission from Council

- 4.1. The Chief Executive of the Council may temporarily waive or modify the freedom camping restrictions in clauses 6 and 7 of this Bylaw. Permission may be granted by the Chief Executive with or without conditions
- 4.2. Application for permissions must be made:
- (a) In writing;
 - (b) Provide sufficient detail about the proposed camping including information about how the applicant will manage all human and other waste generated while freedom camping; and
 - (c) Be made at least 20 working days in advance of the date planned for freedom camping in the area where the prohibition or the restrictions apply.

The following note is explanatory and is not part of the Bylaw:

The purpose of this clause is to enable permission for temporary sites for freedom camping in prohibited or restricted areas, for example associated with one-off events.

5. Council may temporarily close an area to freedom camping

- 5.1. The Chief Executive of the Council may temporarily close or restrict freedom camping in any area or part of any area where the closure or restriction is considered necessary to:
- (a) Prevent damage to the local authority area or facilities in the area; or
 - (b) Allow maintenance to the local authority area or facilities; or
 - (c) Protect the safety of persons or property; or
 - (d) Provide for better public access, including in circumstances where events are planned for that area.
- 5.2. Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner the Chief Executive considers is appropriate to the reason for the closure or restriction. Prior notice of any temporary closure or restriction will be given where possible.

The following note is explanatory and is not part of the Bylaw:

Notice given by the Council may include any of the following: a sign erected in the area; and/or advertising on the Council's website or on the radio; and/or a public notice in the paper.

6. Offence and Penalties

- 6.1 As specified by section 20(1) of the Act, every person commits an offence who:
- (a) freedom camps in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area; or
 - (b) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area
- 6.2 As specified by section 23(1) of the Act, every person who commits an offence set out in clause 10(1) is liable to an infringement fee (fine) of \$200.

The following note is explanatory and is not part of the Bylaw:

Section 20 of the Act provides for the above offences and also for other offences, such as not properly disposing of waste into a waste receptacle, damaging or interfering with the flora and fauna in an area, and obstructing or threatening an enforcement officer. Section 22 of the Act sets out defences to a freedom camping offence. The defences include that an offence was committed due to an action or event beyond the control of the defendant that could not reasonably have been foreseen, or the act was necessary to protect life or health, prevent injury or serious damage to property. Council officers use their discretion when investigating freedom camping complaints, which will include consideration of any defences that may be available to a person.

The Common Seal of the Waitomo District Council
was hereto affixed in the presence of:

Mayor

Chief Executive

Prohibited Areas for Freedom Camping

A person must not freedom camp in any local authority area described in the table below.

Area Name / Description	Map Reference
Te Kuiti Cemetery (new)	1
Te Kuiti Cemetery (old)	1
Te Kuiti Domain – Te Kuiti	1
Brook Park – Te Kuiti	1
Redwood Park –Te Kuiti	1
Te Kuiti Skateboard Park – Te Kuiti	1
Centennial Park – Te Kuiti	1
Rose Garden Reserve – Te Kuiti	1
Mangaokewa Reserve (only where shown as prohibited on the map)	1A
Rukuhia Domain – Piopio	2
Kara Park - Piopio	2
Piopio Cemetery	2
Mokau Esplanade (Aria Terrace) and Point Road (including carpark) - Mokau	3
Carpark area opposite Whitebait Inn - Mokau	3
Tokopapa Street (including carparking area) – Mokau	3
Takarei Terrace Recreation Reserve – Mokau	3
Boat Ramp carparking, Te Kauri Road – Mokau	3
Beach Road - Mokau	3
Tainui Street – Mokau	3
Rangi Street – Mokau	3
Oha Street - Mokau	3
Mokau Cemetery	3
Carpark Area, Moana Quay – Marokopa	4
Esplanade – Marokopa	4
Marokopa Recreation Reserve – Carley Reeve Drive Marokopa	4
Moerua Street - Marokopa	4
Rauparaha Street - Marokopa	4
Marokopa Road - Marokopa	4
Carley Reeve Drive - Marokopa	4
Kiritehere Cemetery Reserve (cemetery portion only)	4
Benneydale Domain – Benneydale (part)	5
Benneydale Hall – Maniaiti Road - Benneydale	5
Benneydale public toilets – State Highway 30, Benneydale	5
Boat Ramp carpark – Te Waitere	6
Te Waitere Cemetery	6
Iredale Quay River Esplanade – Awakino	7
Awakino Heads Esplanade - Awakino Heads Road – Awakino	7
Aria Cemetery	8
St Helen Domain - Aria	8
Mapiu Cemetery	9
Mapiu Domain – Mapiu	9
Waikawau Beach/Tunnel Recreation Reserve	10
Kinohaku Hall – Kinohaku	11
Waitomo Village Road – Waitomo	13

SCHEDULE 2 | WAHANGA 2

Restricted Areas for Freedom Camping

Freedom camping is allowed in any local authority area described in the table below subject to the following general and area specific restrictions:

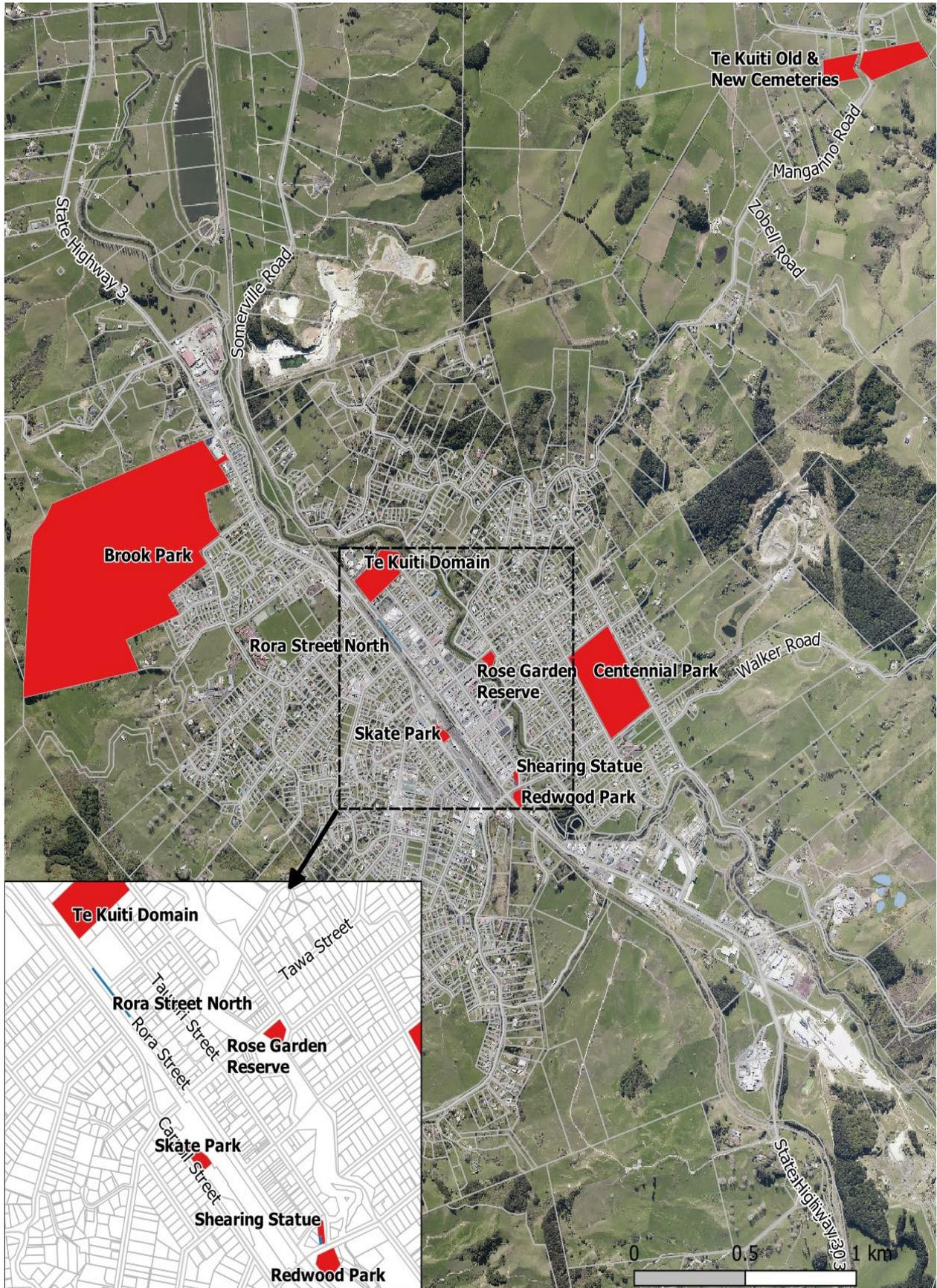
General Restrictions

- a) The freedom camping must only take place in a certified self-contained vehicle or tent as specified in the table below.
- b) The maximum period of stay in any location is two consecutive nights on no more than two separate occasions in any calendar month.
- c) Freedom camping in certified self-contained vehicles is restricted to the signposted area (where signposted). Space will be available on a 'first-in first-served' basis.
- d) Unless subject to area specific restrictions all vehicles being used for freedom camping must depart by 9am.
- e) All vehicles being used for freedom camping must be legally parked and any possessions associated with freedom camping contained within a single, defined carparking space. If undefined, vehicles must park in a courteous manner to allow other vehicles to also park within the signposted area, with all possessions no more than 1 metre from the vehicle in any direction.
- f) All vehicles being used for freedom camping must be parked clear of any entry and exit points to the site.
- g) No person may light any fire while freedom camping in a local authority area except in a place specifically provided by the Council for that purpose, or with the prior written permission of Council.
- h) All waste must be disposed of into an appropriate waste receptacle or removed from site.
- i) The site must be left in a clean and tidy state.
- j) Every person must leave and not return if required to leave by an Enforcement Officer under the Act.
- k) All conditions stipulated on any signs in the local authority area must be complied with.

Area Name	Area specific restrictions	Map reference
Mangaokewa Reserve <i>Unless not formally managed by Waitomo District Council.</i>	Vehicles in defined areas only. Tenting in defined areas only. No freedom camping in defined prohibited areas.	1
Shearing Statute (Municipal) Reserve – Te Kuiti	Maximum of 6 self-contained vehicles in defined area only. No tenting.	1
Rora Street North	Self-contained and non-self-contained vehicles in any available defined car parking area. No tenting.	1
Tui Park - Piopio	No time restrictions. Self-contained, non self-contained and Tenting allowed.	2
Kiritehere Cemetery Reserve (excluding fenced cemetery portion)	Maximum of 14 consecutive nights.	4
Benneydale Domain (part)	Self-contained vehicles only. No tenting.	5
Te Waitere Reserve	Self-contained and non-self-contained vehicles. No tenting.	6
Te Anga Road Scenic Lookout	Maximum of 3 self-contained vehicles. No tenting	12

SCHEDULE 3 | WAHANGA 3

Maps

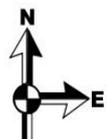


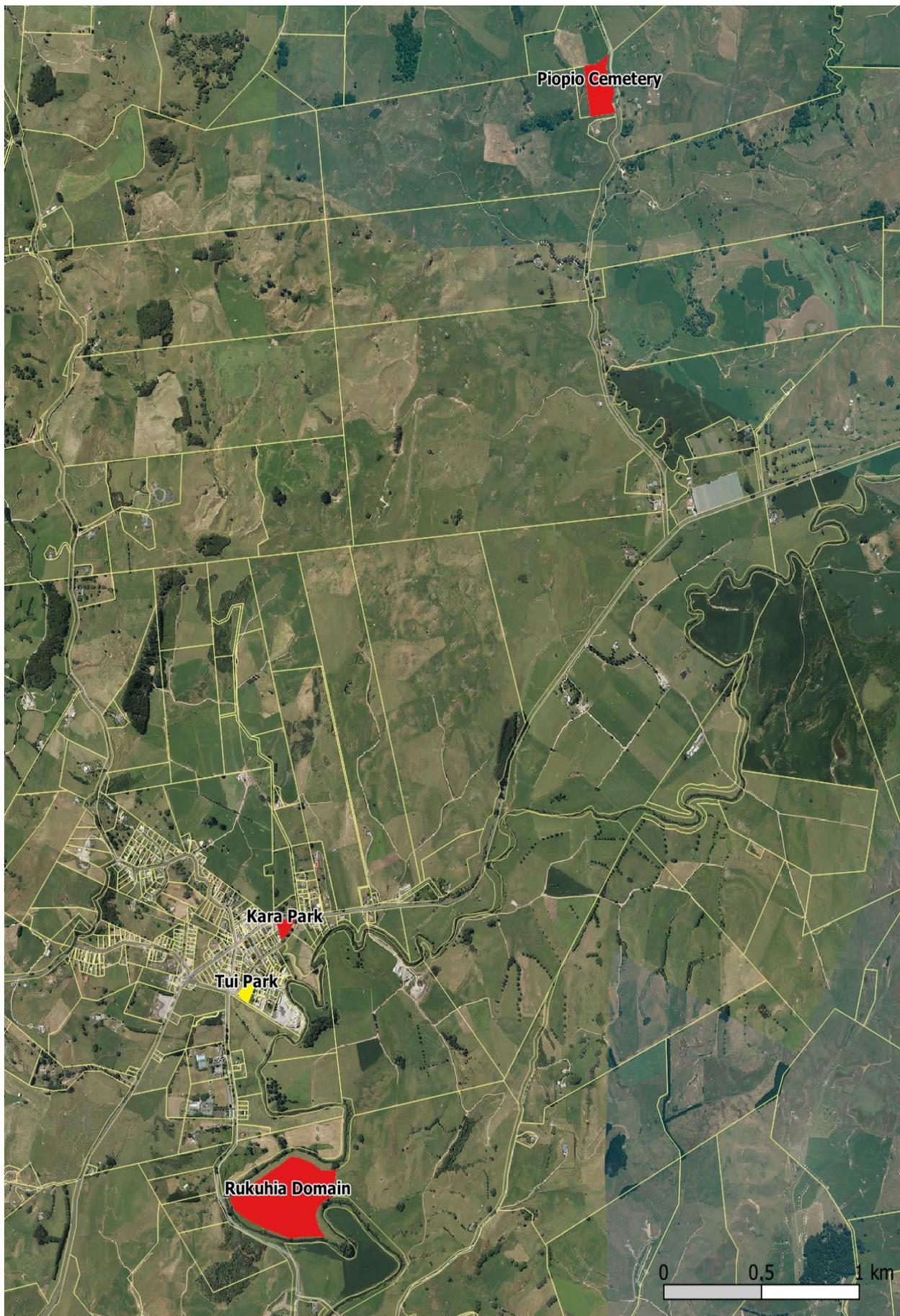
MAP 1 - Te Kuiti

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





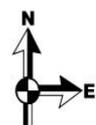
MAP 2 - Piopio



Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





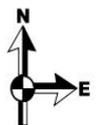
MAP 3 - Mokau

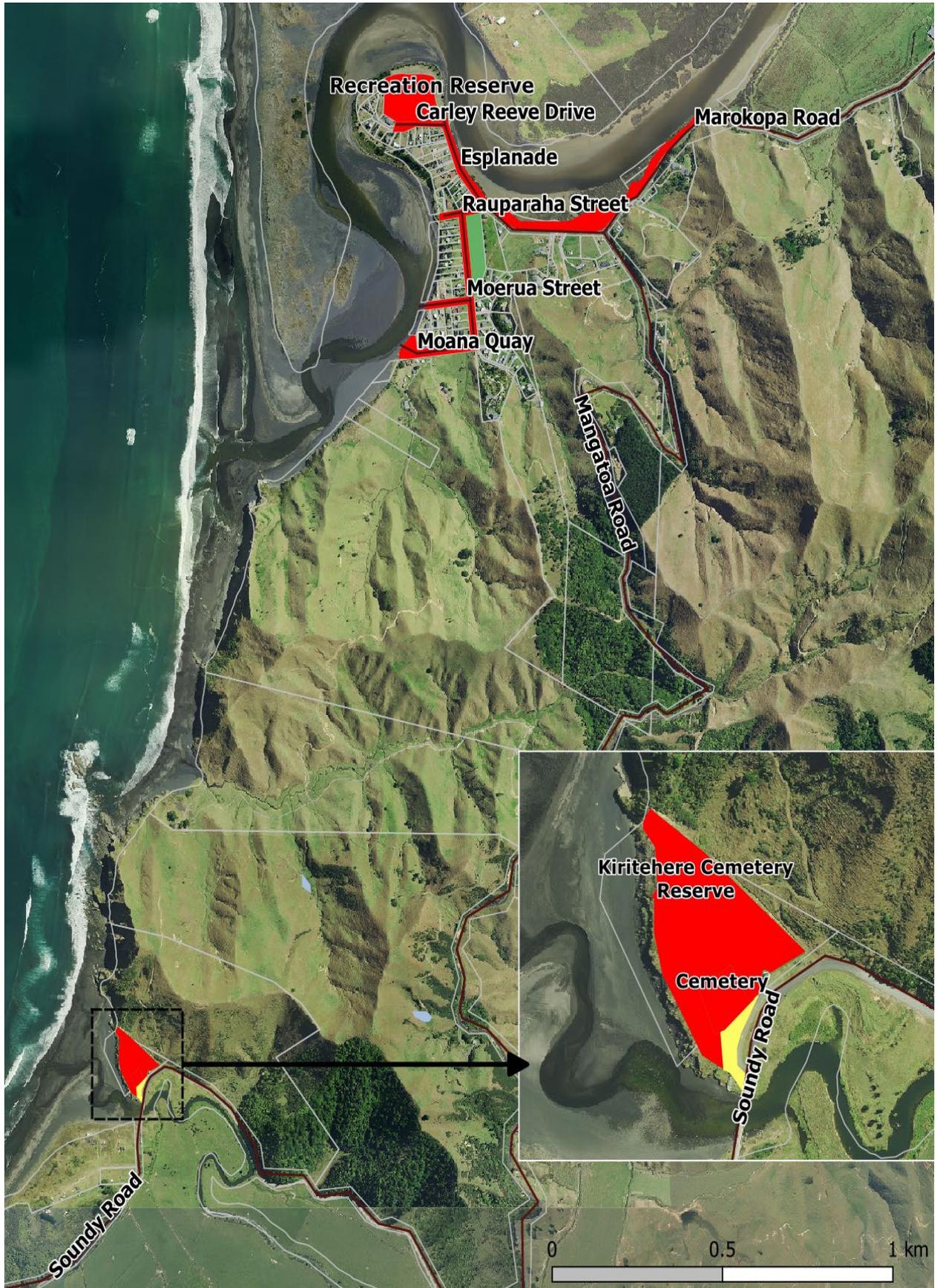


Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained



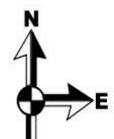


MAP 4 - Marokopa

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Legend

- No Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and non-Self Contained





MAP 5 - Benneydale

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

Self Contained
Self Contained and Non-Self Contained





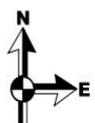
MAP 6 - Te Waitere



Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





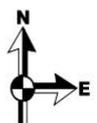
MAP 7 - Awakino

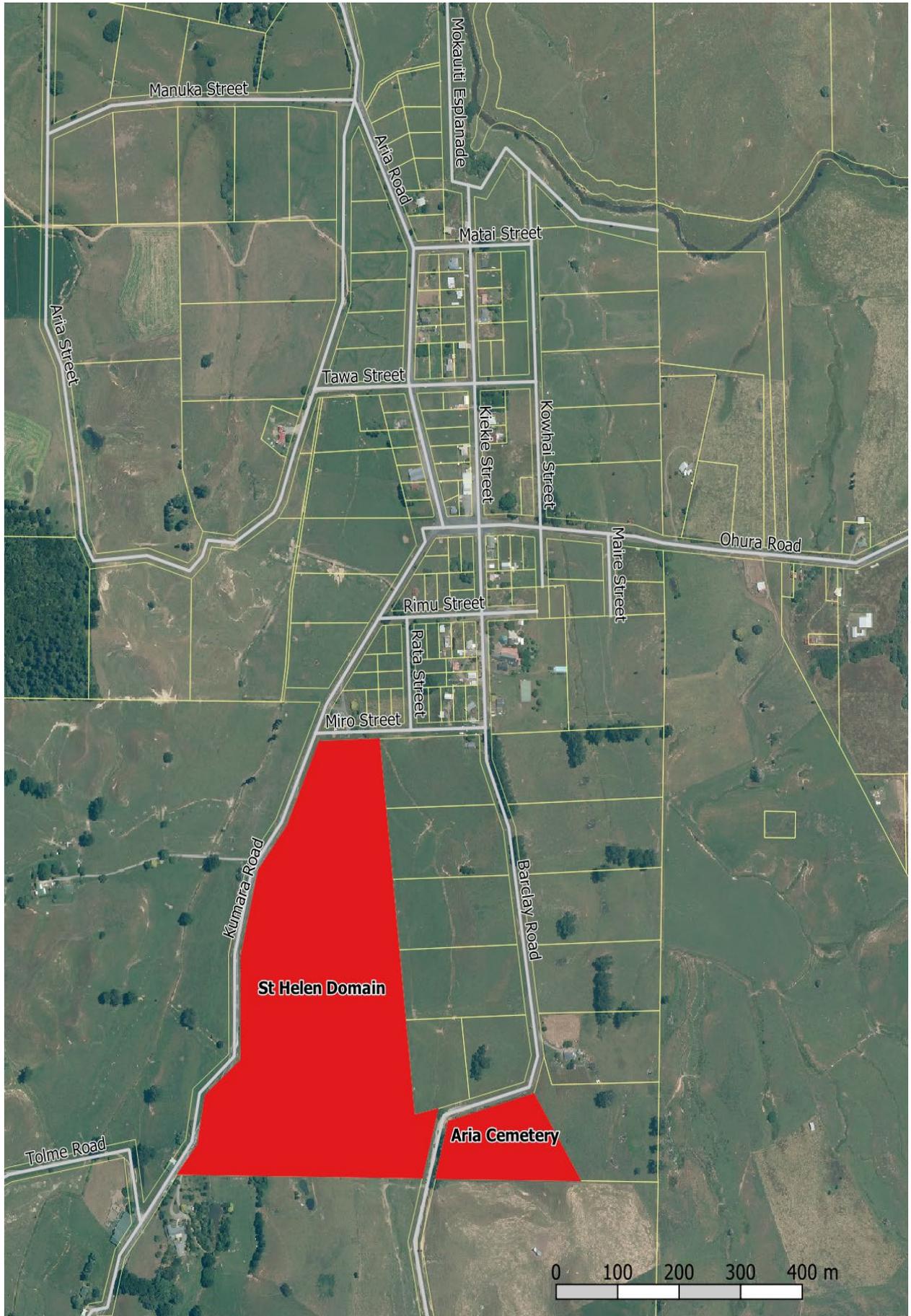


Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

-  Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
-  Self Contained
-  Self Contained and Non-Self Contained





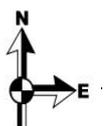
MAP 8 - Aria



Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





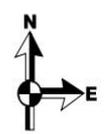
MAP 9 - Mapiu



Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained



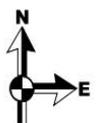


MAP 10 - Waikawau

Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

-  Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
-  Self Contained
-  Self Contained and Non-Self Contained





MAP 11 - Kinohaku



Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

 Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

 Self Contained

 Self Contained and Non-Self Contained



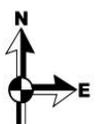


MAP 12 - Te Anga

Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 13 - Waitomo Village

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

Red Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

Blue Self Contained

Yellow Self Contained and Non-Self Contained



Submission Form

Sub No.

For office use only

Draft Freedom Camping Bylaw 2022

Submissions close at 5.00pm on Friday 5 August 2022

You can share your views by:

- Completing this Submission Form and returning it to us by:
 - Visiting our office on Queen Street, Te Kuiti
 - Emailing it to: haveyoursay@waitomo.govt.nz (scan and pdf or take a photo)
 - Posting to: FREEPOST 112498, Waitomo District Council, PO Box 404, Te Kuiti 3941
- Visiting our website: waitomo.govt.nz/consultation and complete an online Submission Form

Full Name:	
Organisation: <i>(if responding on behalf of)</i>	
Phone: <i>(home/mobile)</i>	
Address:	
Postcode:	
Email:	

The Local Government Act 2002 requires submissions to be made available to the public. Your name and/or organisation will be published with your submission and made available in a report to elected members and to the public. Other personal information supplied (such as address / email address) will be removed from the public copy.

I wish to speak to Council about my submission.

(Hearings are scheduled for 30 August 2022. We will contact you to arrange a time.)

Yes No

YOUR FEEDBACK

Please give us your feedback on the Draft Freedom Camping Bylaw 2022

DRAFT

Waitomo District Council

**Freedom Camping Bylaw
2022**

First Adopted:	August 2018
Review History:	June 2022
Date of Next Review:	June 2032
Responsibility:	Infrastructure Services
Adopted by:	Council (27 November 2018)
Associated Documents:	Freedom Camping Act 2011

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Pursuant to the powers vested in it by the Freedom Camping Act 2011, the Waitomo District Council makes this Bylaw.

The following note is explanatory and is not part of the Bylaw:

This Bylaw applies only to the areas under the control of the Waitomo District Council. Compliance with this Bylaw does not remove the need to comply with all applicable Acts, regulations, bylaws, and rules of law. This includes complying with any parking or other traffic restrictions in any area, any restrictions on keeping of animals, not littering, not lighting fires in breach of any fire ban, not making excessive noise, and complying with the directions of enforcement officers. This Bylaw should also be read alongside the Freedom Camping Act 2011.

TITLE | TAITARA

This Bylaw may be cited as the Waitomo District Council Freedom Camping Bylaw 2022.

COMMENCEMENT | TĪMATA

The initial resolution to make this Bylaw was passed by the Waitomo District Council at an ordinary meeting of the Council held on 25 September 2018 and was adopted following consideration of submissions received during the special consultative procedure, by a resolution at a meeting of the Council on 27 November 2018. The bylaw came into force on 1 January 2019.

PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. The purpose of this Bylaw is to control freedom camping in the District in order to:
 - (a) Protect local authority areas;
 - (b) Protect the health and safety of people who may visit local authority areas;
 - (c) Protect access to local authority areas.

2. The scope covered by the term Freedom Camp for the purpose of this Bylaw is the same definition given in the Act:
 - 2.1 In this [Bylaw], freedom camp means to camp (other than at a camping ground) within 200m of a motor vehicle accessible area or the mean low- water springs line of any sea or harbour, or on or within 200m of a formed road or a Great Walks Track, using 1 or more of the following:
 - (a) A tent or other temporary structure;
 - (b) A caravan;
 - (c) A car, campervan, house-truck, or other motor vehicle.

 - 2.2 In this [Bylaw], freedom camping does not include the following activities:
 - (a) Temporary and short-term parking of a motor vehicle;
 - (b) Recreational activities commonly known as day-trip excursions;
 - (c) Resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.

 - 2.3 In this [Bylaw], camping ground means
 - (a) A camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985;

- (b) Any site at which a fee is payable for camping at the site

2.4 In this [Bylaw], Great Walks Track means

- (a) A track specified in Schedule 1 (of the Act); and
 (b) Any other track specified by Order in Council made under section 44 (of the Act) as a Great Walks Track.

DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

Act	Freedom Camping Act 2011
Certified self-contained vehicle	Refers all vehicles designed and built for the purpose of camping which is practically configured to meet the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days, without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self- containment warrant issued under New Zealand Standard Self-Containment of Motor Caravans and Caravans, NZS 5465:2001 and any subsequent amendments.
Chief Executive	The person for the time being exercising the functions of the Chief Executive of the Council.
District	The territory contained within the Waitomo District as defined in Schedule 2 to the Local Government Act 2002.
Council	Waitomo District Council
Night	The time period between 10pm and 9am
Waste receptacle	A receptacle or facility that is provided for the purposes of disposing of waste (for example, a rubbish bin, public toilet, a public dump station or public transfer station).

BYLAW | PĀERO

1. Local authority areas where freedom camping is permitted

- 1.1. Freedom camping is permitted in any local authority area within the District unless it is prohibited or restricted.
- a) By this Bylaw; or
 b) Under any other enactment or bylaw

2. Prohibited Areas

- 2.1. A person must not freedom camp in any local authority area in the District in any vehicle that is not a certified self-contained vehicle.
- 2.2. A person must not freedom camp in any tent or temporary structure in any local authority area, except as allowed in clause 7.
- 2.3. A person must not freedom camp in any local authority area described in Schedule 1 and marked red on the maps in Schedule 3.

3. Restricted Areas

3.1. In any area described in Schedule 2 and marked blue on the maps in Schedule 3, freedom camping is allowed subject to the following restrictions:

- (a) The freedom camping must only take place in a certified self-contained vehicle as specified in Schedule 2; and
- (b) The maximum period of stay in any location within a blue area is two consecutive nights on no more than two separate occasions in any calendar month (unless otherwise detailed in the schedule); and
- (c) Other restrictions as specified in Schedule 2.

3.2. In any area described in Schedule 2 and marked yellow on the maps in Schedule 3, freedom camping is allowed subject to the following restrictions:

- (a) The freedom camping must only take place in a certified self-contained vehicle non-self-contained vehicle or tent as specified in Schedule 2; and
- (b) The maximum period of stay in any location within a yellow area is two consecutive nights on no more than two separate occasions in any calendar month (unless otherwise detailed in the schedule); and
- (c) Other restrictions as specified in Schedule 2.

3.3. In any area described in Schedule 2 and marked green on the maps in Schedule 3, tenting only is allowed in the location defined, subject to other restrictions as defined in Schedule 2.

3.4. In clauses 7.1(b) and 7.2(b) "location" means the land within 500m of the place where the certified self-contained vehicle or tent is situated for the purpose of freedom camping.

4. Prior permission from Council

4.1. The Chief Executive of the Council may temporarily waive or modify the freedom camping restrictions in clauses 6 and 7 of this Bylaw. Permission may be granted by the Chief Executive with or without conditions

4.2. Application for permissions must be made:

- (a) In writing;
- (b) Provide sufficient detail about the proposed camping including information about how the applicant will manage all human and other waste generated while freedom camping; and
- (c) Be made at least 20 working days in advance of the date planned for freedom camping in the area where the prohibition or the restrictions apply.

The following note is explanatory and is not part of the Bylaw:

The purpose of this clause is to enable permission for temporary sites for freedom camping in prohibited or restricted areas, for example associated with one-off events.

5. Council may temporarily close an area to freedom camping

- 5.1. The Chief Executive of the Council may temporarily close or restrict freedom camping in any area or part of any area where the closure or restriction is considered necessary to:
- (a) Prevent damage to the local authority area or facilities in the area; or
 - (b) Allow maintenance to the local authority area or facilities; or
 - (c) Protect the safety of persons or property; or
 - (d) Provide for better public access, including in circumstances where events are planned for that area.
- 5.2. Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner the Chief Executive considers is appropriate to the reason for the closure or restriction. Prior notice of any temporary closure or restriction will be given where possible.

The following note is explanatory and is not part of the Bylaw:

Notice given by the Council may include any of the following: a sign erected in the area; and/or advertising on the Council's website or on the radio; and/or a public notice in the paper.

6. Offence and Penalties

- 6.1 As specified by section 20(1) of the Act, every person commits an offence who:
- (a) freedom camps in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area; or
 - (b) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area
- 6.2 As specified by section 23(1) of the Act, every person who commits an offence set out in clause 10(1) is liable to an infringement fee (fine) of \$200.

The following note is explanatory and is not part of the Bylaw:

Section 20 of the Act provides for the above offences and also for other offences, such as not properly disposing of waste into a waste receptacle, damaging or interfering with the flora and fauna in an area, and obstructing or threatening an enforcement officer. Section 22 of the Act sets out defences to a freedom camping offence. The defences include that an offence was committed due to an action or event beyond the control of the defendant that could not reasonably have been foreseen, or the act was necessary to protect life or health, prevent injury or serious damage to property. Council officers use their discretion when investigating freedom camping complaints, which will include consideration of any defences that may be available to a person.

Common Seal of Waitomo District Council:

The Common Seal of the Waitomo District Council
was hereto affixed in the presence of:

Mayor

Chief Executive

SCHEDULE 1 | WAHANGA 1

Prohibited Areas for Freedom Camping

A person must not freedom camp in any local authority area described in the table below.

Area Name / Description	Map Reference
Te Kuiti Cemetery (new)	1
Te Kuiti Cemetery (old)	1
Te Kuiti Domain – Te Kuiti	1
Brook Park – Te Kuiti	1
Redwood Park –Te Kuiti	1
Te Kuiti Skateboard Park – Te Kuiti	1
Centennial Park – Te Kuiti	1
Rose Garden Reserve – Te Kuiti	1
Mangaokewa Reserve (only where shown as prohibited on the map)	1A
Rukuhia Domain – Piopio	2
Kara Park - Piopio	2
Piopio Cemetery	2
Mokau Esplanade (Aria Terrace) and Point Road (including carpark) - Mokau	3
Carpark area opposite Whitebait Inn - Mokau	3
Tokopapa Street (including carparking area) – Mokau	3
Takarei Terrace Recreation Reserve – Mokau	3
Boat Ramp carparking, Te Kauri Road – Mokau	3
Beach Road - Mokau	3
Tainui Street – Mokau	3
Rangi Street – Mokau	3
Oha Street - Mokau	3
Mokau Cemetery	3
Carpark Area, Moana Quay – Marokopa	4
Esplanade – Marokopa	4
Marokopa Recreation Reserve – Carley Reeve Drive Marokopa	4
Moerua Street - Marokopa	4
Rauparaha Street - Marokopa	4
Marokopa Road - Marokopa	4
Carley Reeve Drive - Marokopa	4
Kiritehere Cemetery Reserve (cemetery portion only)	4
Benneydale Domain – Benneydale (part)	5
Benneydale Hall – Maniaiti Road - Benneydale	5
Benneydale public toilets – State Highway 30, Benneydale	5
Boat Ramp carpark – Te Waitere	6
Te Waitere Cemetery	6
Iredale Quay River Esplanade – Awakino	7
Awakino Heads Esplanade - Awakino Heads Road – Awakino	7
Aria Cemetery	8
St Helen Domain - Aria	8
Mapiu Cemetery	9
Mapiu Domain – Mapiu	9
Waikawau Beach/Tunnel Recreation Reserve	10
Kinohaku Hall – Kinohaku	11
Waitomo Village Road – Waitomo	13

SCHEDULE 2 | WAHANGA 2

Restricted Areas for Freedom Camping

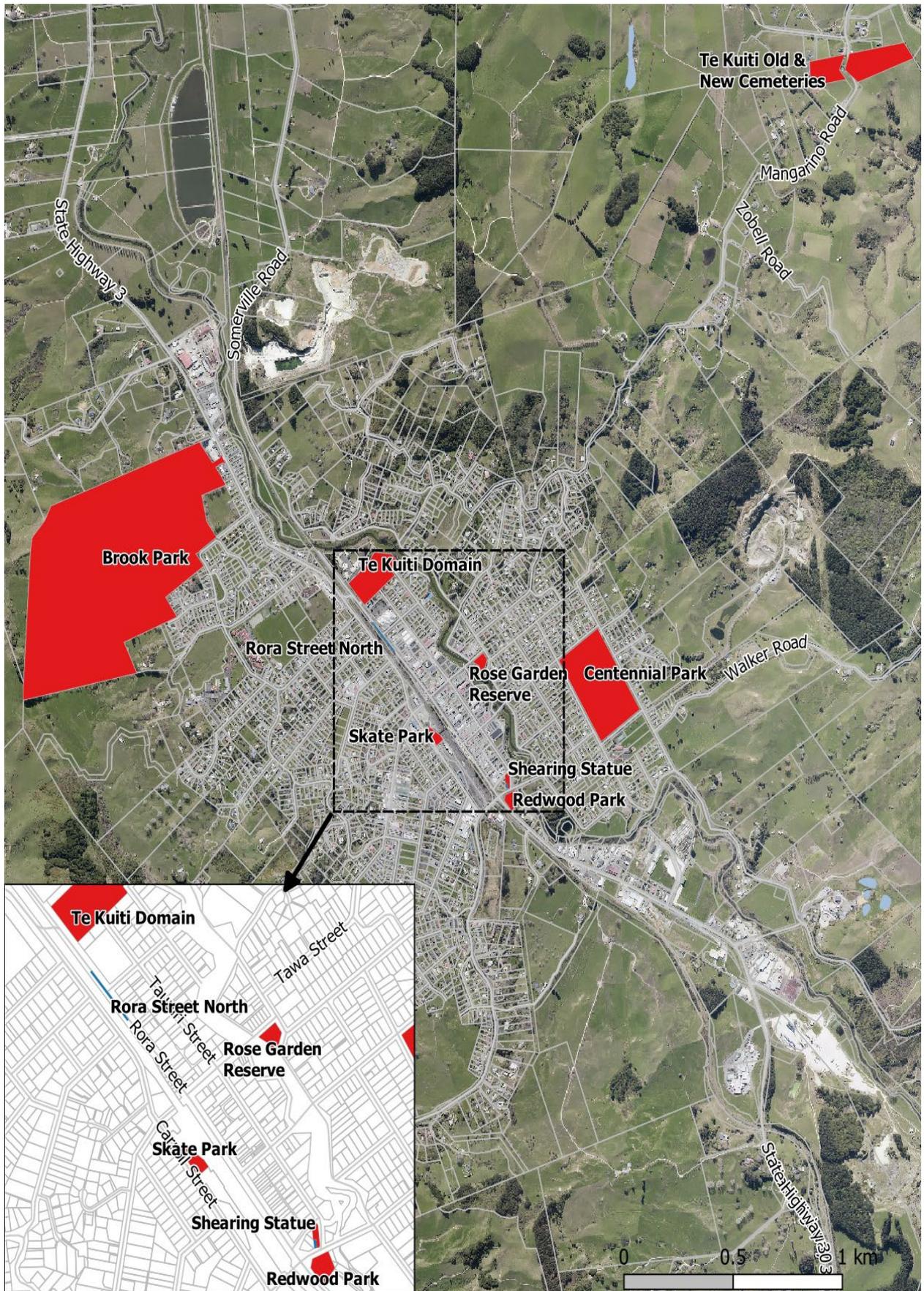
Freedom camping is allowed in any local authority area described in the table below subject to the following general and area specific restrictions:

General Restrictions

- a) The freedom camping must only take place in a certified self-contained vehicle or tent as specified in the table below.
- b) The maximum period of stay in any location is two consecutive nights on no more than two separate occasions in any calendar month.
- c) Freedom camping in certified self-contained vehicles is restricted to the signposted area (where signposted). Space will be available on a 'first-in first-served' basis.
- d) Unless subject to area specific restrictions all vehicles being used for freedom camping must depart by 9am.
- e) All vehicles being used for freedom camping must be legally parked and any possessions associated with freedom camping contained within a single, defined carparking space. If undefined, vehicles must park in a courteous manner to allow other vehicles to also park within the signposted area, with all possessions no more than 1 metre from the vehicle in any direction.
- f) All vehicles being used for freedom camping must be parked clear of any entry and exit points to the site.
- g) No person may light any fire while freedom camping in a local authority area except in a place specifically provided by the Council for that purpose, or with the prior written permission of Council.
- h) All waste must be disposed of into an appropriate waste receptacle or removed from site.
- i) The site must be left in a clean and tidy state.
- j) Every person must leave and not return if required to leave by an Enforcement Officer under the Act.
- k) All conditions stipulated on any signs in the local authority area must be complied with.

Area Name	Area specific restrictions	Map reference
Mangaokewa Reserve <i>Unless not formally managed by Waitomo District Council.</i>	Vehicles in defined areas only. Tenting in defined areas only. No freedom camping in defined prohibited areas.	1
Shearing Statute (Municipal) Reserve – Te Kuiti	Maximum of 6 self-contained vehicles in defined area only. No tenting.	1
Rora Street North	Self-contained and non-self-contained vehicles in any available defined car parking area. No tenting.	1
Tui Park - Piopio	No time restrictions. Self-contained, non self-contained and Tenting allowed.	2
Kiritehere Cemetery Reserve (excluding fenced cemetery portion)	Maximum of 14 consecutive nights.	4
Benneydale Domain (part)	Self-contained vehicles only. No tenting.	5
Te Waitere Reserve	Self-contained and non-self-contained vehicles. No tenting.	6
Te Anga Road Scenic Lookout	Maximum of 3 self-contained vehicles. No tenting	12

SCHEDULE 3 | WAHANGA 3
Maps

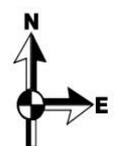


MAP 1 - Te Kuiti

Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





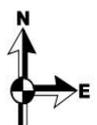
MAP 2 - Piopio



Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
 - Self Contained
 - Self Contained and Non-Self Contained
- Restricted Areas for Freedom Camping**





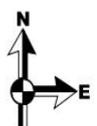
MAP 3 - Mokau

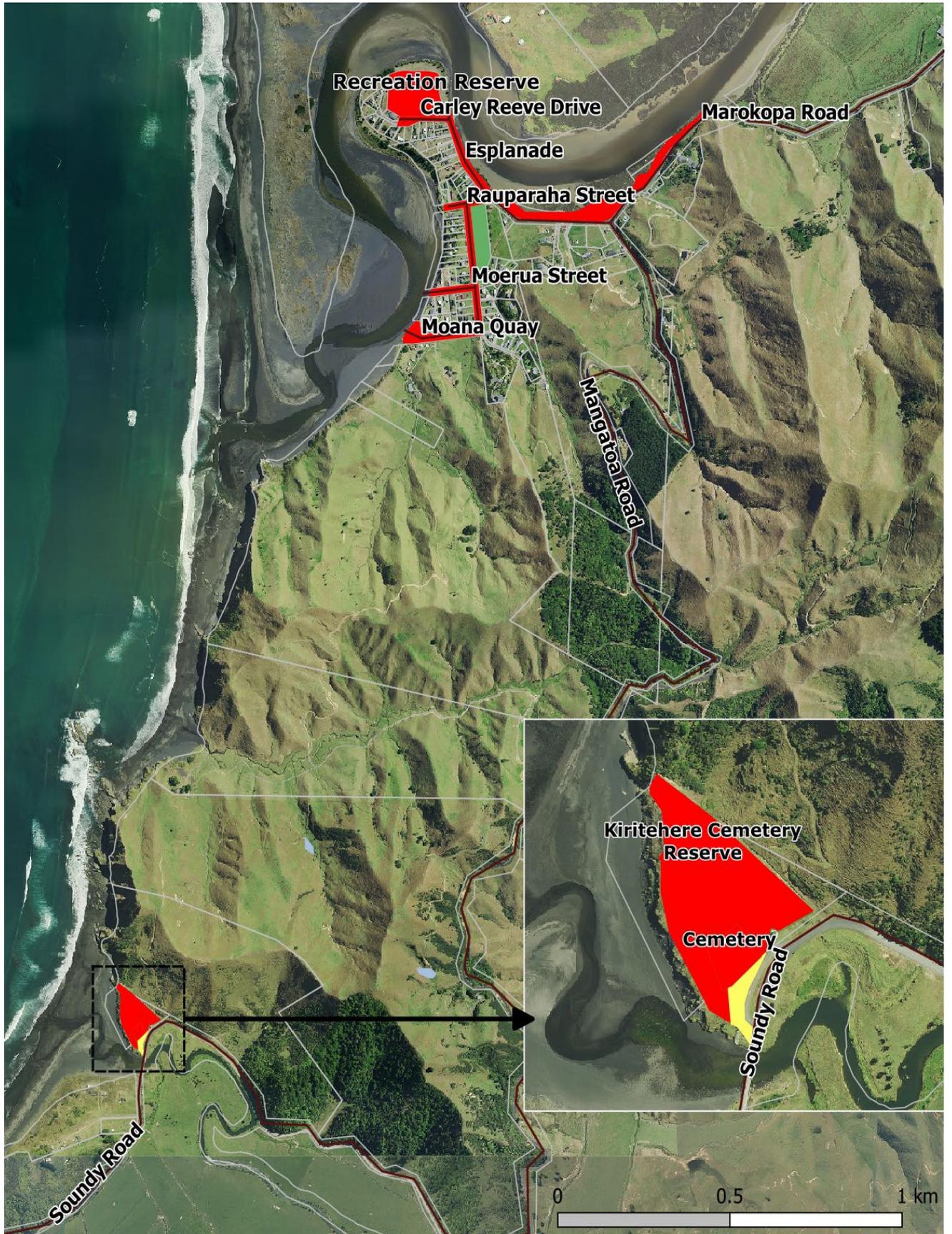


Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained

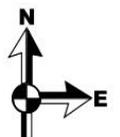




MAP 4 - Marokopa
Waitomo District Council
Freedom Camping Restricted
and Prohibited Areas

Legend

- No Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and non-Self Contained





MAP 5 - Benneydale

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

Self Contained
Self Contained and Non-Self Contained



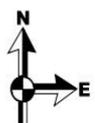


MAP 6 - Te Waitere

Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





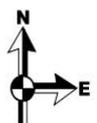
MAP 7 - Awakino

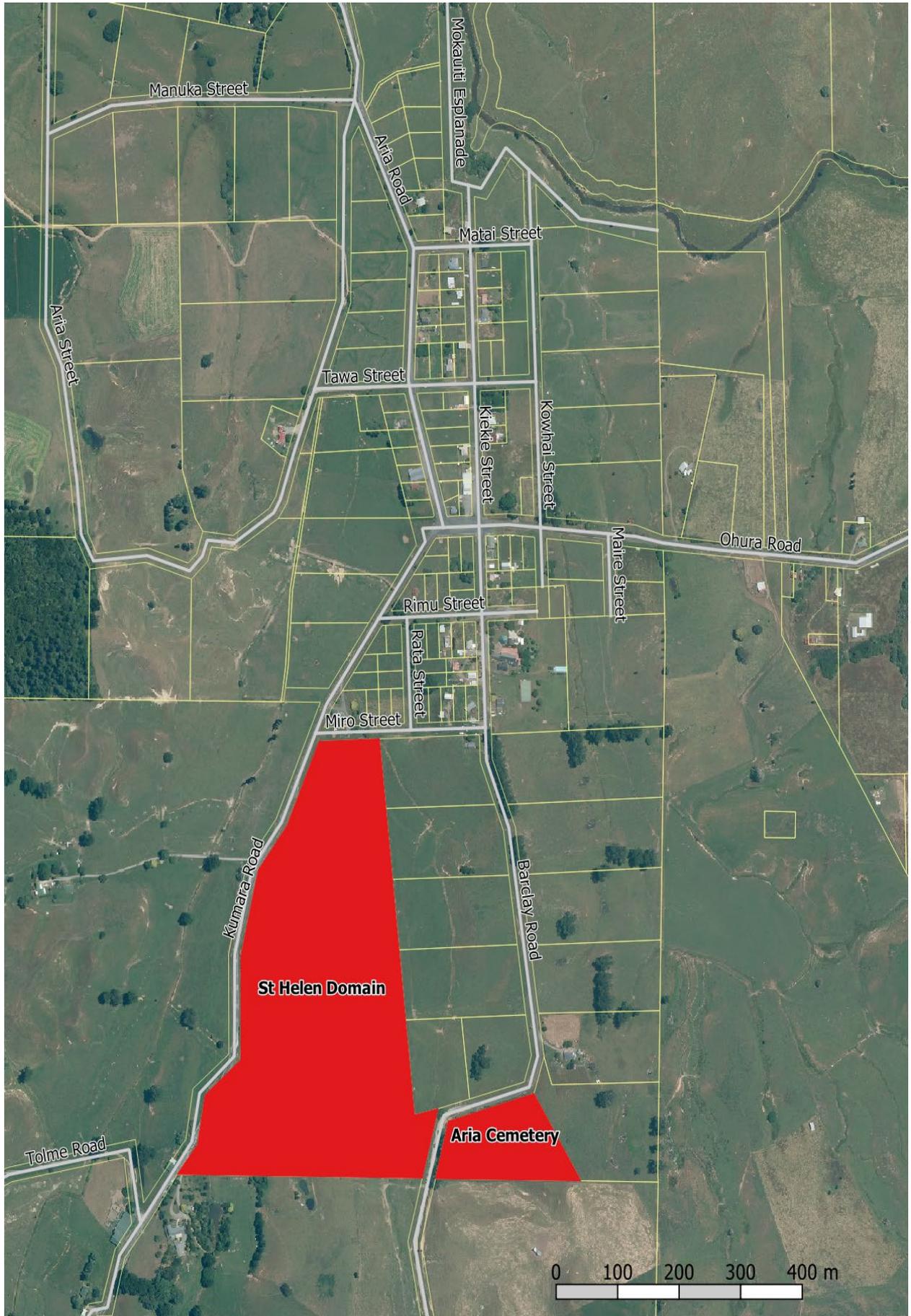


Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

-  Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
-  Self Contained
-  Self Contained and Non-Self Contained





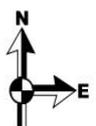
MAP 8 - Aria



Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





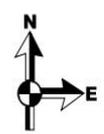
MAP 9 - Mapiu



Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained



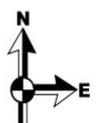


MAP 10 - Waikawau

Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

-  Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
-  Self Contained
-  Self Contained and Non-Self Contained





MAP 11 - Kinohaku

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

 Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

 Self Contained

 Self Contained and Non-Self Contained





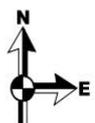
MAP 12 - Te Anka



Waitomo District Council
Freedom Camping Restricted and
Prohibited Areas

Legend

- Prohibited Areas for Freedom Camping
- Restricted Areas for Freedom Camping**
- Self Contained
- Self Contained and Non-Self Contained





MAP 13 - Waitomo Village

Waitomo District Council
Freedom Camping Restricted and Prohibited Areas

Legend

 Prohibited Areas for Freedom Camping

Restricted Areas for Freedom Camping

 Self Contained

 Self Contained and Non-Self Contained



Document No: A619799

Report To: Council



Meeting Date: 5 July 2022

Subject: Town Concept Plans – Refresh Project

Type: Information Only

Purpose of Report

- 1.1 The purpose of this business paper is to brief Council on the Town Concept Plans Refresh Project, the associated Communications Plan and community engagement arrangements.

Background

- 2.1 A project to refresh Waitomo District Council's (WDC) Town Concept Plans (TCP) has commenced.
- 2.2 The project will support the development of a new strategic direction and identification of projects to inform funding applications for the 3 Waters 'better off' funding.
- 2.3 The value of the funding is \$14.2m and is split into two tranches. The first tranche is \$3.55m in September 2022 and \$10.64m in July 2024.
- 2.4 The refresh project will also be used as a pre-engagement process for development of the 2024-34 Long Term Plan.

Commentary

- 3.1 The engagement process has begun with the community and key stakeholders. A copy of the Communications Plan is attached for Council's reference.
- 3.2 The focus for the community/stakeholder meetings is to gather a wide range of ideas from a wide range of groups on 'placemaking' opportunities.
- 3.3 This will include identifying fresh ideas for the TCP's. We will look at what has changed over the past 3 years, and what is important to the community now.
- 3.4 Community meetings will continue throughout the month of July 2022.

Suggested Resolution

The business paper on Town Concept Plans – Refresh Project be received.

A handwritten signature in blue ink, appearing to read "S Mcelroy".

SARAH MCELROY
MANAGER - COMMUNITY DEVELOPMENT

28 June 2022

Attachment: Communications Plan

114 OUR PEOPLE

Have your say on the future of our District!

Our Place

Waitomo
District Council

COMMUNICATIONS PLAN



OVERVIEW

Waitomo District Council (WDC) wants to refresh its Town Concept Plans (TCP) in preparation for the development of a new strategic direction and projects to inform funding applications for the 3 Waters 'better off' funding. This funding is worth \$14.2m and is split into two tranches. The first tranche is \$3.55m in September 2022 and \$10.64m in July 2024. The refresh will also be used as a pre-engagement process for the 2024-34 Long Term Plan.

The development of refreshed TCPs could be treated as Council's contract with the community for the development of new services and facilities for a particular town/space much in the same way the Reserve Management Plans should be. The TCPs need to denote who is responsible for doing the work and where the funding is coming from.

The 'better off' funding package will enable councils to invest in their communities and help them prepare for the future. This includes opportunities to accelerate projects that build resilience to climate change and other natural hazards, deliver infrastructure for housing development and support community wellbeing.

The funding can also support projects already within council long term plans, so they can be brought-forward, scaled-up and enhanced.

The current TCPs were completed four years ago in partnership with Beca. Significant community engagement took place at that time, which helped to inform the Key Moves outlined in the TCPs. Not many of the projects were funded by Council in the 2021-31 Long Term Plan or by other funders, and progress to deliver on these projects is slow, particularly given the difficult last few years with COVID-19 having a major impact on materials and staff shortages.

There are currently 163 projects included in the TCPs. Council will engage with the community to understand which projects and ideas are still relevant, what are new priorities and what is achievable using the 'better off' funding.

SCOPE

Council will lead the engagement process with the community. It will identify stakeholders and develop a communications plan. There will be a focus on getting a wide range of ideas from a wide range of groups with a strong emphasis on iwi and mana whenua.

A strong focus of the TCPs and engagement will be about 'placemaking'.

We will be seeking fresh ideas for the TCPs and testing the relevance of the 163 projects currently included. We will look at what has changed and what is important now. Hopefully this will provide good information and direction to the outcomes we want to achieve.

Often the difficulty is turning these ideas into tangible scopes that can set a strategic identity/direction for each town and for specific projects to enable this. We expect some of the \$3.55m funding will be used to develop strategies and projects for the second tranche of funding available in 2024.

Council has contracted experts to help it and the community look at the significant placemaking opportunities that specialist eyes may see. They will help guide us using their experience in other similar project work they have done.

In terms of communication, the plan will comprise four stages.

1. Create Awareness of the Project
 - This is what we want to do
 - This is why we want to do it
 - This is how we will do it (introduce SPP)
2. Consultation and Engagement
 - This is what you have previously told us
 - Is this still what you want? Is it still relevant?
 - What do you want for your community? What is your vision?
 - What is important to you?
3. Decision
 - This is what you have told us
 - This is the new plan we have come up with
 - This is how we plan to spend the 'better off' funding
4. Implementation
 - Progress reports and applications for the 'better off' funded projects

OBJECTIVES

- Create a consultation and engagement plan that is engaging and has purpose
- Build stronger relationships with iwi and mana whenua
- Ensure residents, community members and stakeholders have access to information they need
- Increase interest and engagement with the use of a new online consultation tool (Social Pinpoint), as well as other methods
- Educate people about why it's important to have their say on this project
- Helping to build stronger communities through engagement
- The community tells us what they want for their towns and district
- New/refreshed TCPs are developed
- We have clear direction about how we should spend the 'better off' funding
- We are successful in obtaining the 'better off' funding
- Create long term buy-in from the community
- Local Government and WDC is seen as relevant and connected to its community
- Our district is seen as vibrant
- We deliver on our community outcomes
- It aligns with the Communications Strategy 2022

STEERING GROUP – Te Kuiti Concept Plan

John Robertson - Mayor
 Ben Smit – Chief Executive
 Alex Bell – GM Strategy and Environment
 Helen Beever – GM Community Services
 Steve Bramley – Consultant, SGL Funding
 Glenn Brebner – Architect, Boon Architects

STEERING GROUP – Better-off Funding (including all TCPs)

Ben Smit – Chief Executive
 Alex Bell – GM Strategy and Environment
 Helen Beever – GM Community Services
 Alister Duncan – GM Business Support
 Shyamal Ram – GM Infrastructure

PROJECT TEAM

Ben Smit – Chief Executive
 Alex Bell – GM Strategy and Environment
 Helen Beever – GM Community Services
 Charmaine Ellery – Manager Strategy and Policy
 Jenelle Burnell - Communications and Engagement Lead
 Sarah McElroy – Manager Community Development
 Steve Bramley – Consultant, SGL Funding
 Glenn Brebner – Architect, Boon Architects

ISSUES / INSIGHTS

ISSUES / INSIGHTS	MITIGATION
Uninterested/disengaged community	<p>Develop a clearly defined Communications Plan.</p> <p>Introduce Social Pinpoint – an interactive online engagement tool.</p> <p>Ensure the information being presented is easy to understand and is visually appealing. Use engaging and eye-catching graphics and images to draw people in.</p> <p>Have a definite 'call to action' i.e., there is money to spend from central government to enhance our district and it is unlikely that this opportunity will come again in the foreseeable future.</p> <p>Ensure there is widespread community reach.</p> <p>Be responsive to what people are talking about.</p> <p>Offer several platforms for people to have their say (hard copy, digital, in person etc).</p>
Negative feedback from community "You never do what you say you will,	Clearly explain the reasoning behind the project and link to 'better off' funding.

why should we believe you now”	<p>“We have money to spend thanks to the ‘better off’ funding”</p> <p>The refresh will also be used as a pre-engagement process for the 2024-34 Long Term Plan.</p>
The impact of COVID-19	Ensure health and safety measures are still in place if engaging in person.
Digital connectivity and/or lack of	<p>Ensure there is widespread community reach, not just online. Promote in Tainui Trader and Birdtalk newsletters.</p> <p>Place adverts in the local newspaper.</p> <p>Place posters in key rural community gathering spaces such as Dairy, Community Noticeboards, etc. Place radio advertisements and book airtime on Cruise FM.</p> <p>Place vertical banners in office reception, i-SITE and library</p> <p>Provide submission forms in hardcopy</p> <p>Provide an ‘ideas board’ in reception areas, with postit notes and pens etc.</p> <p>Hui with mana whenua and iwi, businesses and community groups and public.</p> <p>Go out to towns when they are most available – Mokau and Marokopa during Matariki weekend</p>

STRATEGY

- Establish a steering group and project team with regular meetings
- Develop ‘Contacts Register’ for iwi and mana whenua
- Meet with iwi and mana whenua before engagement with other groups
- Ensure we are regularly engaged with key stakeholders
- Develop and implement a communication and consultation plan
- Promote Social Pinpoint (including how to use it)
- Ensure our project is visible throughout the community through use of advertising in community newsletters, local newspaper, radio and posters in shop windows
- Ensure there are several ways people can have their say, so all bases are covered
- Maintain a regular media and social media presence to ensure the project is well promoted and gaining traction
- Ensure our website is updated and has all the required information
- Provide opportunities for the public to attend drop in sessions

AUDIENCES AND STAKEHOLDERS

INTERNAL	EXTERNAL
<ul style="list-style-type: none"> • Leadership team / Better-off Steering Group • Engagement Steering group • Project team • Consultants • All other staff 	<ul style="list-style-type: none"> • Mana whenua and iwi • RMC groups • Residents • Ratepayers • Waitomo Ratepayers & Residents Group • Business owners in towns • Larger industrial plants in the district • Service providers • Interest groups • Service groups • District School Principals • Waikato Regional Council • Waka Kotahi • Media • Hamilton & Waikato Tourism • Te Waka

THEME

Our People, Our Place

KEY MESSAGES - Awareness

- To ensure that the community is aware of the engagement that we are undertaking (i.e., refresh of the TCPs) and the purpose of the 3 Waters Better-off funding package.

KEY MESSAGES - Consult

- What are the main issues we can address through the development of the TCPs and the Better-off funding?
- A chance to shape your community
- What do we want our towns and communities to look like?

SPOKESPEOPLE

- Chief Executive
- Mayor
- General Managers
- Project lead

PROMOTIONAL CHANNELS

- Social Pinpoint
- Media releases
- Waitomo Way Articles
- WDC website
- Facebook page
- Newsletters
- Adverts – newspaper and radio
- Posters / vertical billboards in WDC main office, i-SITE and library and around town

- Video messages and promotional videos
- Flyers/pamphlets
- FAQs for staff and for public
- Drop in sessions
- Targeted business meetings
- Targeted community group meetings
- Targeted school principals meeting

MEASUREMENT – What does success look like?

- Likes, comments and shares of social media is good
- The public is engaged with the campaign and there is discussion about the TCPs and 'Better-off' funding
- The public understand what the 'better off' funding can be used for and what is achievable
- There is good uptake on Social Pinpoint
- Great ideas are generated for the TCPs
- A common strategy around the themes is developed
- Engagement is robust and timely so that applications to Better-off funding are complete on time
- Successful project applications

ACTIONS

Action	Detail	Who	Deadline	Status
Develop Steering Group for Better-off Funding	Helen, Alex, Shyamal, Alister and Ben	Ben	21 April	Complete
Town Concept Plan list and budgets	Develop a list of all projects and budgets	Community team.	27 April	Complete
Complete Scope and project brief		Ben / Helen	27 April	Complete
Update councillors	Initial paper describing scope and approach	Ben / Helen	26 April Council meeting	Complete
Develop initial brief for / with 'Placemaking Consultants'		Ben / Helen	28 April	Complete
Develop Steering Group for Town Concept Plan engagement and preparation		Ben / Helen	28 April	Complete
Placemaking consultants initial scoping meeting for Te Kuiti TCP.		Ben / Helen / Steve Bramley / Glenn Boon	2 May	Complete
Develop concept/ theme for the TCP community consultation document		Jenelle / Project Team	31 May	Complete
Develop communications plan		Jenelle	31 May	Draft Complete
Purchase Social Pinpoint platform		Jenelle	27 May	Complete

Action	Detail	Who	Deadline	Status
Update Councillors	Verbal update	Ben	31 May Council meeting	Complete
Develop detail for engagement document on town concept plans	Describe this is a lead into LTP and a mechanism to attract 'better off' funding	Ben / Helen and then wider review	30 June	
Review current Town Concept Plans to decide on relevancy of previous TCP actions and summarise	Previous "key moves" used in engagement	Project team	30 June	Complete
Te Kuiti TCP Steering Group meeting		Ben	9 June	Complete
Ngati Rora / Te Kuiti RMC hui on Te Kuiti Concept Plan		Project Team	16 June	Complete
Marokopa and Mokau drop in session			25 June	Complete
Update Councillors	Report to Council		5 July Council meeting	
Final design community engagement document			11 July	
Print Engagement Document		Jenelle	11 July	
Te Kuiti drop in session	Railway Building 3, Rora Street 2-7pm		13 July	
Develop consultation project on SPP		Jenelle / Kate	13 July	Develop consultation project on SPP
Waitomo Ratepayers and Residents Group meeting			TBC	
Industrial Businesses group meeting			TBC	
Maniapoto Māori Trust Board			TBC	
RMC's meeting			TBC	
School principals group meeting			TBC	

Action	Detail	Who	Deadline	Status
Piopio drop in session	Piopio Memorial Hall 2-7pm		19 July	
Waitomo Caves Village drop in session	Waitomo Caves Museum 2-7pm		21 July	
Update Councillors			26 July	
Maniaiti/Benneydale drop in session	Benneydale Library 2-7pm		27 July	
Te Kuiti drop in session	Railway Building 3, Rora Street 11am – 5pm		29 July	
Analyse the feedback and then develop specific 'better off' funding projects using an external place-making consultant and architect to help for the Te Kuiti TCP only.		Project team	1 July – 30 July	
Analyse feedback from engagement	Supported by Bramley and Boon for Te Kuiti engagement	Charmaine / Ben / Helen	25 June – 30 July	
Develop project briefs for selected projects			1 July - 30 July	
Close of submissions			1 August	
Inform community on detail of projects developed	Confirm with community the progress and plans and involve Placemaking Consultants		1 August – 10 August	
Finalise scope of selected projects ready for procurement			15 July – 15 August	
Finalise costing of projects	Engineering and consultant estimates. What type of procurement used at this point	Shyamal / Nick / Paul	15 August - 15 Sept	
Update Councillors			30 August	
Distribute final draft of proposals to Councillors			23 September	
Complete funding applications			30 September	

COLLATERAL



Document No: A619700

Report To: Council



Meeting Date: 5 July 2022

Subject: **Progress Report: King Country Indoor Sport and Recreation Centre**

Type: Information Only

Purpose of Report

- 1.1 The purpose of this business paper is to provide a progress report on the King Country Indoor Sport and Recreation Centre (KCISRC) project.



Background

- 2.1 The contract for the design and build of the KCISRC was awarded to Apollo Projects Limited on 14 October 2021 and commenced on 15 October 2021.
- 2.2 The overall contract build phase has a duration of approximately 14 months with completion due by 19 December 2022.
- 2.3 The total cost of the design/build phase is approximately \$8M. On top of that are additional fit-out costs, giving a total project cost of \$9.05M.
- 2.4 On completion, ownership of the new stadium will be shared between the Ministry of Education, Te Kuiti High School Board of Trustees, and Waitomo District Council in the ratios of 24.7%, 10.3%, and 65% respectively.
- 2.5 A "turning of the first sod" ceremony was held on 9 February 2022, following which site establishment and earthworks commenced.

Commentary

3.1 **PROJECT BUILD UPDATE**

- 3.2 The build phase is tracking to programme apart from the supply date for some building materials, and delays brought about by recent inclement weather. Approximately 135mm of rain was recorded on site over the first 10 days of June. The current delay to the overall programme is approximately two weeks. The contractor is hoping to make that time up with better progress on other construction items, particularly once the roof is constructed and the build moves under cover. Work on the roof has commenced.



- 3.3 The carpark sub-base construction is well advanced with placement and shaping of basecourse to finish levels underway along with associated surface drainage (under review). Installation of steel framing to the gymnasium area is well underway and formwork to the perimeter of the amenities area is progressing. Pouring of the concrete amenities slab has been completed as has installation of the precast panels.



- 3.4 Installation of edge protection and safety mesh has been completed ahead of installation of the amenities roof.
- 3.5 Structural steel framing for the gymnasium area has been completed except for girts and purlins.
- 3.6 A Kairuruki (Coordinator) has been appointed by a group of stakeholders led by Ngati Rora and including Mayor Robertson on behalf of WDC. The purpose of the role is to:
- Facilitate hui with mana whenua to appropriately name the stadium.
 - Provide opportunities to showcase our past and/or our future through localised artwork and design with a Māori narrative.
 - Provide opportunities to involve rangatahi in the project.
 - Engagement with artists.
 - Development and implementation of the plan and vision.
- 3.7 A plan for the cultural artwork has been drafted with it currently being costed. As noted previously, there will be a need for additional funding to implement the proposed artwork including signage for naming of the building. The current budget of \$30,000 for cultural identity features will mostly be used to fund the project coordination costs but will not be sufficient for the implementation phase. Discussions on possible opportunities for funding have been taken up with the Board of Trustees.
- 3.8 Additional to the final design for consenting purposes was MoE's staged design envelope approval process. A number of items were identified for possible inclusion in the final design, mainly in respect of building water tightness. Inclusion of the value-added requirements has triggered relatively modest variations to the contract.
- 3.9 Other variations pending relate to additional geotechnical requirements at a number of the building foundation pads. An independent assessment of the claim by a quantity surveyor has been completed. The Development Agreement sets out the process for dealing with the funding of variations.
- 3.10 **RISK MANAGEMENT**
- 3.11 The project Risk Register has been formatted to align with the project delivery programme and reviewed on a routine basis through an internal Project Control Group chaired by General Manager – Community Services. Risk controls and treatments are updated as part of the review process. Current risk management measures have been met, as appropriate.
- 3.12 **FUNDING AND FINANCIAL MANAGEMENT**
- 3.13 All construction related funding has either been approved or novated to Council. Game on Charitable Trust has \$75,000 of general fund raising to complete funding required for the fit out.
- 3.14 Council has received to date \$1,973,987 of the budgeted \$7,062,432 external funding. The first installment of the Crown Infrastructure Partners funding of \$542,801 is now available, a claim is being prepared for lodgment, installment two of \$1 million is from Lotteries Major Projects is scheduled for payment in June.
- 3.15 Total capital expenditure of \$3,038,866 has been expended to date.

3.16 Contracts let are tabled below:

Contract	Original Value	Variations	Total
Apollo	7,905,921		7,847,001
Less WW Pumping Station		-87,205	
Plus:		13,335.00	
- Basketball (adjustable junior backboard) and Futsal equipment. - MoE design envelope recommendations (moisture barrier systems to walls and amenities roof)		14,950	
Lines Company	87,748		87,748
Frequency NZ (Project management)	146,860		146,860
TOTAL			\$8,081,609

3.17 **COMMUNICATIONS PLAN**

3.18 The Joint Communications Plan has been finalised and a dedicated WDC web page developed. The web page is being updated throughout the Stadium build phase, keeping the community informed of progress.

3.19 **PROJECT CONTROL GROUP (PCG)**

3.20 In accordance with the Development Agreement, a PCG is required to be formed comprising representatives of the Te Kuiti High School Principal (and logically a representative of the Board of Trustees), Ministry of Education, the Contractor, the Engineer (Frequency NZ) and WDC. Organising, reporting to, and chairing the PCG is the responsibility of the Project Manager. The purpose of the PCG is to monitor progress against project timetable and budget and to address matters of mutual interest.

3.21 The PCG meets on a monthly basis, with Council's representatives on the PCG being the Mayor, and the Client Representative.

Suggested Resolution

The business paper updating progress on the build phase of the King Country Indoor Sport and Recreation Centre be received.



HELEN BEEVER
GENERAL MANAGER – COMMUNITY SERVICES



GREG BOYLE
SPECIAL PROJECTS COORDINATOR

24 June 2022

Document No: A619702

Report To: Council



Meeting Date: 5 July 2022

Subject: Progress Report: Te Ara Tika

Type: Information Only

Purpose of Report

- 1.1 The purpose of this business paper is to report the current status of the Te Kuiti pedestrian overbridge replacement project – Te Ara Tika.

Background

- 2.1 The previous pedestrian overbridge was constructed in 1988 and vested in Council ownership in 2001 by way of agreement with the then TranzRail (now KiwiRail).
- 2.2 Due to the deteriorating condition of that bridge, and after considering a number of options, Council resolved on 27 November 2018 that the best practicable option was a replacement structure on the same alignment as the existing bridge.
- 2.3 The Te Ara Tika bridge replacement project comprised two stages – demolition of the old overbridge and construction of new bridge foundations and superstructure (Stage 1), followed by development of the bridge landing amenities and landscaping on either side of the bridge (Stage 2). The latter is mostly centered on the Carroll Street side and relates to recreation and community type activities (basketball half-court, landscaping, passive recreation areas, park furniture, lighting, carpark). The design features are consistent with the Te Kuiti Town Centre Concept Plan.
- 2.4 The Procurement Plan for Stage 1 of this project was first approved by the Tenders Subcommittee at its meeting of 18 September 2019. An updated Plan was presented and approved on 30 July 2020, which included the first-order estimated cost, the scope of work and tender evaluation details.
- 2.5 On 28 October 2020, the Tenders Subcommittee approved the award of the Stage 1 physical works to Fulton Hogan Limited for a tender price of \$2,217,577.11 excl. GST (Stage 1). The Stage 1 works contract comprised demolition of the existing pedestrian overbridge and construction of a modern, fully engineered, replacement. It did not include work relating to Stage 2 principally because the design work for that stage at the time Stage 1 went to tender was only at a concept level and scheduled for later, with a different suite of design and construction services required.
- 2.6 Further amendments to the Procurement Plan were approved by the Tenders Subcommittee at its meetings of 23 December 2020 and 31 March 2021. The first addressed the additional services required for the courtyard design and physical works and updated the costs of the Project. The second extended the options for procurement of the Stage 2 works to include completion of the works as a variation to the original Stage 1 contract.
- 2.7 The variation option for the Stage 2 physical works was selected because it achieved best value for money through:
- a reduction in procurement process costs (as a result of not completing an open tender process) and overall project delays;

- seamless coordination of the two stages of the project through completion under the one contract;
- avoiding possession of site conflict, in the event a different contractor was appointed to complete the Stage 2 works, given that the Stage 1 construction site occupies the courtyard construction site;
- a reduction in establishment costs by using the Stage 1 contractor;
- economies by allowing the Stage 1 contractor to programme an early start on the Stage 2 works by deploying existing resources in parallel with Stage 1 and minimising downtime associated with delays in material supplies; and
- confidence that the Stage 1 contractor was well resourced, multi-disciplined and experienced across both types of work and carries the technical and management skills required for both stages.

2.8 The Stage 2 works comprised:

Rora St. side

- (a) a concrete footpath from new stairs to existing footpath plus some low planting

Carroll St. side

- (b) Courtyard area comprising a coloured asphaltic concrete basketball half-court
 (c) Drainage works
 (d) Lighting
 (e) Concrete ramp linking skatepark with courtyard
 (f) Picnic areas with seating and tables
 (g) Modest play equipment
 (h) Landscaping and planting
 (i) Low fence along boundary with SH3
 (j) Different surfacing and colours reflective of local landscape and local materials (and TCP colour palette)
 (k) A modest carparking area
 (l) New coloured concrete footpaths linking carpark and courtyard areas with existing pedestrian crossing and skatepark entrance.

2.9 Coordination of Stages 1 and 2 under one contract allowed completion of the overall design concept as one integrated project, achieving the required connection between bridge functionality and landings/landscaping works consistent with development of the Te Kuiti town centre pedestrian gateway.

2.10 The bridge has been open for public use since 20 November last year.

2.11 The construction contract (Stages 1 and 2) is currently in the "defects maintenance" period, due to expire 18 November 2022 (or such later date as may be required to complete any outstanding maintenance items).

Commentary

3.1 The approved Stage 1 project budget, including the construction contract post tender, was \$2.65M, attracting an NZTA Waka Kotahi subsidy of 73% (\$1,934,500).

3.2 The budget estimate for Stage 2, comprising mostly unsubsidised work, was \$543,000, giving an overall combined project cost of approximately \$3.2M. For the project to be completed to the scope of work described above, an additional \$150,000 was required.

3.3 The above was reported to the Tenders Subcommittee on 19 May 2021 with it noting that the funding arrangement for the Stage 2 variation to be by way of an internal loan of \$250,000 plus GST, giving a forecast total budget estimate for Stages 1 and 2 of \$3.3M.

- 3.4 Expenditure as at 31 May 2022 was \$3.29M. The current forecast additional cost to complete the project from that date is approximately \$50,000 plus GST (extra safety mesh screen, anti-skid treatment, etc.) giving a total forecast project cost of \$3.336M - a 1% overspend.
- 3.5 As noted in the background section above, the physical works contract is currently in the defects maintenance period, due to expire 18 November 2022. All project construction work is substantially complete. Any defect repair work required over the remaining contract period will be at the contractor's expense.

Suggested Resolution

The business paper reporting the current status of the Te Kuiti pedestrian overbridge replacement project, Te Ara Tika, be received for information.



GREG BOYLE
SPECIAL PROJECTS COORDINATOR

27 June 2022