

Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 23 NOVEMBER 2020** commencing at **9.30am**.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

4. CONFIRMATION OF MINUTES

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GJ Ion
CHIEF EXECUTIVE

POLICY & REGULATORY COMMITTEE

Reports to:	Council
Chairperson:	Cr Jan Sedgwick
Deputy Chairperson:	Cr Noel Smith
Membership:	The Mayor, all Councillors and Mrs Maxine Moana-Tuwhangai (Maangai Maaori)
Meeting frequency:	Six-weekly
Quorum:	Majority of the members (including vacancies)

Purpose

The Policy & Regulatory Committee is responsible for the Council's governance policies and bylaws, reviewing the District Plan and overseeing civil defence and emergency management issues.

In addition to the common delegations on page 10, the Policy & Regulatory Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To establish, implement and review the governance policy framework that will assist in achieving the Council's strategic priorities and outcomes.
2. To develop, review and approve the consultation process for Council bylaws.
3. To consider and determine changes to the schedules and parking restrictions in the Public Places Bylaw 2016, including hearing any submissions relating to those proposed changes.
4. To hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
5. To administer the Council's District Plan in accordance with the Resource Management Act 1991.
6. To monitor the performance of regulatory decision-making by the District Licensing Committee¹, Regulatory Subcommittee and officers under their respective delegations.
7. To monitor the Council's Civil Defence and Emergency Management framework.

¹ For clarity, the District Licensing Committee is a committee of Council under the Sale and Supply of Alcohol Act 2012.

The Committee is delegated the following powers to act:

Governance Policies

- Develop and agree governance policies for the purpose of consultation/engagement.
- Recommend to Council policy for adoption, amendment or revocation.
- Monitor and review policy, including recommending amendments to any policy as and when required.

Bylaws

- Develop and approve the statement of proposal for new or amended bylaws for consultation.
- Recommend to Council new or amended bylaws for adoption.

District Plan

- Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), Schedule 1 of the Resource Management Act 1991)
- Withdraw a proposed plan or plan change under clause 8D, Schedule 1 of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of plan changes, variations, designation and heritage order processes:
 - a. To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by the Council and authorise the resolution of any such appeal, provided such decisions are consistent with professional advice.
 - b. To consider and approve Council submissions on a proposed plan, plan changes, and variations.
 - c. To monitor the private plan change process.
 - d. To accept, adopt or reject private plan change applications under clause 25, Schedule 1, Resource Management Act 1991.

Other Resource Management Issues

- Pursuant to Section 34(1) of the Resource Management Act 1991, to exercise all of the Council's functions, powers and duties under that Act, except the functions, powers and duties:

- a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
- b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Monitor and approve submissions in relation to National Policy Statements.

Civil Defence and Emergency Management

- Monitor the performance of Waikato District's civil defence and emergency management response against Council's requirements under the Civil Defence and Emergency Management Act including:
 - a. implementation of Government requirements; and
 - b. co-ordinating with, and receiving reports from, the Waikato Region Civil Defence and Emergency Management Group Joint Committee.

Other Delegations

- Exercise all of the Council's functions, powers and duties under the Building Act 2004, the Health Act 1956, and the Food Act 2014, and the respective regulations made under these Acts, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Approval of attendance of elected members at conferences, seminars, training or events, in accordance with Council policy.

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	23 November 2020
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Confirmation of Minutes

1. EXECUTIVE SUMMARY

To confirm the minutes of a meeting of the Policy & Regulatory Committee held on Monday 12 October 2020.

2. RECOMMENDATION

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Monday 12 October 2020 be confirmed as a true and correct record of that meeting.

3. ATTACHMENTS

P&R Minutes – 12 October 2020

Minutes of a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 12 OCTOBER 2020** commencing at **9.30am**.

Present:

Cr JD Sedgwick (Chairperson)
His Worship the Mayor, Mr AM Sanson
Cr AD Bech
Cr C Eyre
Cr JM Gibb
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire
Cr FM McNally
Cr EM Patterson
Cr NMD Smith [*until 9.45am and from 9.47am*]
Cr CT Woolerton

Attending:

Mr GJ Ion (Chief Executive)
Mr R MacCulloch (General Manager Service Delivery)
Mr J Ebenhoh (Planning and Policy Manager)
Ms K Nicolson (Senior Policy Planner)
Mr W Hill (Consents Team Leader)
Mr S Bourke (Regulatory Manager)
Ms S Flay (Senior Communications Advisor)
Mrs LM Wainwright (Committee Secretary)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs McNally/Gibb)

THAT an apology be received from Crs Church and Thomson, and Mrs Moana-Tuwhangai.

CARRIED

P&R2010/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Cr Woolerton/His Worship the Mayor)

THAT the agenda for a meeting of the Policy & Regulatory Committee held on Monday, 12 October 2020 be confirmed;

AND THAT all reports be received.

CARRIED

P&R2010/02

DISCLOSURES OF INTEREST

Cr Gibb advised members of the Committee that she would declare a non-financial conflict of interest in item 6.4 [*Submission on the Proposed Waikato District Plan (Stage Two)*].

Cr Sedgwick advised members of the Committee that she would declare a non-financial conflict of interest in item 6.4 [*Submission on the Proposed Waikato District Plan (Stage Two)*].

CONFIRMATION OF MINUTES

Resolved: (Crs Eyre/Henderson)

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Monday, 31 August 2020 be confirmed as a true and correct record of that meeting.

CARRIED

P&R2010/03

ACTIONS REGISTER

Agenda Item 5

The report was received [*P&R2010/02 refers*]. No discussion was held.

REPORTS

Delegated Resource Consents Approved for the month of July
Agenda Item 6.1

The report was received [*P&R2010/02 refers*]. Cr Sedgwick advised the Committee that this item would no longer be a regular report on the agenda.

Update on Policy and Bylaw Review Programme – October 2020

Agenda Item 6.2

The report was received [P&R2010/02 refers]. The Corporate Planner summarised the report and the following points were raised:

- 200 submissions had been received on the Proposed Waikato District Council Alcohol Control Bylaw. The hearing was scheduled for Tuesday 27 October 2020.
- Keeping of Animals Bylaw 2015 – a report would be presented to the 23 November 2020 meeting seeking approval for this bylaw to be released for consultation.
- Livestock Movement Bylaw – staff had met with Federated Farmers to discuss the bylaw.
- 20 submissions had been received on the Proposed Waikato District Council Significance and Engagement Policy.
- A workshop would be held with Councillors on the Petitions Policy.
- Revocation of Temporary Road Closures – Council had other policies in place that covered temporary road closures.
- Lifespan of Policies – Each policy had a different lifespan dependant on how relevant they were to the organisation.

Cr Smith left the meeting at 9.45am following discussion on the above item.

Chief Executive's Business Plan

Agenda Item 6.3

The report was received [P&R2010/02 refers] and the following points were raised:

- Staff retention was higher than it had been in the past. Exit interviews were offered to staff exiting the organisation. A monthly report was provided to the Executive Leadership Team noting exit interviews offered and taken or not taken up. The Committee considered exit interviews were important and should be encouraged either as an online survey or face-to-face.
- Recovery Plan:
 - Flexibility to meet expectations of staff could be in the form of early start, early finish or late start, late finish but must meet the 'four lenses' criteria.
 - Building alterations were part of the "Gearing for Growth and Greatness" plan and were designed to make the workforce more mobile, which would contribute to the building becoming more flexible and accommodating for the future.

- There had been a delay in obtaining product equipment.
- The recovery plan project was within budget. 85% of staff are now mobile. Council needed to be able to offer flexible and mobile options for incoming staff.
- Staff had been offered a \$400 tax free allowance to set up home offices. This allowance was a government initiative.
- Elected members expressed concern with the flexible working plan and the lack of connection they had with staff.

ACTION: To assist in understanding the Flexible Working project, staff would prepare a brief presentation to elected members.

- NZTA – His Worship the Mayor and the Chief Executive had met with the new NZTA, Director Regional Relationships, Mr Steve Mutton. General discussions had been held on the Sleepyhead project, Huntly ramps on the expressway and the reduction to the FAR rate. Mr Mutton had invited Council to meet with NZTA staff to discuss challenges for both organisations and the relationship with NZTA.

Cr Smith re-entered the meeting at 9.47am during discussion on the above item.

Submission on the Proposed Waikato District Plan (Stage Two)
Agenda Item 6.4

Councillor Sedgwick vacated the Chair owing to declaring a conflict of interest and withdrew from the meeting. Councillor Smith assumed the Chair for this item. Councillor Gibb also declared a conflict of interest and withdrew from the meeting.

The report was received [P&R2010/02 refers] and the following points were raised:

- The Council submission for Stage 2 Proposed District Plan was approved by the Submission Forum on 23 September 2020.

Resolved: (Cr Bech/His Worship the Mayor)

THAT the report from the Acting General Manager Community Growth be received;

AND THAT the Policy and Regulatory Committee notes that the approved submission on the Proposed Waikato District Plan (Stage Two), as attached to the staff report, was lodged with the Waikato District Council on 23 September 2020.

CARRIED

P&R2010/04

Councillor Smith vacated the Chair following discussion and voting on the above item.

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	23 November 2020
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	Gov1318
Report Title	Confirmation of Hearing Minutes – Alcohol Control Bylaw

1. EXECUTIVE SUMMARY

To confirm the minutes of a Hearing of the Policy & Regulatory Committee (Alcohol Control Bylaw) held on Tuesday, 27 October 2020.

2. RECOMMENDATION

THAT the minutes of a meeting of the Policy & Regulatory Committee (Alcohol Control Bylaw) held on Tuesday, 27 October 2020 be confirmed as a true and correct record of that meeting.

3. ATTACHMENTS

P&R Hearing Minutes-27 October 2020

Minutes for a Hearing by the Policy & Regulatory Committee to hear and consider submissions and make recommendations on the Proposed Waikato District Council Alcohol Control Bylaw 2020, held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY, 27 OCTOBER 2020** commencing at **9.30am**.

Present:

Cr JD Sedgwick (Chairperson)
His Worship the Mayor, Mr AM Sanson
Cr AD Bech
Cr JA Church
Cr C Eyre
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire
Cr EM Patterson
Cr LR Thomson
Cr CT Woolerton

Attending:

Mrs D Lovell (Chairperson, Taupiri Community Board)
Mr K Holmes (Submission 144)
Mr D Whyte (Chairperson, Huntly Community Board) (Submission 52)
Ms S Robertson (Tamahere Community Committee) (Submission 207)
Senior Sergeant D Hall (NZ Police) (Submission 210)
Mr C Rayner (Submission 60)
Senior Constable R Stevenson (NZ Police, Raglan) (Late Submission)

Mrs S Bourke (Community Safety Manager)
Mr A Pipe (Environmental Health Team Leader)
Ms J Bell-Wymer (Corporate Planner)
Ms S Solomon (Corporate Planner)
Ms K Ridling (Senior Solicitor)
Mrs LM Wainwright (Committee Secretary)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Thomson/Church)

THAT an apology be received from Crs Gibb, McNally, Smith and Mrs Moana-Tuwhangai.

CARRIED

P&RHE2010/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Thomson/Patterson)

THAT the agenda for a meeting of the Policy & Regulatory Committee held on Tuesday, 27 October be confirmed;

AND THAT all reports be received;

AND FURTHER THAT the late submission from the NZ Police, Raglan be received for consideration.

CARRIED

P&RHE2010/02

DISCLOSURES OF INTEREST

There were no disclosures of interest.

REPORT

Hearing for the Proposed Alcohol Control Bylaw 2020

The Environmental Health Team Leader, supported by Ms J Bell-Wymer, Corporate Planner, summarised the report and noted the following matters:

- Consultation had occurred and had included stakeholders, iwi representatives and Community Boards.
- 211 submissions had been received.
- 62% of submitters resided in the Raglan area.
- Key issues raised in submissions included:
 - Request received to include Tamahere in the control area.
 - Request to increase control areas in Pokeno and Meremere.
 - Request to remove a control area portion from Cliff Street, Raglan.

- Most submitters:
 - favoured Option 1 in respect to permanent ban areas,
 - did not agree with a permanent ban at specified beach and river locations associated with Wainui Reserve, Sunset Beach, Karioitahi Beach and Maraetai Bay,
 - agreed with a 9.00pm to 9.00am ban in council-controlled parks, reserves and esplanades, and
 - supported a yearly ban in the Raglan ward from 23 December to 6 January.

Resolved: (Crs Woolerton/Eyre)

THAT pursuant to sections 83 of the Local Government Act 2002, the Policy & Regulatory Committee consider and, where requested, hear submission on the notified Proposed Alcohol Control Bylaw 2020.

CARRIED

P&RHE2010/03

The following submissions were presented, and submitters responded to questions from the Committee:

Mr Holmes – Submission 144

The following matter was noted:

- Support for the 24-hour alcohol ban in the Raglan CBD from 23 December to 6 January. This would assist the Police in implementing alcohol controls.
- A District-wide ban was not supported.

Mr Whyte (Huntly Community Board) – Submission 52

Tabled Item - Huntly Community Board Submission 52

Mr Whyte summarised the PowerPoint presentation and noted the following matters:

- The Community Board supported option 2 for the Huntly area.
- Key issues - alcohol produced littering, broken glass hazards and disorderly behaviour.
- The community was concerned at the amount of broken bottles in public places.
- Impact of alcohol on the Huntly town.

Ms Robertson (Tamahere Community Committee) – Submission 207

Ms Robertson summarised the submission and noted the that the Tamahere Community Committee:

- requested the alcohol ban area to be extended to include the Village Hub at Tamahere,
- supported the ban hours of 9.00pm to 9.00am, and
- supported clear signage advertising the alcohol control bylaw in the Tamahere area.

Senior Sergeant D Hall (NZ Police) – Submission 210

Senior Sergeant Hall summarised the submission and noted the following matters:

- The Police supported:
 - Option one,
 - the ban hours of 9.00pm to 9.00am, and
 - the 24-hour a day ban in the Raglan CBD from 23 December to 10 February.
- The challenges of alcohol-related behaviour in Ngaruawahia, Huntly and Te Kauwhata.
- The bylaw was critical for policing alcohol issues.

Mr C Rayner – Submission 60

Mr Rayner summarised the submission and noted the following matters:

- Raglan had different requirements than Ngaruawahia and Huntly.
- Extension of the alcohol ban to the skatepark and picnic area in Raglan.
- Supported the 24-hour a day ban in the Raglan CBD from 23 December to 6 January.

The meeting adjourned at 10.30am and resumed at 10.53am, when the following submissions were heard.

Ms E Griffiths – Submission 177

Tabled Item – Ms E Griffiths Submission 177

Ms Griffiths was unable to attend the hearing. Council staff had received an emailed submission which was read to the Committee.

Senior Constable R Stevenson (NZ Police, Raglan) – Late Submission

Senior Constable Stevenson summarised the submission and noted the following matters:

- Support for the ban hours of 9.00pm to 9.00am.
- Support for the 24-hour a day ban in the Raglan CBD from 23 December to 6 January.
- Urban areas of Raglan did not require an alcohol ban.
- Police safety was imperative.
- Include the Papahua reserve, playground, skatepark and beach areas in the CBD exclusion zone.

The meeting adjourned at 11.20am and resumed at 11.42am.

No further submitters attended the hearing. The following matters were discussed by the Committee and Council staff:

- Before a decision can be made to change an alcohol ban area, Council must ensure that evidence had been received to support this change.
- Police had supplied historical evidence showing percentages of offences related to alcohol.

Maps

Discussion was held on the ban areas and times as follows:

Map Name	Comments
Sunset Beach, Port Waikato	Option 2
Wainui Reserve	No changes to the ban area. Ban times to be 9.00pm to 9.00am off season and 24 hours a day from 23 December to 6 January.
Maraetai Bay, Port Waikato	No changes to the ban area. Ban times 9.00pm to 9.00am.
Karioitahi Beach	No changes to the ban areas. 24 hours a day, 365 days a year.
Ngaruawahia	Option 2
Taupiri	Option 2
Meremere	Option 2
Te Kauwhata	Option 2. Map to be extended to include the Waikare Estate area.
Huntly	Option 2

Open Meeting

To	Policy and Regulatory Committee
From	Sue O’Gorman General Manager Customer Support
Date	November 2020
Prepared by	Evonne Miller Team Administrator to Sue O’Gorman
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Actions Register – November 2020

I. EXECUTIVE SUMMARY

Purpose of this report is to provide the Policy and Regulatory Committee with an update on Actions arising the previous meeting.

2. RECOMMENDATION

THAT the report from the General Manager Customer Support be received;

3. APPENDUM

Policy and Regulatory Committee’s Action Register – November 2020

Date	Action	Team Responsible	Status
10/11/2020	<p>Hearing for the Proposed Alcohol Control Bylaw</p> <p>Staff to provide updated maps to the Committee prior to the Policy and Regulatory meeting on Monday, 23 November 2020.</p>		<p>IN PROGRESS:</p> <p>GIS have received the amendments and are working on them. Once the drafts are completed they will be forwarded to the appropriate ward councillors for approval and attached to the report going to Policy and Regulatory Committee meeting on 23 November.</p>
12/10/2020	<p>Chief Executive Business Plan</p> <p>To assist in understanding the working from home concept, staff would prepare a brief presentation to elected members.</p>	Chief Executive/Change Team	<p>COMPLETED:</p> <p>Actioned through ELT/EM meetings on Monday 19th October and Monday 2nd November.</p>
31/8/2020	<p>Item 6.4 - Update on Policy and Bylaw Review Programme – August 2020</p> <p>Actions required:</p> <ol style="list-style-type: none"> 1. Charters for Pokeno Community Committee and Tamahere Community Committee to be included in the Registry of External Policies. 2. Livestock Movement Policy and Bylaw and the Stock Underpass Policy to be linked for review. 	Community Growth / Stacey Solomon	<p>COMPLETED:</p> <ol style="list-style-type: none"> 1. These Charters have been added to the master register and will be captured in the next report to the Committee, being 12 October 2020. 2. The master register has been updated and these policies will be linked for review. This will be captured in the next report

	<p>3. Information on the Leasing of Rural Halls to be provided to elected members.</p>		<p>to the committee, being 12 October 2020.</p> <p>3. We are following up with Jordy Wiggins and the Community Venues and Events team.</p>
	<p>Item 6.5 – Approval for Consultation Proposed Waikato District Council Alcohol Control Bylaw 2020</p> <p>Actions required:</p> <ol style="list-style-type: none"> 1. Hall Committees to be advised of the consultation process. 2. Urban limits to be inserted into the consultation document as an option to be considered for all communities. 3. Communications to provide guidance to communities on what is required when submitting on the draft proposal. Include examples of what types of evidence would be required. 	<p>Community Growth / Jodi Bell-Wymer</p>	<p>COMPLETED:</p> <ol style="list-style-type: none"> 1. Consultation and request for feedback has been sent to Hall Committees. 2. Option two urban limits was included in the consultation document as an option. 3. No official information regarding what constitutes evidence was officially put out. However, Jodi Bell-Wymer and Tony Pipe, both attended the Huntly and Raglan Community Board meetings to answer any questions the boards may have had. It was mentioned by Tony that when a submission is made to include any eye-witness accounts, experiences or problematic areas which could be considered evidence - Legislation is not specific as to what evidence is. A further online Zoom drop-in session took place on 22 September 2020 with some other Board and Committee chairs to address their questions.

Open Meeting

To	Policy & Regulatory Committee
From	Sue O’Gorman General Manager Customer Support
Date	4 November 2020
Prepared by	Jessica Thomas Senior Consents Administrator
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Delegated Resource Consent Approved for the months of September & October 2020

1. EXECUTIVE SUMMARY

This report gives information relating to all delegated Resource Consents processed for the months of September & October 2020 excluding hearings.

2. RECOMMENDATION

THAT the report of the General Manager Customer Support be received.

3. APPOINTMENT OF COMMISSIONERS

There were no Commissioners appointed for the month of September and October 2020.

4. ATTACHMENTS

Delegated Authority Reports - attached

- September 2020
- October 2020

Delegated Authority Report

Period from 1 September 2020 to 30 September 2020

Awaroa ki Tuakau		Ward Total: 18		
Applicant	ID No	Address	Details	Decision
Watercare Services Limited	DES0003/21	29 Hayward Road TUAKAU	Outline Plan of Works in relation to the construction of a treated water rising main associated with the interim water treatment plant upgrades	AcceptPlan
Ministry Of Education - Wellington	DES0006/21	54 Pokeno Road POKENO	Outline Plan of Works pursuant to Section 176A of the Resource Management Act 1991 to install five temporary classrooms and two ablution blocks for a 24-month period.	Granted
Watercare Services Limited	DES0008/21	29 Hayward Road TUAKAU	Outline Plan of Works in relation to the construction of a raw water rising main to convey water from the Waikato River to the interim water treatment plant.	AcceptPlan
Watercare Services Limited	DES0010/21	29 Hayward Road TUAKAU	Outline Plan of Works in relation to the development of a connection between the existing water treatment plant and the new interim water treatment plant, widening the existing access road and providing a new access road to the construction area, involving earthworks and streamworks.	AcceptPlan
Janelle Homes Ltd	LUC0051/21	5 James Elliot Way POKENO	Retrospective Earthworks for proposed cut that exceeds permitted height in the Residential 2 Zone.	Granted
G Satigrama, U Gurudutt	LUC0054/21	54 Peacock Place POKENO	Land Use Consent is sought to undertake earthworks associated with the construction of a new dwelling and minor dwelling.	Granted
E J X Lim	LUC0056/21	52 Peacock Place POKENO	Construction of a single storey four bedroom dwelling on a vacant site in the Residential 2 Zone, with an infringement to yard standards, the proposed vehicle crossing is within the required separation distances. The site is also unable to provide for a Ninety Percentile Car Tracking Curve.	Granted
M I McGillan	LUC0060/21	113 Storey Road WAIUKU	Construct a shed which encroaches upon a road boundary in the Franklin Rural Zone.	Granted
Watercare Services Limited	LUC0064/21	283 Trig Road TUAKAU	To undertake earthworks to construct a temporary laydown and parking area, and operation of the temporary parking area (at 69 Smeed Road), in association with works on an interim water treatment plant in the Rural Zone	Granted

Delegated Authority Report

Period from 1 September 2020 to 30 September 2020

Brilliant Building Limited	LUC0066/21	17 Peacock Place POKENO	Earthworks which exceed the maximum volume on a Residential 2 zoned site.	Granted
S Han	LUC0069/21	7 Flannery Road POKENO	Construction of a single storey dwelling, failing earthworks volumes and cut depth within the Residential 2 Zone.	Granted
B J Strong, D L Strong	LUC0075/21	12A Harrisville Road TUAKAU	Construct a dwelling which encroaches upon the road boundary in the Franklin Residential Zone.	Granted
H B Rasi	LUC0076/21	2 Harry Richards Way POKENO	Retrospective consent to undertake earthworks that exceed the permitted volumes in the Residential 2 Zone as well as failing road setback standards and a 90-percentile car tracking curve for on-site manoeuvring.	Granted
The Rural Connectivity Group Limited	LUC0100/21	191 Thomson Road WAIUKU	Construction of a telecommunications facility in the Rural Zone.	Approved
Onroad Transport Limited	LUC0455/20	2169B Buckland Road BUCKLAND	Establish an onsite storage depot for crane tower sections, on a property in the Rural Zone.	Granted
PEL Holdings Limited	LUC0485/16.01	6 Gateway Park Drive POKENO	S127 to amend conditions (1 and 8) to reflect changes to carpark layout and landscaping.	Granted
A & C Farms Limited	SUB0009/21	2103 Buckland Road BUCKLAND	Undertake a boundary adjustment between two records of title in the Franklin Rural Zone.	Granted
RJES Ltd, Taron Investments Ltd	SUB0027/21	21A Lili Road TUAKAU	To revoke the conditions as to the creation of party wall easements over the areas marked "C" and "D" on DP 437842 created by Easement Instrument 8667051.2 pursuant to Section 243(e) of the Resource Management Act 1991 and to impose replacement party wall easements pursuant to Section 243(a).	Granted

Eureka

Ward Total: 3

Applicant	ID No	Address	Details	Decision
H W Beswick	LUC0079/21	34 Hiwi Road TAUWHARE	Undertake Earthworks in the Rural Zone to create a suitable building platform within the Hauraki Gulf Catchment Area.	Granted
H G Lovegrove, H D Lovegrove	LUC0089/21	110 Woodside Road MATANGI	To construct a Dependent Persons Dwelling that does not share an outdoor living court within the Rural Zone.	Granted

Delegated Authority Report

Period from 1 September 2020 to 30 September 2020

NZ Pet Cremate Limited	LUC0487/20	386 State Highway 26 NEWSTEAD	Land use consent to establish an Industrial and ancillary Commercial Activity (pet crematorium) in the Rural Zone.	Granted
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Hukanui - Waerenga Ward Total: 2

Applicant	ID No	Address	Details	Decision
Greenmeadows Agri Limited	SUB0009/20.01	185 Whitikahu Road GORDONTON	Application to add conditions 1.14.1, 1.14.2 & 1.14.3 to SUB0009/20 to cancel of an existing amalgamation condition and to partially cancel an existing consent notice insofar as it relates to the proposed Lot 1.	Granted
D A Crawford, S M Crawford	SUB0035/20.01	278 Bankier Road HORSHAM DOWNS	S127 application to amend conditions 1, 14-17, 19a & 19b to reflect a change of position of Lot 1 of SUB0035/20.	Granted

Huntly Ward Total: 4

Applicant	ID No	Address	Details	Decision
North Waikato Physiotherapy Limited	LUC0073/21	27 Rayner Road HUNTLY	Alterations to an existing physiotherapy in the Business Zone where no onsite manoeuvring is provided, and 3 carparks where 9 are normally provided. Retrospective consent for a sign that exceeds the 40 maximum character limit by 56 characters.	Granted
Transpower New Zealand Limited - Auckland	LUC0373/17.01	183 Te Ohaki Road HUNTLY	To change conditions 1 and 4 to retrospectively provide for an increase in the height of two electricity transmission structures, at two separate site locations.	Granted
Cobb-Vantress New Zealand Limited	LUC0581/17.04	837 Rotongaro Road ROTONGARO	Amend Condition 1 and Condition 15 of the resource consent LUC0581/17 as varied by LUC0581/17.01, LUC0581/17.02 and LUC0581/17.03.	Granted
Lambie Property Investments Limited	SUB0343/18	31A Wight Street HUNTLY	Subdivision consent sought for the creation of three lots in the Living Zone (s37 granted from 19/7/18 + 5 additional days)	Granted

Ngaruawahia Ward Total: 4

Applicant	ID No	Address	Details	Decision
Ministry Of Education - Hamilton	DES0005/21	56 Kent Street NGARUAWAHIA	Outline Plan Waiver to undertake internal alterations within an existing building to provide meeting rooms and a nurse's office.	Granted
L E Pendergrast, D A Pendergrast	LUC0093/21	7 Whatawhata Avenue NGARUAWAHIA	To construct an extension to an existing dwelling that will encroach upon a boundary setback, with a carparking shortfall and where the proposed new vehicle entranceway fails to achieve	Granted

Delegated Authority Report

Period from 1 September 2020 to 30 September 2020

			minimum separation distance, within the Living Zone.	
J G McDonald	LUC0384/20	36A Ellery Street NGARUAWAHIA	Construct an addition to an existing dwelling that will encroach upon a road boundary setback and protrude through a daylight admission angle within the Living Zone.	Granted
Ultimate Holdings Limited	SUB0178/16.09	75 River Road NGARUAWAHIA	Resource Consent Application for a Section 127 change to conditions of consent of SUB0178/16 - Stage 5 Conditions.	Granted

Onewhero-Te Akau Ward Total: 3

Applicant	ID No	Address	Details	Decision
T M Crisp, K L Crisp	LUC0021/21	152 Highway 22 TUAKAU	Undertake earthworks constructing a replacement dwelling resulting in two dwellings	Granted
The Rural Connectivity Group Limited	LUC0085/21	1675 Ohautira Road WAINGARO	Certificate of Compliance pursuant to section 139 Resource Management Act 1991 to construct a wireless telecommunications facility in the Rural Zone.	Approved
B R E Hopkins	SUB0151/20	1480 Hetherington Road ROTONGARO	Undertake a two lot subdivision where the additional lot fails entranceway sight lines and will not be provided with connections to reticulated power and telecommunications under the Operative Waikato Rural Zone and contains Significant Natural Areas under the Proposed Waikato Rural Zone.	Granted

Raglan Ward Total: 3

Applicant	ID No	Address	Details	Decision
R S Aim, P M Aim	LUC0031/21	23F Violet Street RAGLAN	To construct an extension to an existing dwelling that encroaches on the road setback in the Living Zone.	Granted
WJ & SJ Bardsley Family Trust, P J Allis, S M Knauf, M D Christian, Tompkins Wake Trustees 2007 Limited, J D Peart	SUB0164/20	66 Okete Road TE UKU	To create two additional titles, undertake boundary relocations between six Records of Title and to amalgamate four allotments to be held in one Record of Title, resulting in a total of seven new titles.	Granted
J C Goodwin	SUB0178/19.01	1362 Te Hutewai Road TE MATA	Application to change conditions I and II of approved subdivision SUB0178/19 to allow for a new entranceway configuration.	Granted

Delegated Authority Report

Period from 1 September 2020 to 30 September 2020

Tamahere		Ward Total: 5		
Applicant	ID No	Address	Details	Decision
NZ Transport Agency (Waikato)	DES0007/21	46 Tamahere Drive TAMAHERE	To establish a pedestrian and cyclist underpass beneath State Highway 21, inclusive of access ramps to leading/to from the underpass at each end	AcceptPlan
Ministry Of Education - Hamilton	DES0026/20	37 Devine Road TAMAHERE	Outline Plan of works for the Ministry of Education to undertake the addition of 1 building at Tamahere Model Country School with additional platforms and pathways provided to make the building accessible.	AcceptPlan
Ministry Of Education - Hamilton	LUC0058/21	37 Devine Road TAMAHERE	Land Use: Construct a classroom in the Country Living Zone that infringes the permitted road & side boundary setback	Granted
NZ Transport Agency (Waikato)	LUC0086/21	46 Tamahere Drive TAMAHERE	To remove two limbs and undertake works (soil disturbance & formation of pedestrian/cycle path) within the dripline of a notable tree (91) within the Rural Zone	Granted
L Huang, T Guo	LUC0433/20.01	187 Webster Road MATANGI	To amend the conditions of consent to provide for an encroachment of the main dwelling relative to the Eastern boundary; and for the Dependent Person's Dwelling to be situated closer to the Southern boundary.	Granted
Whangamarino		Ward Total: 6		
Applicant	ID No	Address	Details	Decision
Maketu Poultry Farms Limited	LUC0126/20	1816 Miranda Road MIRANDA	Increase the number of day-old imported birds at an existing free-range poultry rearing operation within the Rural Zone and operate two of the existing sheds as non-free-range colony systems (an intensive farming activity) for a temporary period.	Granted
S D McEvoy, R D McEvoy	LUC0473/20	990 Churchill East Road TE KAUPHATA	Construct a second dwelling to be used as a Dependent Person's Dwelling on a site within the Rural Zone, where the development on-site will exceed the permitted building coverage and the existing vehicle entrance does not comply with the permitted separation distance from a neighbouring entrance.	Granted
B Deo Choy	LUC0483/20	33 Roto Street TE KAUPHATA	Land Use Application: Construct a future dwelling within 300m of the Te Kauwhata wastewater oxidation ponds.	Granted

Delegated Authority Report

Period from 1 September 2020 to 30 September 2020

Hornsby Earthmovers Limited	SUB0107/17.04	40 Te Kauwhata Road TE KAUWHATA	S125 application in relation to SUB0107/17.03.	Granted
NA Rewa Limited	SUB0110/18.01	38 Jeffs Road MANGATAWHIRI	To amend conditions of consent to reflect a change in the donor lots, to reduce the size and location of the lots to be created and for the ability to have solar power for the lots	Granted
B Deo Choy	SUB0162/20	33 Roto Street TE KAUWHATA	Subdivision Application: Create one additional Lot within the Te Kauwhata Living Zone with Appendix A non-compliances and where an existing carport will be located within the new boundary setbacks.	Granted

Delegated Authority Report

Period from 1 October 2020 to 31 October 2020

Awaroa ki Tuakau		Ward Total: 16		
Applicant	ID No	Address	Details	Decision
David Sutton Limited	LUC0059/21	13 Harriet Johnston Drive POKENO	Construct a dwelling which exceeds the permitted building coverage, encroaches upon setbacks and exceeds the permitted earthworks excavation depth and volume per 12 month period in the Franklin Residential 2 Zone.	Granted
HLN Homes Limited	LUC0074/21	9 Flannery Road POKENO	Construct a single storey building that exceeds permitted earthwork volumes and fails living court requirements in the Residential 2 Zone.	Granted
D & J Perkins Limited	LUC0078/21	2 Edinburgh Street TUAKAU	Land Use consent where the proposed three lots for subdivision do not meet the required delineated area/notional lot size in the Residential Zone.	Granted
J M Martin, R Martin	LUC0096/21	9 Calder Crescent POKENO	Construct a building platform for a single storey dwelling that exceeds permitted earthwork volumes within the Residential 2 Zone, as well as failing to provide and a 90-percentile car tracking curve for on-site manoeuvring	Granted
Milestone Homes Franklin Limited	LUC0098/21	8 Tauroa Drive TUAKAU	Construct a dwelling where the proposed garage is located within the required setback from a road boundary, causing a failure to meet a ninety-percentile tracking curve for cars within the Rural-Residential Zone	Granted
A M Barlow, M G Rhind	LUC0101/21	12 McGill Road POKENO	For retrospective consent for earthworks in exceedance of the permitted volumes to prepare a building platform.	Granted
V V Nair, A Vandhana	LUC0103/21	12 Calder Crescent POKENO	Construct a Dwelling which exceeds 35% site coverage in the Residential 2 Zone	Granted
P Prabhaker, S Prabhaker	LUC0108/21	11 Tauroa Drive TUAKAU	Construct a principal dwelling with an attached minor dwelling which exceeds the permitted building coverage in the Franklin Rural Residential Zone.	Granted
DW Homes Limited	LUC0112/21	127 Hitchen Road POKENO	Construct a dwelling in the Residential 2 Zone that exceeds the maximum permitted building coverage of the site area.	Granted

Delegated Authority Report

Period from 1 October 2020 to 31 October 2020

Sublime Buildings Limited	LUC0115/21	20 Wingfield Road POKENO	Land Use Consent is sought for the build of a new dwelling exceeding maximum building coverage and maximum volume for earthworks.	Granted
M S Bhangu	LUC0119/21	41 Wingfield Road POKENO	Earthworks to construct a building platform for a dwelling, which exceeds the maximum permitted cut depth of 1.5 m by 0.51 m, and 100 m ³ volume by 77 m ³ . Construction of a dwelling that encroaches into the 3 m rear yard by 0.016 m.	Granted
K K Pokala, S Pokala	LUC0122/21	60 Peacock Place POKENO	Proposed dwelling and retaining wall within the 23m setback from a 'wetland'.	Granted
B L Dittmer, K L Dittmer	LUC0132/21	14 Cook Drive TUAKAU	Construct a single storey dwelling that exceeds permitted earthwork volumes and fails to provide a 90 degree tracking curve within the Rural-Residential Zone	Granted
G H Zhou	LUC0284/15.01	41 George Street TUAKAU	Change of conditions relating to conditions 1 and 7 in the Business Zone.	Granted
D & J Perkins Limited	SUB0028/21	2 Edinburgh Street TUAKAU	To undertake a three lot subdivision in the Residential Zone, where the proposed lots do not meet the required delineated area/notional lot size.	Granted
Millview Limited	SUB0036/21	18 Booth Crescent TUAKAU	To subdivide one existing Record of Title into two lots within the Residential Zone.	Granted

Eureka Ward Total: 4

Applicant	ID No	Address	Details	Decision
C E Long, J M Long	LUC0016/21	538B Scotsman Valley Road TAUWHARE	To undertake earthworks in the Hauraki Gulf Catchment Area and build within the 25m building setbacks within the Rural Zone.	Granted
J A Reeve, G R Reeve	LUC0084/21	293 Hiwi Road TAUWHARE	Construct an addition to an existing non-residential building and relocate a water tank in the Rural Zone that infringes the permitted 12m boundary setback m from the western and northern boundaries and undertake earthworks within the Hauraki Gulf Catchment Area.	Granted
Graham Brown & Co Trustees Limited, H L van der Valk, S van der Valk, Shanoge Trust	LUC0129/21	71 Hunter Road EUREKA	Land Use: To undertake earthworks to construct a vehicle entranceway, form a driveway, and create a building platform within the Hauraki Gulf Catchment Area. Subdivision: To undertake general subdivision to create one additional lot and	Granted

Delegated Authority Report

Period from 1 October 2020 to 31 October 2020

			construct a new vehicle entranceway which does not comply with the minimum required separation distance, within the Rural Zone.	
Graham Brown & Co Trustees Limited, H L van der Valk, S van der Valk, Shanoge Trust	SUB0030/21	71 Hunter Road EUREKA	Subdivision: To undertake general subdivision to create one additional lot and construct a new vehicle entranceway which does not comply with the minimum required separation distance, within the Rural Zone. Land Use: To undertake earthworks to construct a vehicle entranceway, form a driveway, and create a building platform within the Hauraki Gulf Catchment Area.	Granted
Hukanui - Waerenga		Ward Total: 5		
Applicant	ID No	Address	Details	Decision
Ministry Of Education - Wellington	DES0004/21	4 Martin Lane HORSHAM DOWNS	Notice of Requirement (NoR) for a minor alteration to designation (to alter the boundary of the site) under section 181(3) of the RMA.	Granted
C D Blom, S Blom, The Blom Family Trust	LUC0071/21	49 Peach Road GORDONTON	Operate a function centre, licensed cafe, farm tours and retail shop in the Rural Zone	Granted
Daffodil View LP	LUC0125/21	751C Gordonton Road GORDONTON	To construct a Dependent Persons Dwelling within the permitted setback 17.8m from the Western Boundary in the Rural Zone.	Granted
D M Shadbolt, M G Davie	LUC0465/20	253 Kainui Road TAUPIRI	Temporarily retain an existing self-contained unit as a second dwelling while the principal dwelling is being constructed on a site located in the Rural Zone which encroaches into the permitted 25m boundary setback along the southern boundary and exceeds the maximum permitted building coverage.	Granted
J M Clifford-Marsh	SUB0047/21	340 Waring Road TAUPIRI	To undertake a boundary relation between contiguous titles that are not owned by the same person in the Rural Zone.	Granted

Delegated Authority Report

Period from 1 October 2020 to 31 October 2020

Huntly				
Ward Total: 4				
Applicant	ID No	Address	Details	Decision
Ambury Properties Limited	LUC0106/21	231 Tahuna Road OHINEWAI	Retrospective consent to store up to 30 shipping containers on the site for up to two years and associated earthworks to create a platform in the Rural Zone	Granted
Gleeson Quarries Huntly Limited	LUC0167/21	Riverview Road HUNTLY	Remove 1.7ha of vegetation containing a habitat for significant indigenous fauna and establishment of a Bat Reserve at Gleeson's Quarry.	Granted
Builtsmart Properties GP Limited	LUC0466/20	494 Great South Road HUNTLY	The expansion of the existing industrial activity which involves the construction of transportable homes onsite and the construction of an office extension within properties within the Industrial Zone, and the construction of an associated stormwater pond within an adjacent property in the Living Zone.	Granted
A J Thompson	SUB0029/21	55 Bailey Street HUNTLY	Undertake a two Lot subdivision around two existing dwellings in the Living Zone with non-compliances relating to Appendix A.	Granted
Newcastle				
Ward Total: 4				
Applicant	ID No	Address	Details	Decision
A M Parbhu, G J Woodd, A M Irwin, Parbhu Estate Trust Limited, M M Parbhu	LUC0061/21	12B Onion Road HOROTIU	To construct a non-residential building where the total building coverage exceeds the permitted level, within the Rural Zone.	Granted
M P Alphors, N D Alphors	LUC0267/20.01	3 Byron Lane PVT TE KOWHAI	Change of Condition to vary Condition 1 (General Accordance) and add new Condition 4A for the increased gross floor area of the accessory building in the Country Living Zone.	Granted
Waikato District Council	LUC0299/20	State Highway 23 WHATAWHATA	To construct and operate a Community Centre for up to 200 persons in the Living Zone.	Granted
Te Kowhai Estate Limited	SUB0007/20	Te Kowhai Road TE KOWHAI	Undertake a nineteen lot subdivision and a road to vest in the Country Living Zone, where consent is also required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health as a Restricted Discretionary Activity as soil	Granted

Delegated Authority Report

Period from 1 October 2020 to 31 October 2020

			contamination exceeds the applicable standard in Regulation 7.	
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Ngaruawahia Ward Total: 6

Applicant	ID No	Address	Details	Decision
The Newell Road Partnership	LUC0003/21	99 Ngaruawahia Road NGARUAWAHIA	Create 24 Residential Lots over 5 Stages, two roads and a utility reserve to vest and associated earthworks with the road formation in the New Residential Zone	Granted
R Schaafhausen	LUC0109/21	333 Old Taupiri Road HOPUHOPU	Planning Certificate for the Sale and Supply of Alcohol (On Licence) in the Pa Zone.	Approved
The Newell Road Partnership	SUB0002/21	99 Ngaruawahia Road NGARUAWAHIA	Create 24 Residential Lots over 5 Stages, two roads and a utility reserve to vest and associated earthworks with the road formation in the New Residential Zone	Granted
N J S Peters	SUB0015/21	10 King Street NGARUAWAHIA	Undertake a subdivision creating one additional lot within the Living Zone, resulting in non-compliances with the required vehicle entrance separation distance.	Granted
G M McDell, H M McDell	SUB0034/21	53 Clark Road NGARUAWAHIA	General subdivision to create one additional lot, with non-compliances relating to the minimum separation distances of the existing vehicle entranceways, in the Country Living Zone.	Granted
G T Inglis	SUB0035/21	64 Horotiu Road HOROTIU	Subdivision application to undertake a 5-lot subdivision (including one access lot) in the Living Zone.	Granted

Onewhero-Te Akau Ward Total: 4

Applicant	ID No	Address	Details	Decision
Advanced Building and Construction Limited	DES0011/21	29 Hall Road TUAKAU	Outline Plan of Works relating to the relocation of a new modular building containing two classrooms onto the site pursuant to Section 176A of the Resource Management Act 1991.	AcceptPlan
Counties Power Limited	LUC0102/21	1340 Port Waikato-Waikaretu Road TUAKAU	To install four structures up to 120m in height for weather monitoring at Limestone Downs	Granted
M J Michie, E J Michie, K D Michie	SUB0043/21	867 Highway 22 TUAKAU	Boundary Relocation between two properties in the Rural Zone.	Granted
D.P. & L.J. Ramsey Limited	SUB0136/19.01	84 Chapman Road TUAKAU	Variation to conditions 1, 8, 9, and 19(a) & (c) to remove reference to Lot 6 and delete conditions 19(b), 10 and 13 in their	Granted

Delegated Authority Report

Period from 1 October 2020 to 31 October 2020

			entirety, as Lot 6 has been transferred to a receiver site and upgrading of the entrance to the balance lot is no longer required as there is no change in use	
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Raglan Ward Total: 3

Applicant	ID No	Address	Details	Decision
H J Vink, H K Vink	LUC0013/21	25 Rangitahi Road RAGLAN	Construct six residential units and associated carports within the Rangitahi Living Zone in a site identified for the purposes of mixed use	Granted
A C Hibberd, P A Hibberd	LUC0091/21	10 Simon Road RAGLAN	To construct an accessory building (garage) that encroaches the 6 metre road setback and 23 metre wetland setback in the New Residential Zone	Granted
A C Hibberd, P A Hibberd	LUC0113/21	5C Waikowhai Place RAGLAN	To construct dwelling additions, including deck extension in the New Residential Zone that will encroach the setback from a wetland.	Granted

Tamahere Ward Total: 8

Applicant	ID No	Address	Details	Decision
L R Southall, N Koucha	LUC0072/21	44C Twin Oaks Drive TAMAHERE	To construct a dwelling and dependent persons dwelling (DPD) that exceeds total impervious surface and earthworks volumes, the proposed DPD is detached from the main dwelling in the Airport Outer Noise Control Boundary and does not share outdoor living court with the main dwelling and there will be a second dwelling for temporary duration in the Country Living Zone.	Granted
J A Armstrong, J E Magee	LUC0081/21	791D Bruntwood Road TAMAHERE	Construct a stable, tack room and associated storm water tanks in the Rural Zone that will exceed the permitted building coverage and where the stable will be located within the permitted 25m setback from the southern boundary.	Granted
Stevenson Designer Building Limited	LUC0084/20.01	5 Annebrook Road TAMAHERE	S127 application to vary conditions of land use consent LUC0084/20 and subdivision consent SUB0025/20 located at 5 Annebrook Road, Tamahere, pursuant to Section 127 of the Resource Management Act 1991 (RMA)	Granted

Delegated Authority Report

Period from 1 October 2020 to 31 October 2020

Harkness Henry	LUC0097/21	65 Devine Road TAMAHERE	Application for Sale of Alcohol for an On licence on a site in the Business Zone pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012.	Approved
Harkness Henry	LUC0116/21	65 Devine Road TAMAHERE	Application for Sale of Alcohol for an Off licence on a site in the Business Zone pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012.	Approved
G D McMahon	LUC0408/20	337C Newell Road TAMAHERE	Combined Subdivision and Land Use Consent to create one additional lot and to relocate a used dwelling onto proposed Lot 2 creating non-compliances with impervious surface and building coverage provisions and a temporary non-compliance with the number of dwellings on land contained within the Record of Title until the subdivision is complete within the Country Living Zone.	Granted
Stevenson Designer Building Limited	SUB0025/20.01	5 Annebrook Road TAMAHERE	Application to vary conditions of land use consent LUC0084/20 and subdivision consent SUB0025/20 located at 5 Annebrook Road, Tamahere, to allow for the construction of dwellings while the land is undergoing subdivision.	Granted
G D McMahon	SUB0135/20	337C Newell Road TAMAHERE	Combined Subdivision and Land Use Consent to create one additional lot and to relocate a used dwelling onto proposed Lot 2 creating non-compliances with impervious surface and building coverage provisions and a temporary non-compliance with the number of dwellings on land contained within the Record of Title until the subdivision is complete within the Country Living Zone.	Granted
Whangamarino		Ward Total: 2		
Applicant	ID No	Address	Details	Decision
M I Twining, R J Twining	SUB0037/21	696 Koheroa Road MERCER	Undertake a transferable lot right subdivision to create one additional lot located outside the Environmental Enhancement Overlay Area in the Franklin Rural Zone and to create one lot on high class soils under the Proposed Waikato Rural Zone.	Granted
A S Irvine, S J Irvine, Kakariki Views Limited	SUB0117/20.01	467 Waerenga Road WAERENGA	Change of conditions relating to the amalgamation of balance lot and reconfiguring the boundaries in the Rural Zone.	Granted

Open Meeting

To	Policy and Regulatory Committee
From	Clive Morgan General Manager Community Growth
Date	November 2020
Prepared by	Stacey Solomon Corporate Planner
Chief Executive Approved	Y
Reference #	GOV1318 / 2937357
Report Title	Update on Policy and Bylaw Review Programme – November 2020

1. EXECUTIVE SUMMARY

The purpose of this report is to update the Policy and Regulatory Committee on progress made on the Policy and Bylaw Review Programme since the previous report in October 2020. Staff have worked on a number of bylaws and policies since October 2020. In addition, work is also currently being scoped on other policies and bylaws.

2. RECOMMENDATION

THAT the report from the General Manager Community Growth be received.

3. BACKGROUND AND UPDATE

Progress made

Policies and bylaws are key decision-making and regulatory monitoring documents. They need to be kept up-to-date so any decision or enforcement action using the bylaw or policy that is taken by Council is appropriate and consistent.

The following bylaws and policies have had work carried out on them since October (details provided in attachments):

- Alcohol Control Bylaw
- Keeping of Animals Bylaw
- Livestock Movement Bylaw and related policies
- Significance and Engagement Policy
- Dog Control Bylaw and Policy
- Petitions Policy
- Development Contributions Policy.

Worked is being scoped for the following:

- All Three Waters-related Policies
- Water Supply Bylaw
- Proposed Stormwater Bylaw (New).

The review timings noted in the attachments are an estimate only. If the committee would like to see the review of a policy or bylaw fast-tracked, then direction for staff is requested so that another review can be re-prioritised or delayed. This is to ensure resourcing in the Corporate Planning team as well as from subject matter experts is allocated to meet any re-prioritisation.

Staff will present a report for the revocation of the following external policies at the November Policy and Regulatory Committee Meeting (as noted in attachment 2 of the staff report):

- Temporary Road Closures and Events on Roads and Banners
- Code of Conduct – Council and Community Committees
- Leasing – Rural Halls.

Policies

Council has a number of policies that relate to a broad range of Acts. These policies cover a variety of activities and while some are on legislated review cycles, policies not required by legislation are intended to be reviewed every 3-5 years or as required. Policies that are required by legislation are generally given higher priority than those that are not.

Bylaws

Under s.156 of the Local Government Act 2002 (LGA), bylaws must be reviewed 5 years after they are made and every 10 years thereafter. The LGA gives a grace period of 2 years (ie years 6 and 7 of the bylaw on its first review or years 11 and 12 on the second review cycle), within which the bylaw must be reviewed or it will expire automatically two years after the date on which it should have been reviewed by. It is generally considered best practice to review a bylaw before the start of the grace period.

Review Process

The process of review often starts with discussion in a Council workshop environment to identify any improvements / corrections / issues related to the policy or bylaw. Once these have been discussed and considered by Council, staff work through these and produce a report seeking consultation approval from the Policy and Regulatory Committee. Consultation then occurs as appropriate under s.82 or s.83 (which includes a hearing) of the LGA. The results of the consultation are presented to the committee who can request further changes or corrections to the policy or bylaw in response to submissions. The committee may recommend that the Council formally adopt the policy or bylaw. The adopted policy or bylaw is publicly notified, and the review is complete. The whole process can take anywhere from 6 to 18 months depending on the complexities of the document and related issues.

A review may be triggered by a legislated review period or change in legislation, a political driver or an issue having been identified that requires an amendment.

4. ATTACHMENTS

The following are attached to this report:

1. Register of bylaws
2. Register of external policies.

NOTE: Attachment 2 - Policies in red indicate they are overdue for review, policies in green are current and policies in beige have been tagged to be revoked. Charters are noted in purple.

Register of Bylaws

Bylaw	Status	Priority	Full Review Date	Bylaw Revoked (full review + 2 years)	P&R to approve draft for Consultation	Consultation	P&R Committee to recommend adoption	Progress Made at October 2020	Progress Made at November 2020	Comments	Related Legislation
Alcohol Control Bylaw	new	1	Dec-18	Dec-18	Aug-20	Sep-20	Nov-20	Consultation on this bylaw opened 2 September and closed 5 October. Submitters are invited to attend a hearing scheduled for 27 October, after which deliberations will occur, with the adoption of a final bylaw anticipated in December 2020.	Following consultation, a hearing was held on 27 October and submitters presented their submissions verbally to the Committee. Deliberations occurred and a report has been prepared for November P&R to recommend that Council adopt the Proposed Bylaw at their December meeting.	S.11 of the Local Government Alcohol Reform Amendment Act 2012 gave all existing bylaws made prior to the commencement of the act an expiration date of December 2018	Sale and Supply of Alcohol Act 2012 and the Local Government (Alcohol Reform) Amendment Act 2012
Livestock Movement Bylaw	new	2	Jul-17	Jul-19	May-21	Jun-21	Sep-21	Staff have met with Federated Farmers to discuss the review of this bylaw, with further meetings planned for later in 2020.	At time of drafting this report, a meeting has been scheduled with Federated Farmers for 16 November to follow up on previous feedback they had provided for staff who are currently preparing a draft. It is anticipated a first draft of this bylaw will be prepared before end of 2020.	The Livestock Movement Policy and the Stock Underpass Policy are also to be reviewed concurrently with the bylaw.	Land Transport Act 1998
Water Supply Bylaw 2014	current	3	Oct-19	Oct-21	May-21	Jun-21	Sep-21	Watercare has been advised of upcoming review of the bylaw. A consultant has been engaged and it is anticipated the review process will start end of 2020 with consultation first half of 2021	Policies related to the bylaw are currently being scoped for review – waters supply related policies and the bylaw will be reviewed concurrently.	Review to occur concurrently with Stormwater Bylaw.	Health Act 1956
Speed Limit Bylaw 2011	expired	4	Jun-16	n/a	TBC	TBC	TBC		This bylaw has expired but is still enforceable. Council have consulted with the community for the last 3-4 years on the schedules to the bylaw - this part of the process was completed this year. Staff will be looking into the review of this bylaw within the next 2 years. Should Council wish for this review to occur earlier then a discussion around reprioritisation will need to occur.	Section 6 of the Land Transport (Speed Limits Validation and Other Matters) Act 2015 validates the Speed Limits Bylaw ie: this bylaw can expire but cannot lapse	Land Transport Act 2015

Register of Bylaws

Bylaw	Status	Priority	Full Review Date	Bylaw Revoked (full review + 2 years)	P&R to approve draft for Consultation	Consultation	P&R Committee to recommend adoption	Progress Made at October 2020	Progress Made at November 2020	Comments	Related Legislation
Dog Control Bylaw 2015	Reached start of 2 year grace period	5	May-20	May-22	May-21	Jun-21	Sep-21	Work for this bylaw review is being scoped. The Dog Control Policy will need to be reviewed concurrently with the bylaw.	Project team has been identified and resourcing has been assigned. The bylaw is currently with the Legal team for legislative review. The Animal Control (AC) Team Leader and AC Team are reviewing the clauses and assessing if they are fit for purpose. Workshops on this Bylaw are likely to begin early in the new year.	Dog Control Policy must be reviewed at the same time (s.10AA Dog Control Act).	Dog Control Act 1996
Keeping of Animals Bylaw 2015	Reached start of 2 year grace period	6	May-20	May-22	Nov-20	Nov-20	Mar-21	Staff have completed a second workshop with Council (September) and are now preparing a draft bylaw for legal review and then approval for consultation from P&R in November 2020.	At the time of writing this report Proposed Amendments have been drafted into the Bylaw, consultation approval is planned for the November P&R meeting. Consultation is scheduled to occur between 2 December and 25 January, longer than the standard 1 month to accommodate the Christmas period. A hearing will be scheduled in February 2021, with P&R to recommend adoption in March 2021 to Council at their April 2021 meeting.		Health Act 1956
Freedom Camping Bylaw 2016	current	7	Oct-21	Oct-23	Sept-21	Oct-21	Feb-22	Work on the review unlikely to occur before July 2021.	Work has not yet started on this bylaw review.		Freedom Camping Act 2011
Public Places Bylaw 2016	current	8	Apr-21	Apr-23	Sept-21	Oct-21	Feb-22	Work has not yet started on this bylaw review. Noted that the Part 2 - Parking as well as the related schedules will need particular consideration when the bylaw is reviewed. The bylaw, when it is reviewed, will be rationalised to provide more clarity and consistency with other policies and bylaws we have. At this time The Public Places Bylaw is a "catch-all" and deals with many different issues.	Work has not yet started on this bylaw review.		Land Transport Act 1998
Cemeteries Bylaw 2016	current	9	Jul-21	Jul-23	TBC	TBC	TBC	An amendment was made to this bylaw during 2019. Work has not yet started on this bylaw review.	Work has not yet started on this bylaw review.		Burial and Cremation Act 1964

Register of Bylaws

Bylaw	Status	Priority	Full Review Date	Bylaw Revoked (full review + 2 years)	P&R to approve draft for Consultation	Consultation	P&R Committee to recommend adoption	Progress Made at October 2020	Progress Made at November 2020	Comments	Related Legislation
Reserves and Beaches Bylaw 2016	current	10	Sep-21	Sep-23	TBC	TBC	TBC	Work has not yet started on this bylaw review.	Work has not yet started on this bylaw review.		Reserves Act 1977
Trade Waste and Wastewater Bylaw 2016	current	11	Sep-21	Sep-23	TBC	TBC	TBC	Work has not yet started on this bylaw review.	Work has not yet started on this bylaw review.		Health Act 1956
Solid Waste Bylaw	new	-	-	-	-	-	-	The development of this bylaw is in response to the action plan contained in the Waste Minimisation Management Plan (WMMP)	-		
Stormwater Bylaw	new	(3)	-	-	May -21	Jun-21	Sep-21	-	A consultant has been engaged by Watercare and it is anticipated a draft bylaw will be prepared by end of 2020. This Bylaw will be created at the same time the Water Supply Bylaw is reviewed to accommodate resourcing	Review to occur concurrently with Water Supply Bylaw.	Health Act 1956

Register of External Policies

	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
Control of Coastal Erosion on Council Reserves	FDC	Customer Support	Megan May (Community Connections Manager)	Jan 1997	Jan 2001	N/A	Much of this policy is now contrary to current thinking around foreshore / erosion management. Useful content has been identified and will be included as appropriate into other policies/plans/documents. Staff have been consulted and recommend that the policy be revoked however this is unlikely to be recommended until the Climate Action Policy has been adopted.	REVOKE	YES – identified for revocation following adoption of Climate Action Policy
Temporary Road Closures and Events on Roads and Banners	WDC	Service Delivery	Ross Bayer (Roading Team Leader)	Jan 2008	Jan 2011	N/A	Unable to locate, recommend revoking. Report recommending revocation to go to November 2020 P&R.	REVOKE	YES – policy was located. Following up with the roading team, identified for revocation at November P&R meeting.
Code of Conduct – Council and Community Committees	WDC	Governance	Brendan Stringer (Democracy Manager)	Oct 2013	Oct 2016	N/A	This Policy is redundant. All that is required by legislation is for the Council to have a Code of Conduct in Place, which was revised and approved at the Council meeting in December 2019. No additional Policy is required, and staff don't believe it would be helpful to have such a policy. Revoke/discard. Report recommending revocation to go to November 2020 P&R.	REVOKE	YES – identified for revocation at November P&R meeting.
Leasing – Rural Halls	FDC	Service Delivery	Jordy Wiggins (Community Venues and Events Team Leader)	Jan 1998	Jan 2001	N/A	This policy is no longer relevant as per the Terms of Reference that now cover our halls that are receiving a targeted rate. At this time, any leases for community halls would fall under the Community Leasing Policy (this sits with the Properties team). Recommend this policy for revocation. Report recommending revocation to go to November 2020 P&R.	REVOKE	YES – identified for revocation at November P&R meeting.
Vehicle Crossings	FDC	Service Delivery	Ross Bayer (Roading Team Leader)	Jan 1997	Jan 2000	N/A		REVIEW	
Reserve Contributions & Conservation Covenants	WDC	Service Delivery	Megan May (Community Connections Manager)	Jan 1998	Jan 2001	N/A		REVIEW	
Control of Business Advertising Signs/Displays in public places	FDC	Customer Support	Tanya O'Shannessey (Monitoring Team Leader)	Jan 1998	Jan 2002	N/A		REVIEW	
Sponsorship of, and advertising on, council properties and assets	WDC	Service Delivery	Megan May (Community Connections Manager)	Jan 2002	Jan 2005	N/A	Higher priority. Megan to check with Gavin if he wants it to go to Council. Review with Plaques Memorials and Monuments Policy	REVIEW	
Rating for services		Finance	Alison Diaz (Chief Finance Officer)	Jan 2005	Jan 2008	N/A	Review all rating policies together	REVIEW	
Stock Underpass Policy	WDC	Service Delivery	Ross Bayer (Roading Team Leader)	Dec 2006	Dec 2009	N/A	Needs to be reviewed in conjunction with the Livestock Movement Bylaw during 2020/21. to be timed with the Bylaw review currently underway	REVIEW	
Bus Shelter - Public and Private	WDC	Service Delivery	Ross Bayer (Roading Team Leader)	Jan 2007	Jan 2010	N/A		REVIEW	

Register of External Policies

	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
Fencing - Council Reserves Land	WDC	Service Delivery	Nicolas Wells (Strategic Property Manager)	Jan 2007	Jan 2010	N/A		REVIEW	
Non-Standard Road Name Signs and Entrance Structures	FDC	Service Delivery	Ross Bayer (Roading Team Leader)	Not stated	Not stated	N/A		REVIEW	
Cellular Network Site Policy	FDC	Customer Support	Ana Maria d'Aubert (Consents Manager)	Jan 2008	Jan 2011	N/A		REVIEW	
Footpath prioritisation	WDC	Service Delivery	Ross Bayer (Roading Team Leader)	Jan 2009	Jan 2011	N/A		REVIEW	
Funding for road closures for community events	WDC	Community Growth	Lianne van den Bemd (Community Development Adviser)	Jan 2009	Jan 2011	N/A		REVIEW	
Rating Rural Community Centre Areas	FDC	Finance	Alison Diaz (Chief Finance Officer)	Jan 2009	Jan 2012	N/A	Review all rating policies together	REVIEW	
Relocatable Home Parks & Camping Grounds Policy	FDC	Service Delivery	Megan May (Community Connections Manager)	Jan 2009	Jan 2012	N/A		REVIEW	
Roadside weedspraying – no spray zones	WDC	Service Delivery	Ross Bayer (Roading Team Leader)	Jan 2009	Jan 2012	N/A		REVIEW	
Rural road lighting prioritisation	WDD	Service Delivery	Ross Bayer (Roading Team Leader)	Jan 2009	Jan 2012	N/A		REVIEW	
Vehicle Entrance Policy	WDC	Service Delivery	Ross Bayer (Roading Team Leader)	Jan 2009	Jan 2012	N/A		REVIEW	
Application of Interest to Council Reserves Policy	WDC	Finance	Alison Diaz (Chief Finance Officer)	Jan 2010	Jan 2013	N/A		REVIEW	
Leases to Individuals and Commercial Organisations Policy	WDC	Service Delivery	Nicolas Wells (Strategic Property Manager)	Jan 2010	Jan 2013	N/A	Will be merged into General Occupancy Policy. Revoke once General Occupancy Policy is reviewed.	REVIEW	
Leasing of Reserve Land	WDC	Service Delivery	Nicolas Wells (Strategic Property Manager)	Jan 2010	Jan 2013	N/A		REVIEW	
Property Management	WDC	Service Delivery	Nicolas Wells (Strategic Property Manager)	Jan 2010	Jan 2013	N/A		REVIEW	
Trade Waste Bylaw Charging Policy	FDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Jan 2010	Jan 2013	N/A		REVIEW	
Livestock Movement Policy	WDC	Service Delivery	Ross Bayer (Roading Team Leader)	Jan 2011	Jan 2014	N/A	Needs to be reviewed in conjunction with the Livestock Movement Bylaw during 2020/21. to be timed with the Bylaw review currently underway	REVIEW	
Road Closure for Motor Sport Events Policy	WDC	Service Delivery	Gareth Bellamy (Road Safety Engineer)	Mar 2012	Mar 2015	N/A	To be reviewed in Jan 2021	REVIEW	
Refuse Collection and Disposal	WDC	Service Delivery	Phil Ellis (Solid Waste Team Leader)	Jan 2014	Jan 2017	N/A		REVIEW	

Register of External Policies

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Appointing Directors and Trustees to Council Controlled Organisations Policy	WDC	Governance	Chief Executive	Feb 2014	Feb 2017	N/A		REVIEW	
Heritage Policy	WDC	Community Growth	Betty Connolly (Planner-Community development)	Apr 2014	Apr 2017	N/A	Hold off for now- Wait for work around Heritage Strategy to provide a better direction	REVIEW	
Easements Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Dec 2014	Dec 2017	N/A		REVIEW	
District Tree Policy	WDC	Service Delivery	Megan May (Community Connections Manager)	Apr 2015	Apr 2018	N/A		REVIEW	
Declaration on Open and Transparent Government Policy	WDC	Information Management	Geoff King (Chief Information Officer)	Jun 2015	Jun 2018	N/A		REVIEW	
Rural Halls – Administration Services for	FDC	Service Delivery	Megan May (Community Connections Manager)	Jan 1997	Jan 2000	P & R Committee	The contents of this policy are now covered under the Terms of Reference for halls. Delete when General Halls Policy is adopted	REVIEW	
Petitions Policy	WDC	Community Growth	Melissa Russo (Corporate Planning Team Leader)	Dec 2015	Dec 2018	N/A	Looking in to replacing the policy with a set of guidelines. Progress anticipated by end of 2020.	REVIEW	YES – staff will be preparing material to workshop with Council before end of 2020.
Roadside Fencing Policy	WDC	Service Delivery	Ross Bayer (Roading Team Leader)	Mar 2016	Feb 2019	N/A		REVIEW	
Plaques, Memorials and Monuments Policy	WDC	Service Delivery	Megan May (Community Connections Manager)	Sep 2016	Sep 2019	N/A		REVIEW	
Grass Verge Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sep 2016	Oct 2019	N/A		REVIEW	
Significance and Engagement Policy	WDC	Community Growth	Corporate Planner	Oct 2014	Oct 2020	Local Government Act 2002	Currently being reviewed as part of LTP 2021-31. Proposed amendments to the policy were presented to Councillors and Community Board and Committee Chairs in June, and the P&R Committee received a report on this Policy in July 2020. The amendments proposed largely reflect changes to the LGA and provide more flexibility for determining the significance of an issue or decision. Consultation on this policy occurred in August / September 2020,	Current	YES – Councillors participated in a workshop on the policy in October following consultation, and the Policy will be presented to the Policy in Regulatory Committee in November for recommendation to Council for adoption.
Risk Management Policy	WDC	Projects and Innovation	Katja Jenkins (Risk Advisor)	Mar 2018	Mar 2021	N/A		Current	

Register of External Policies

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Development Contributions Policy 2018	WDC	Community Growth	Trish Forsyth (Development Contributions Officer)	Jun 2018	Jun 2021	Local Government Act 2002	Need to include a superseded or "date valid between" clause. The Policy has been reviewed and a paper has gone to the LTP 2021-31 Steering Group. No amendments have been identified, however some correction will be required to accommodate legislative changes	Current	YES - Consultation will occur concurrently with LTP consultation in March 2021.
Discretionary Grants Policy	WDC	Community Growth	Lianne van den Bemd (Community Development Adviser)	Jun 2018	Jun 2021	N/A		Current	
Gambling Venues Policy	WDC	Customer Support	Tony Pipe (Regulatory Manager)	Oct 2018	Oct 2021	Gambling Act 2003 and Racing Act 2003		Current	
Treasury Risk Management Policy (including Liability and Investment Policies)	WDC	Finance	Alison Diaz (Chief Finance Officer)	Dec 2018	Dec 2021	Local Government Act 2002		Current	
Easter Trading Policy	WDC	Community Growth	Melissa Russo (Corporate Planning Team Leader)	Apr 2017	Apr 2022	N/A		Current	
Local Alcohol Policy 2017	WDC	Customer Support	Tony Pipe (Regulatory Manager)	Dec 2016	Dec 2022	N/A		Current	
Psychoactive Substances Policy	WDC	Customer Support	Tony Pipe (Regulatory Manager)	Jul 2019	Jul 2024	N/A		Current	
Library Policy	WDC	Customer Support	Brian Cathro (Customer Delivery Manager)	Oct 2019	Oct 2024	N/A	Replaces Library services policy and library lending policy. New single policy. Incorporates aspects of Library Services Policy and Library Lending Policy.	Current	
Strategic Land Acquisition and Disposal Policy	WDC	Service Delivery	Nicolas Wells (Strategic Property Manager)	Oct 2019	Oct 2024	N/A		Current	
Water Policy	WDC	Service Delivery	Roger MacCulloch (General Manager Service Delivery)	Sept 2016	Sept 2021	N/A	To be reviewed concurrently with the Water Supply Bylaw. Work will be scoped to occur with the review of the Water Supply Bylaw	Current	

Register of External Policies

	Council (WDC/FDC)	Group	Policy Owner	Date approved	Next review date	Required under Statute? If so, which act?	Comments	Status	Update since last Committee meeting?
CHARTER - Meremere Community Committee Charter	WDC	Governance	Brendan Stringer (Democracy Manager)	Oct 2013	Oct 2016	N/A	This was updated after the 2016 elections and will shortly be reviewed for this triennium. Therefore, no need for separate policy to be in place in addition to the Charter itself. Once charters have been updated and all delegations have been reviewed, the policy can be revoked.	To be revoked	
CHARTER - Te Kauwhata Community Committee Charter	WDC	Governance	Brendan Stringer (Democracy Manager)	Oct 2013	Oct 2016	N/A	Was updated after the 2016 elections (current versions in the Delegations Register) and will shortly be reviewed for this triennium. Again, no need for separate policy to be in place in addition to the Charter itself. Once charters have been updated and all delegations have been reviewed, this can be revoked.	To be revoked	
CHARTER – Pokeno Community Committee	WDC	Governance	Brendan Stringer (Democracy Manager)	Oct 2013	Oct 2016	N/A	Once charters have been updated and all delegations have been reviewed, this can be revoked.	To be revoked	
CHARTER – Tamahere Community Committee	WDC	Governance	Brendan Stringer (Democracy Manager)	Oct 2013	Oct 2016	N/A	Once charters have been updated and all delegations have been reviewed, this can be revoked.	To be revoked	

Open Meeting

To	Policy and Regulatory Committee
From	Clive Morgan General Manager Community Growth
Date	4 November 2020
Prepared by	Melissa Russo Corporate Planning Team Leader
Chief Executive Approved	Y
Reference #	GOV1318 / 2939736
Report Title	Adoption of the Significance and Engagement Policy

I. EXECUTIVE SUMMARY

Council staff have been working on the Long Term Plan 2021-31 throughout 2020. As part of the process, Council has reviewed its Significance and Engagement Policy.

The purpose of this report is to provide information to the Policy and Regulatory Committee following consultation on the Proposed Significance and Engagement Policy and to present the proposed amendments to the Policy, as a result of the feedback received, both through the submission process and from the Council workshop held on 28 October 2020.

2. RECOMMENDATION

THAT the report from the General Manager Community Growth be received;

AND THAT, subject to any amendments from the Committee, the Policy and Regulatory Committee recommend to Council the adoption of the proposed Significance and Engagement Policy, as set out in Appendix 3 of the staff report.

3. BACKGROUND

Council are required to adopt a Significance and Engagement Policy, as set out in 76AA of the Local Government Act 2002. Its current policy was adopted in 2014.

While there is no legislative requirement to review the policy, best practice is to review a policy every 3-5 years and for the review to inform the type of consultation to be undertaken on the upcoming long-term plan. Accordingly, Council has reviewed its Significance and Engagement Policy, as part of its work towards the Long Term Plan 2021-31.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

Staff reviewed the Significance and Engagement Policy and held a workshop with Council to discuss the proposed amendments. As a result of feedback received at the workshop, minor amendments to the policy were made, prior to it being released for public consultation.

Council consulted on the Proposed Significance and Engagement Policy between 24 August and 26 September. During the consultation period 18 submissions were received. Feedback on the proposed policy varied, with few common themes throughout the submissions. Many of the submissions raised points which are not suitable for inclusion in the Significance and Engagement Policy. This is indicated through the staff comments.

The submissions are included in Appendix 1 for Council consideration. The proposed amendments, as a result of feedback received through the submissions and the Council workshop held on 28 October 2020, are included in Appendix 2. The tracked changes indicated proposed amendments to the policy for adoption. A clean copy with changes incorporated is attached as Appendix 3.

4.2 OPTIONS

The following options are included as options for Council to consider.

Option 1

Status Quo – Council could retain the Significance and Engagement Policy as it currently stands with no amendments. This would result in Council maintaining a policy that incorporates outdated references and does not include any changes, as a result of the feedback received.

This option is not recommended.

Option 2

Amended Proposed Policy (as set out in appendix 2) – Council could choose to adopt the proposed Significance and Engagement Policy including amendments as discussed at the Council workshop on 28 October 2020. Under this option, further amendments can also be made.

This would result in a more up to date policy that aligns to amendments to the LGA and to feedback received during the consultation process as discussed at the workshop.

This option is recommended.

5. CONSIDERATION

5.1 FINANCIAL

There are no financial implications resulting from Council's decision on the policy. However, it is worth noting the significant change to the policy to remove the financial thresholds as a consultation trigger.

5.2 LEGAL

Although there are no legal obligations for Council to review the policy, Council is required to adopt a policy on significance and engagement. Council's current policy was adopted in October 2014. Best practice is to review policies every 3-5 years, therefore this policy is due for review.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

These proposed amendments to the policy are reflective of Council's vision to build Liveable, Thriving and Connected Communities, but also aligns with the draft Communications and Engagement Strategy.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform <input type="checkbox"/>	Consult <input checked="" type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Consultation was advertised online and media releases were produced. Consultation was open broadly to the public, however community boards and committees were specifically encouraged to make a submission.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		Y	Internal
		Y	Community Boards / Community Committees
			Waikato-Tainui / Local iwi (provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify

6. CONCLUSION

Following a period of consultation where 18 submissions were received, Council has the opportunity to adopt amendments to the Significance and Engagement Policy.

7. ATTACHMENTS

1. Submissions to the Significance and Engagement Policy
2. Significance and Engagement Policy including proposed amendments for adoption
3. Significance and Engagement Policy for adoption

Attachment 1 - Submissions to the Significance & Engagement Policy

Q1. First Name	Q2. Last Name	Q5. Comments	Staff comments
Wendy	Armstrong		
Pokeno Community Committee		<p>On behalf of Pokeno Community, We agree with your proposals for your Significance and Engagement. Our comment is: Please make it as plain English as possible to get your message through. Where appropriate, include engaging graphics, e.g. WDC 3 P'S campaign. Community FB pages are most probably the most read, although, not excluding all other means of communicating as not all of the population are on social media.</p> <p>Regards Helen Clotworthy Deputy Chair, Pokeno Community Committee</p>	<p>Communications are always aiming to be easy to read by the broad public. A range of communications methods are often used, acknowledging that social media is one form of connecting with our communities.</p>
Carl	Ammon	<p>You already communicate quite well - Facebook and website plus mail .. more information on council meetings papers etc would be valuable as minutes are not very I informative. Recently efforts by community boards have seen factions driving policy and this is retrograde in that the council is better to steer policy in- more balanced way .</p>	<p>Staff acknowledge the need for meeting minutes to be read in conjunction with the agenda, including reports.</p>
Gabrielle	Parson	<p>See attachment. Thank you for the opportunity to review the policy. Please note my comments are mine as Raglan Community Board Chair and are not representing the community board as a whole.</p> <p>The addition of the Community Boards/Committees in the table is positive.</p> <p>Please see the attached document with my suggestions highlighted in red.</p>	<p>Amendment have been proposed to the Policy acknowledging the importance of Community Boards, Committees and similar local groups play in connecting Council with their communities. As Community Boards are a stakeholder group, it would be more appropriate for Community Boards to develop their own engagement policy or processes, also acknowledging that each community will approach connecting with their communities differently.</p>

David	Whyte	<p>Huntly Community Board: Submission on Proposed Significance and Engagement Policy September 2020</p> <p>We are pleased to see that Community Boards / Committees are recognized across the board as a way to connect and communicate with residents of their respective areas.</p> <p>Apart from that, we find this policy document to be high level, and as such struggle to see on a practical operational level, how making suggested changes to this policy might improve the outcomes. Thus we don't have comment on the specifics of this policy.</p> <p>However we do think that the council needs to be more proactive in communicating and engaging with both the public and community boards. Thus anything that encourages, or leads to more engaging should be encouraged. And that in general the council should seek to move from the left to the right across the engagement spectrum, from Inform to Empower.</p> <p>Lastly it should be pointed out that in reality there is a column missing from the table, that sits to the left of inform. It would be titled Ignore. Since many public feel this is often the default mode of council. We are not suggesting that this column be inserted, but rather raising the point that Ignore can quite often occur. And it takes proactive effort to move from the left, to the right in this table. And thus without this effort, the default position of Ignore is obtained.</p> <p>The Huntly Community Board is very happy to meet to suggest, brainstorm or discuss practical ways to move from Ignore though to Empower. And wish WDC success in engaging with their communities in the future.</p>	<p>Generally, Council is looking to move communication towards the 'higher' end of the spectrum however also acknowledging that in instances, methods of communication that sit on the 'lower' end of the spectrum are more appropriate. It is common for communities to suffer from 'consultation fatigue' therefore, topics where feedback is being sought must be assessed against the Significance and Engagement Policy to minimise consultation fatigue whilst still enabling our communities to shape their environments where appropriate.</p>
Tamahere Community Committee		See attached	
Janice	Lapwood	<p>I don't agree with the removal of Museums as a significant activity. Museums and like-minded facilities that protect and retain our heritage are crucial. Council does not need to own these facilities, but not seeing their importance for any funding consideration is narrow-minded. As history is lost over time, issues are raised later down the track and become problematic if not accurately recorded and acknowledged.</p>	<p>Removing Museums from the list of Significant Activities does not make them ineligible for Council funding or less important, it simply means they are not considered a critical activity when compared against some of the other services and facilities provided by Council.</p>
Greg	Wiechern	<p>The reference to Fire Seasons has been made obsolete by the FENZ legislation</p> <p>Timing of requests for submissions needs to be clear of the 'silly season'. December/January isn't a good time for people to be making submissions as they usually have Christmas and holidays on their minds.</p>	<p>Staff proposed to remove the reference to Fire Season as Council no longer issues fire permits.</p> <p>Where possible, staff aim to avoid consultation over the Christmas period, acknowledging that this is a busy time of year for people.</p>
Tukukino	George	<p>My only fear is having a mana whenua input made up of people who don't actually go back to the people, i.e marae iwi. I think there should be some way of having representation from the marae mandated by the people</p>	<p>Staff propose amendments to the policy as a result of this feedback, recognising other iwi groups.</p>

Sandra	Peek	<p>There is a critical gap in this policy in that it doesn't provide for communities and council to collaborate in developing a clear vision and strategic plan for individual communities' future. Tamahere is an excellent case where this has been done and the result is outstanding. Vision + Strategic Plan + Blueprint (the projects and priorities needed to reach the destination). The Blueprint process is excellent but, as the saying goes, if you don't know where you're going, all roads will take you there.</p> <p>There will probably be few communities with the ability or commitment to undertake a Vision/Strategy/Blueprint process but it should be an available option to those who do.</p> <p>Communities which establish this kind of clarity about their future would typically, we should expect, be much more engaged and involved, which would have benefits far beyond this process.</p> <p>Otherwise, the policy is great!</p>	Strategic visions for each of our communities were developed through the Blueprint process. The Significance and Engagement Policy is not the most appropriate place to include details on our communities visions.
Tony	Oosten	Section 5 policy statements does not call out Community Boards which must have the same if not higher level of engagement as elected officials tasked under the local government act with being the conduit to the community they represent, this means two way not as the council sees fit. Remember at the the community boards were their own county councils pre 1989.	Staff have proposed amendments to the policy as a result of this submission, acknowledging the importance of the role Community Board and Committees play in connecting Council with their communities.
James	Yearsley	I believe it is always useful to remember what the core services are and that they should be the focus of what is deemed significant; so would encourage that they remain in this document.	The definition of Core Services are not longer defined in the Local Government Act, hence staff propose removing these.
Shaun	Jackson	Hard to know what to comment on exactly..However it looks like most things are covered	
Tangaroa	Whitiora	<ol style="list-style-type: none"> 1. As a partner in the Treaty Of Waitangi, I would think that Maaori would be implicitly involved as a participant with Council decision making therefore any decision would be significant to Maaori.. 2. Section 5-d, remove the words "Maaori Cultural values", replace with "Maaori Tikanga". Also add the word "air" to " land, water, and air." 3. Para 7, replace "poukai and marae comittee hui" with "Maaori/marae advisory representation to the council." This would give a more focused feedback by those skilled in the area of consult rather than an informative approach at such hui. 4. Schedule 1 - Strategic Asset - "Consents for water take" why is this considered an asset of the council when no real ownership of water has been determined. Should this become an asset it would then be valued on the balance sheet and be a distinct disadvantage to Maaori who may have ownership to the land. 	Staff recommend amending the policy as a result of point 2 raised, including Tikanga Maaori. Staff does not recommend includng 'air' as discharge to air is under the governance of the Waikato Regional Council. Staff recommend amends as a result of the feedback received in point 3. Staff do not recommend amendments as a result of point 4 as water takes are critically important (and therefore consents for water takes) to our communities.
Carl	Ammon	<p>Broadly sound and sensibly focused... definitions are good but community needs more detail as it's often a reflection of lobby groups and sub-sectors and not broadly representative.</p> <p>Under significant areas there should be inclusion of museums and historical sites alongside libraries as they perform the same function of informing the public.</p> <p>In communications the current surge in social media use has downsides in information excess and trivialisation of content ... official websites and use if postal alerts is important to ensure accuracy and reach.. for example the HCC Social media advice on the changes to recycling was hard to find actual practical advice / it was there but buried in trumpet blowing articles!. A god initiative none the less.</p>	Council has not historically invested significant funding in museums, hence staff proposed to remove from the Significant Activity definition.

John	Lawson	<p>The definition of 'Decisions' says, "Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant". These are usually the most controversial decisions made by council and should be included.</p> <p>Museums have been deleted because, "Council does not invest substantial funding in museums there does not consider museums a significant activity." However, "Council has historically invested substantial funding" in museums in both Huntly and Raglan.</p> <p>5d If a proposal does not "affect a large portion of the community", there should still be consultation, though limited to the part of the community it does affect.</p> <p>5k There are likely to be instances when some consider options viable and others disagree. There should be consultation when there is such disagreement. Viable is not defined.</p>	<p>If a decision was considered 'controversial' and affecting the community, that would trigger the Significance and Engagement Policy.</p> <p>The number of those affected by a decision is taken into consideration when accessing the degree of significance. This does not mean that targeted consultation would not occur if a small number of people were affected however the tools or methods of consultation may be affected.</p>
Ronel	Jacobs	<p>I believe it's a good proposal, however, I would just like this part to be more specific: "When the community can expect to be involved". I feel that often a decision that has been made many years ago by the community at the time, will only impact the current community and therefore the current community don't necessarily get the opportunity to change the decisions when the Council starts implementing it. For example, if years ago, the community at the time indicated they would like a new library build in their town, yet only years after, this library is going to be build, then there need to be a re-engagement, consultation and collaboration with the current community should be made to see if the original decision should still proceed after a laps time.</p>	<p>If staff felt a considerable amount of time had past between consultation and actioning the decision, staff would take this into consideration as per 5i of the policy.</p>
Monica	Kite	<p>Discussion amongst those Your ratepayers - any change affect everyone, the Council's changing their area in which they serve -(Green belt) there is none now move over or out very political (no say) poor gardeners Get good monies for sale of property to house our people but it's Councils that will say where you live how many state houses in new housing areas eg Belmont Housing Victoria Street West end my friends son paid & \$800,000 for his New home in Belmont, then one year Social Housing Units four doors away so can't tell me this was not planned -brand new he pays Mortgage \$800,000 loan bank but millions of dollars by the time he pays off so sad work hard still get hammered by Councils rates now water tank done AKCC will raise rates</p>	
Bronwyn	Robinson	<p>In todays day and age, not many people see the community notices in the paper. And sometimes, with all the noise on social media, things get lost so you don't get to see what is happening with what is coming up for discussion. We don't get fliers in our neighbourhood, and haven't done for sometime - the newspaper hasn't been delivered here in 3 years. My husband and I don't actively go look through the WDC website to see what is coming up either as we lead busy lives. The best form of communication when things come up for review would be email. , then we can actually engage and comment. We would love to have been involved with the speed limit changes in the district but didn't even know about it. Even with me working at the Alliance, it wasn't really discussed because Gareth works in the Council and not within the Alliance. Sending emails about when and where community board meetings are for your area would be fantastic, we might actually attend. Thanks for the opportunity to comment.</p>	<p>A range of communication methods are used to try and ensure a broad reach within the community of significant issues. An email database is currently being establish as per the draft Communications and Engagement Strategy. In addition to this, people can sign up to receive emails by location or topic of interest, notifying them when a consultation matching their interests has opened.</p>
Dianne	Appleton		

RCB Submission



- If community boards are part of WDC as an elected body – should their individual S&E policies (and ideally their agreements between WDC and CBoard) be part of the WDC S&E policy (or at least referred to and linked to)? This would then give a complete picture of the way that WDC works (both in its legal requirements and in its vision). It would make it clear to WDC what the different community board/committees' needs/requirements are for engagement.
 - ?? do community boards have their own S&E policy/guidelines? If not, why not/should they? The Charter documents are lacking here, if that is what they should include..

RCB is now developing their own Processes plan/policy? Part of this covers our Engagement policy. It would be good to have support from WDC to develop these and to then link them into the S&E Policy. Maybe for the next review.

Significance and Engagement Policy

Policy Owner:	Corporate Planning Team Leader
Date approved:	XX
Next review date:	XX
Document number:	XX
Required by legislation:	Local Government Act 2002 (Section 76AA)

1 Introduction

Engaging with the community is needed to understand the views and preferences of people likely to be affected by or interested in a proposal or decision.

An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.

Commented [MR1]: The Introductory section has been moved from section 5 of the current policy however the wording is not new.

2 Purpose

- 2.1 To enable Council ,it's Community Boards and Committees and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
- 2.2 To provide clarity about how and when Community Boards and Committees and communities can expect to be engaged in decisions made by Council.
- 2.3 To inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.

3 Definitions

Community: a group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders

Community Boards and Committees:

Core Service: is a term defined in Section 11A of the LGA 2002 "In performing its role, a local authority must have particular regard to the contribution that the following core services make to its communities:

- a. network infrastructure;
- b. public transport services;
- c. solid waste collection and disposal;
- d. the avoidance or mitigation of natural hazards;
- e. libraries, museums, reserves, and other recreational facilities and community amenities".

Commented [MR2]: 'Core Service' has been removed from the purpose of Local Government under the Local Government Act 2002.

Decisions: refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).

Engagement: is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement.

Significance: as defined in Section 5 of the [Local Government Act 2002](#) 'in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—

- a. the district or region;
- b. any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;
- c. the capacity of the local authority to perform its role, and the financial and other costs of doing so'.

Significant: as defined in Section 5 of the Local Government Act 2002 'means that the issue, proposal, decision, or other matter has a high degree of significance'.

Significant Activity: is a term used to describe those groups of activities which ~~are both a core service of Council and which~~ Council has historically invested substantial funding. These include:

- Roading
- Water
- Wastewater
- Stormwater
- Libraries
- ~~Museums~~
- Reserves
- Recreational facilities
- ~~Solid waste~~

Commented [MR3]: Council does not invest substantial funding in museums there does not consider museums a significant activity.

Commented [MR4]: Solid waste as a service requires significant financial investment to operate and is considered a significant area of interest for our communities.

Strategic asset: as defined in Section 5 of the Local Government Act 'in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes—

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in—
 - i. a port company within the meaning of the Port Companies Act 1988:
 - ii. an airport company within the meaning of the Airport Authorities Act 1966'.

4 Application

- 4.1 [This policy applies to all Decisions taken where there is or likely to be an impact on the community.](#)

5 Policy statements

~~An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.~~

The Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:

~~a. Whether there is a legal requirement to engage with the community.~~

~~a. The agreement (Charter?) with Community Boards and Committees~~

~~b.~~

~~b.c.~~ The degree to which the issue has a financial impact on Council or the rating levels (both targeted and general) of its communities:

~~i.~~ Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as defined in the Local Government Act 2002 (LGA) or listed in this policy.

~~ii.~~

~~iii.~~ Decisions or proposals in excess of 7.5% of operating expenditure or which would result in a 5% or more increase to rates that are charged to all properties in the district, including the General Rate and the Uniform Annual General Charge, which has not been provided for in the Long Term Plan.

~~iv.~~ Decisions or proposals which would result in a new or increased targeted rate of more than 10% of existing rates per property.

~~v.~~ Decisions or proposals relating to capital expenditure in excess of 7.5% of operating expenditure, which has not been provided for in the of the Long Term Plan.

~~vi.~~ The formation of a new Council Controlled Organisation (CCO), or any decision or proposal relating to the sale of more than 40% of the Council's shareholding in any CCO.

~~d.~~ Whether the proposal or decision will affect a large portion of the community

~~e.~~ The likely impact on present and future interests of the community, recognising Maaori cultural values and their relationship to land and water

~~f.~~ Whether the proposal affects the level of service of a significant activity

~~g.~~ Whether community interest is high

~~h.~~ Whether the likely consequences are controversial

~~i.~~ Whether community views are already known, including the community's preferences about the form of engagement

~~j.~~ The form of engagement used in the past for similar proposals and decisions

~~k.~~ Whether there is more than one viable option.

If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance.

In general, the more significant an issue, the greater the need for community engagement.

The Council will apply a consistent and transparent approach to engagement.

Council is required to undertake a ~~Special~~ ~~C~~onsultative ~~P~~rocedure as set out in Section 83 of the ~~Local Government Act 2002~~, or to carry out consultation in accordance with or giving effect to Section 82 of the ~~LGA~~Local Government Act 2002 on certain matters (regardless of whether they are considered significant as part of this policy).

For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case by case basis.

The Community Engagement Guide (~~attached~~Schedule 2) identifies the form of engagement Council will use to respond to some specific issues. It also provides examples of types of issues and how and when communities could expect to be engaged in the decision making process.

As a starting point, Council will organise engagement with the Maaori community in forums including long-standing hui such as poukai and Marae committee hui, where possible. Hui associated with formal agreements such as Joint Management Agreement and MOU's will also be utilised when appropriate.

When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the ~~LGA~~Local Government Act 2002 will be undertaken.

Commented [MR5]: In the past Council has consulted on smaller targeted rates increases of around \$4 due to the criteria in the current policy. Council proposes to remove the financial thresholds so greater emphasis can be given to other policy criteria such as whether the issue is considered to be of interest to the public and whether or not there are viable options.

Commented [MR6]: Where the issue is considered to be of interest however there are no other viable options, 'informing' methods could be applied.

6 Policy review

This policy shall be reviewed at ~~five~~three yearly intervals or as otherwise required by the Chief Executive or ~~XX Manager~~Corporate Planning Team Leader.

Schedule I – Strategic Assets

Section [76AA5](#) of the [LGA Local Government Act](#) requires the following to be listed in this Policy:

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in—
 - i. a port company within the meaning of the Port Companies Act 1988
 - ii. an airport company within the meaning of the Airport Authorities Act 1966

The following is a list of assets or group of assets that the council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community.

Waikato District Council's strategic assets

- The roading network as a whole
- Reserves listed and managed under the Reserves Act 1977
- Water plants and reticulation network as a whole
- [Consents for watertakes](#)
- Wastewater treatment plants and network as a whole
- Stormwater network as a whole
- Raglan Wharf and Raglan Harbour endowment properties
- Pensioner housing/housing for the elderly buildings
- Shareholding in [Strada Corporation Ltd and Waikato Regional Airport Ltd and any other companies](#)

Commented [MR7]: Council considers water takes to be a Strategic Asset

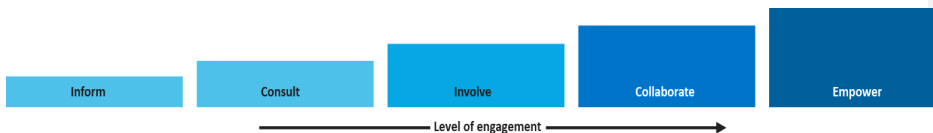
Commented [MR8]: Strada Corporation Limited is no longer actively operating.

Schedule 2 – Community Engagement Guide

Community engagement is a process, involves all or some of the public and is focused on decision-making or problem-solving.

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.



In general, the more significant an issue, the greater the need for community engagement.

Forms of engagement

The Council will use the Special Consultative Procedure (as set out in section 83 of the LGA 2002) where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan (in accordance with section 93 A of the LGA 2002)
- The adoption, amendment, or revocation of bylaws if required under section 156(1)(a) of the LGA 2002
- The adoption, amendment or revocation of a Local Alcohol Policy
- [The adoption, amendment or revocation of an Easter Trading Policy](#)
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy
- The adoption or review of a class 4 venue policy under the Gambling Act 2003
- The preparation, amendment or revocation of a waste management and minimisation plan

Unless already explicitly provided for in the Long Term Plan, the Council will seek to amend its Long Term Plan, and therefore use the Special Consultative Procedure, when it proposes to:

- alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- transfer the ownership or control of strategic assets, as listed in Schedule 1.

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, section 82 of the LGA 2002 where required to do so by law, including for the following specific issues requiring decisions:

- Adopting or amending the annual plan if required under section 95 of the LGA 2002
- Transferring responsibilities to another local authority under section 17 of the LGA 2002
- Establishing or becoming a shareholder in a council-controlled organisation
- Adopting or amending a revenue and financing policy, development contributions policy, financial contributions policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rate on Maaori freehold land

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA 2002, will make this available to the public, allow written submissions for a period [deemed](#)

appropriate by Council but which is ~~not usually less than four weeks~~ of up to 4 weeks, and will consider all submissions prior to making decisions.

For all other issues, the following table provides an example of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

Commented [MR9]: A consultation period of 4 weeks aligns with the legislation and this clause allows consultation to be extended longer than 4 weeks if that is considered appropriate.

Level	Inform	Consult	Involve	Collaborate	Empower
What does it involve	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public. Under the LGA 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
Types of issues that we might use this for	<ul style="list-style-type: none"> - Water restrictions - Fire Season - Library office hours Legislative changes 	<ul style="list-style-type: none"> - Long Term Plan or Annual Plan Consultation Document (CD) - proposed District Plan - Rates review - Local Alcohol & Gambling Policy - Bylaws* e.g. Solid Waste - Walking and Cycling Strategy - Plan Changes 	<ul style="list-style-type: none"> - Community Plans - District Plan Review* - Long Term Plan* - Annual Plan* - Policies and Strategies 	<ul style="list-style-type: none"> - JMA with Waikato Tainui and Ngati Maniapoto - MOU with Ngati Maahanga - Any other JMAs or MOUs - Reserve Management Plans* - Structure Plans - Management Plans* - Blueprints 	<ul style="list-style-type: none"> - Local Authority Elections
Tools Council might use	<ul style="list-style-type: none"> - Websites - Information flyer - Public notices - Social media - Media releases - Community notices - Community Boards/Committees 	<ul style="list-style-type: none"> - Formal submissions and hearings - Focus groups/panels - Phone surveys - Online surveys Surveys - Community Boards/Committees 	<ul style="list-style-type: none"> - Workshops - Focus groups/panel - Citizens Panel Community Boards/Committees 	<ul style="list-style-type: none"> - External working groups (involving community experts) - Community Boards/Committees 	<ul style="list-style-type: none"> - Binding referendum (Local body elections) - Community Boards/Committees

When the community can expect to be involved	Council would generally advise the community once a decision is made	Council would advise the community once a draft decision is made Council and would generally provide the community with up to 4 weeks to participate and respond.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.	Council would generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process. e.g. typically a month or more.
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* Will require Special Consultative Procedure as per relevant legislation.

Engagement tools and techniques

Over the time of decision making, Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis.

23 September 2020

Background:

TCC has considered the Significance and Engagement Policy review document from the Waikato District Council Website.

It was noted that the document

- (a) appears to be based on the current policy
- but (b) the tracked changes and alterations do not in the accurately and completely show the changes from the current document, nor are reasons given for all changes.

Feedback:

1. *Thought be given to the presentation of the information in the Introduction*
2. *Section 2: The definition for Core Services has been removed. TCC suggests that this is left in as it indicates to ratepayers the list of WDC's core services. We believe that it is important that there is common understanding between Council and Ratepayers as to what core services actually are.*
3. *Significant activity section*
 - *That borrowing exceeding 5% of the annual rates be included as a significant activity.*
 - *That delegation of activities to a specific community group or interest be included as a significant activity.*
4. *Policy statement section*
 - *Reinstate sections b(ii) to b(iv) inclusive*
 - *Section f – insert 'likely' so it reads "whether community interest is likely to be high"*
 - *remove Section i (reason: the way things were done in the past may not be relevant to current actions and may not necessarily support good decision making).*
 - *The two sentences starting "If a proposal . . ." and "In general, the . . ." are background information. They are better removed and/or a broader sentence included in the introduction.*
 - *An extra paragraph stating the Council will publicise the outcomes of the consultations in a timely and transparent way.*
5. *Insert a new section (and renumber Section 6 to Section 7) that the Level of Service, including targets, will be publicised annually.*

Schedule 2 – Community Engagement Guide

Include a section on the Council developing appropriate communication methodology (such as email contacts for all ratepayers) so it can build a database to attempt to communicate electronically with all ratepayers electronically in the future.

**Attachment 2 – Significance & Engagement Policy
(Track-Change Proposed Changes)**



Significance and Engagement Policy

Policy Owner:	Corporate Planning Team Leader
Date approved:	XX
Next review date:	November 2023
Document number:	XX
Required by legislation:	Local Government Act 2002 (Section 76AA)

1 Introduction

Engaging with the community is needed to understand the views and preferences of people likely to be affected by or interested in a proposal or decision.

An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.

2 Purpose

- 2.1 To enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
- 2.2 To provide clarity about how and when communities can expect to be engaged in decisions made by Council.
- 2.3 To inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.

3 Definitions

Community: a group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders

Core Service: ~~is a term defined in Section 11A of the LGA2002 "In performing its role, a local authority must have particular regard to the contribution that the following core services make to its communities: includes~~

- a. network infrastructure;
- b. public transport services;
- c. solid waste collection and disposal;
- d. the avoidance or mitigation of natural hazards;
- e. libraries, ~~museums,~~ reserves, and other recreational facilities and community amenities".

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Engagement: is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement.

Significance: as defined in Section 5 of the [Local Government Act 2002](#) (LGA) 'in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—

- a. the district or region:
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- Roding
- Water
- Wastewater
- Stormwater
- Libraries
- ~~Museums~~
- Reserves
- ~~Recreational facilities~~
- [Solid waste](#)

Strategic asset: as defined in Section 5 of the Local Government Act [\(LGA\)](#) 'in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes—

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in—
 - i. a port company within the meaning of the Port Companies Act 1988:
 - ii. an airport company within the meaning of the Airport Authorities Act 1966'.

4 Application

- 4.1 [This policy applies to all Decisions taken where there is or likely to be an impact on the community.](#)

5 Policy statements

~~An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision-making occurs and, if necessary, reconsidered as a proposal develops.~~

The Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:

~~a. Whether there is a legal requirement to engage with the community.~~

~~a.~~

b. The degree to which the issue has a financial impact on Council or the rating levels (~~both targeted and general~~) of its communities:

~~i. Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as defined in the [Local Government Act 2002-LGA](#) or listed in this policy.~~

~~ii.~~

~~iii. Decisions or proposals in excess of 7.5% of operating expenditure or which would result in a 5% or more increase to rates that are charged to all properties in the district, including the General Rate and the Uniform Annual General Charge, which has not been provided for in the Long Term Plan.~~

~~iv. Decisions or proposals which would result in a new or increased targeted rate of more than 10% of existing rates per property.~~

~~v. Decisions or proposals relating to capital expenditure in excess of 7.5% of operating expenditure, which has not been provided for in the of the Long Term Plan.~~

~~vi. The formation of a new Council Controlled Organisation (CCO), or any decision or proposal relating to the sale of more than 40% of the Council's shareholding in any CCO.~~

c. Whether the proposal or decision will affect a large portion of the community

d. The likely impact on present and future interests of the community, recognising Maori [Tikanga](#) (culture values) and their relationship to land and water

e. Whether the proposal affects the level of service of a significant activity

f. Whether community interest is [likely to be](#) high

g. Whether the likely consequences are controversial

h. Whether community views are already known, including the community's preferences about the form of engagement

i. ~~The form of engagement used in the past for similar proposals and decisions~~ [Whether there is more than one viable option.](#)

If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance.

In general, the more significant an issue, the greater the need for community engagement.

The Council will apply a consistent and transparent approach to engagement.

Council is required to undertake a ~~Special Consultative Procedure~~ as set out in Section 83 of the ~~Local Government Act 2002~~, or to carry out consultation in accordance with or giving effect to Section 82 of the ~~Local Government Act 2002~~ on certain matters (regardless of whether they are considered significant as part of this policy).

For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case by case basis.

The Community Engagement Guide (~~attached~~ [Schedule 2](#)) identifies the form of engagement Council will use to respond to some specific issues. It also provides examples of types of issues and how and when [local](#) communities could expect to be engaged in the decision making process.

[Council recognises the important role community boards, and other community committees and groups have in connecting our communities to Council. Council engage these groups as and when appropriate.](#)

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~~As a starting point,~~ Council will ~~also organise~~ engagement with ~~theirs~~ Maaori communities in forums including long-standing hui such as poukai ~~or and~~ Marae committee hui, ~~and/or other iwi, hapuu and mana whenua forums~~ where ~~possible~~ [appropriate](#). Hui associated with formal agreements such as Joint Management Agreement and MOU's will also be utilised when appropriate.

When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the ~~LGA Local Government Act 2002~~ will be undertaken.

[Once Council has made a decision following public consultation the decision will be made publicly available.](#)

6 Policy review

This policy shall be reviewed at ~~five-three~~ yearly intervals or as otherwise required by the Chief Executive or ~~XX Manager~~ [Corporate Planning Team Leader](#).

Schedule 1 – Strategic Assets

Section [76AA5](#) of the [LGA Local Government Act](#) requires the following to be listed in this Policy:

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The following is a list of assets or group of assets that the council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community.

Waikato District Council's strategic assets

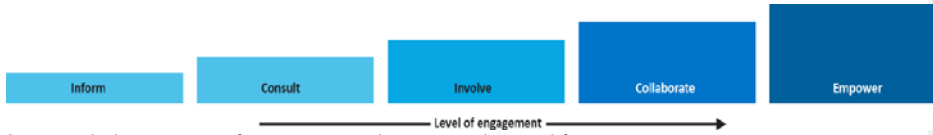
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- Reserves listed and managed under the Reserves Act 1977
- [Water plants and reticulation network as a whole](#)
- [Consents for watertakes](#)
- Wastewater treatment plants and network as a whole
- Stormwater network as a whole
- Raglan Wharf and Raglan Harbour endowment properties
- Pensioner housing/housing for the elderly buildings
- [Shareholding in ~~Strada Corporation Ltd~~ and Waikato Regional Airport Ltd and any other companies](#)
- [_____](#)

Schedule 2 – Community Engagement Guide

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The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.



In general, the more significant an issue, the greater the need for community engagement.

Forms of engagement

The Council will use the Special Consultative Procedure (as set out in section 83 of the LGA-2002) where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan (in accordance with section 93 A of the LGA 2002)
- The adoption, amendment, or revocation of bylaws if required under section 156(1)(a) of the LGA-2002
- The adoption, amendment or revocation of a Local Alcohol Policy
- [The adoption, amendment or revocation of an Easter Trading Policy](#)
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy
- The adoption or review of a class 4 venue policy under the Gambling Act 2003
- The preparation, amendment or revocation of a waste management and minimisation plan

Unless already explicitly provided for in the Long Term Plan, the Council will seek to amend its Long Term Plan, and therefore use the Special Consultative Procedure, when it proposes to:

- alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- transfer the ownership or control of strategic assets, as listed in Schedule 1.

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, section 82 of the LGA-2002 where required to do so by law, including for the following specific issues requiring decisions:

- Adopting or amending the annual plan if required under section 95 of the LGA 2002
- Transferring responsibilities to another local authority under section 17 of the LGA 2002
- Establishing or becoming a shareholder in a council-controlled organisation
- Adopting or amending a revenue and financing policy, development contributions policy, financial contributions policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rate on Maaori freehold land

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA-2002, will make this available to the public, allow written submissions for a period [deemed appropriate by Council but which is not usually less than four weeks of up to 4 weeks](#), and will consider all submissions prior to making decisions.

For all other issues, the following table provides an example of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

Level	Inform	Consult	Involve	Collaborate	Empower
What does it involve	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public. Under the LGA 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
Types of issues that we might use this for	<ul style="list-style-type: none"> - Water restrictions - Library office hours 	<ul style="list-style-type: none"> - Long Term Plan or Annual Plan Consultation Document (CD) - proposed District Plan - Rates review - Local Alcohol & Gambling Policy - Bylaws* e.g. Solid Waste - Walking and Cycling Strategy - Plan Changes 	<ul style="list-style-type: none"> - Community Plans - District Plan Review* - Long Term Plan* - Annual Plan* - Policies and Strategies 	<ul style="list-style-type: none"> - JMA with Waikato Tainui and Ngati Maniapoto - MOU with Ngati Maahanga - Any other JMAs or MOUs - Reserve Management Plans* - Structure Plans - Management Plans* - Blueprints 	<ul style="list-style-type: none"> - Local Authority Elections
Tools Council might use	<ul style="list-style-type: none"> - Websites - Information flyer - Public notices - Social media - Media releases - Community notices - Community Boards/local committees 	<ul style="list-style-type: none"> - Formal submissions and hearings - Focus groups/panels - Surveys - Community Boards/local committees 	<ul style="list-style-type: none"> - Workshops - Focus groups/panels - Community Boards/local committees 	<ul style="list-style-type: none"> - External working groups (involving community experts) - Community Boards/local committees 	<ul style="list-style-type: none"> - Binding referendum (Local body elections) - Community Boards/local committees

When the community can expect to be involved	Council would generally advise the community once a decision is made	Council would advise the community once a draft decision is made Council and would generally provide the community with up to 4 weeks to participate and respond.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.	Council would generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process. e.g. typically a month or more.
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* Will require Special Consultative Procedure as per relevant legislation.

Engagement tools and techniques

Over the time of decision making, Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis.

Significance and Engagement Policy

Policy Owner:	Corporate Planning Team Leader
Date approved:	XX
Next review date:	November 2023
Document number:	XX
Required by legislation:	Local Government Act 2002 (Section 76AA)

1 Introduction

Engaging with the community is needed to understand the views and preferences of people likely to be affected by or interested in a proposal or decision.

An assessment of the degree of significance of proposals and decisions, and the appropriate level of engagement, will therefore be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.

2 Purpose

- 2.1 To enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
- 2.2 To provide clarity about how and when communities can expect to be engaged in decisions made by Council.
- 2.3 To inform Council from the beginning of a decision-making process about the extent, form and type of engagement required.

3 Definitions

Community: a group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders

Core Service: includes

- a. network infrastructure;
- b. public transport services;
- c. solid waste collection and disposal;
- d. the avoidance or mitigation of natural hazards;
- e. libraries, reserves, and other recreational facilities and community amenities.

Decisions: refers to all the decisions made by or on behalf of Council including those made by officers under delegation. (Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant).

Engagement: is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement.

Significance: as defined in Section 5 of the Local Government Act 2002 (LGA) ‘in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—

- a. the district or region:
- b. any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter:
- c. the capacity of the local authority to perform its role, and the financial and other costs of doing so’.

Significant: as defined in Section 5 of the LGA ‘means that the issue, proposal, decision, or other matter has a high degree of significance’.

Significant Activity: is a term used to describe those groups of activities which Council has historically invested substantial funding. These include:

- Roading
- Water
- Wastewater
- Stormwater
- Libraries
- Reserves
- Recreational facilities
- Solid waste

Strategic asset: as defined in Section 5 of the LGA ‘in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority’s capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes—

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority’s capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in—
 - i. a port company within the meaning of the Port Companies Act 1988:
 - ii. an airport company within the meaning of the Airport Authorities Act 1966’.

4 Application

- 4.1 This policy applies to all Decisions taken where there is or likely to be an impact on the community.

5 Policy statements

The Council will take into account the following matters when assessing the degree of significance of proposals and decisions, and the appropriate level of engagement:

- a. Whether there is a legal requirement to engage with the community.
- b. The degree to which the issue has a financial impact on Council or the rating levels (both targeted and general) of its communities:
 - i. Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as defined in the LGA or listed in this policy.
 - ii. The formation of a new Council Controlled Organisation (CCO), or any decision or proposal relating to the sale of more than 40% of the Council's shareholding in any CCO.
- c. Whether the proposal or decision will affect a large portion of the community
- d. The likely impact on present and future interests of the community, recognising Maaori Tikanga (culture values) and their relationship to land and water
- e. Whether the proposal affects the level of service of a significant activity
- f. Whether community interest is likely to be high
- g. Whether the likely consequences are controversial
- h. Whether community views are already known, including the community's preferences about the form of engagement
- i. Whether there is more than one viable option.

If a proposal or decision is affected by a number of the above considerations, it is more likely to have a higher degree of significance.

In general, the more significant an issue, the greater the need for community engagement.

The Council will apply a consistent and transparent approach to engagement.

Council is required to undertake a Special Consultative Procedure as set out in Section 83 of the LGA, or to carry out consultation in accordance with or giving effect to Section 82 of the LGA on certain matters (regardless of whether they are considered significant as part of this policy).

For all other issues requiring a decision, Council will determine the appropriate level of engagement on a case by case basis.

The Community Engagement Guide (Schedule 2) identifies the form of engagement Council will use to respond to some specific issues. It also provides examples of types of issues and how and when local communities could expect to be engaged in the decision making process.

Council recognises the important role community boards, and other community committees and groups have in connecting our communities to Council. Council engage these groups as and when appropriate.

Council will also engage with its Maori communities in forums including long-standing hui such as poukai or Marae committee hui, and/or other iwi, hapuu and mana whenua forums where appropriate. Hui associated with formal agreements such as Joint Management Agreement and MOU's will also be utilised when appropriate.

When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the LGA will be undertaken.

Once Council has made a decision following public consultation the decision will be made publicly available.

6 Policy review

This policy shall be reviewed at three yearly intervals or as otherwise required by the Chief Executive or Corporate Planning Team Leader.

Schedule I – Strategic Assets

Section 76AA of the LGA requires the following to be listed in this Policy:

- a. any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- b. any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- c. any equity securities held by the local authority in—
 - i. a port company within the meaning of the Port Companies Act 1988
 - ii. an airport company within the meaning of the Airport Authorities Act 1966

The following is a list of assets or group of assets that the council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community.

Waikato District Council's strategic assets

- The roading network as a whole
- Reserves listed and managed under the Reserves Act 1977
- Water plants and reticulation network as a whole
- Consents for watertakes
- Wastewater treatment plants and network as a whole
- Stormwater network as a whole
- Raglan Wharf and Raglan Harbour endowment properties
- Pensioner housing/housing for the elderly buildings
- Shareholding in Waikato Regional Airport Ltd and any other companies

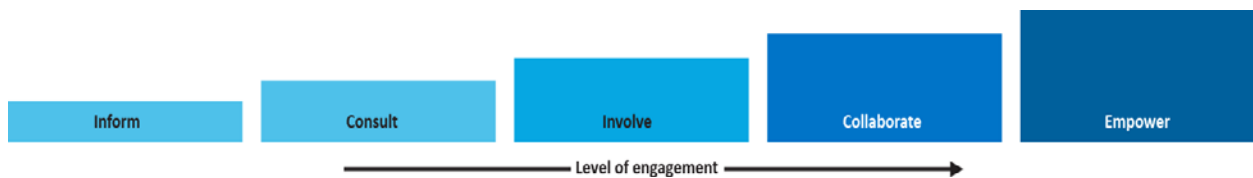
Schedule 2 – Community Engagement Guide

Community engagement is a process, involves all or some of the public and is focused on decision-making or problem-solving.

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.

In general, the more significant an issue, the greater the need for community engagement.



Forms of engagement

The Council will use the Special Consultative Procedure as set out in section 83 of the LGA where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan in accordance with section 93 A of the LGA
- The adoption, amendment, or revocation of bylaws if required under section 156(1)(a) of the LGA
- The adoption, amendment or revocation of a Local Alcohol Policy
- The adoption, amendment or revocation of an Easter Trading Policy
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy
- The adoption or review of a class 4 venue policy under the Gambling Act 2003
- The preparation, amendment or revocation of a waste management and minimisation plan

Unless already explicitly provided for in the Long Term Plan, the Council will seek to amend its Long Term Plan, and therefore use the Special Consultative Procedure, when it proposes to:

- alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of Council, including commencing or ceasing such an activity; or
- transfer the ownership or control of strategic assets, as listed in Schedule 1.

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, section 82 of the LGA where required to do so by law, including for the following specific issues requiring decisions:

- Adopting or amending the annual plan if required under section 95 of the LGA 2002
- Transferring responsibilities to another local authority under section 17 of the LGA 2002
- Establishing or becoming a shareholder in a council-controlled organisation
- Adopting or amending a revenue and financing policy, development contributions policy, financial contributions policy, rates remission policy, rates postponement policy, or a policy on the remission or postponement of rate on Maaori freehold land

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA, will make this available to the public, allow written submissions for a period deemed appropriate by Council but which is not usually less than four weeks, and will consider all submissions prior to making decisions.

For all other issues, the following table provides an example of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

Level	Inform	Consult	Involve	Collaborate	Empower
What does it involve	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public. Under the LGA, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
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Tools Council might use	<ul style="list-style-type: none"> - Websites - Information flyer - Public notices - Social media - Media releases - Community notices - Community Boards/local committees 	<ul style="list-style-type: none"> - Formal submissions and hearings - Focus groups/panels - Surveys - Community Boards/local committees 	<ul style="list-style-type: none"> - Workshops - Focus groups/panels - Community Boards/local committees 	<ul style="list-style-type: none"> - External working groups (involving community experts) - Community Boards/local committees 	<ul style="list-style-type: none"> - Binding referendum (Local body elections) - Community Boards/local committees

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* Will require Special Consultative Procedure as per relevant legislation.

Engagement tools and techniques

Over the time of decision making, Council may use a variety of engagement techniques on any issue or proposal based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Council will also take into consideration that the community can feel 'over consulted'. Each situation will be assessed on a case-by-case basis.

Open Meeting

To	Policy and Regulatory Committee
From	Clive Morgan General Manager Community Growth
Date	November 2020
Prepared by	Stacey Solomon Corporate Planner
Chief Executive Approved	Y
Reference #	GOV1318 / 2937526
Report Title	Consultation Approval for the Waikato District Council Keeping of Animals Bylaw

I. EXECUTIVE SUMMARY

The Waikato District Council Keeping of Animals Bylaw 2015 (bylaw) is being reviewed. This report seeks approval from the Committee to consult on the bylaw as part of the review in accordance with s.158 and s.83 of the Local Government Act 2002 (LGA).

The bylaw is made under s.145 of the LGA, with reference to the Health Act 1956 and came into effect in May of 2015. The purpose of the bylaw is to enable Council to perform its regulatory and public health obligations set out in Section 10 of the LGA. The bylaw has a focus on animal-keeping in the Waikato district that has the potential to create nuisance issues. In addition to general animal-keeping issues covered by the bylaw, it references special requirements for the keeping of:

- Pigs
- Poultry
- Bees.

Additional clauses are being proposed through this review that would also reference special requirements for the keeping of horses.

The bylaw with all proposed amendments included, has been through legal review and is attached to the staff report along with the Statement of Proposal. Subject to approval by the Policy and Regulatory Committee, the bylaw will be publicly notified for a consultation period where submissions will be invited from 2 December 2020 to 25 January 2021. Submissions will be considered and if requested, heard by the Committee at a hearing to be held in February 2021. The bylaw is to be confirmed by Council at their meeting scheduled for 6 April 2021.

This bylaw review forms part of Council's wider ongoing Bylaw Review Programme.

2. RECOMMENDATION

THAT the report from the General Manager Community Growth be received;

AND THAT, as required under section 83 of the Local Government Act 2002, the Policy & Regulatory Committee:

(a) Adopts the Statement of Proposal; and

(b) Approves public consultation from 2 December 2020 to 25 January 2021 on the Waikato District Council Keeping of Animals Bylaw 2015.

AND FURTHER THAT the Committee notes submissions on the bylaw will be considered and, if requested by submitters, be heard by the Committee at a hearing to be held in February 2021;

AND FURTHER THAT the Committee recommends to Council that the Waikato District Council Keeping of Animals Bylaw is the most appropriate form of bylaw;

AND FURTHER THAT, the Committee recommends that Council confirm the Waikato District Council Keeping of Animals Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 and that it is satisfied that the bylaw can be justified as a reasonable limitation on people's rights and freedoms.

3. BACKGROUND

Review of Bylaws

Any Bylaw made under s.145 of the LGA (General bylaw-making power for territorial authorities) must be fully reviewed 5 years after it is made and every 10 years thereafter as per s.158 of the LGA. The LGA gives a grace period of 2 years (ie years 6 and 7 of the bylaw on its first review cycle, or years 11 and 12 on the second review cycle), within which the bylaw must be reviewed or it will expire automatically two years after the date on which it should have been reviewed by. It is generally considered best practice to review a bylaw before the start of the grace period.

The Waikato District Council Keeping of Animals Bylaw was made in 2015 and is now due for its five-year review. The review must be completed by May of 2022 or the bylaw will expire.

Review of the Current Waikato District Council Keeping of Animals Bylaw 2015

Council has had two workshops as part of the five-year review process. These workshops were an opportunity to consider if the bylaw was still effective, still the best way to manage the potential issues or problems associated with the keeping of animals and to suggest corrections or improvements be made to the bylaw.

Staff currently use a combination of the District Plan, Public Places Bylaw and the Keeping of Animals Bylaw when dealing with nuisance issues that are reported alongside compliance breaches in the district related to animals. For clarity, the Keeping of Animals Bylaw addresses nuisance issues

related to animals on private property, the Public Places Bylaw addresses nuisance issues related to animals on public property. Staff have reviewed the Keeping of Animals Bylaw in respect of the Public Places Bylaw and have not identified areas where there is a cross-over of controls that would create confusion for either staff or the public.

Likewise, the Waikato District Council Dog Control Bylaw 2015 addresses the keeping and management of dogs in the district more directly than this bylaw.

During this review process staff have made efforts to take into account suggested improvements or changes from elected members, note any ongoing or recurring issues experienced in the community related to the keeping of animals on private property, as well as have regard to similar bylaws in neighbouring or comparable authorities. Staff considered the bylaws of 43 other North Island authorities, noting that the Waikato district bylaw fits closely with the majority of other councils.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The purpose of the bylaw is to control, mitigate or minimise the likelihood of issues occurring that are likely to cause nuisance or health issues for people or animals as a result of the keeping of animals. For the bylaw, 'nuisance' is given the meaning as set out in s.29 of the Health Act 1956.

The current bylaw generally covers:

- Keeping of animals such as birds or poultry which are likely to cause noise nuisance issues.
- Keeping animals in conditions likely to result in nuisance issues or where conditions could become a threat to public health and safety.
- Not allowing animals in public places where they could become a nuisance or a threat to public health and safety.
- Prohibiting slaughtering of animals on properties where the dismemberment, processing and disposal of the animal's carcass or remains is likely to cause a nuisance or threat to public health and safety.
- Generally ensuring an animal being kept on a property stays on that property and isn't allowed to roam.

In addition to general animal keeping issues, reference is made to special requirements for the keeping of:

- Pigs – The current bylaw prohibits pigs from being kept in urban areas, general nuisance and health issue controls and a specific reference to pigs not being kept in a manner that might likely result in the pollution of a water source.
- Poultry – The current bylaw prohibits more than 12 poultry being kept on premises in an urban area, prohibits poultry from being kept in cages and details requirements for correctly constructed poultry houses. The bylaw also includes setbacks for poultry houses and prohibits roosters from being kept in urban areas.
- Bees – The current bylaw includes special requirements for the keeping of bees, which may be kept as long as they do not become a nuisance, annoyance or potentially dangerous. Under the bylaw, Council may prescribe the location and number of hives that can be kept in an urban area. Noting that Council staff only become aware of hives when they are brought up through complaint, the monitoring of hives is otherwise the responsibility of the Ministry of Primary Industries (MPI), who monitor hives nationally.

Key changes being proposed to the Waikato District Council Keeping of Animals Bylaw

The following items were discussed in a workshop with Council and are being proposed as changes to the bylaw as part of the five-year review process.

Clause 3.0 Definitions:

- Addition of a definition for “Livestock”
- Addition of a definition for “Pet”
- Addition of a definition for “Pigsty”
- Change to the definition of “Poultry” to include quail and peacocks.
- Addition of a definition for “Rural area”
- Change to the definition of “Urban area”.

The most significant change to the definitions would be the expanded definition for ‘urban area’. This was discussed at length with Council during workshops, with a consensus reached that the definition in the current bylaw needed to be expanded to encompass area on the edges of urban and residential zones.

Clause 5.0 Keeping of Animals

- Addition of clause 5.8 - *“The keeping of livestock of no more than 4 months of age on properties in an urban area is restricted to 1 animal, for 31 consecutive days at a time, for no more than 31 days total each year”.*

This addition has been included in the bylaw, so that on properties or premises where it would be appropriate to do so, people could raise very young livestock for, for example, a calf club. The expanded definition in the bylaw for urban area is to be considered in respect of this addition.

Clause 6.0 Keeping of pigs – Special requirements

- Addition of clause 6.3 - *“No pigsty or pig run shall be erected closer than 20m from any dwelling, factory, or other building whether wholly or partially occupied, or within 30m of the boundary of any adjoining premises”.*

This addition is to provide a setback for pigsties and pig runs on properties or premises where pigs are allowed to be kept, with the intention of minimising potentially offensive odours.

Clause 7.0 Keeping of poultry – Special requirements

- Change to clause 7.1- From, *“No person shall keep more than 12 head of poultry in an urban area”*, to *“No person shall keep more than 6 head of poultry, pet or otherwise, in an urban area on premises less than 550m²”.*
- Addition of clause 7.2 - *“No person may keep more than 12 head of poultry, pet or otherwise, in an urban area on premises greater than 550m²”.*

A reduced number of poultry has been proposed. The changes would limit the number of poultry on premises of less than 550m² to six animals and would also limit the number of poultry on premises in an urban area to no more than 12.

The expanded definition in the bylaw for urban area is to be considered in respect of this change to the number of poultry permitted.

Clause 9.0 Horses – Special requirements

- Addition of clause 9.1 - *A minimum of 2 hectares of grazeable land per horse is required for the keeping of horses in urban areas, excluding Country Living Zones.*
- Addition of clause 9.2 - *No manure which causes nuisance is to be left in a public place. It is the responsibility of the rider/owner to remove any manure deposited in a public place and safely dispose of it on the same day.*

The inclusion of a clause related to the keeping of horses, is as a result of an increase in complaints received from the public regarding horses being ridden and causing nuisance with manure that is left on roads and footpaths. The clause will also prohibit instances where horses are kept in urban areas, which are defined in the bylaw.

The scope of changes being proposed is detailed in the Statement of Proposal, which is attached to the staff report.

4.2 OPTIONS

The Committee has the following options:

Option 1 - Status quo:

This option is not recommended.

The Committee can determine that the current bylaw is still effective for managing regulatory and compliance issues related to the keeping of animals in the district. Council will still engage with the community as part of the bylaw review process.

Option 2 - Make further changes to the bylaw before consultation:

This option is not recommended.

The Committee can determine that further changes need to be made to the bylaw. If this is the case, staff can make minor changes and continue with consultation planned for 2 December 2020 – 25 January 2021. Alternatively, if significant further changes are to be considered then consultation can be delayed and staff can bring the bylaw back to a workshop with Council.

NOTE: The bylaw is currently in its five-year review period and must be reviewed by May 2022 or it will lapse.

Option 3 - The proposed bylaw changes be consulted on under s.83 of the LGA as recommended in this report:

This option is recommended.

Approval of public consultation will mean adoption of the statement of proposal and public notification inviting submissions on the proposed changes to the bylaw.

Consultation will occur between 2 December 2020 and 25 January 2021. This consultation period is longer than is required by the LGA, however it accommodates the Christmas and New Year period. Following the closing of submissions, a hearing will be scheduled for February 2021, with Council to adopt the confirmed bylaw in April 2021.

5. CONSIDERATION

5.1 FINANCIAL

There are no financial implications from the review of the proposed bylaw. Consultation resourcing will be funded through existing budgets.

No Fees or Charges are associated with the bylaw.

5.2 LEGAL

Legislative Requirements

Determination of Significance

The LGA, under s.160 instructs Council to carry out reviews of bylaws to which s.158 applies by determining (s.156) whether or not the review should be conducted under s.82 or s.83 of the LGA. If Council determine that the bylaw concerns matters identified in its Significance and Engagement Policy or that there is a likelihood of significant public interest in the bylaw, it must use the Special Consultative Procedure set out in s.83 of the LGA.

Where s.82 is a less prescribed form of engagement and consultation with the community, s.83 Special Consultative Procedure is very prescribed and requires that Council:

- Adopt a Statement of Proposal that includes information related to Council's consideration of s.155 of the LGA.
- Consult with the public and any other interested parties for no less than one month.
- Provide an opportunity for people to verbally present their submissions if they so choose – this usually takes the form of a hearing.

As this bylaw and any proposed changes to it are likely to be of significant interest to the community, s.83 consultation is recommended by staff.

Requirements for s.83 Special Consultative Procedure

The review of the bylaw is recommended to be carried out under s.83 and s.86, as they provide guidance for additional information requirements needed to meet the obligations of the special consultative procedure. The LGA, under s.160 instructs Council to review bylaws by making the determinations required by s.155, these are the same determinations that are required when any bylaw is made. This means that under s.155A(2) the Council should give consideration to whether a proposed bylaw:

- Is the most appropriate form of bylaw.
- If there are readily identifiable problems the bylaw proposes to regulate.
- If the bylaw is adequately customised to suit the particular circumstances of the territorial authority.

Staff have considered the above and concluded that the bylaw is the most appropriate form of bylaw.

Section 155(2) of the LGA 2002 also requires the Council to determine whether the proposed bylaw:

- Gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The Bill of Rights Act 1990 details a number of rights and freedoms in relation to life and security of people. No bylaw may be inconsistent with this legislation. The purpose of the bylaw is to protect the public from nuisance and potential health risks caused from the keeping of animals.

It is the view of the staff preparing the proposed bylaw that it is not considered to be inconsistent with or likely to give rise to any implications under the New Zealand Bill of Rights Act 1990.

A legal review of the proposed bylaw, for its appropriateness and validity, has been undertaken prior to being presented to the Committee for approval for public consultation. This legal review also included a check that the proposed provisions do not give rise to any implications under the New Zealand Bill of Rights 1990. The making of the bylaw is subject to a consultative procedure that enables individuals to participate in the process as is necessary to fulfil obligation under both the LGA and the Bill of Rights.

Local Government Act 2002

The proposed bylaw is considered to meet the requirements of section 10 of the Act in relation to the purpose of local government, as management of the keeping of animals provides essential means for Council to perform its regulatory and public health obligations. Having the keeping of animals on private property managed through a bylaw, is considered to be a cost-effective way of ensuring that Council meets its statutory obligations.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Nil

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform <input type="checkbox"/>	Consult <input type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	<p>The review of the Keeping of Animals Bylaw triggers Council's Significance and Engagement Policy. A review of a bylaw under s.155 and s.158 of the LGA requires s.83 Special Consultative Procedure be carried out.</p> <p>Key stakeholders will be notified directly and any other interested parties will be invited to make a submission and if they chose to do so, will be invited to present their submissions verbally at a hearing to be held February of 2021.</p> <p>Information will be made widely available to the public online, as well as at Council offices and libraries. Public notices will be circulated as appropriate in local publications.</p>				

Planned	In Progress	Complete	
		X	Internal
X			Community Boards / Community Committees
X			Waikato-Tainui / Local iwi (provide evidence / description of engagement and response)
X			Households
X			Business
X			Other Please Specify

6. CONCLUSION

The Waikato District Council Keeping of Animals Bylaw 2015 has reached its five-year review period. As per s.158 of the LGA, this report seeks approval to consult on the Waikato District Council Keeping of Animals Bylaw 2015 in accordance with s.83 of the LGA – special consultative procedure.

If approved, consultation will occur between 2 December 2020 and 25 January 2021, with a hearing to be scheduled in February 2021.

7. ATTACHMENTS

The following are included as attachments to this report:

1. Waikato District Council Keeping of Animals Bylaw – Marked up version
2. Statement of Proposal – Review of the Waikato District Council Keeping of Animals Bylaw including Submission Form

**Attachment I – Waikato District Council
Keeping of Animals Bylaw (Track-changed)**



PROPOSED AMENDMENTS TO THE Waikato District Council Keeping of Animals Bylaw 2015

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and its respective amendments, and all other relevant powers, hereby makes the following bylaw.

Part one: Introduction

1.0 Short title, commencement and application

- 1.1 This bylaw shall be known as the “Waikato District Council Keeping of Animals Bylaw 2015”
- 1.2 The bylaw shall apply to the Waikato District.
- 1.3 The bylaw shall come into force on 1 May 2015

2.0 Revocation

The “Waikato District Council Keeping of Animals Bylaw 2007” and the Franklin District Council Keeping of Animals, Poultry and Bees Bylaw 2007” are hereby revoked from the date this bylaw comes into force.

3.0 Definitions

For the purposes of this Bylaw, the following definitions shall apply:

Animal	any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate, and includes the carcass or constituent parts thereof, but does not include human beings or dogs.
Annoyance	to harass repeatedly causing anger or mental distress
Authorised Officer	any person for the time being appointed or authorised by the Council to carry out general or specific duties arising from any of the provisions of this bylaw, unless stated otherwise.
Council	the Waikato District Council
Livestock	means cattle, deer, llamas, alpacas, donkeys, mules, horses (including ponies of 148cm or less in height), sheep, goats, pigs, poultry, and

any other animal kept in captivity or farmed, and dependent on humans for their care and sustenance. “Stock” shall have the same meaning as “Livestock”.

Nuisance	has the meaning as in Section 29 of the Health Act 1956 and its amendments.
Offensive	a sight or smell that occurs that is disgusting or repulsive and which causes nuisance, as defined in Section 29 of the Health Act 1956 and its amendments
Pets	a domestic animal kept primarily as a companion.
Pigsty	means a covered enclosure used for the housing of pigs.
Poultry	any live bird that is kept or raised for the purpose of producing eggs or meat for human consumption and includes ducks, chickens, geese, pigeons, turkeys, pheasants, game birds including quail and peacocks, and domestic fowls of all descriptions.
Premises	any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, building, and places adjoining each other and occupied together shall be deemed to be the same premises.
Public place	any place that, at any material time, is under the control of the Council and is open to or being used by the public, and includes any road whether or not it is under the control of the Council. It also includes every reserve, park, domain, beach, foreshore and recreational grounds under the control of the Council, but excludes the Hamilton Zoo.
Rural area	an area zoned rural in the Waikato District Plan
Threat	an action that is likely to occur that will cause damage or danger.
Urban area	an area used mainly for residential or commercial purposes. For clarity, urban area means residential, village, rural residential, heavy industrial, business, country living, and town center zones in the Waikato District Plan

4.0 Exceptions

- 4.1 This bylaw does not apply to the Hamilton Zoo.
- 4.2 This bylaw does not apply to the Tuakau Saleyards.

5.0 Keeping of animals

- 5.1 No person shall keep an animal which is or is likely to be a nuisance or a threat to public health or safety.

- 5.2 No person shall keep any noisy animal, bird, or poultry which causes or is likely to cause a nuisance to residents in the neighbourhood.
- 5.3 No person shall keep an animal in conditions which are or are likely to be a nuisance or a threat to public health or safety.
- 5.4 No person shall allow any animal in a public place in a manner which is or is likely to be a nuisance or a threat to public health or safety.
- 5.5 A person keeping an animal shall in addition to this bylaw comply with any other relevant statutory requirements.
- 5.6 No person shall slaughter an animal or dismember, handle, process or dispose of the carcass or remains of an animal on any premises which causes or is likely to cause a nuisance or threat to public health or safety.
- 5.7 Any person keeping an animal shall confine the animal within the boundaries of the premises where the animal is being kept.
- 5.8 The keeping of livestock of no more than 4 months of age on properties in an urban area is restricted to 1 animal, for 31 consecutive days at a time, for no more than 31 days total each year.

6.0 Keeping of pigs – special requirements

- 6.1 No person shall keep any pigs in an urban area.
- 6.2 No person shall keep any pigs in a manner which creates or is likely to create a nuisance.
~~a) creates or is likely to create a nuisance; or~~
~~b) creates or is likely to create conditions injurious to health,~~
~~c) creates or is likely to create conditions that are offensive; or~~
~~d) results or is likely to result in the pollution of water.~~
- 6.3 No pigsty or pig run shall be erected closer than 20m from any dwelling, factory, or other building whether wholly or partially occupied, or within 30m of the boundary of any adjoining premises.

7.0 Keeping of poultry – special requirements

- 7.1 No person shall keep more than ~~12~~ 6 head of poultry, pet or otherwise, in an urban area on premises less than 550m².
- 7.2 No person may keep more than 12 head of poultry, pet or otherwise, in an urban area on premises greater than 550m².
- 7.3 No person shall keep a rooster in an urban area.
- 7.4 No poultry caged or otherwise shall be kept in an urban area except in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surrounding nibwall, to which a poultry run may be attached.
- 7.5 No poultry house or poultry run shall be erected closer than 10m from any dwelling, factory, or other building, whether wholly or partially occupied, or within 3 m of the boundary of any adjoining premises.

7.6 Every poultry house and poultry run shall be maintained in good repair and in a clean condition free from any offensive smell or overflow and free from vermin.

8.0 Bee keeping – special requirements

8.1 No person shall keep bees if in the opinion of the Council the keeping of bees is, or is likely to become, a nuisance or annoyance to any person or potentially dangerous or injurious to health.

8.2 The Council may prescribe conditions relating to the location and number of hives which may be kept on any premises or place within an urban area of the Waikato district.

9.0 Horses – special requirements

9.1 A minimum of 2 acres of grazeable land per horse is required for the keeping of horses in urban areas, excluding Country Living Zones.

9.2 No manure which causes nuisance is to be left in a public place. It is the responsibility of the rider/owner to remove any manure deposited in a public place and safely dispose of it on the same day.

10.0 Service of notices

10.1 Any notice, order or other document which is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served, given or left at his or her residence or work place or posted to such person at his or her last known address.

10.2 Any notice, order or document required to be sent or signed by the Council may be sent or signed by any Authorised Officer.

11.0 Offences and penalties

11.1 Every person commits a breach of this bylaw who:

- a) Commits, or causes, or permits to be committed, any act in contravention of this bylaw; or
- b) Omits, or knowingly permits to remain undone, any act required by this bylaw; or
- c) Refuses or neglects to comply with any notice, or any condition in such notice, given pursuant to this bylaw; or
- d) Obstructs or hinders any authorised officer of the Council in the performance of any power, or duty conferred upon him or her by this bylaw.

11.2 Every person who commits a breach of this bylaw is liable on summary conviction to a fine not exceeding \$20,000.00.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on 13 April 2015.

THE COMMON SEAL of WAIKATO
DISTRICT COUNCIL was hereto affixed in the presence of:

Mayor

Chief Executive

This bylaw was reviewed and amended on XXX. A further review will occur on or before XXX.

Activity	Key Date	Council Resolution
Bylaw made	1 May 2015	WDC1504/06/1/5
Bylaw reviewed	On Day Month 2031	TBC
Next review date	By Day Month 2031	TBC
Amendments	Made on Day Month Year / Nil	Nil



HAVE
YOUR SAY

STATEMENT OF PROPOSAL

PROPOSED AMENDMENTS TO THE

WAIKATO DISTRICT COUNCIL
KEEPING OF ANIMALS BYLAW 2015

waikatodistrict.govt.nz

0800 492 452

This Statement of Proposal is made for the purposes of Sections 83, 86 and 156 of the Local Government Act 2002.

IT INCLUDES:

- Background to the proposal
- Reasons for the proposal
- Summary of the proposed changes
- 'have your say' details

BACKGROUND

Waikato District Council must review all of its bylaws periodically. Section 158 of the Local Government Act 2002 (LGA) instructs Council to review all of its bylaws within 5 years of their having first been made, and then every 10 years thereafter.

The Keeping of Animals Bylaw was made in 2015 and is now being reviewed.

The purpose of the Bylaw is to prevent or mitigate any issues related to the keeping of animals, with particular reference to keeping of animals in such a way that they are likely to cause nuisance or health issues for either the animals or for people.

Section 10 of the LGA places responsibility on Council to ensure that it provides regulatory

oversight and functions that are efficient, effective and appropriate to present and future circumstances in the community.

The Bylaw has clauses that are applied generally to keeping of animals on private property, as well as clauses specific to the keeping of chickens, pigs, and bees.

Additionally, the Bylaw references the Health Act 1956, particularly regarding what is considered 'nuisance', what can be considered 'offensive'.

Council has carefully reviewed the Bylaw and made amendments to it which they are now seeking community feedback on.

KEY CHANGES WE'RE PROPOSING TO MAKE



Council is proposing a number of amendments to the current Bylaw. These amendments are to ensure that any potential issues related to keeping of animals that is considered to be nuisance behaviour or is potentially offensive or injurious, is mitigated or avoided. All changes are noted in the Proposed Amendments to the Bylaw, which are attached to this Statement of Proposal. The changes will affect the following Bylaw clauses.

- Clause 3.0 Definitions
 - Clause 5.0 Keeping of Animals (general requirements)
 - Clause 6.0 Keeping of Pigs - special requirements
 - Clause 7.0 Keeping of Poultry - special requirements
 - Clause 8.0 Keeping of Horses - special requirements
-



CLAUSE 3.0 DEFINITIONS

Council is proposing changes to definitions currently included in the Bylaw, as well as additional definitions that will provide greater clarity to the bylaw.

What we're proposing

- Addition of definitions for *livestock*, *pet*, *pigsty*, and *rural area*
- Changes to the definitions for *poultry* and *urban area*

The most significant of these changes is to the definition for urban area which has been expanded to include all residential areas, heavy industrial areas, rural residential areas, business areas, country living zones and town center zones.



CLAUSE 5.0 KEEPING OF ANIMALS

Council is proposing the following change to Clause 5.0 of the Keeping of Animals Bylaw

What we're proposing

- Addition of Clause 5.8 'The keeping of livestock of no more than 4 months of age on properties in an urban area is restricted to 1 animal, for 31 consecutive days at a time, for no more than 31 total days per year.'

Council is proposing this change to ensure that livestock are not kept in areas where they have the potential to or are likely to cause nuisance (noise, odour), but that there is still an ability for people to raise animals for occasions like Calf Club. Activities like participating in calf club are an important characteristic of the Waikato district.



CLAUSE 6.0 KEEPING OF PIGS

Council is proposing to add a set-back clause in the Bylaw related to the keeping of pigs.

What we're proposing

- Addition of Clause 6.3 'No pigsty or pig run shall be erected closer than 20m from any dwelling, factory, or other building whether wholly or partially occupied, or within 30m of the boundary of any adjoining properties.'

Council is proposing this addition of a set-back clause to minimise the potential for offensive odours from affecting premises that neighbour those where pigs are kept.



CLAUSE 7.0 KEEPING OF POULTRY

Council is proposing the following changes to Clause 7.0 - Keeping of Poultry.

What we've currently got

- Clause 7.1 - No person shall keep more than 12 head of poultry in an urban area

What we're proposing

- Change to Clause 7.1 - No person shall keep more than 6 head of poultry, pet or otherwise, in an urban area on premises less than 550m²
- Addition of Clause 7.2 - No person may keep more than 12 head of poultry, pet or otherwise, in an urban area on premises greater than 550m²

Council is proposing these changes in anticipation of development in our urban areas supporting slightly smaller property sections generally. Reducing the number of poultry allowed in urban areas will ensure that nuisance is avoided or mitigated.



CLAUSE 9.0 KEEPING OF HORSES

Council has recently received an increased number of complaints related to the riding of horses in public spaces. Council is also looking to address the keeping of horses on small urban premises with the additional clauses. Council is proposing the following be added to the Bylaw:

What we're proposing

- Addition of Clause 9.1 - A minimum of 2 acres of grazeable land per horse is required for the keeping of animals in urban areas, excluding Country Living Zones.
- Addition of Clause 9.2 - No manure which causes nuisance is to be left in a public place. It is the responsibility of the person in control of the horse (rider, owner or otherwise) to remove any manure deposited in a public place and safely dispose of it on the same day.

HAVE YOUR SAY



A number of changes have been proposed to the Waikato District Council Keeping of Animals Bylaw 2015. What do you think of the proposed changes? Did we get it right? Did we miss anything? You can let us know by making a submission on the proposals.

Consultation on the Bylaw opens on 2 December 2020 and closes on 25 January 2021 at 5pm. Submission forms and hardcopies of the Statement of Proposal, as well as the proposed amendments to the Bylaw are available for inspection at all Council offices and libraries. We will acknowledge all submissions received by responding either via email or post.

Hearing

All submitters who wish to present their submission verbally to the Committee will be invited to do so at a hearing to be held in February 2021. If you would like to speak at the hearing, please tell us this in your submission and we'll be in contact with you. If you would prefer to link in to the hearing to present your submission via phone or audio-visually, please let us know when we contact you to arrange a time for you to present.

Next steps

Following the hearing, Council will consider all submissions received and will make determinations based on the feedback. A finalised Bylaw is scheduled to be presented to the Policy & Regulatory Committee at their March 2021 meeting, where the Committee is scheduled to recommend to Council that they adopt the Bylaw at their April 2021 meeting.

RELEVANT DETERMINATIONS



This Statement of Proposal has been prepared in accordance with the requirements set out in s.83 of the Local Government Act 2002 (LGA). Council, has determined as required by s. 155 of the LGA that:

- This Bylaw is the most appropriate way of addressing the perceived problem
- This is the most appropriate form of Bylaw
- This Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

SUBMISSIONS CAN BE:

ONLINE:

www.waikatodistrict.govt.nz/sayit



POSTED:

Waikato District Council
Private Bag 544
Ngaruawahia 3742



DELIVERED:

Waikato District Council
Attn: Corporate Planner
15 Galileo Street, Ngaruawahia 3742



EMAILED:

consult@waidc.govt.nz
Subject heading should read:
'Keeping of Animals Bylaw –
Submission'



Huntly Office
142 Main Street, Huntly 3700

Raglan Office
7 Bow Street, Raglan 3225

Tuakau Office
2 Dominion Rd, Tuakau 2121

Te Kauwhata Office
1 Main Road, Te Kauwhata 3710

WHAT HAPPENS NEXT?

Council will acknowledge each submission received in writing, either by letter or email.

Following the closing of submissions on 25 January 2021 all submissions will be reviewed. Verbal submissions will be heard and all submissions formally considered at a Council meeting in February of 2021 (or as soon thereafter as possible).

This meeting is open to both submitters and the public to attend.

IMPORTANT DATES TO REMEMBER:

SUBMISSIONS OPEN – 2 December 2020

SUBMISSIONS CLOSE – 25 January 2021

HEARING OF SUBMISSIONS – February 2021

If you have any further queries or would like further copies of the proposed Bylaw, please contact Stacey Solomon on 0800 492 452.



For internal use only:



ECM project # PR-551-02

ECM #

Submission #

Customer #

Property #

Proposed Amendments to the Waikato District Council Keeping of Animals Bylaw 2015

Submission Form. Please provide your feedback by 5pm Monday 25 January 2021

Name/Organisation

Postal address Postcode

Email

Would you like to present your submission to Council at the Hearing? Yes No

If you would like to present at this hearing, please ensure that the details section above has been completed and we will be in touch to arrange a time for you to be heard.

Council has reviewed and is now proposing a number of changes to the Keeping of Animals Bylaw 2015. Do you think we got these right? Let us know.

Clause 3.0 Definitions

Do you support the proposed changes? Yes No

Please tell us why:

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Clause 5.0 Keeping of Animals

Do you support the proposed changes? Yes No

Please tell us why:

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Clause 6.0 Keeping of Pigs

Do you support the proposed changes?

Yes No

Please tell us why:

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Clause 7.0 Keeping of Poultry

Do you support the proposed changes?

Yes No

Please tell us why:

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Clause 8.0 Keeping of Horses

Do you support the proposed changes?

Yes No

Please tell us why:

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Anything else to tell us?

.....
.....
.....
.....

Prefer to do it online?

You can complete the submission form online at www.waikatodistrict.govt.nz/sayit

Need more information

For more information, visit our website www.waikatodistrict.govt.nz

Privacy statement

The contents of your submission (not including your address, email and age) will be made public through Council agendas and as result will be published on our website. If you would like your name also kept confidential, please let us know on your submission form.

Open Meeting

To	Policy and Regulatory Committee
From	Clive Morgan General Manager Community Growth
Date	27 October 2020
Prepared by	Bessie Clarke Junior Corporate Planner
Chief Executive Approved	Y
Reference #	GOV1318 / 2937389
Report Title	Approval for Revocation of Policies

I. EXECUTIVE SUMMARY

The purpose of this report is to seek approval to revoke the following three policies:

- Temporary Road Closures and Events on Roads and Banners
- Code of Conduct - Council and Community Committees
- Leasing - Rural Halls.

Policies are key decision-making documents and therefore need to be kept up-to-date to ensure that decisions being made are appropriate and consistent.

The policies identified are no longer required as they have largely been superseded by other documents.

2. RECOMMENDATION

THAT the report from the **General Manager Community Growth** be received;

AND THAT the **Policy & Regulatory Committee** recommends to **Council** that the policies listed below be revoked with immediate effect:

- **Temporary Road Closures and Events on Roads and Banners**
- **Code of Conduct - Council and Community Committees**
- **Leasing - Rural Halls.**

3. BACKGROUND

Council currently have 105 policies of which 39 are overdue for review. Best practice is that policies be reviewed every three years, however in an attempt to progress the policy review programme, policies will be reviewed at five yearly intervals until three yearly intervals becomes manageable.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

Staff have reviewed the policies and it is proposed that the three policies identified are revoked. The reasons for this are largely due to the fact that they have been superseded by another document. All of the policies proposed to be revoked are currently out of date, with the adoption ranging from 1998 to 2013.

FDC Temporary Road Closures and Events on Roads and Banners Policy

The Temporary Road Closures and Events on Roads and Banners Policy is a previous Franklin District Council policy established in 2008 and applied at the time to events which were held on then Franklin District Council roads. The policy sets out those events which do require and those that do not require roads to be closed, the conditions such applications are subject to, as well as addressing conditions applying to the erection of banners advertising events where a banner was to be erected over a then Franklin District Council road.

In 2011, Council considered this policy and the associated procedures that were in place in regard to temporary road closures, after a few applications for motor sport events on Council's roading network had to be declined. Staff were then requested to prepare a policy that provides better guidance for both applicants and staff. The Road Closure for Motor Sport Events Policy was then adopted by Council in February 2012, superseding the former Franklin District Council Temporary Road Closures and Events on Roads and Banners Policy. The current Road Closure for Motor Sport Events Policy (2012) is also accompanied by comprehensive information located on Council's website to assist applicants with the application process.

Staff have reviewed the policy and have advised that they do not currently use the policy when assessing applications for closure of roads for motor sport events. The current Road Closure for Motor Sport Events Policy is overdue for review, with a review scheduled to begin in January 2021.

Code of Conduct - Council and Community Committees

The 2013 Code of Conduct - Council and Community Committees is now redundant, as it has been superseded by an updated document. All that Council is required by legislation to do is have a Code of Conduct in place. This was revised and approved at a Council meeting in December 2019. The newly adopted Code replaced the 2013 Code of Conduct - Council and Community Committees with immediate effect.

FDC Leasing - Rural Halls Policy

The Leasing - Rural Halls Policy is a previous Franklin District Council Policy established in 1998. The policy sets out certain conditions/requirements that the hall lease must contain, as well as the agreeance in principle to the leasing of halls to Hall Committees where such a lease will provide external funding opportunities for the upgrade of the facilities.

The relevant staff were consulted on this policy and concluded that this policy is no longer relevant, as per the Terms of Reference that now cover our halls. Staff have advised that the Properties team do not currently use any hall leasing policies. Any leases for our community halls fall under the Leases to Individuals and Commercial Organisations Policy if there was a desire to lease a hall.

4.2 OPTIONS

Option 1- Revoke the policies mentioned above

The policies included are no longer required as they have been superseded by another document.

This option is recommended

Option 2 - Retain the policies mentioned above

The policies included could be retained, however all are currently out of date and are no longer required.

This option is not recommended

5. CONSIDERATION

5.1 FINANCIAL

There is no financial implication to revoking the policies.

5.2 LEGAL

There is no legal requirement to adopt, review or consult on the policies included in this report as none of the mentioned policies require Council to do so by legislation.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Nil.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	The owners of the policies proposed to be revoked will be notified of the outcome of this report.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
	Y		Internal
			Community Boards / Community Committees
			Waikato-Tainui / Local iwi (provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify

6. CONCLUSION

It is being proposed that three of Council's policies be revoked. The reasons for this is largely due to the fact that they have been superseded by other documents.

7. ATTACHMENTS

1. FDC Temporary Road Closures and Events on Roads and Banners (2008)
2. Code of Conduct - Council and Community Committees (2013)
3. FDC Leasing - Rural Halls (1998)

Attachment 1 - Temporary Road Closures and Events on Roads and Banners

C. 1.1 Temporary Road Closures, Events On Roads and Banners

Introduction:

Policy

This Policy applies to events which are held on Franklin District Council roads. Events may or may not require Council to close a road or roads pursuant to the Transport (Vehicular Traffic Road Closure) Regulations 1965 or the Local Government Act 1974.

The Policy also addresses conditions applying to the erection of banners advertising events where a banner is erected over a Franklin District Council road.

1. Events Requiring Road to be Closed:

Applications for car rallies, hill climbs, vehicle races or trials, processions, street parades, carnivals, celebrations, sporting events, or any other special events which require the temporary closure of road pursuant to Section 3 of the Transport (Vehicular Traffic Road Closure) Regulations 1965 are subject to:

- Public notice of road(s) closure for purposes of the event being given in accordance with Section 4 of the Transport (Vehicular Traffic Road Closure) Regulations 1965.
- Approval by Council or a delegated Committee of Council. Where objections are received, the Council or the delegated Committee will consider and determine the objections. Applicants will be advised that they may arrange to speak at the meeting where the objections will be determined.

If requested by an applicant, Council or a delegated Committee of Council may agree to temporarily close a road(s) pursuant to Section 342 (1) (b) and the Tenth Schedule of the Local Government Act 1974. Applications for road closures under this Act are subject to:

- Public notice of road(s) closure for purposes of the event being given in accordance with the Tenth Schedule of the Local Government Act 1974.
- Approval by Council or a delegated Committee of Council. Where objections are received, the Council or the delegated Committee will consider and determine the objections. Applicants will be advised that they may arrange to speak at the meeting where the objections will be determined.

Applications are subject to the following conditions:

1. Applications must be in writing and received by Council not less than 90 days before the proposed event.
(Note: Applicants are advised that this policy is due to the consultation period required under Section 4 of the Transport (Vehicular Traffic Road Closure) Regulations 1965 or Section 342 of the Local Government Act 1974 and the time required to process applications and the requirements of the Code of Practice for Temporary Traffic Management).
2. The applicant will submit a traffic management plan for approval with the application for the road closure. The traffic management plan must be prepared in accordance with the latest edition of the Transit New Zealand Code of Practice for Temporary Traffic Management (COPTTM).

The level of Temporary Traffic Management shall be as follows:

Level 2

Mill Road RP 0m to RP 2391m (full length)

Pukekohe East Road RP 0m to RP 3446m (full length)

Glenbrook Road RP 0m to RP 14325m (full length)
 Glenbrook-Waiuku Road RP 0m to RP 4468m (full length)

Level LV (in place of full Level I)

May be utilised on road sections that meet either of the following criteria:

Unsealed road or
 Sealed local roads with less than 500 vehicles per day

Level I

All roads not specified as Level 2

Costs associated with obtaining and implementing the traffic management plan are the responsibility of the applicant.

3. The applicant will pay advertising costs.
4. The applicant will obtain approval from the NZ Police and comply with their requirements. A copy of the approval will be supplied to Council prior to the final date set for receiving any objections pursuant to the Transport (Vehicular Traffic Road Closure) Regulations 1965 or Local Government Act 1974. The applicant must ensure that all other emergency services are notified.
5. The applicant will produce evidence of public liability insurance to indemnify Council. The minimum public liability limit for events in urban or built up areas is \$2 million. The minimum public liability limit for events in rural areas and for running and cycle races in both rural and urban areas is \$1 million.
 In events involving motor vehicles public liability policies will include cover for losses caused by vehicles.
 In areas covered by the Forest and Rural Fires Act 1977, the policy must have an extension for Forest and Rural Fires Act costs of a minimum limit of \$250,000.
 An applicant may be granted dispensation from the full amount of cover required if, in the opinion of the Chief Executive, there are good reasons for granting such a dispensation.
6. The applicant will ensure that emergency vehicles will be permitted entry to the closed road in the event of an emergency.
7. The applicant will be responsible for the removal of any litter, the provision of suitable public toilet facilities if required, and the repair of any damage to private and/or public property caused as a result of the event.
8. The applicant will comply with any other conditions Council or the delegated Committee considers appropriate.

Car Rallies and Hill Climbs: Assessment and Additional Conditions:

Assessment:

In assessing applications for Car Rallies and Hill Climbs Council or the delegated Committee will consider the following:

- The potential impact on the roading network in the vicinity of the proposed closure, the affect on any proposed roading capital and maintenance works in the area and the risk to Council of damage occurring to the affected road(s).
- The potential impact on adjoining landowners.

- The availability of alternative routes for motorists. Council or the delegated Committee will approve a temporary road(s) closure only if the closure is unlikely to impede traffic unreasonably.

Generally the frequency of use of any road(s) used for car rallies/hill climbs, and

as access to the car rallies/hill climbs, **will not exceed** the following:

Unsealed roads: 1 per calendar year
Sealed roads: 2 per calendar year
More frequent use of roads for car rallies and hill climbs will be dependent on the suitability of the road for that purpose and the size and nature of the event.

Consideration will be given to additional events for local clubs should out of District organisations exhaust the above allocations.

The maximum period of closure of any road or roads shall be as follows:

Car rallies: 4 hours

Hill climbs: 7 hours

Additional Conditions:

9. Road closures will only be permitted where the road closure can be carried out in such a manner as to minimise inconvenience to other road users and adjoining property owners.
10. Road closures will be permitted only on roads where alternative routes exist for through traffic.
11. Road closures will be permitted subject to satisfactory weather conditions on the day and days preceding the event. The applicant is responsible for the cancellation of events for this reason. However the Chief Executive has authority to cancel events if weather conditions are unsatisfactory. Use of a road in unsatisfactory weather conditions may result in future applications being declined. The Council will assume and the applicant will acknowledge that the Council has no liability in the event of such a cancellation.
12. Road closures on unsealed roads will only be permitted within the period of 1 October to 30 April of each year inclusive.
13. Generally road closures on unsealed roads will only be permitted where access can be obtained from a sealed road.
14. Prior to Council advertising the proposed road closure the applicant will give written notification to the adjoining residents and property owners and other affected parties of the proposed road closure so as to minimise inconvenience to them and other road users.
15. In the event of damage being caused to any fence or other property, temporary repairs to fences and property are to be undertaken immediately with permanent repairs undertaken within 48 hours of the event. All repairs shall be to the satisfaction of the affected property owner.
16. The applicant is required to contact Council's network management consultant not less than 5 working days prior to the event to arrange inspections of the affected road(s).
Inspections will be undertaken before and after the event to identify any damage caused to the road by the holding of the event. The applicant will meet the costs of repairing any damage identified. Repairs will be carried out by Council's maintenance contractor within 5 working days of the date of the event.
Failure to arrange the undertaking of these inspections may result in future applications being declined.
17. Temporary Road Closure Permit Application Fee (subject to the paragraph below)

A surcharge of \$170 (including GST) per application will be levied to all Temporary Road Closure Permit applications.

Exemptions/Waiver: For events which are aimed at the community at large and/or where no entry or participation fees are charged by the event organiser the \$170 (including GST) surcharge can be waived.

The definition of a 'Community Event' is an event such as the Pukekohe Santa Parade Street Procession and/or where no entry or participation fees are charged by the event organisers for entry or participation to the event.

The Customer Services Team Manager is delegated authority to waive or exempt the surcharge for Temporary Road Closure permit applications.

The proposed fees and waiver be contained in the Council's Fees and Charges Manual and be reviewed annually as part of the Annual Plan process.

Policy contains delegations

18. Motorsport event organisers operating a Temporary Road Closure for a motorsport event

The purpose of this policy is to further provide assurance that minimum acceptable public safety standards have been met for the event.

Motorsport event organisers operating a Temporary Road Closure on a road controlled by the Council are required to be an affiliated member of Motorsport New Zealand for that event.

Definition: 'motorsport event' is an event in which participants' race motor propelled vehicles.

Exemptions: The Customer Services Manager may, upon receiving written application from the event organiser grant an exemption/waiver from the requirement to be affiliated to MSNZ where the event organiser can demonstrate they are current members of a motorsport body of similar standing to Motorsport New Zealand, overseas.

Events Not Requiring Road Closure:

Applications for cycle races, running races, exhibitions, fairs, markets, concerts or other public functions will only be considered where disruption to traffic is minimal and are subject to: Approval by the Chief Executive.

The Chief Executive will decide whether details of an event will be publicly advertised.

Council officers will report to Council or the appropriate Committee on all events taking place.

Applications are subject to the following conditions:

1. Applications giving sufficient details concerning the event must be in writing and received by Council, as soon as possible, and not less than 15 days before the proposed event.
2. The applicant will submit a traffic management plan with the application. The traffic management plan must be prepared in accordance with the Transit New Zealand Code of Practice for Temporary Traffic Management (COPTTM).

The level of Temporary Traffic Management shall be as follows:

Level 2

Mill Road RP 0m to RP 2391m (full length)
 Pukekohe East Road RP 0m to RP 3446m (full length)
 Glenbrook Road RP 0m to RP 14325m (full length)
 Glenbrook-Waiuku Road RP 0m to RP 4468m (full length)

Level LV (in place of full Level 1)

May be utilised on road sections that meet either of the following criteria:

Unsealed road or
 Sealed local roads with less than 500 vehicles per day

Level 1

All roads not specified as Level 2

Costs associated with obtaining and implementing the traffic management plan are the responsibility of the applicant.

3. The applicant will pay any advertising costs.
4. The applicant will obtain approval from the NZ Police and comply with their requirements. A copy of the approval will be supplied to Council. (Council officers may agree to do this on behalf of the applicant). The applicant must ensure that all other emergency services are notified.
5. The applicant will produce evidence of public liability insurance to indemnify Council. The minimum public liability limit for events in urban or built up areas is \$2 million. The minimum public liability limit for events in rural areas and for running and cycle races in both rural and urban areas is \$1 million.
 In events involving motor vehicles public liability policies will include cover for losses caused by vehicles.
 In areas covered by the Forest and Rural Fires Act 1977, the policy must have an extension for Forest and Rural Fires Act costs of a minimum limit of \$250,000.
 An applicant may be granted dispensation from the full amount of cover required if, in the opinion of the Chief Executive, there are good reasons for granting such a dispensation.
6. The applicant will ensure that adequate litter facilities are provided. All litter is to be removed by the organisers after the event.
7. Toilet facilities in the area must be left in a clean and tidy condition after the event.
8. The applicant will be responsible for repairing any damage to private and/or public property. Any damage to grass areas must be reinstated.
9. Running Races: Entrants in running races will, wherever possible, run facing the traffic.

Motorbike Rally Sprints and Events using Queen's Highway, Maioro Gap, Karioitahi:

Applications for motorbike rally sprints and other events at Maioro Gap using the Queens Highway which require the temporary closure of road pursuant to the Transport (Vehicular Traffic Road Closure) Regulations 1965 are subject to:
 Public notice of the proposed road closure of the Queens Highway will be given in accordance with the Transport (Vehicular Traffic Road Closure) Regulations 1965.

Approval by the Chief Executive.

Where objections are received, two of the three Waiuku- Awhitu Ward Councillors, the Mayor and the Chief Executive will consider and determine the objections. Applicants will be advised that they may arrange to speak at the meeting where the objections will be determined.

Council officers will report to Council or the appropriate Committee on all events taking place.

Applications are subject to the following conditions:

1. Applications must be in writing and received by Council not less than 55 days before the proposed event.
2. The applicant will submit a traffic management plan for approval with the application for the road closure. The traffic management plan must be prepared in accordance with the latest edition of the Transit New Zealand Code of Practice for Temporary Traffic Management (COPTTM).
The level of Temporary Traffic Management shall be Level LV.

Costs associated with obtaining and implementing the traffic management plan are the responsibility of the applicant.

3. The applicant will pay advertising costs.
4. The applicant will obtain approval from the NZ Police and comply with their requirements. A copy of the approval will be supplied to Council prior to the date set for receiving any objections pursuant to the Transport (Vehicular Traffic Road Closure) Regulations 1965. The applicant must ensure that all other emergency services are notified.
5. The applicant will produce evidence of public liability insurance with a minimum limit of \$1 million to indemnify Council. Public liability policies will include cover for losses caused by vehicles.
Policies must have an extension for Forest and Rural Fires Act costs of a minimum limit of \$250,000.
6. The applicant will produce evidence that approval has been obtained from Environment Waikato.
7. All events are to take place within the area known as Maioro Gap.
8. All Motorbike Rally Sprint meeting dates are subject to the approval of the New Zealand Autocycle Club.
9. Driving and bike riding on the sand dunes are absolutely prohibited at all times.
10. All motorbike riders should hold a current civil drivers licence and a current NZACU Competition Licence.
11. Adequate spectator control is to be carried out by the applicant's officials during race days.
12. The safety rules laid down by the NZACU for motorbike rally sprints will be adhered to at all times.
13. Race tracks will be roped off from spectators.
14. Emergency vehicles will be permitted entry to the area in the event of an emergency.
15. All litter will be cleared off the beach at the end of each meeting and any oil or other contaminants will be removed from the beach immediately.
16. Mobile toilets will be provided by the applicant for all events and will be removed at the end of each meeting.

Car Rallies on Private Properties:

Conditions are imposed by Part 15.2 of the Franklin District Plan - 'Activities throughout the District - Temporary Activities'.

Banners Erected Over Roads or Other Public Places:

Applications for erecting a banner over roads or other public places are subject to approval by the Chief Executive.

Applications are subject to the following conditions:

1. Only banners notifying events to be held in Franklin District may be erected.
2. Applications must be received by Council not less than 10 days before the proposed event.
3. The applicant must produce approval in writing from the owners of any building to which the banner is to be tied.
4. The banner must clear the ground by at least five metres.
5. The banner shall be at least six metres from any intersection and 10 metres from any pedestrian crossing.
6. The dimensions of the banner, materials used and the method of erecting will be approved by a Council officer or representative authorised by the Chief Executive prior to erection.
7. The banner will be inspected by a Council officer or representative authorised by the Chief Executive following erection.
8. The banner will be the responsibility of the applicant throughout the period of its erection.
9. No banner will be erected for more than 14 days ahead of the event which is being advertised, nor more than 48 hours after the conclusion of the event.

Policy contains delegations

Code of Conduct – Council and Community Committees

Policy Owner	Chief Executive
Approved By:	Waikato District Council
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PART ONE: INTRODUCTION

Schedule 7 of the Local Government Act 2002 (the Act) requires Council to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

In the context of this report, the term “elected members” refers to Councillors, Community Board members or Community Committee representatives.

This code of conduct provides guidance on the standards of behaviour that are expected from all the elected members of the Waikato District Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive
- all staff employed by the Chief Executive on behalf of the Council
- the media
- the general public.

This code also applies to all Council committees, sub-committees and Community Committees.

In accordance with section 54 (2) of the Local Government Act 2002, the Code of Conduct does not apply to Community Boards. Community Boards are, however, not excluded from adopting their own Code of Conduct.

The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local government of the Waikato District
- the credibility and accountability of the Council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in Part Two of this Code)
- agreed general principles of conduct (recorded in Part Three of this Code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part Three of this Code).

Elected members are primarily accountable to the electors of the district through the democratic process. However elected members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members’ Interests) Act 1968.

The code of conduct that follows is based on the following general principles of good governance:

- **Public interest.** Elected members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.

- **Honesty and integrity.** Elected members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Objectivity.** Elected members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire district, not the ward that elected them.
- **Accountability.** Elected members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness.** Elected members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions.
- **Personal judgment.** Elected members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others.** Elected members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.
- **Duty to uphold the law.** Elected members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship.** Elected members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- **Leadership.** Elected members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

PART TWO: ROLES AND RESPONSIBILITIES

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor, and the role of the Chief Executive.

Mayor

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of Council. The Mayor also has the following roles as a:

- presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);
- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of Council;
- providing leadership and feedback to other elected members on teamwork and Chairmanship of committees; and
- Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council.

Recent changes to the Local Government Act have provided additional powers to the Mayor. These powers relate to:

- The appointment of the Deputy Mayor and Committee Chairpersons
- The determination of the Committee structure
- Leadership of budget, plans and key policy discussions

Deputy Mayor

The Deputy Mayor may be appointed by the Mayor. If the Mayor declines to do this, then the Deputy Mayor must be elected by the members of Council, at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

Committee Chairpersons

As noted above, the Mayor has the power to appoint Chairpersons and to form Committees. If the Mayor declines to do this then the Council may create one or more committees of Council. A committee Chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by Council, and as set out in the Council's Delegations Manual. Committee Chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of Council.

Councillors

Councillors acting as the Council, are responsible for:

- the development and adoption of Council policy
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the Chief Executive
- representing the interests of the residents and ratepayers of the Waikato District Council. (On election, the members' first responsibility is to the district as a whole.)

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the Council can only act by majority decisions at meetings. Each elected member has one vote. Any individual elected member (including the Mayor) has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.

Community Boards

Within the Waikato District there are five community boards:

- Huntly Community Board
- Ngaruawahia Community Board
- Raglan Community Board

- Taupiri Community Board
- Onewhero-Tuakau Community Board

The community board elected members, acting as the community board, have the role to:

- represent, and act as an advocate for, the interests of its community
- consider and report on all matters referred to it by the Waikato District Council, or any matter of interest or concern to the community board
- maintain an overview of services provided by the Waikato District Council within the community
- prepare an annual submission to the Waikato District Council for expenditure within the community
- communicate with community organisations and special interest groups within the community
- undertake any other responsibilities that are delegated to it by the Waikato District Council.

Chief Executive

The Chief Executive is appointed by the Council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- implementing the decisions of the Council
- providing advice to the Council and community boards
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the local authority effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

The Chief Executive is accountable to Council directly and not to Community Boards or Community Committees.

Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

Meeting Attendance

Elected members are expected to attend and participate in all Council meetings, Standing Committee meetings and sub-committee meetings to which they have been appointed, unless they have submitted an apology or obtained a leave of absence in advance for non-attendance.

All Councillors are expected to attend all workshops and those hearings that are held as part of the consultation process on Council documents, such as the Annual Plan and Long Term Plan.

From time to time, working parties will be established by the Council or a Standing Committee to achieve specific outcomes. Elected members are expected to make themselves available to be appointed to an equitable share of these working parties, and to attend all meetings of those to which they are appointed.

Appointments to Other Bodies

At the first meeting following the triennial elections and on other occasions (as appropriate) Council will appoint elected members to a variety of other bodies.

These appointments will be made on the basis of the best person for the specific role bearing in mind the skills required, the views of the Council and location of the elected member.

PART THREE: RELATIONSHIPS AND BEHAVIOURS

This part of the code sets out the agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the code is material that the Council has decided to include of its own initiative.

Relationships with Other Elected Members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. With this in mind elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct
- treat people with courtesy and respect.

Elected members shall maintain the respect and dignity of their office in their dealings with each other, Council officers and the public.

Elected members should also note that discussions are not subject to privilege.

Elected members will act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community.

Elected members should remember that they have no personal power to commit the Council to any particular policy, course of action or expenditure and must not represent they have such authority if that is not the case.

Elected members will make no allegations regarding other elected members or Council officers which are improper or derogatory.

In the performance of their official duties, elected members should refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment.

Relationships with Staff

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

- recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive may hire, dismiss or instruct or censure an employee
- make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the Chief Executive puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Chief Executive's Performance Review Sub-Committee.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

Elected members should raise operational issues with the Chief Executive in the first instance. If it is a routine matter such as repairing a pothole, cutting of vegetation or footpath repairs, the issue should be logged with Customer Delivery who will enter the issue into our complaint management system (CRM). This enables progress on these issues to be monitored.

Relationships with the Community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council, have their concerns listened to, and deliberated on in accordance with the requirements of the Act.

Members should act in a manner that encourages and values community involvement in local democracy.

Contact with the Media

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of Council. From time to time, individual elected members will be approached to comment on a particular issue either on behalf of Council, or as an elected member in their own right. This part of the code deals with the rights and duties of elected members when speaking to the media on behalf of Council, or in their own right.

The following rules apply for media contact on behalf of Council:

- the Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant committee Chairperson
- the Mayor may refer any matter to the relevant committee Chairperson or to the Chief Executive for their comment
- no other elected member may comment on behalf of Council without having first obtained the approval of the Mayor.

Elected members are free to express a personal view in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of Council
- where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.
- the elected member should ensure that any comments made do not compromise Council's statutory responsibilities. In other words, it would not be appropriate to comment on matters before the Regulatory Committee, where this might compromise the Resource Management Act process.

Meeting Decisions

Every elected member who has the right to speak can lawfully express his or her opinion at any Council or Committee meeting within the limits imposed by Standing Orders. These meetings are open to the media and their comments may be reported.

Once a matter has been determined at a Council meeting, it becomes the Council's position until it is lawfully changed by a subsequent Council decision. All elected members and staff will respect this position.

The Mayor can make statements that accurately report Council decisions.

Committee Chairs can make statements that accurately report their Committee's decisions, or factual statements about Council or Committee decisions.

Elected members have the right to voice their own opinion to the news media, on Council/committee decisions, but they must state clearly when they are expressing a majority, collective Council view and when they are expressing a personal, minority opinion.

Confidential Information

In the course of their duties elected members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected members must not use or disclose confidential information for any purpose other than the purpose for which the information was supplied to the elected member.

Elected members should be aware that failure to observe these provisions will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation.

Information Received in Capacity as an Elected Member

Any information received by an elected member in his/her capacity as an elected member that relates to the ability of Council to give effect to any provision of the Local Government Act 2002 or any other statute under which Council has responsibilities shall be disclosed by that elected member to all other applicable elected members and, if appropriate, the Chief Executive.

This duty of disclosure will require elected members to whom information may be offered on the basis that confidence be preserved to inform the intended provider of the information of the duty of disclosure and to decline to receive the information if that duty is likely to be compromised.

Responding to Queries Involving Liability Issues

Elected members need to ensure they respond to queries in an appropriate manner and with due regard to the legal position of Council. At times, elected members are asked to become involved in legal disputes or insurance claims. Such matters should be referred to the Chief Executive. It is important that Council act in an appropriate manner with regard to legal and insurance issues. Often our insurance cover depends on the way we address or manage an issue.

Training, Conferences and Induction

Following the triennial election, the Chief Executive will organise induction training for all elected members who require it. This will address the role of elected members and provide valuable information about what an elected member needs to know.

Council has a budget for training and development of elected members. From time to time consideration will be given to attendance at the Local Government Conference, Zone meetings and Planning Conference. Other conferences or meetings may also be considered.

If an elected member wishes to attend a conference or meeting, then he or she should discuss this with the Mayor.

Decisions on training, attendance at meetings, and attendance at conferences will be made by Council.

In the case of a Community Board or Community Committee elected member, an approach should be made to the Chairperson.

Conflicts of Interest

Elected members must be careful that they maintain a clear separation between their personal interests and their duties as an elected member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Elected members therefore need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the elected member's spouse contracts with the authority or has a pecuniary interest. Elected members must declare their interests at Council meetings where matters in which they have a pecuniary interest arise.

Elected members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify the Council of the nature and extent of any interest, including:

- any employment, trade or profession carried on by the elected member or the elected member's spouse for profit or gain
- any company, trust, partnership etc for which the elected member or their spouse is a director, partner, trustee or beneficiary
- the address of any land in which the elected member has a beneficial interest and which is in the Waikato District Council
- the address of any land where the landlord is the Waikato District Council and:
 - the elected member or their spouse is a tenant, or
 - the land is tenanted by a firm in which the elected member or spouse is a partner, or a company of which the elected member or spouse is a director, or a trust of which the elected member or spouse is a trustee or beneficiary
- any other matters which the public might reasonably regard as likely to influence the elected member's actions during the course of their duties as an elected member.

If the elected member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the elected member should seek guidance from the Chief Executive immediately.

Elected members may also contact the Office of the Auditor General for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the elected member may seek an exemption to allow that elected member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by Council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Standing Orders

Elected members must adhere to any standing orders adopted by Council under the Local Government Act 2002. These standing orders are subject to the same

legal requirements as a code of conduct with regard to their adoption and amendment.

Ethics

Waikato District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination
- not influence, or attempt to influence, any Council employee to take actions that may benefit the elected member, or the elected member's family or business interests
- Only use Council resources (including facilities, staff, equipment and supplies) effectively and economically in the course of their duties, and within other guidelines, and not in connection with any election campaign or other personal business.
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- notify the Chief Executive if any gifts are accepted
- where a gift to the value of \$300 excluding GST or more is offered to an elected member, immediately disclose this to the Chief Executive for inclusion in the publicly available register of interests.

Acceptance of substantial gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. Working meals and social occasions should be undertaken in an appropriate manner.

Disqualification of Members from Office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years' imprisonment, or if they cease to be or lose their status as an elector or are convicted of certain breaches of the Local Authorities (Members' Interests) Act 1968.

Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require elected members to declare whether they are an undischarged bankrupt. This Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general. The Council therefore requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.

PART FOUR: COMPLIANCE AND REVIEW

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

Compliance

Elected members must note that they are bound to comply with the provisions of this code of conduct (Local Government Act 2002, Schedule 7, section 15(4)).

Elected members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an

explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members.

Short explanations of the obligations that each of these has with respect to conduct of elected members is attached in the Appendix to this code.

All alleged breaches of the code should be reported to the Mayor or Chief Executive. Any allegation of a breach of a code of conduct must be in writing, make a specific allegation of a breach of the code of conduct, and provide corroborating evidence.

In response to a breach, the Council will establish a Conduct Review Committee consisting of four members: His Worship the Mayor or his nominee, the Chairperson of the Policy Committee or his nominee, any person appointed by the elected member making the complaint, and any person nominated by the elected member being complained against. His Worship the Mayor or his nominee will Chair the Conduct Review Committee. The exact composition of the Committee will depend on the nature of the breach and the person implicated.

The committee will investigate the alleged breach and prepare a report for the consideration of Council. Before beginning any investigation, the committee will notify the elected member(s) in writing of the complaint and explaining when and how they will get the opportunity to put their version of events.

The Council will consider the report in open meeting of Council, except where the alleged breach relates to the misuse of confidential information or could impinge on the privacy of a member of staff or of the general public.

Responses to Breaches of the Code

The exact nature of the action the Council may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- breaches relating to members' interests render elected members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968
- breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002, which may result in the elected member having to make good the loss or damage
- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the Council may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the Council may take the following action:

- censure
- removal of the elected member from Council committees and/or other representative type bodies

- dismissal of the elected member from a position as Deputy Mayor or Chair of a committee.

A decision to apply one or more of these actions requires a Council resolution to that effect.

Review

Once adopted, a code of conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code. Once adopted, amendments to the code of conduct require a resolution supported by 75 per cent or more of the elected members of the Council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to Council for their consideration and vote.

APPENDIX TO THE CODE OF CONDUCT

Legislation Bearing on the Role and Conduct of Elected Members

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in the Council library or in the office of the Chief Executive.

Local Authority (Members' Interests) Act 1968

This Act regulates situations where an elected member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that elected member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the elected member's spouse contracts with the authority or has a pecuniary interest.

Members may also contact the Office of the Auditor General for guidance as to whether that elected member has a pecuniary interest, and if so, may seek an exemption to allow that elected member to participate or vote on a particularly issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meetings procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the Chair has the responsibility to

maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another elected member is speaking
- be disrespectful when they refer to each other or other people
- use offensive language about the Council, other elected members, any employee of the Council or any member of the public.

The Local Government Official Information and Meetings Act 1987 sets out the rules around provision of information. This is summarised as follows:

Official Information

The term “Official Information” refers to all information (with a few exceptions) held by a local authority. The Local Government Official Information and Meetings Act 1987 requires all official information to be available to the public unless there are good reasons for withholding it.

Requesting Information

In brief, the Act states:

- requests should be made with “due particularity” (rather than asking for all files about a general topic, which creates a large amount of work) (section 10)
- it is the duty of Council to assist people making requests (section 11)
- the Council must convey its decision on whether to grant the request within 20 working days and must also indicate any charges (section 13)
- information in documents may be made available by providing an opportunity for reading it or by providing a copy of it or by providing a summary or excerpt; however, it should be made available in the way preferred by the requestor unless there are reasons for not doing so (section 15).

Refusing Requests for Information

A request may be refused (section 17) if:

- there is good reason to withhold it under section 6 or 7 of the Act
- the information will soon be publicly available
- the local authority does not actually hold the information
- the information cannot be made available without substantial collation or research
- the request is frivolous or vexatious.

Where a request is refused the Council must give its reasons and advise the requestor that there is a right to have the decision review by the Ombudsmen.

Sections 6 and 7 give the following reasons for withholding information:

- making it available would be likely to prejudice the maintenance of the law, or endanger safety
- withholding the information is necessary to:
 - protect privacy
 - protect information where its release would disclose a trade secret or would prejudice the commercial position of the person who supplied, or who is the subject of the information

- avoid offence to tikanga Maori or avoid disclosure of wahi tapu locations
- protect any obligations of confidentiality where making it available would affect the future supply of information or would otherwise damage the public interest
- maintain free and frank discussion or protect officers and elected members from harassment
- maintain legal professional privilege
- enable the Council to carry out without prejudice or disadvantage commercial activities or negotiations
- prevent the use of information for improper gain.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will also be automatically ousted from office.

Securities Act 1978

The Securities Act 1978 essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Please note that Council is not required to produce a prospectus following the enactment of the Securities (Local Authority Exemption) Amendment Act 2008. In its place a shorter investment statement is required.

Local Government Acts 1974 and 2002

The various provisions of the Local Government Act 1974 and 2002 form the basis of local government. Local government is a creature created by statute and in place to meet the requirements of the Local Government Act.

Elected members should be aware of the purpose of local government (section 10 Local Government Act 2002)

1. The purpose of local government is :
 - (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses..
2. In this Act, good quality, in relation to local infrastructure, local public services and performance of regulatory functions, means infrastructure, services and performance that are:
 - (a) efficient; and
 - (b) effective; and

- (c) appropriate to present and anticipated future circumstances.

In performing its role a local authority must have particular regard to the contribution that the following core services make to its communities

- (a) network infrastructure;
- (b) public transport services;
- (c) solid waste collection and disposal;
- (d) the avoidance or mitigation of natural hazards;
- (e) libraries, museums, reserves, recreational facilities and other community infrastructure

“(1) In performing its role, as outlined in section 14 of the Local Government Act 2002, a local authority must act in accordance with the following principles:

- (a) a local authority should -
 - (i) conduct its business in an open, transparent and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner.
- (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
- (c) when making a decision, a local authority should take account of:
 - (i) the diversity of the community, and the community’s interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii)
- (d) a local authority should provide opportunities for Maaori to contribute to its decision-making processes;
- (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
- (fa) a local authority should periodically -
 - (i) assess the expected returns to the authority from investing in, or undertaking a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
- (h) in taking a sustainable development approach, a local authority should take into account:
 - (i) the social, economic, and cultural interests of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.”

Sections 44-46 of the Local Government Act 2002 outline action that can be taken by the Auditor General to recover a loss incurred by a local authority:

- “(1) For the purposes of this section and sections 45 and 46, a local authority is to be regarded as having incurred a loss to the extent that any of the following actions and omissions has occurred and the local authority has not been fully compensated for the action or omission concerned:
- (a) money belonging to, or administrable by, a local authority has been unlawfully expended; or
 - (b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
 - (c) a liability has been unlawfully incurred by the local authority; or
 - (d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.”

The Auditor General has the right to recover any such loss from each member of the local authority jointly and severally.

The Local Government Act deals with issues of governance, structure of local government, planning, decision-making and accountability, regulatory and enforcement, offences, penalties and other proceedings.

Resource Management Act 1991

This Act governs how Council should deal with land use and other planning processes. The Resource Management Act sets out to provide a range of rules that support a sustainable environment but also permits local autonomy based around the development of a District Plan that applies to each individual local authority.

Privacy Act 1993

The Privacy Act 1993 explains how Council should manage issues to do with information it holds to conduct its business. This could involve individual records relating to ratepayers or staff records for employees of Council.

Council must comply with the requirements of this Act and as part of this process a staff member has been appointed as the designated Privacy Officer. Any queries in relation to the Privacy Act should be directed to the Chief Executive in the first instance.

Health and Safety in Employment Act 1992

Council has obligations to provide a safe working place for staff and members of the public. Attendance to health and safety concerns is part of the responsibility of each staff member and elected member.

Significant penalties exist where the provisions of the Health and Safety in Employment Act are not adhered to.

Public Audit Act 2001

Council is publicly accountable under the provisions of the Public Audit Act 2001. As a result of this, an annual audit is undertaken under the direction of the Auditor General. This audit reviews the financial and non-financial performance of Council through the development and reporting of the Annual Report.

[WDC0710/24, WDC1011/25/1/3 refer]

Appendix 3 - Leasing Rural Halls

E4.5 Leasing - Rural Halls

1. That Council agree in principle to the leasing of halls to Hall Committees where such a lease will provide external funding opportunities for the upgrade of the facilities.
2. That requests from each Hall Committee be considered separately to ensure there are no legal impediments in any particular case.
3. That the lease stipulate the area and include a full description of the land and assets included with the lease of the hall.
4. That the lease include a clause to allow subleasing only with the approval of Council, and in accordance with the head lease.
5. That regular review conditions be included in the lease document and that rental be, initially, minimal.

P/1998/3/18, 1998/3/89

Open Meeting

To	Policy and Regulatory Committee
From	Clive Morgan General Manager Community Growth
Date	9 November 2020
Prepared by	Will Gauntlett RM Policy Manager
Chief Executive Approved	Y
Reference #	GOV1318 / 2939705
Report Title	District Plan Review – Update on Stage 1 and 2

I. EXECUTIVE SUMMARY

The purpose of this report is to provide an update on Stage 1 and 2 of the District Plan Review (DPR).

The report provides an update on the key project milestones that have been achieved and outlines the timeframe for upcoming tasks and processes. Importantly, it includes a financial update on the DPR project.

District Plan Review update for Stage 1

The hearings for the proposed district plan have continued almost uninterrupted despite the COVID-19 disruption and lockdown. This has been in large part due to the willingness of submitters, the Hearings Panel (panel) and staff to be innovative and flexible.

The commissioners made the decision early in lockdown to hold some hearings via Zoom video conferencing. Initially as a trial, the success of the Zoom platform has meant this has continued to be used and it is the panel's intention to use it as the primary means of holding DPR hearings. Zoom hearings have a number of benefits including easy access for those interested in only part of a hearing, cost savings to ratepayers in terms of commissioners' travel and accommodation, ability to record proceedings and allow delayed viewing. The few disadvantages of Zoom (eg some submitters not being able or comfortable to connect) can generally be overcome (eg making available a Council computer and staff support to anyone who needs it).

It is understood that Waikato District Council is the first council in the country to hold a DPR hearing entirely by video conference. Council's experiences and learnings have been shared with others, including through the Ministry for the Environment's *A practical guide to virtual hearings under the RMA* and an RMLA webinar titled '*Council hearings in a virtual world*'.

As previously reported to the committee, Ambury Properties Ltd (submitters of the 'Sleepyhead' proposal) formally requested an early hearing and decision on its submission. The Ohinewai rezoning hearing was held 14-16 September. Due to the indication of political support of the Sleepyhead proposal, and the need to avoid perceptions of bias, an independent consultant planner was engaged to prepare the staff s42A report for the Ohinewai rezoning hearing. At the time of writing this report, the panel had not decided on these submissions, nor had it indicated when that may occur. At its peak, the Ohinewai Rezoning hearing had 65 participants on Zoom. As a side note, Ambury has made an application to the Minister for the Environment for Stage 1 of its proposal (which is serviced onsite) to be processed under the COVID-19 Recovery (Fast-track Consenting) Act 2020. Council responded to some specific questions from the Ministry regarding the application. The Minister for the Environment has advised Council staff that he has made the decision to accept the fast track application. Engagement with the Ministry on this is through Council's Consents Team.

As of 1 November, 23 hearings had been held. The remaining 2020 calendar year will include Significant Natural Areas and the Rangitahi Peninsular provisions. The hearing schedule, as of 10 November 2020, is attached to this report. A recent reshuffle of the timeline means that natural hazard topic will be heard by the panel ahead of rezoning. This will ensure the panel and submitters have familiarity with those constraints.

The rezoning hearings will be a significant focus for staff, the commissioners and submitters in the first half of 2021. This block of rezoning hearings is now set to begin in May 2021. A report setting out the strategic framework for the rezonings to be considered against is due to be published early in the new year. The framework report will assist in ensuring rezoning submissions are assessed consistently. It also identifies opportunities for the panel to ensure the PDP is more responsive to growth and takes into account the increased growth rates that have been observed since the release of the PDP in 2018.

District Plan Review update for Stage 2 (Natural Hazards)

Stage 2 of the District Plan Review is limited to the review of provisions relating to natural hazard risk and the projected effects of climate change.

Stage 2 was approved for public notification by Council on 20 July 2020 (GOV1303). The submissions period ran from 27 July to 23 September 2020.

Stage 2 was advertised in rates notices and, in addition, those properties subject to a proposed hazard map overlay received a custom letter including a property-specific map. Staff facilitated six open days around the district in addition to some one-on-one discussions with iwi authorities and key stakeholders. Staff also responded to some 125 customer enquiries.

A fundamental issue with the Waipa River flood plain map became evident during the focused public engagement. The Waipa flood modelling was oversimplified during the process that converted the data from a 'polyline' to a 'polygon'. This prompted Council to make a submission on its own proposed plan to ensure the panel have scope to consider rectifying the issue. The submission also provided scope for the panel to include detailed shoreline mapping of the Coastal Sensitivity Area (Erosion) around the residential zoned properties at Te Akau South. It also provided scope to address some other minor issues. This submission was approved by Council's Submissions Forum and reported to the Policy and Regulatory

Committee on 12 October 2020 (GOV1318). Staff intend to send another letter to those property owners in the Waipa Flood plain explaining the issue with the map and outline the further submission process.

A total of 187 submissions were received on Stage 2. Council engaged five planning graduate students to assist with the preparation of the summary of submissions for Stage 2, while Council staff continue to be focused on Stage 1 hearings and reports. The next step will be for Council to publish the Summary of Submissions and call for further submissions where certain people can indicate support or opposition to original submission points. Following that, staff will prepare s42A reports to inform the natural hazard hearings, which are expected to be held in April/May 2021.

Timing update (Stage 1 and Stage 2)

As previously reported to the committee, a decision on the PDP is required by 18 September 2021. This will be a single integrated decision for Stages 1 and 2. The project originally aimed to release decisions in July 2021 and the September date included a three-month contingency. Movement of the project milestones, due to delays in preparing and notifying Stage 2, has resulted in the need for the project to utilise this contingency. Staff consider the 18 September 2021 date remains achievable.

Financial update (Stage 1 and Stage 2)

The committee last received a financial update on the DPR project in February 2020.

That update, building on those provided previously, reinforced to that committee that:

- The costs to get an operative district plan will be significantly higher than originally estimated.
- The project is being funded by both budget and deficit reserve.

That update reported that the estimated costs, July 2019 to operative, are made up of:

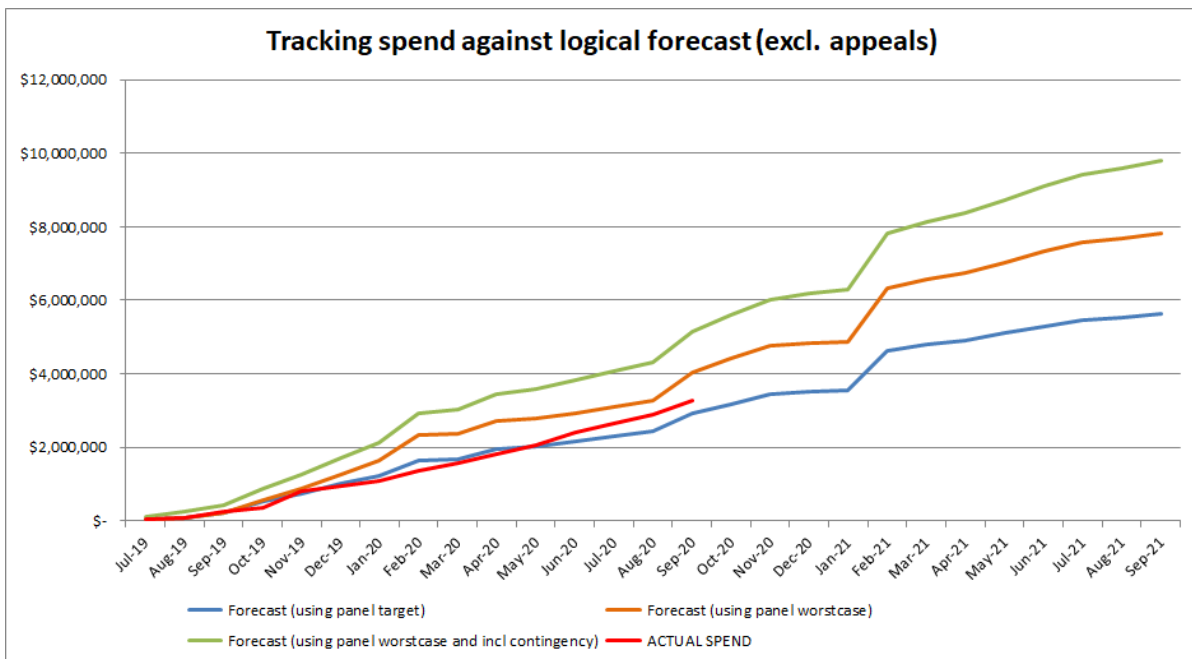
Stage 1 reports, experts and legal advice to inform hearings	\$3.91m
Stage 2 drafting, notification and reports, experts and legal advice for hearings	\$1.02m
Hearings Panel (for both stages 1 and 2)	\$3.39m
Appeal costs	\$2.5m
Contingency	\$2m
TOTAL	\$12.82m

These figures are in addition to the \$2.9m that was spent on the project between 2014 and 2019. These figures include the \$2.3m that was spent in the 2019/2020 financial year.

Staff in the DPR project team have continued to focus on innovating to reduce costs. To date these have included seconding planners from Council's Consents Team, seconding a Policy Planner from Hamilton City Council, employing casual fixed term staff rather than consultants (from principal planners to graduate students). The cost saving from holding the hearings onsite at Council has been further reduced by the move to Zoom Hearings. It is estimated that the innovations have saved the project \$900k.

The graph below shows the spend to date since 1 July 2019 plotted against a logical forecast. This is a high-level indication that the project is progressing in line with the forecast. The graph below does not include the estimate for appeals. The lines in the graph below are:

- Red – actual spend (invoices paid for experts, panellists and project-specific-salaries).
- Orange - forecasted costs using a ‘worst-case’ panel cost of \$3.39M based on each submitter turning up and speaking for 15 minutes at each relevant hearing.
- Blue – forecasted costs using a hearing panel costs based on a more realistic estimate of the hearing lengths.
- Green - forecasted costs using a ‘worst-case’ panel cost plus the \$2M contingency.



The deficit reserve, created to capture DPR costs over and above budget, had a balance of \$2.8m at the end of September 2020. This deficit balance will continue to grow as the hearings progress. Once the shortfall is fully understood, the costs to achieve an operative district plan will need to be addressed through the LTP process. These costs are part of the base cost of local government operations that are difficult to mitigate; if the upfront costs are lowered, the appeals costs will likely be higher and vice versa. Staff will be seeking to retrospectively cover the DPR costs over time to smooth the impact on general rates. Staff will outline possible approaches in the forthcoming LTP workshops.

2. RECOMMENDATION

THAT the report from the General Manager Community Growth be received.

3. ATTACHMENT

- Hearing Schedule as at 10 November 2020

Proposed Waikato District Plan 2020/2021 Hearing Schedule*

Remaining hearings			
Hearing Number	Hearing Name	Date	Hearing Venue
21A	Significant Natural Areas	From 20 November 2020 (Confirmed)	Via Zoom
23	Rangitahi provisions	7 December 2020 (Confirmed)	Via Zoom
17	Te Kowhai Airpark provisions**	Early March 2021	TBC
27A	Flood hazards**	Early May 2021	TBC
27B	Coastal hazards**	Early May 2021	TBC
27C	Other natural hazards and climate change**	Early May 2021	TBC
25	Zone extents	17 May 2021 (Confirmed)	TBC
28	Other Matters **	Early June	TBC
29	Integration **	Early July	TBC

**Please note these dates are subject to change and not all hearings start on a Monday. The length of the hearing is determined by how many submitters have indicated they wish to be heard.*

***This hearing date is tentative. This date is intended to give an indication as to when the hearing might occur to assist submitters preparing evidence and planning holidays. These dates may well change; please bear that in mind.*

Open Meeting

To	Policy & Regulatory Committee
From	Sue O’Gorman General Manager Customer Support
Date	05 November 2020
Prepared by	Jodi Bell-Wymer Corporate Planner
Chief Executive Approved	Y
DWS Document Set #	1318
Report Title	Adoption of the Proposed Alcohol Control Bylaw

I. EXECUTIVE SUMMARY

The purpose of this report is to seek the Policy and Regulatory Committee’s (the Committee) recommendation to Council to adopt the Waikato District Council Alcohol Control Bylaw 2020.

At their August meeting, the Policy and Regulatory Committee resolved to consider and approve the Waikato District Council Proposed Alcohol Control Bylaw 2020 (Bylaw) for public consultation, in accordance with section 83 (special consultative procedure) of the Local Government Act 2002 (LGA).

The proposed Bylaw was notified for public consultation on 02 September 2020 with submissions closing on 05 October 2020. In total, 211 submissions were received (including one late submission that was tabled and accepted). Six submitters presented their submission at the hearing on [27 October 2020](#).

In consideration of submissions received during consultation and those that were spoken to at the hearing, the options for the key proposals were deliberated on and recommended by the Committee with amendments.

Feedback received at the deliberations indicated support for different permanent ban options for towns based on the feedback received through submissions. A detailed explanation of those recommendations can be found in section 4.2 of this report.

For the proposed permanent alcohol ban areas in specific parks and reserves it was recommended by the Committee that

- Wainui Reserve and Maraetai Bay are restricted to control times of 9pm to 9am.
- The 24/7 permanent ban should apply to Sunset Beach, and
- Karioitahi Bay was removed from the schedules as the area proposed falls wholly into Auckland Council jurisdiction.

The Committee also recommend Raglan have a seasonal ban from 9pm to 9am with a reduction in area coverage.

The following documents are included as appendices to this report:

Appendix 1 - Proposed Waikato District Council Alcohol Control Bylaw 2020

Appendix 2 - Proposed Waikato District Council Alcohol Control Bylaw 2020 Schedules

Appendix 3 - Proposed Waikato District Council Alcohol Control Bylaw 2020 Maps

2. RECOMMENDATION

THAT the report of the General Manager Customer Support be received;

AND THAT, subject to any amendments from the Committee, the Policy & Regulatory Committee recommends that Council adopt the Proposed Alcohol Control Bylaw 2020 (as detailed in Appendices 1, 2 and 3 of this report).

3. BACKGROUND

The Local Government Act 2002 (LGA) gives clear guidance on what local authorities should consider when making or continuing an alcohol control bylaw. This guidance has been closely followed in the drafting of the proposed Bylaw.

The desired outcome of the proposed Bylaw is to provide ways of controlling alcohol related harm in the community by supporting safe alcohol consumption habits through the use of clearly marked alcohol control (ban) areas, and signage that indicates where the areas are and the times that the bans apply.

Bylaws made under the LGA specifically apply to public places which are defined as 'a place that is open to or used by the public including places where a fee or charge applies, such as, a parking area'. The restrictions within an alcohol ban area do not apply to areas or activities which are covered by a licence issued under the Sale and Supply of Alcohol Act 2012 (SSA).

The proposed Bylaw will also provide Police with an additional tool under the LGA which allows them to control the consumption or possession of alcohol through additional powers relating to arrest, search and seizure in areas where alcohol bans have been implemented through alcohol control bylaws such as the one proposed.

The proposed Bylaw aims to reduce incidents of crime or disorder related to alcohol consumption by controlling where and when people can possess or consume alcohol in public places.

It will apply to public places within the Waikato district specified in Schedules One and Two, and Council controlled parks, reserves, and esplanades. It should be noted that the purpose of the LGA is not to enable district wide bans, but to allow for the identification of specific areas and the introduction of appropriate controls. The Bylaw therefore identifies and defines any 'control area' through its inclusion in the schedules.

3.1 Consultation

The Special Consultative Procedure was followed to advise the public of the proposed changes and staff used the following communication methods:

- Media Release/Public Notice
- Online engagement tools, including maps and schedules
- Letters to stakeholders
- Information to Community Boards and Committees
- Information to Iwi and Hapuu groups
- Council's Facebook page

A total of 211 submitters made submissions. An invitation to provide feedback was distributed to key stakeholders including NZ Police, SSA licence holders, Community Boards and Halls Committees, Maaori representatives and information was made available via our Waikato District Council offices, libraries and website.

An online tool was available for those who wanted to provide feedback online. Council representatives attended the Huntly Community Board meeting (15 September 2020), Raglan Community Board meeting (16 September 2020) and Ngaruawahia Community Board meeting (29 September) to answer any queries the boards may have had.

A hearing was held on 27 October 2020 to hear from those who wished to speak to their submission. Six submitters attended the hearing, their comments are summarised in 4.1 of this report.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 SUMMARY OF HEARING

A summary of the submitter's comments is tabled below:

Name of Submitter	Submission
Kevin Holmes	<ul style="list-style-type: none"> • Previously an area police officer in Raglan between 1999 and 2006. • Kevin thought the police need this tool and spoke of the many incidences involving alcohol before the previous (2009) liquor bylaw was in place. • Kevin agreed with option one town area permanent bans, 9pm to 9am controls in parks and reserves and agreed with the proposed Raglan seasonal bans but thought until the first week of January would be better.
David Whyte on behalf of the Huntly Community Board	<ul style="list-style-type: none"> • David presented a power point on the effects of alcohol consumption in Huntly.

	<ul style="list-style-type: none"> • Maps were provided highlighting the area's most of which were in the town centre. • David believes the bylaw is a good tool for police to use and agreed with option two - permanent alcohol bans in public urban areas of Huntly. • Supports control times in parks and reserves but did feel they should be amended to be in line with sunset times.
Sue Robertson on behalf of the Tamahere Community Committee (TCC)	<ul style="list-style-type: none"> • Sue presented with her own ward interest in mind and was interested in putting Alcohol bans and control areas in the new community hub area in Tamahere. • The committee want to address alcohol in public before it becomes a problem. • Sue agreed that the park area should be a control area and understood that it will come under the blanket control area of council owned parks reserves and esplanades. • Sue agreed with 9pm but made comment that 9am seemed too early in the morning and wanted the skatepark area to be a 24/7 ban area.
Senior Sergeant David Hall on behalf of the New Zealand Police	<ul style="list-style-type: none"> • David came with 27 years' experience in the Police force. • David stated it is crucial for the police to have an alcohol bylaw. • He stated there is a public perception that alcohol cannot be consumed in public and this works favourably for the police. • David said Raglan has most of the infringements in the Waikato District. • Alcohol litter is a problem everywhere. • The police mostly agreed with option one – permanent bans in town centres and commented that towns in the Waikato vary and mentioned Huntly and Ngaruawahia as being different to Raglan. • The police are working hard with licence holders to reduce alcohol related crime and incidences.

Chris Rayner	<ul style="list-style-type: none"> • Chris spoke to several people around Wainui reserve and felt responsible drinking should be encouraged rather than bans. • Chris asked about evidence and numbers and said Raglan has different needs than other towns such as Ngaruawahia and Huntly etc. • Chris said option two is overreach and agreed with option one focusing on a ban in the Raglan town centre removing the extended area in Cliff street. • Chris discussed Wainui reserve and if there is to be a ban in place it should be the 9pm to 9am ban times as with other parks and reserves.
Senior Constable Raewyn McLachlan on behalf of the Raglan Police	<ul style="list-style-type: none"> • Raewyn has been a police officer in Raglan since 2006. • Raewyn stated having an alcohol bylaw is fantastic and it is needed in Raglan. • An alcohol bylaw gives the police the necessary tools to deal with alcohol induced crime or harm before it eventuates. This is particularly useful when police are on patrol alone. • The Raglan police prefer option one – a town centre focused ban for Raglan, 9pm to 9am for Wainui reserve (and other parks and reserves), a reduced seasonal ban of 23 December to 06 January with a reduction in the proposed area.

4.2 ANALYSIS OF RESULTS

The feedback received varied between each town. The Committee agreed that different communities had different needs and that the options chosen should reflect that. The following table and information are the recommended options from the Committee.

Key Proposal One

Option one to specify permanent 24/7 alcohol ban areas focusing on town centre areas or option two to have 24/7 alcohol bans areas in whole urban areas.

Town	Recommended Option
Ngaruawahia	option two
Taupiri	option two
Huntly	option two
Te Kauwhata	option two
Meremere	option two
Pokeno	option one
Tuakau	option one
Raglan	option one

Permanent Ban Areas in Ngaruawahia and Taupiri

Four submissions were received from the Ngaruawahia community. It was a 2-way split between options one and two. Comments by the Councillor of the Ngaruawahia ward about the Community Board meeting held with both Ngaruawahia and Taupiri committees resulted in option two being recommended for both towns. Option two is a 24/7 ban for public places in the Ngaruawahia urban area (excluding parks and reserves).

Permanent Ban Areas in Huntly

Five submissions were received from the Huntly community. Two submitters preferred option one and three preferred option two. Based on the feedback and the evidence presentation from the Huntly Community Board option two is preferred. Option two is a 24/7 ban for public places in the Huntly urban area (excluding parks and reserves).

Permanent Ban Areas in Te Kauwhata

Seven submissions were received from the Te Kauwhata community. Two preferred option one, three preferred option two and two chose no bans. Based on the feedback, option two is recommended. Option two is a 24/7 ban for public places in the Te Kauwhata urban area (excluding parks and reserves).

Permanent Ban Areas in Meremere

Three submissions were received from the Meremere community. Two preferred option one, with amendments and one preferred option two. Those who selected option one wanted the area increased considerably which was more aligned to option two. Based on the feedback, option two is recommended. Option two is a 24/7 ban for public places in the Meremere urban area (excluding parks and reserves).

Permanent Ban Areas in Pokeno

Two submissions were received from the Pokeno community. The Pokeno Community Committee selected option one with amendments and another submitter chose option two. Feedback from the committee was to recommend option one - extending the town area ban to include the community hall.

Permanent Ban Areas in Tuakau

Fourteen submissions were received for Tuakau. Six were in favour of option one and eight against all alcohol bans. Comments and evidence from police favoured permanent alcohol bans in Tuakau and the Committee recommend option one with amendments to include Madill Street.

Permanent Ban areas at specified beaches and reserves

Wainui Reserve	Alcohol control ban from 9pm to 9am (subject to any seasonal bans)
Sunset Beach	Permanent alcohol ban area 24/7 365 days a year
Maraetai Bay	Alcohol control ban from 9pm to 9am (subject to any seasonal bans)
Karioitahi Beach	Removed from schedule. This is currently a 24/7 365 ban within the Auckland Council

Alcohol control times in Council parks, reserves and esplanades

Most submitters agreed with the 9pm to 9am alcohol bans in Council parks, reserves and esplanades. Comments from the Committee during deliberations were supportive of this option (unless permanent or seasonal bans apply).

Seasonal ban in Raglan

Most submitters were against seasonal bans in Raglan. Many provided comments that the proposed dates were too long, and the proposed area was too wide. The Police, who presented at the hearing, strongly felt a seasonal ban in Raglan was required based on their experiences. The Police, like submitters, thought the seasonal ban dates could be 23 December to 06 January with a reduced area. Comments from the Committee indicated they were supportive of those dates and a reduction in area if it includes Waireinga and Ruapuke beaches.

Additional areas proposed

The Tamahere Community Committee identified Tamahere as a place where crime could occur as the community hub grows. As the area surrounding the hub is a Council owned reserve, a ban from 9pm to 9am would apply. Due to section 147A(b) (as specified in the Legal section of this report) it is advised that the Bylaw be amended during a future review to include additional ban areas in Tamahere once evidence of alcohol relative harm exists.

5. CONSIDERATION

5.1 FINANCIAL

It is not envisaged that the proposed Bylaw will require any extra funding over that which is currently provided in operational budgets.

There will be some costs in altering existing signage and providing additional signs for expanded areas and it is estimated that this will be approximately \$5,000. This will be a one-off cost over the current annual budget.

5.2 LEGAL

Section 147 of the Act specifically grants territorial authorities the power to make bylaws for the purpose of prohibiting or otherwise regulating or controlling the consumption, bringing and possession of alcohol in public places.

Before making such a bylaw, section 147A requires Council to be satisfied that:

- (a) It can be justified as a reasonable limitation on people's rights and freedoms; and
- (b) There is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption; and
- (c) The bylaw is appropriate and proportionate in the light of the crime and disorder.

The considerations under section 147A are an extension of the analysis required under section 155 of the Act. The Committee does not have the delegated authority to determine whether Council is satisfied but can make recommendations in relation to the same.

The Police have provided evidence that there are public areas within the Waikato district that are more likely to be subject to the adverse effects of alcohol. It is those areas for which the Bylaw proposes to implement the alcohol control measures. It should also be noted that, for most of the areas for which this evidence was provided, the previous (now expired) WDC Bylaw was in place.

Such evidence shows that, in accordance with section 147A of the Act, Council can be satisfied that:

- (a) It can be justified as a reasonable limitation on people's rights and freedoms; and
- (b) There is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption; and

The bylaw is appropriate and proportionate in the light of the crime and disorder.

When making or amending a bylaw, the special consultative procedure under the Local Government Act 2002 must be observed.

Council staff are satisfied that the procedure as detailed under s83 of the LGA was appropriate in the circumstances as it enabled the community to respond to the proposed bylaw and to be heard at a hearing.

5.3 Strategy, Plans, Policy and Partnership Alignment

Staff have identified that the Proposed Alcohol Control Bylaw 2020 is not in conflict with other Council plans and policies, such as the Local Alcohol Policy or any of Council's reserve management plans.

5.4 Assessment of Significance and Engagement Policy and of External Stakeholders

This bylaw triggers Council's Significance and Engagement Policy as the Special Consultative Procedure was required and undertaken.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	Section 83 consultation has been completed				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		✓	Internal
		✓	Community Boards/Community Committees
		✓	Waikato-Tainui/Local Iwi and Hapuu
		✓	Households
		✓	Business
		✓	Sale and supply of alcohol licence holders
		✓	NZ Police

6. CONCLUSION

The proposed Waikato District Council Alcohol Control Bylaw 2020 was notified for public consultation under the SCP. Six members of the public attended the hearing and presented their submissions.

Considering the public submissions and the recommendations by Council staff and the Committee, the proposed bylaw and schedules are included in Appendix 1, 2 and 3.

7. ATTACHMENTS

Appendix 1 - Proposed Waikato District Council Alcohol Control Bylaw 2020

Appendix 2 - Proposed Waikato District Council Alcohol Control Bylaw 2020 Schedules

Appendix 3 - Proposed Waikato District Council Alcohol Control Bylaw 2020 Maps

Proposed Waikato District Council Alcohol Control Bylaw 2020

Waikato District Council, in exercise of its powers under the Local Government Act 2002 hereby makes the following bylaw.

Introduction

1.0 Short title, commencement and application

- 1.1 The bylaw is the "Waikato District Council Alcohol Control Bylaw 2020".
- 1.2 The bylaw shall apply to the Waikato District.
- 1.3 The bylaw shall come into force on xxx xxx.

Part I – Preliminary provisions

2.0 Purpose

The purpose of this bylaw is to provide for the prohibition and control of the consumption or possession of alcohol in public places (including vehicles in public places) to reduce alcohol related harm.

3.0 Interpretation

- 3.1 In this Bylaw, unless the context otherwise requires –

Act	means the Local Government Act 2002
Alcohol	has the same meaning as 'alcohol' given by section 5(1) of the Sale and Supply of Alcohol Act 2012.
Council	means the Waikato District Council
Licensed premises	has the same meaning as 'licensed premises' given by section 5(1) of the Sale and Supply of Alcohol Act 2012 and means any premises for which a licence under the Sale and Supply of Alcohol Act 2012 is held.

Permanent

Alcohol Ban Area means an area described in schedule one in which alcohol restrictions are permanently in place in the public places within the area, during the times, days or dates specified in the Schedule.

Public place

has the same meaning as ‘public place’ given by section 147 of the Local Government Act 2002; and means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is entitled to exclude or eject any person from it; but does not include licensed premises.

Temporary

Alcohol Ban Area means an area described in a resolution made under this bylaw in which alcohol restrictions are temporarily in place in the public places within the area during the times, days or dates specified in the resolution.

Waikato District

means the area within the boundaries under the territorial authority of the Waikato District Council and includes all coastal areas to the line of mean low water springs.

3.2 Any explanatory notes and attachments are for information purposes only and do not form part of this Bylaw.

3.3 The Interpretation Act 1999 applies to this Bylaw.

Part 2 – Control of Alcohol

4.0 Alcohol Ban Areas

4.1 Every person is prohibited from consuming, bringing into, or possessing alcohol in any public place (including a vehicle) in contravention of an alcohol ban made by the Council in accordance with clause 5.1.

Explanatory note:

As at 21 January 2020, under section 147(4) of the Local Government Act 2002, the prohibition in clause 6(1) does not apply to alcohol in an unopened container in the following circumstances:

- (a) The transport of the alcohol from licensed premises next to a public place, if –*
 - (i) it was lawfully bought on those premises for consumption off those premises; and*
 - (ii) it is promptly removed from the public place; or*
- (b) The transport of the alcohol from outside a public place for delivery to licensed premises*

next to the public place; or

- (c) *The transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or*
- (d) *The transport of the alcohol from premises next to a public place to a place outside the public place if—*
 - (i) *the transport is undertaken by a resident of those premises; and*
 - (ii) *the alcohol is promptly removed from the public place.*

5.0 Alcohol Control Areas

5.1 Council may, by resolution, declare alcohol control areas for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:

- (a) the consumption, bringing into or possession of alcohol in public places; and
- (b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.

5.2 Any resolution made under clause 5.1 must also:

- a)** include a map of the alcohol control area;
- b)** specify whether the alcohol control area is permanent or temporary and, if temporary, the time(s) that any prohibition or control applies;
- c)** if consumption, bringing into or possession of alcohol is controlled rather than prohibited, specify the nature of the control.

5.3 The Council must, before making an alcohol controlled area in accordance with clause 5.1:

- (a) Be satisfied that the alcohol controlled area gives effect to the purpose of the bylaw; and
- (b) Comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002; and
- (c) Comply with the criteria under section 147B of the Act, as follows:
 - (i) Be satisfied that there is evidence that the area to which the alcohol ban will apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
 - (ii) Be satisfied that the alcohol ban is appropriate and proportionate in light of the evidence and can be justified as a reasonable limitation on people's rights and freedoms; and

- (d) Investigate and, where appropriate, implement community-focused solutions as an alternative to or to complement an alcohol controlled area; and
- (e) Consider the views of the New Zealand Police; and
- (f) Consider the views of Maori; and
- (g) Consider the views of owners, occupiers, or persons that the Council has reason to believe are representative of the interests of owners or occupiers, of premises within the area to which the alcohol ban will apply.

5.4 The Council may, at any time, amend or revoke alcohol controlled area in accordance with clauses 5.1, 5.2 and 5.3 with the necessary modifications.

5.5 Clause 5.3 does not apply to a person who is acting pursuant to, and in accordance with any conditions of, a consent granted under clause 10.1.

6.0 Permanent alcohol control areas

6.1 Council may by resolution, under clause 5.1 declare an area to be a permanent alcohol control area at all times; or for specified, repeated periods of time.

6.2 Permanent alcohol control areas are listed in Schedule One. Schedule one illustrates the specific areas that are permanent alcohol control areas and states the times, days or dates during which the alcohol restrictions apply to the public places.

6.3 Every person is prohibited from consuming, bringing into, or possessing alcohol in all Council Controlled Parks, Reserves and Esplanades (including a vehicle) between the hours of 9pm and 9am.

7.0 Temporary alcohol control area

7.1 Council may, by resolution, under clause 5.1 declare an area to be a temporary alcohol control area for a specific period not exceeding seven consecutive days.

7.2 Council will give public notice of a temporary alcohol control area at least 14 days before the temporary alcohol control area comes into force.

7.3 Where a temporary alcohol control area applies to an event Council must consider:

- (i) the nature and type of the event;
- (ii) the history (if any) of the event;
- (iii) the number of people expected to attend the event;
- (iv) the area in which the event is to be held;
- (v) whether the Police support the proposed temporary alcohol control area; and

- (vi) whether the Police will be present at the event to enforce it.
- b) may consider any other information it considers relevant.

Explanatory note: Records of resolutions made for temporary alcohol controls will not be included in the 'register of resolutions' but are permanently recorded through the appropriate Council records of meetings, minutes and resolutions.

8.0 Signage

- 8.1 Where it is practicable or reasonable to do so, the Council will erect signage within alcohol control areas to provide information to the public about the restrictions. The size, location and content of the signage will be at the Council's discretion.
- 8.2 To avoid any doubt, the absence of signage in any alcohol control area does not authorise a breach of this bylaw.
- 8.3 This clause is subject to any regulations made under section 147C of the Act.

Part 3 – Enforcement offences and penalties.

9.0 Enforcement.

- 9.1 A constable may use their powers under the Act to enforce this Bylaw
- 9.2 This Bylaw authorises a constable to exercise the power of search under sections 169(2)(a) and 170(2) of the Act for temporary alcohol areas declared in accordance with clauses 6 and 8.

Explanatory note: Section 170(2) provides constables with additional powers of search in relation to temporary alcohol controls that have been notified and indicated by signs in accordance with section 170(3) of the Act.

10.0 Offences and penalties

- 10.1 Every person who breaches this bylaw commits an offence.
- 10.2 Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

Explanatory note: As at 18 December 2013, the penalty for breaching an alcohol bylaw is an infringement fee of \$250 under the Local Government (Alcohol Ban Breaches) Regulations 2013.

Part 5 – Exceptions.

11.0 Exceptions

11.1 The restrictions within an alcohol ban area do not apply to areas or activities which are covered by a licence issued under the Sale and Supply of Alcohol Act 2012, including:

- (a) Any public place which is part of a licenced premises' outdoor area, where permission to occupy that area has been granted by the Council; or
- (b) The carrying of alcohol directly between one part of a licensed premises and another part of the same premises across a public place that separates the parts of the licensed premises; or
- (c) Any public place that is subject to a special licence, for the term of that licence; or
- (d) Any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies; or
- (e) Any event held in a public place at which alcohol is served under a section 38 endorsed licence under the Sale and Supply of Alcohol Act

Explanatory note:

A number exceptions for the transportation of unopened bottles or containers of alcohol through alcohol control areas are listed in section 147(4) of the Act, and are not restricted by this bylaw, including:

- Commercial deliveries to licensed premises;
- Carrying alcohol purchased from an off-licence (eg liquor store);
- Carrying alcohol to or from BYO licensed premises;
- Carrying alcohol to or from private residences.

Some of these exceptions require the alcohol to be promptly removed from any public places covered by alcohol restrictions.

11.2 Any resolution of the Council may be amended, rescinded, or reinstated by a further resolution of the Council.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on **Add Date**.

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was hereto affixed in the presence of:

Mayor

Chief Executive

WAIKATO DISTRICT COUNCIL

ALCOHOL CONTROL BYLAW 2020

Permanent Bans - Schedule one

Public Places where the consumption of alcohol, possession of alcohol and use of a vehicle in conjunction with alcohol is always prohibited. Council controlled parks, reserves and esplanades all fall under the alcohol control times of 9pm to 9am as per clause 6.3 of the bylaw and are shown in purple if within the area on the attached maps

1. **Ngaruawahia**

Ngaruawahia urban area as identified in the schedule map #1 named 'Alcohol control bylaw ban area: Ngaruawahia' excluding any 9pm to 9am alcohol control area identified in purple on the map

2. **Taupiri**

Taupiri urban area as identified in the schedule map #2 named 'Alcohol control bylaw ban area: Taupiri' excluding any 9pm to 9am alcohol control area identified in purple on the map

3. **Huntly**

Huntly urban area as identified in the schedule map #3 named 'Alcohol control bylaw ban area: Huntly' excluding any 9pm to 9am alcohol control area identified in purple on the map

4. **Te Kauwhata**

Te Kauwhata urban area as identified in the schedule map #4 named 'Alcohol control bylaw ban area: Te Kauwhata' excluding any 9pm to 9am alcohol control area identified in purple on the map

5. **Meremere**

Meremere urban area as identified in the schedule map #5 named 'Alcohol control bylaw ban area: Meremere' excluding any 9pm to 9am alcohol control area identified in purple on the map

6. **Pokeno**

Pokeno township area as identified in the schedule map #6 named 'Alcohol control bylaw ban area: Pokeno' excluding any 9pm to 9am alcohol control area identified in purple on the map

7. **Tuakau**

Tuakau township area as identified in the schedule map #7 named 'Alcohol control bylaw ban area: Tuakau' excluding any 9pm to 9am alcohol control area identified in purple on the map

8. **Raglan**

Raglan township area as identified in the schedule map #8 named 'Alcohol control bylaw ban area: Raglan' excluding any 9pm to 9am alcohol control area identified in purple on the map

9. **All Council controlled Cemeteries**

Specified Parks, reserves, esplanades and beaches where the consumption of alcohol, possession of alcohol and use of a vehicle in conjunction with alcohol is prohibited at all times

I. **Sunset Beach, Port Waikato**

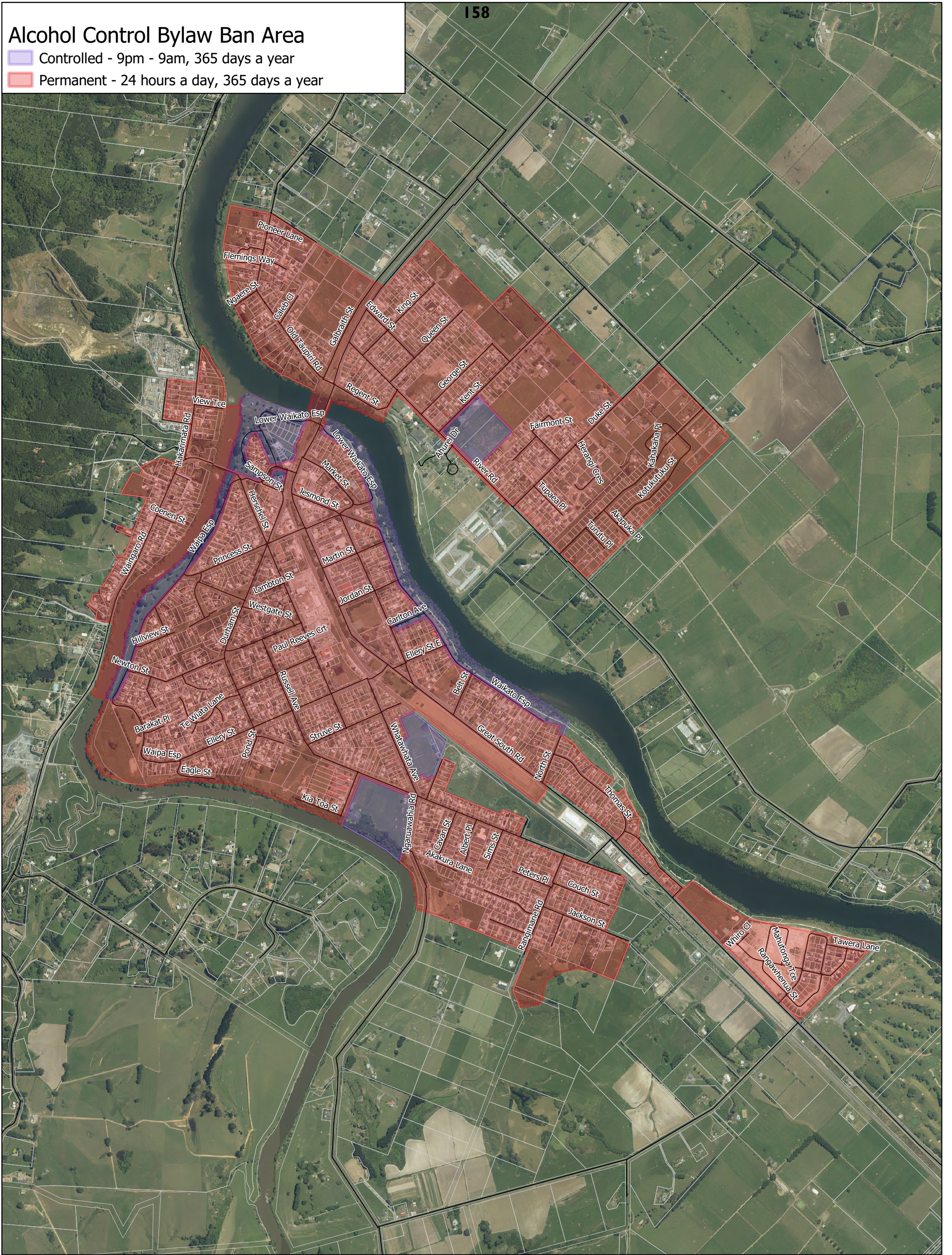
Sunset beach area as identified in the schedule map #9 named 'Alcohol control bylaw ban area: Sunset beach, Port Waikato' excluding any 9pm to 9am alcohol control area identified in purple on the map

Public Places where the consumption of alcohol, possession of alcohol and use of a vehicle in conjunction with alcohol is always prohibited during the period of 23 December through to 06 January.

I. **Wider Raglan Ward** area as per the attached map #10

Alcohol Control Bylaw Ban Area

- Controlled - 9pm - 9am, 365 days a year
- Permanent - 24 hours a day, 365 days a year



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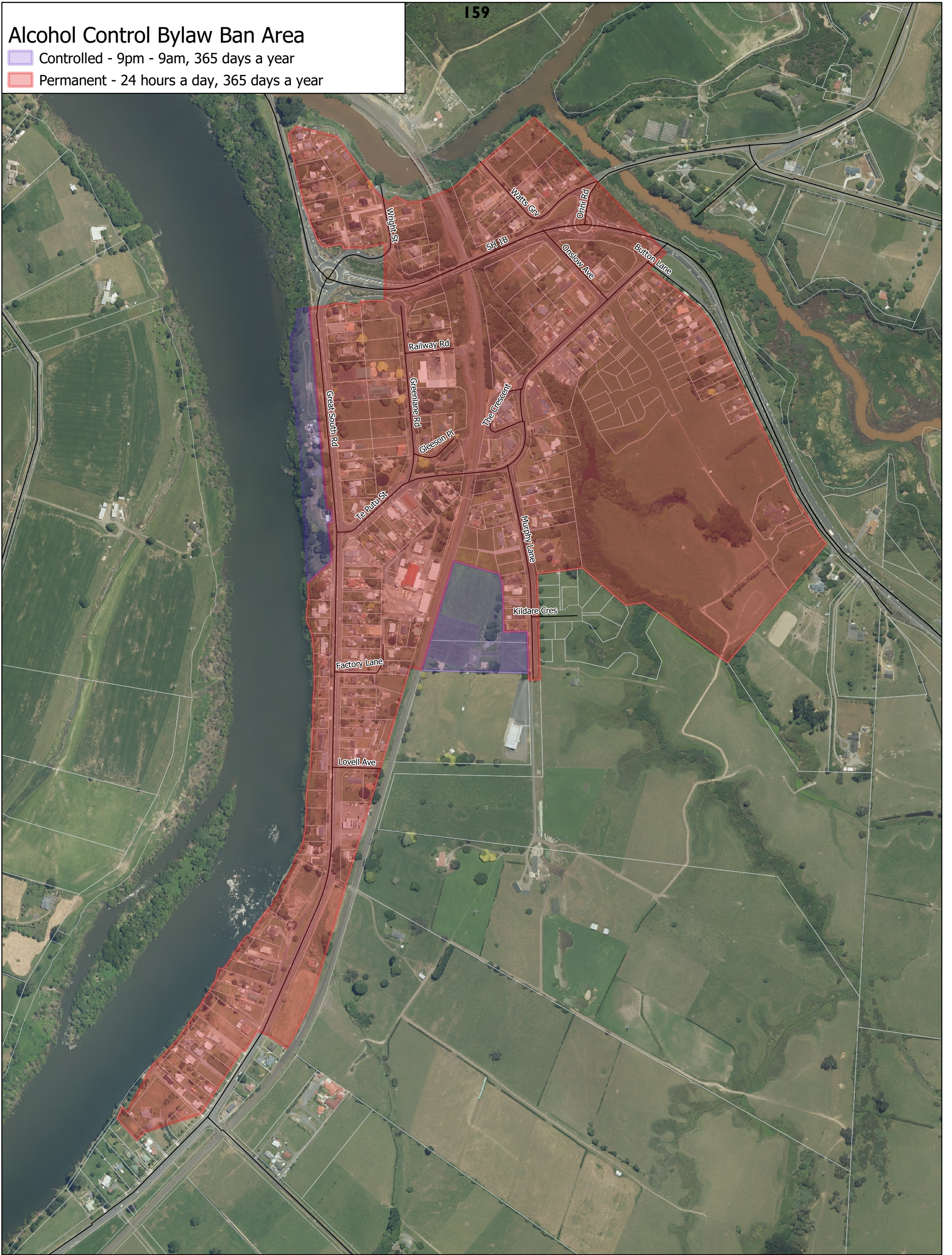
Alcohol Control Bylaw Ban Area: Ngaruawahia Map#1

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Created For:
JBELL001
Date Created:
2020-11-06
Projection: NZTM
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Ref: ME22783

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Aerial Photo 2017
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Alcohol Control Bylaw Ban Area

- Controlled - 9pm - 9am, 365 days a year
- Permanent - 24 hours a day, 365 days a year



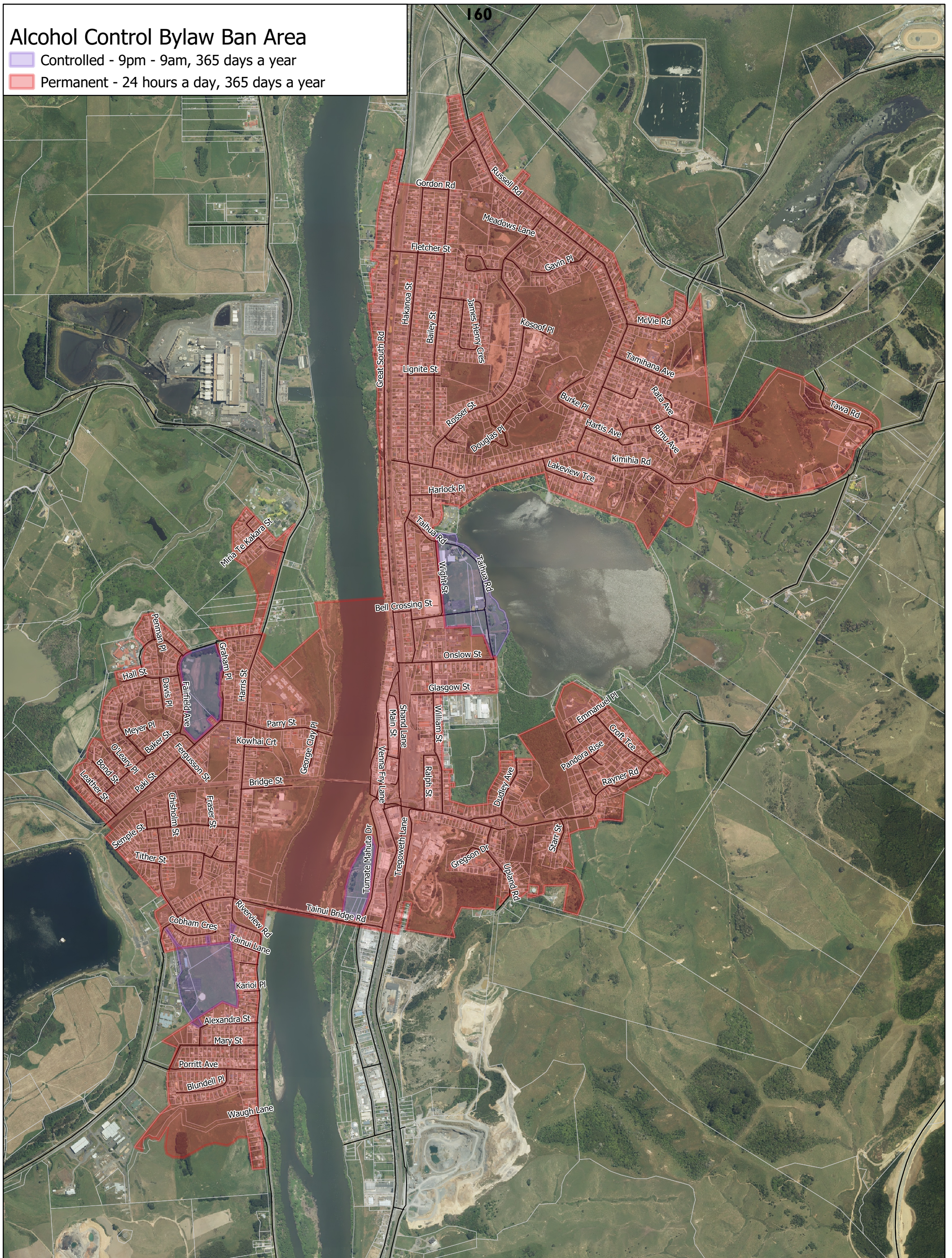
Alcohol Control Bylaw Ban Area: Taupiri Map#2

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2020-11-06
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Alcohol Control Bylaw Ban Area

- Controlled - 9pm - 9am, 365 days a year
- Permanent - 24 hours a day, 365 days a year



160



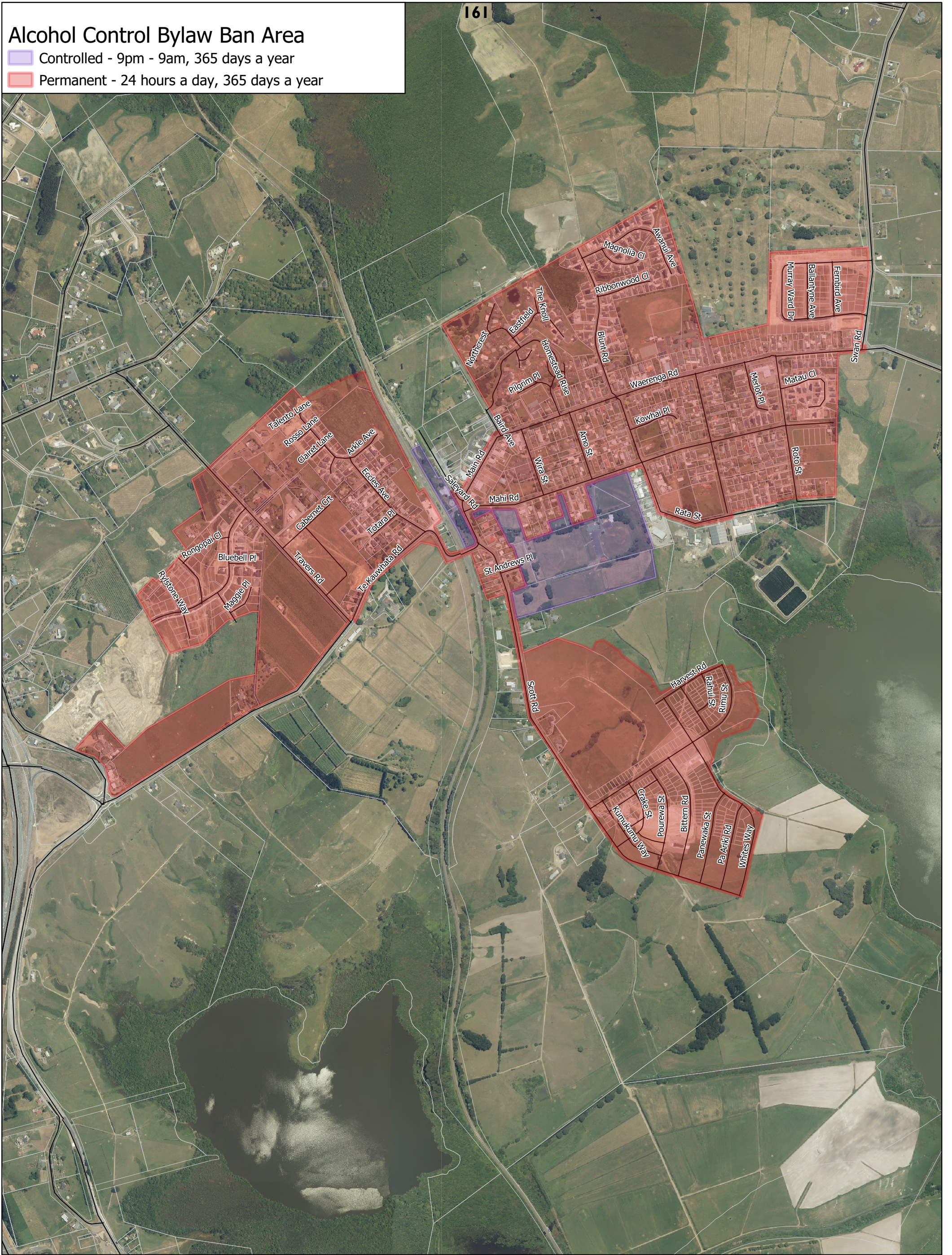
Alcohol Control Bylaw Ban Area: Huntly Map#3

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2020-11-06
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Alcohol Control Bylaw Ban Area

- Controlled - 9pm - 9am, 365 days a year
- Permanent - 24 hours a day, 365 days a year



161



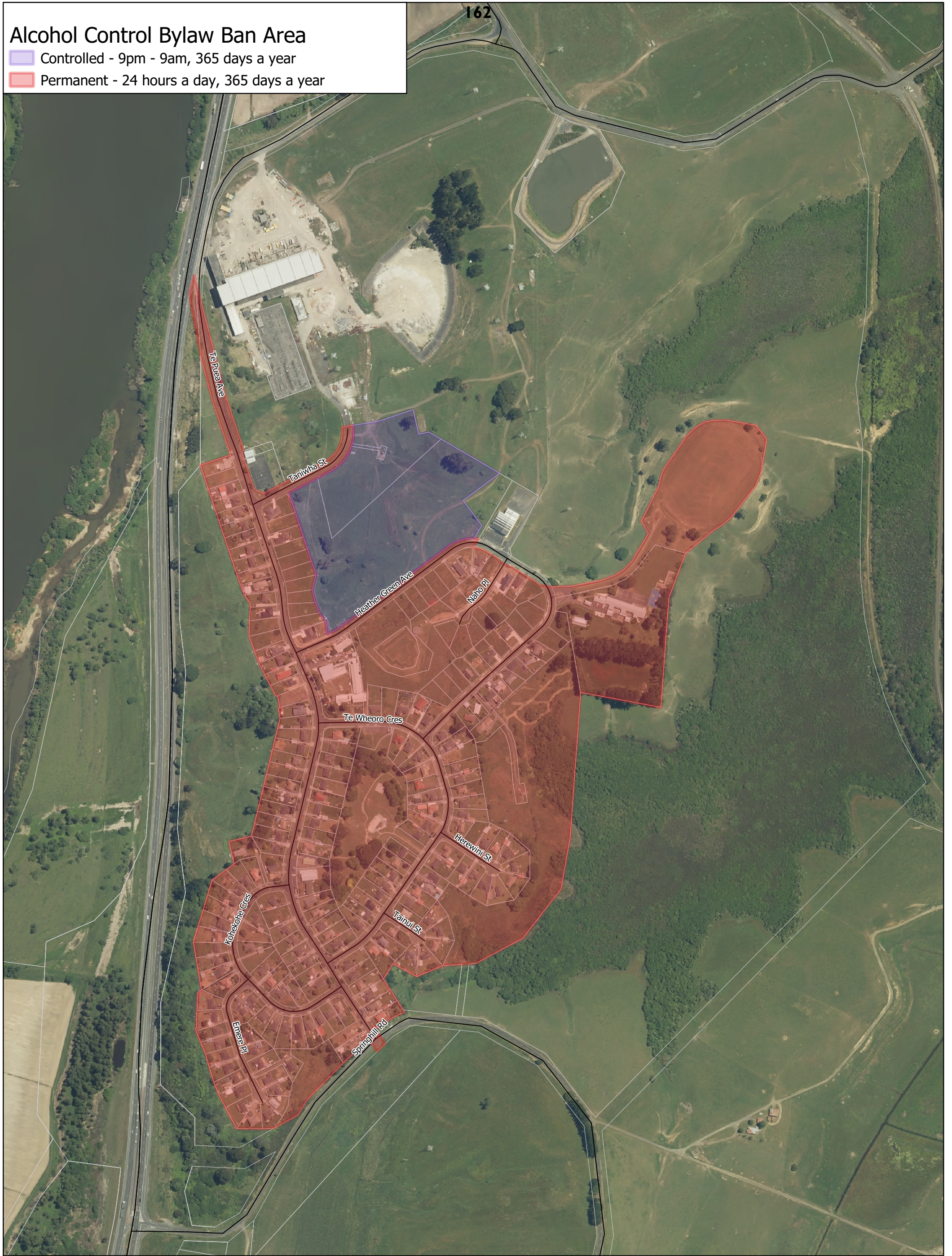
Alcohol Control Bylaw Ban Area: Te Kauwhata Map#4

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2020-11-06
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Alcohol Control Bylaw Ban Area

- Controlled - 9pm - 9am, 365 days a year
- Permanent - 24 hours a day, 365 days a year




Alcohol Control Bylaw Ban Area: Meremere Map#5

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Alcohol Control Bylaw Ban Area

 Permanent - 24 hours a day, 365 days a year





Alcohol Control Bylaw Ban Area:
Pokeno
Map#6

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Alcohol Control Bylaw Ban Area

-  Controlled - 9pm - 9am, 365 days a year
-  Permanent - 24 hours a day, 365 days a year



Alcohol Control Bylaw Ban Area: Tuakau Map#7

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Date Created:
2020-11-06
Projection: NZTM
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Ref: ME22783

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Alcohol Control Bylaw Ban Area

Permanent - 24 hours a day, 365 days a year





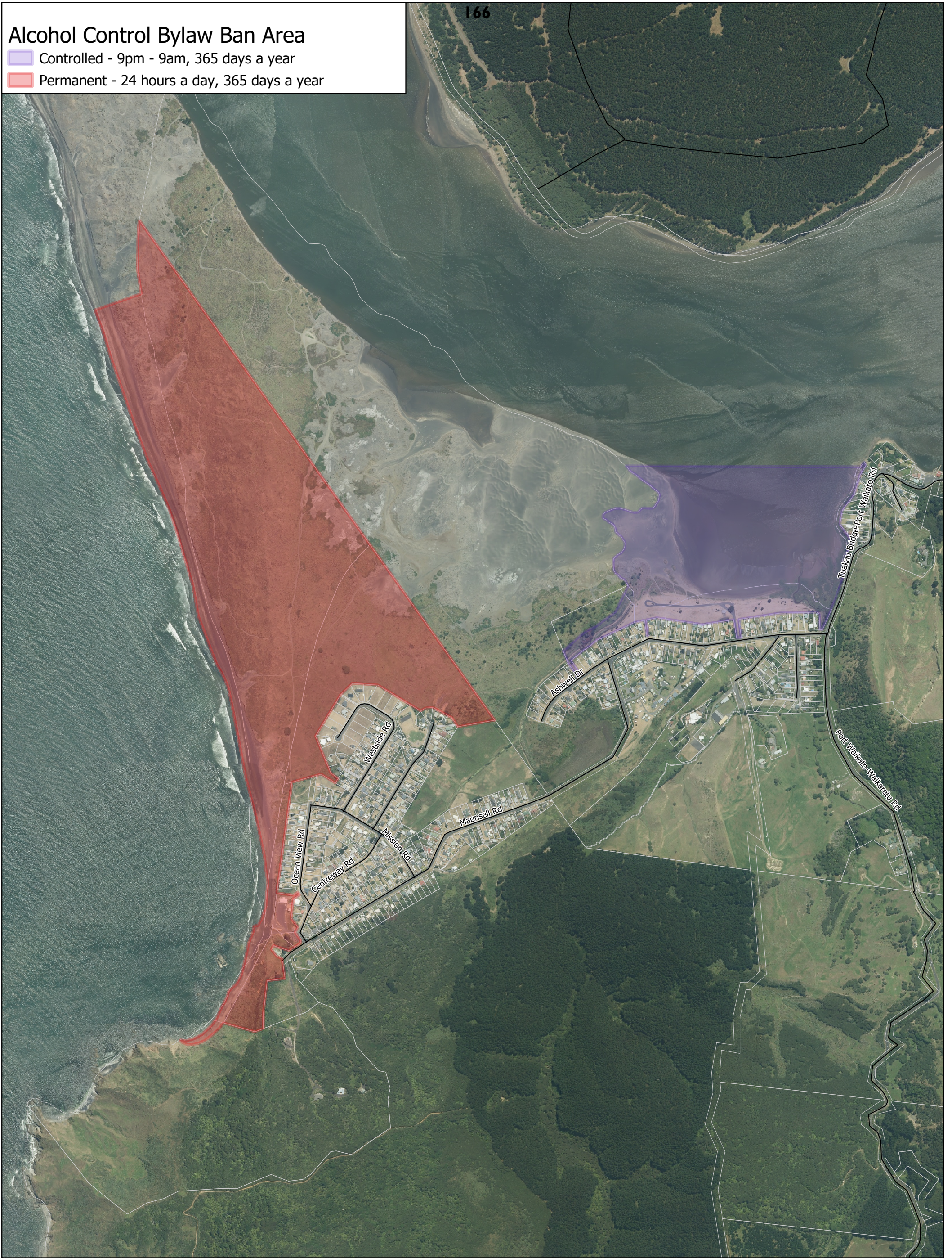
Alcohol Control Bylaw Ban Area: Raglan Map#8

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 Date Created: 2020-11-06
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 Ref: ME22783

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Alcohol Control Bylaw Ban Area

-  Controlled - 9pm - 9am, 365 days a year
-  Permanent - 24 hours a day, 365 days a year



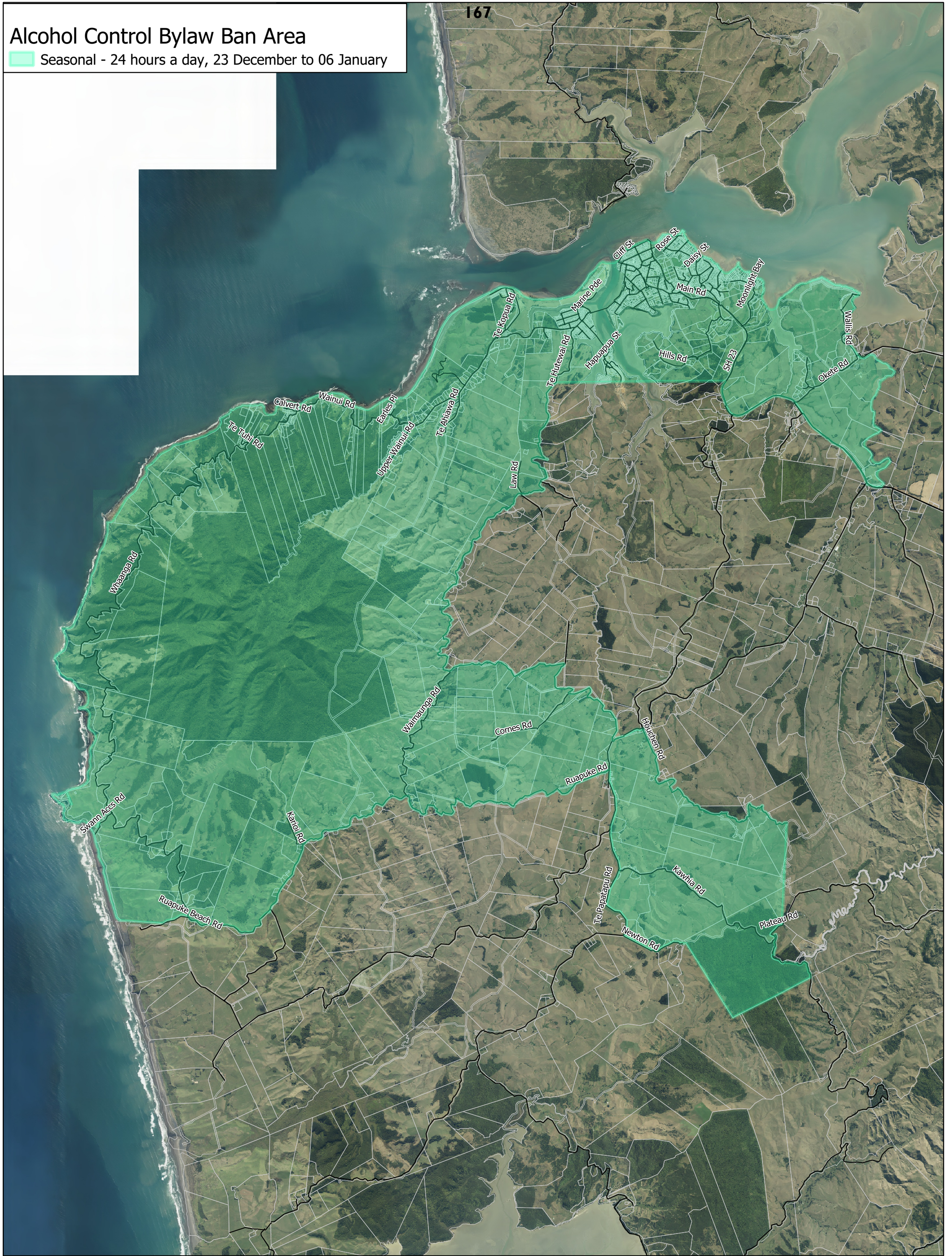
Alcohol Control Bylaw Ban Area: Port Waikato Map#9

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Date Created:
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Alcohol Control Bylaw Ban Area

Seasonal - 24 hours a day, 23 December to 06 January



Alcohol Control Bylaw Ban Area: Raglan District Map# 10

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Date Created:
2020-11-06
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Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	11 November 2020
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Chief Executive's Business Plan

1. EXECUTIVE SUMMARY

The Chief Executive's Business Plan is a summary of progress on the Chief Executive's Performance Agreement. This report covers 2020/2021 items.

2. RECOMMENDATION

THAT the report from the Chief Executive be received.

3. BACKGROUND

The Chief Executive's Business Plan is a summary of progress on a number of issues targeted by Councillors.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The Plan is a summary of progress on specific issues. It enables staff and Councillors to focus on the big issues and ensures that attention is given to those things that really matter.

The Plan is in line with the Chief Executive's Performance Agreement which was updated in June 2020 in preparation for the new financial year.

4.2 OPTIONS

The list of projects has been agreed by Council.

The Plan is consistent with the Chief Executive's Performance Agreement approved through workshops and the meeting of the Chief Executive Performance Review Committee in June 2020.

5. CONSIDERATION

5.1 FINANCIAL

Nil at this stage.

5.2 LEGAL

As part of undertaking the work detailed in this plan, Council needs to ensure that the approach taken is consistent with the Purpose of Local Government.

In other words, to meet the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

This report contains the strategic issues that Council is focused on. The Chief Executive's Business Plan has been updated to align to the Chief Executive's Performance Agreement. The underpinning criteria is the council vision of "liveable, thriving and connected communities"

Iwi and Tangata Whenua have been, or will be consulted on at least some of the key projects or initiatives referred to in the report. Iwi are involved as a strategic partner of Council (evidenced at Team Up 2020 and in the Raglan Wastewater Consent renewal process).

Iwi have been engaging in the waters management project and with Council and central government on the Hamilton to Auckland Corridor.

The list has been updated in line with the Chief Executive's Performance Agreement which was updated in June 2020 in preparation for the new financial year.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The report does not trigger any concerns about significance of the projects being discussed.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The report provides a summary of what progress is being made on the various issues. It is for information at this stage of the year.				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
		✓	Internal
	✓		Community Boards/Community Committees
	✓		Waikato-Tainui/Local iwi
	✓		Households
	✓		Business
			Other Please Specify

The assessment depends on the issues involved.

6. CONCLUSION

The schedule summarises progress on the key issues agreed with Council.

7. ATTACHMENTS

Chief Executive's KPI worksheet

Chief Executive's KPIs – 2020/2021

Overarching Council Vision: “Liveable, Thriving and Connected Communities”
Staff & Wellbeing Vision: “Work Safe, Home Safe”

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
1. Delivery and achievement of LTP year 3 (covers normal business activities, financial and non-financial performance measures and the delivery of the annual work programme)	1.1	The 2020/2021 Annual Plan is delivered within the agreed budget, and in accordance with variations approved by Council. Provide regular updates to the Strategy & Finance Committee on progress.	<p>Planning and co-ordination work underway for the 2020/21 Annual Plan projects and carry forwards from prior years.</p> <p>Approximately \$12.82 million of capital work had been completed by the end of October. Progress is expected to be made in coming months particularly as Watercare proceed with tendered capital projects.</p>	
	1.2	Demonstrate alternative effective approaches to reducing the level of carry forwards.	<p>Several different approaches have been taken. A comprehensive review of the outstanding projects has been completed through Councillor feedback.</p> <p>The Service Delivery General Manager has explained our approach at the August Infrastructure Committee meeting.</p> <p>A lot of internal work is being undertaken by the Service Delivery team in association with Finance and Procurement to identify ways to try to fast-track progress.</p>	
	1.3	Provide evidence (tangible examples) of alignment between the implementation of Council's work plan and the Council vision of Liveable, Thriving and Connected Communities.	<p>The work being undertaken to consider the formation of man whenua forums is an example of attempts being made to improve engagement and to connect with hapu and marae. Mana whenua forums were raised at the October Council meeting including some more detail and the related framework for the forums to commence in 2021.</p> <p>An electronic newsletter has also been established to provide another point of connection to the community.</p>	

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
2. To deliver the 2021-2031 Draft LTP	2.1	The 2020-2031 Draft LTP incorporating agreed targeted Covid-19 related areas, is complete by 30 June 2021.	A number of workshops have been undertaken to establish the foundations for the 2021-2031 LTP.	
	2.2	Ensure the financial sustainability of Council, including staying within banking covenants and treasury policies as a result of Covid-19.	Banking covenants and treasury policies are being met in the context of Covid-19. Debt levels and financial constraints will need to be carefully managed through the next LTP period.	
3. Complete the development of a targeted Recovery Plan in respect of Covid-19 for the organisation and the District.	3.1	Ensure the Plan incorporates and defines the role of the Council and organisation as a facilitator, coordinator and/or leader in: a) Getting people sustainably back to work, and the organisation fully effective as quickly as possible. b) Economy and community recovery and development.	3.1 (a) Levels of service are being maintained and technology to support more flexible working is being rolled out or procured as part of a replacement programme. Most of the technology required to enable a more flexible mobile workforce has now been received and will be rolled out in the next few weeks. (b) Economic stimulus is coming through the Raglan Wharf project, Te Awa Cycleway and through grants available to council as a result of the government three waters reform programme. The Council is expected to sign off the Funding Agreement on September 28. A further community and business survey is planned when the wage subsidies finish to get a further update on the economic and social state of our District.	

	3.2	Fully implement all agreed strategies to agreed parameters and deadlines.	<p>A number of partnerships and opportunities have arisen through Covid-19. The Chief Executive represents five councils on the Caring for Communities operational Committee. This is providing connection with Iwi leaders throughout the region as well as other key stakeholders such as government departments and the District Health Board.</p> <p>The Economic and Community Development Team are connecting in with the Ministry for Social Development to work together to help the recovery process for our District.</p>	
4. Strategic Management & Delivery (key projects and priorities includes regional and national matters)	4.1	Hamilton to Auckland Corridor - At each performance review, demonstrate the role that the Chief Executive has played in unlocking the opportunities for the Waikato District in relation to the Hamilton to Auckland Corridor e.g. objective feedback, tangible progress.	<p>The focus at present is to align Waikato 2070 with the Metro Spatial Plan and the detailed business case for the Southern Wastewater Plant (to the south of Hamilton).</p> <p>Council's representative to the Southern Wastewater Plant Governance Group is making a difference to the discussions and the quality of the decision making.</p>	
	4.2	Strategic Review of Waters Management - Provide updates at each performance review of progress on the strategic review of the waters business and future direction. The updates should focus on the role that the Chief Executive has played in advancing the process.	To date, the Watercare contract is going well. The Waters Governance Board approved participation in the government three waters reform programme – stage 1. This is non-binding but will involve the council in discussions with neighbouring local authorities.	
	4.3	Blueprints - Demonstrate that the Blueprints project aligns with the Council vision, that it will inform the 2021-2031 LTP process, and that it will be communicated with our community.	Work on Blueprints is progressing.	

	4.4	Solid Waste Review - By 30 June 2021, complete a review of solid waste and agree a Council strategy about how waste will be managed in the future, which is aligned with the Council's vision.		A project manager (internal resource) has been appointed to support this project. The project is now advancing through discussion at a recent council workshop.	
5. Partnerships and Relationships (includes relationships with other Councils, NZTA, Iwi and the Waikato District Alliance)	5.1	Provide evidence of initiatives, collaboration and engagement with Iwi, including the key outcomes achieved.		Staff engage with Iwi at a number of levels – meeting with mana whenua, through the Waikato-Tainui Joint Management Agreement and other informal hui.	
	5.2	NZTA – Provide regular updates on how the relationship with NZTA is developing, with particular emphasis on the benefits to Waikato District.		The Mayor and Chief Executive have met with the Regional Partnership Director several times recently to discuss growth opportunities and have also presented to a Waikato Regional group .	
6. Staff and Culture (including leadership, engagement and retention)	6.1	Outline what initiatives have been undertaken to strengthen the internal culture and leadership of the organisation, and provide supporting information on the impact of these initiatives.		Staff engagement levels around flexible working has been high. Staff engagement through recent all staff briefings (in person during July and more recently by zoom) has been high. The results of a recent staff survey will be available soon.	
	6.2	Demonstrate progress in relation to the organisational Cultural Enrichment programme. This includes how the programme is developing, is being kept alive and broadening the perspective of staff.		Two additional staff have been employed to support our Iwi and Community Partnership Manager to build our internal and our external capability.	

7. Zero Harm (Work Safe, Home Safe)	7.1	Lead initiatives that clearly demonstrate progress towards safety leadership in the way the organisation operates.	Training has been undertaken for Councillors and the Executive Leadership Team regarding the role of officers. Safety improvements signalled in the KPMG report are being addressed with the majority of the items having been completed. A report on progress will be provided to the next Audit & Risk Committee
	7.2	Complete the Strategic Plan work for 2020/2021 by 30 June 2021.	The plan has been completed and approved by Council.
8. Climate Action	8.1	(a) Ensure that a Climate Action Plan is developed and submitted to Council for approval by 31 December 2020. (b) Give effect to the goals identified in the Climate Action Plan scheduled for completion in 2020/21 (i.e. before 1 July 2021).	(a) Work on the Climate Action Plan is progressing. (b) This requires finalisation of the Climate Action Plan with the workplan proceeding in early 2021.

Footnote:

- I. The Chief Executive has agreed to deliver KPIs, subject to any changes due to Council's change of direction on any of the KPIs, in which case such changes would be taken into account.

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	17 November 2020
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Exclusion of the Public

I. RECOMMENDATION

THAT the public be excluded from the following parts of the proceedings of this meeting.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
PEX Item I.1 Prosecution of the AGB Solutions Ltd – Failure to Comply with Conditions of Resource Consent and Breaches of Waikato District Council Trade Waste and Wastewater Bylaw 2016	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

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

Item No.	Section	Interest
PEX Item 1.1 Prosecution of the AGB Solutions Ltd – Failure to Comply with Conditions of Resource Consent and Breaches of Waikato District Council Trade Waste and Wastewater Bylaw 2016	7(2)(g)	To maintain legal professional privilege.