

Ashburton District Council

AGENDA

Notice of Meeting:

A meeting of the Ashburton District Council will be held on:

Date: Wednesday 29 June 2022

Time: 1.00pm

Venue: Council Chamber

Membership

Mayor	Neil Brown
Deputy Mayor	Liz McMillan
Members	Leen Braam
	Carolyn Cameron
	John Falloon
	Rodger Letham
	Lynette Lovett
	Angus McKay
	Diane Rawlinson
	Stuart Wilson

Covid-19 Protection

Council meetings will go ahead as normal under the Orange traffic light setting. A vaccine pass is not required but people attending must wear a mask. There is also the opportunity to view the meeting via livestream.

Watch the live-stream of this meeting on our You Tube channel, Facebook page and website:

<https://www.ashburtondc.govt.nz/council/public-meetings-research-centre>

Meeting Timetable

Time	Item
1pm	Meeting commences
2.15pm	Fonterra – Rob Stevens, Manager Local Government & Stakeholder Affairs
2.50pm	Welcome to new and long-serving staff
3.30pm	Ashburton Police – Senior Sergeant Leigh Jenkins (<i>Public excluded</i>)

1 Apologies

2 Extraordinary Business

3 Declarations of Interest

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

Minutes

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Reports

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Business Transacted with the Public Excluded

12	Council – 15/06/22		PE 1
	<ul style="list-style-type: none"> • Land disposal • Library & Civic Centre PCG 14/06 & 30/05 	<ul style="list-style-type: none"> Section 7(2)(h) Commercial activities Section 7(2)(h) Commercial activities 	
13	Audit & Risk Committee – 22/06/22	Section 7(2)(h) Commercial activities	PE 4
14	Council Grants 2022/23	Section 7(2)(h) Commercial activities	PE 5
15	Land Use Agreement	Section 7(2)(h) Commercial activities	PE 9

4. Council Minutes – 15 June 2022

Minutes of the Council meeting held on Wednesday 15 June 2022, commencing at 1.04pm in the Council Chamber, 137 Havelock Street, Ashburton.

Present

His Worship the Mayor, Neil Brown; Deputy Mayor Liz McMillan; Councillors Leen Braam, Carolyn Cameron, John Falloon, Rodger Letham, Angus McKay, Lynette Lovett, Diane Rawlinson and Stuart Wilson.

In attendance

Hamish Riach (Chief Executive), Toni Durham (Acting GM Business Support), Steve Fabish (GM Community Services), Neil McCann (GM Infrastructure Services), Sarah Mosley (Manager People & Capability), Michael Wong (Acting GM Strategy & Compliance) and Phillipa Clark (Governance Team Lead).

Staff present for the duration of their reports: Erin Register (Finance Manager), Simon Worthington (Economic Development Manager) and Tania Paddock (Legal Counsel).

Presentations

ChristchurchNZ: 1.35pm-1.58pm (via MS Teams)

Tuia i Runga: 3.18pm-3.26pm

1 Apologies

Nil.

2 Extraordinary Business

That pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987 the following item be introduced as extraordinary business to be taken with item 9:

- Library & Civic Centre PCG minutes 14/06/22
Section 7(2)(h) Commercial activities

McMillan/Braam

Carried

3 Declarations of Interest

Nil.

4 Confirmation of Minutes – 1/06/22

That the minutes of the Council meeting held on 1 June 2022, be taken as read and confirmed.

Cameron/McMillan

Carried

5 Financial Variance Report

The Finance Manager was asked to provide further explanation on

- roading reserve (replenishing)
- disaster insurance fund
- increase shown in 'other debtors'
- stockwater budget overrun
- property reserve
- EANC personnel costs

Updated information will be provided through the activity briefings or in reports to Council.

That Council receives the financial variance report and EA Networks Centre income and expenditure report for the period ending 30 April 2022.

McMillan/McKay

Carried

7 Mayor's Report

That Council receives the Mayor's report.

Mayor/Lovett

Carried

6 ChristchurchNZ Quarterly Report

Kath Low (Head of Tourism), Tracey Wilson (Acting General Manager – Destination) and Bruce Moffat (Mid Canterbury Marketing Manager)

Key points:

- Focus has been returning to engaging with the world in terms of trade and media opportunities.
- NZ will no longer require covid testing to enter the country (anticipated from next week).
- Airline capacity is a concern, particularly trans-Tasman.
- Tourism trade is overwhelmed – there are not enough people to service requirements of visitors wanting to travel. Advertising is in place to attract more staff, but the industry is not appealing for many.
- NZ is competing with other destinations – NZ is not seen as the destination of choice this year for Australian skiers. Booking inquiries are mainly for 2023/24.
- Domestic tourism campaign (with elements to Australia) is running up until September. Mindfood magazine features the region, including Methven.
- ChChNZ are supporting operators who were internationally reliant. A half day planning session is to be held with the advisory group about scene setting for the year ahead.
- Lyttelton will see the return of cruise which is also positive for Mid Canterbury – anticipating 180,000 visitors between October and March.
- Destination management plan process underway. RFP issued in April resulting in a good selection of specialist agencies from around the world pitching for the work. Appointment of the agency will happen quickly and engagement with stakeholders will start in July.
- Concern with high levels of exhaustion with many operators working 24/7. ChChNZ is aware of issues and will continue to monitor and provide support.

That Council receives the ChristchurchNZ quarterly report.

McMillan/Braam

Carried

Business transacted with the public excluded – 1.59pm

That the public be excluded from the following parts of the proceedings of this meeting, namely – 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:

Item No	General subject of each matter to be considered:	In accordance with Section 48(1) of the Act, the reason for passing this resolution in relation to each matter:	
8	Council 1/06/22 <ul style="list-style-type: none"> • Property matter [Now in open meeting] <ul style="list-style-type: none"> • Extension of Contract ROAD0145 	Section 7(2)(h)	Commercial activities
9	Library & Civic Centre PCG 30/05/22 & 14/06/22	Section 7(2)(h)	Commercial activities
10	Land disposal	Section 7(2)(h)	Commercial activities

Wilson/Braam

Carried

Council resumed in open meeting at 3.18pm.

Tuia programme presentation

Council welcomed Shyan Hughes, the Mayor's Tuia representative for 2022.

Shyan spoke about her recent experience in Hamilton last month where approximately 80 rangatahi gathered as part of the Tuia leadership programme. The trip included visiting a Marae, seeing Te ara wai (interactive sight-seeing), and going to Zeal Hamilton (youth networking). The highlight for Shyan was meeting with Matua Marcus who spoke about self-led community contributions and culture. This was a team building session and the next focus for the group will be on individual contributions to communities.

The meeting concluded at 3.26pm.

Confirmed 29 June 2022

MAYOR

5. **Audit & Risk Committee Minutes – 22/06/22**

Minutes of the Audit & Risk Committee meeting held on Wednesday 22 June 2022, commencing at 1.30pm, in the Council Chamber, 137 Havelock Street, Ashburton.

Present

Councillors Leen Braam (Chair), Carolyn Cameron, John Falloon, Liz McMillan and Stuart Wilson.
Via MS Teams: Mayor Neil Brown.

Also present:

Councillors Angus McKay and Lynette Lovett.

In attendance

Hamish Riach (Chief Executive), Toni Durham (Acting GM Business Support), Sarah Mosley (Manager People & Capability), Neil McCann (GM Service Delivery), Erin Register (Finance Manager,) Laretta Smith (Accountant) and Carol McAtamney (Governance Team).

Presentation

Marsh Insurance – 2.20pm to 3.20pm

1 Apologies

Murray Harrington

Sustained

2 Extraordinary Business

Nil.

3 Declarations of Interest

Nil.

4 Confirmation of Minutes – 11/05/22

That the minutes of the Audit & Risk Committee meeting held on 11 May 2022, be taken as read and confirmed.

Falloon/Cameron

Carried

Business transacted with the public excluded – 1.33pm

That the public be excluded from the following parts of the proceedings of this meeting, namely – 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:

Item No	General subject of each matter to be considered:	In accordance with Section 48(1) of the Act, the reason for passing this resolution in relation to each matter:	
5	Audit & Risk Committee minutes	Section 7(2)(a)	Protection of privacy of natural persons
6	Health & Safety	Section 7(2)(a)	Protection of privacy of natural persons
7	Insurance Renewal	Section 7(2)(h)	Commercial activities

McMillan/Cameron

Carried

The meeting concluded at 3.20pm.

6. Methven Community Board Minutes –13/06/22

Minutes of the Methven Community Board meeting held on Monday 13 June 2022, commencing at 10.30am, in the Mt Hutt Memorial Hall Boardroom, 160 Main Street, Methven.

Present

Mayor Neil Brown, Dan McLaughlin (Chair), Kelvin Holmes, Cr Liz McMillan, Cr Rodger Letham, Richie Owen, Ron Smith and Sonya McAlpine.

In attendance

Neil McCann (GM Service Delivery), Hernando Marilla (Operations Manager) and Carol McAtamney (Governance Support).

1 Apologies

Nil.

2 Extraordinary Business

Nil.

3 Declarations of Interest

Nil.

4 Confirmation of Minutes

Amendment: The date of the meeting should be noted as 2 May 2022, not 2021.

That the minutes of the Methven Community Board meeting held on 2 May 2022, as amended, be taken as read and confirmed.

Smith/McAlpine

Carried

5 Activity Reports

That the reports be received.

Holmes/McAlpine

Carried

5 Community Services

5.1 Open Spaces

- Cemetery – needs a grader to go through to level out the hollow and remove the hump.
- It was queried as to whether there would be opportunity to invite community members to become involved in the planting of the native trees on the eastern bund of the root-raked materials.

7 Infrastructure Services

7.1 Roading

- Council has approved funding of \$30,000 to establish a shingle footpath along SH77 to the Ōpuke Thermal Pools.

- An entrance sign to the Hot Pools has made a big difference on the road as the public can now see the entrance and are not attempting u-turns on the State Highway.

8 Business Support & Governance

8.1 Remuneration

- The Remuneration Authority have released the Local Government Members (2022/23) Determination which sets out an increase for Methven Community Board Members effective 1 July 2022.

Consultation

Council is currently seeking feedback for two consultation documents and MCB have agreed to prepare submissions on both consultations, closing date 23 June.

- Waste Management & Minimisation Plan 2022 (Richie Owen to prepare)
- Trading in Public Places Bylaw, both closing on 23 June (TBC who will prepare)

8.3 Finance

- The Community Services budget is showing a balance of \$34,499.25 with only two months of the financial year remaining. At a previous meeting a Council Accountant advised the Board that the transfer of reserves cannot be undertaken until after the accounts have been audited.
- The Board would like the Community Services cost amounts adjusted monthly so that the account balance is more accurate.

8.4 Funding Requests

That the Methven Community Board approves funding of \$1,480 from the Board's discretionary fund to the Methven Ecological Garden Group to establish a watering system for an educational laboratory/hub.

Letham/McMillan

Carried

That the application from the Methven Library and Museum Management Committee for the installation of a donors' recognition panel lies on the table to enable further information to be provided to the Board before a decision is made.

Owen/Holmes

Carried

Mayor departed the meeting at 11.34am

Action Schedule

The Board updated the action schedule to take out any actions that the Board are happy have been completed.

- Historical signs (Kelvin to follow up)
- Tree lighting (Liz to follow up re whether there is funding available)
- Letter of congratulations to be sent to the Methven Lions for their success at the recent ANZ Business Awards.

The meeting concluded at 11.49am.

Next meeting: Monday 25 July 2022

7. Annual Plan 2022/23

Author *Janice McKay; Corporate Planner/Communications Manager*
Group manager *Toni Durham; Acting Group Manager - Business Support*

Summary

- The purpose of this report is to adopt the Ashburton District Council Annual Plan for 2022/23 (includes the Fees & Charges Schedule).

Recommendation

- 1. That** Council adopts the Ashburton District Council Annual Plan 2022/23.

Background

The current situation

1. The Ashburton District Council Annual Plan 2022/23 has been prepared based on Year 2 of Council's Long-Term Plan 2021-31.
2. A key variance from the Long-Term Plan was an average rates increase of 9.4% due to inflationary pressure, whilst the LTP year 2 allowed for an average rates increase of 7.8%.
3. Upon a Significance and Engagement assessment, this variance was considered of medium-high significance to the community.
4. On officer's advice, Council undertook community consultation from April 6 to May 6, 2022 with public hearings and deliberations held 24-25 May.
5. Following consultation, Council's direction was to maintain the proposed average rates increase of 9.4%.
6. As a result of consultation, amendments were made to the draft Annual Plan, and the amended plan was presented to Council on June 15.

Previous Council decisions

7. On 18 May 2022, Council adopted the dog control fees ahead of the Annual Plan. This was due to the requirement for dog control fees to be publically notified for the registration year, under Section 37 of the Dog Control Act 1996.

Options analysis

Option one – adopt the Ashburton District Council Annual Plan 2022/23

8. Council would adopt the Annual Plan that has been produced in accordance with the Local Government Act 2002, and meet its legislative obligations under this Act.

Option two – adopt the Annual Plan 2022/23 and give the Chief Executive the authority to make minor editorial changes and correction of minor errors.

9. Council would adopt the Annual Plan in principle with the ability for officers to make minor editorial changes or corrections of minor errors only.
10. Any material changes at this point will require consequential amendments to budgeted projections, and Council would fail to meet its legislative obligations under the Local Government Act 2002.

Option three – do not adopt the Annual Plan 2022/23

11. This option would mean Council fails to meet its legislative obligations under the Local Government Act 2002 and rates cannot be struck on July 1, 2022.

Legal/policy implications

12. Council is required, under section 95 of the Local Government Act 2002, to adopt an Annual Plan for the 2022/23 year before the commencement of the year to which it relates.
13. The Annual Plan 2022/23 has been prepared within the requirements of the Local Government Act 2002.
14. Council is required, under section 103 of the Local Government Act 2002, to include its fees and charges as a basis for the Revenue and Finance Policy for the financial year, before the commencement of the Annual Plan.

Financial implications

Requirement	Explanation
What is the cost?	Revised and up-to-date financial and rating information is included in the Annual Plan 2022/23.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	See Annual Plan 2022/23 for details.
Are there any future budget implications?	No
Reviewed by Finance	Not required.

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	Yes
Level of significance	Low
Level of engagement selected	1. Inform – one way communication
Rationale for selecting level of engagement	Adoption is considered significant due to the number of people affected. Council undertook a consultation process to ensure that the community had the opportunity to provide feedback to the draft Annual Plan.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

Next steps

15. There are no further steps for Council following adoption. Officers will share the plan with the community.

8. *Setting of the Rates 2022/23*

Author *Erin Register; Finance Manager*
General manager *Toni Durham; Acting Group Manager – Business Support*

Summary

- The purpose of this report is to recommend that the Ashburton District Council Rates 2022/23 be set by resolution of Council.
- The resolution also includes penalty rates for instalments 1-4 in the 2022/23 year.

Recommendation

That Council sets the following rates under the Local Government (Rating) Act 2002 on rating units in the district for the financial year commencing 1 July 2022 and ending on 30 June 2023.

All section references are to sections in the Local Government (Rating) Act 2002. All amounts are GST inclusive.

- The definition of connected and serviceable is contained in Council’s Funding Impact Statement – Rating Policy and Schedule of Rates.
- The definition of separately used or inhabited part of a rating unit is contained in Council’s Funding Impact Statement – Rating Policy and Schedule of Rates.
- The definition for the amenity rating area is contained within Council’s Funding Impact Statement – Rating Policy and Schedule of Rates.

Cont’d

Uniform Annual General Charge (UAGC)

A uniform annual general charge of \$697.00 per separately used or inhabited part of a rating unit, set under section 15.

The Uniform Annual General Charge (UAGC) funds wholly or in part the following activities of Council:

- Recreation facilities
- Community development
- Public conveniences
- Civil defence
- Community grants
- Library
- Arts and culture
- Democracy and governance

General rate

A general rate set under section 13 of \$0.000404 per dollar of capital value on each separately used or inhabited part of a rating unit in the district.

The general rate will be used to fund either wholly or in part the following activities of Council:

- Footpaths
- Stormwater
- Solid waste management
- Civil defence
- Community development
- Environmental services
- Cemeteries
- Water Resources
- Stockwater
- Reserves and campgrounds
- Parks and reserves
- Democracy and governance
- Elderly Persons Housing
- Business development
- District promotion

Roading rate

A targeted rate for road services set under section 16 of \$0.000433 per dollar of capital value on each separately used or inhabited part of a rating unit in the district.

Water supply rates

The following differential targeted rates are set under section 16 for each water supply area listed below. In each case the differential categories are:

- a) Connected rating units
- b) Serviceable rating units

The targeted rates are set as a fixed amount per separately used or inhabited part of a rating unit. Rating units outside the defined water supply areas listed below, but which are nonetheless connected to a water supply scheme servicing a particular water supply area, will be charged the connected rate for that water supply area.

	Connected	Serviceable
Ashburton urban	\$514.20	\$257.10
Lake Hood	\$514.20	\$257.10
Methven	\$514.20	\$257.10
Rakaia	\$514.20	\$257.10
Fairton	\$514.20	\$257.10
Hakatere	\$514.20	\$257.10
Hinds	\$514.20	\$257.10
Mayfield	\$514.20	\$257.10
Chertsey	\$514.20	\$257.10
Mt Somers	\$514.20	\$257.10
Dromore	\$514.20	\$257.10

Water meters – Extraordinary supply

In addition to the above targeted rates, a targeted rate for water supply, set under section 19, will apply for:

- a) Rating units which fall outside a defined water supply area, but which are nonetheless connected to a water supply scheme servicing a water supply area (except Methven-Springfield, Montalto, Lyndhurst and Barrhill).
- b) Rating units which are used for non-residential purposes and which are connected to a water supply scheme in a water supply area (except Methven-Springfield, Montalto, Lyndhurst and Barrhill).

The rate is 96 cents per 1,000 litres of water consumed in excess of 90 cubic metres consumed in the quarterly periods during each year. The quarterly periods are 1 July to 30 September, 1 October to 31 December, 1 January to 31 March, and 1 April to 30 June.

Water meters – Residential D and Rural A supply

In addition to the above targeted rates, a targeted rate for water supply, set under section 19, will apply for:

- c) Rating units which fall outside a defined water supply area, but which are nonetheless connected to a water supply scheme servicing a water supply area (except Methven-Springfield, Montalto, Lyndhurst and Barrhill).
- d) Rating units which are used for non-residential purposes and which are connected to a water supply scheme in a water supply area (except Methven-Springfield, Montalto, Lyndhurst and Barrhill).

The rate is 96 cents per 1,000 litres of water consumed in excess of 438 cubic metres per annum. The period is 1 July – 30 June.

Methven-Springfield water supply rate

A targeted rate under section 16 of \$3,165.88 on all rating units connected to the Methven-Springfield water supply scheme, plus \$263.90 per 1,000 litres of water supplied in excess of 12,000 litres to any rating unit within the Methven/Springfield water supply scheme.

Montalto water supply rate

A targeted rate under section 16 of \$1,834.42 per rating unit in the Montalto water supply scheme, plus \$59.60 per hectare of land in the Montalto water supply scheme.

Lyndhurst water rate

A targeted rate under section 16 of \$163.40 on all rating units connected to the Lyndhurst water supply.

Barrhill village water rate

A targeted rate under section 16 of \$469.20 on all rating units within the proposed scheme boundary for the Barrhill Village water supply.

Wastewater disposal rates

The following differential targeted rates are set under section 16 for wastewater (sewage) disposal for the Ashburton urban area, Methven and Rakaia townships, and a further loan rate in the Rakaia township, as listed below. In each case the differential categories are:

- a) Connected rating units
- b) Serviceable rating units

The targeted rates are set as a fixed amount per separately used or inhabited part of a rating unit.

	Connected	Serviceable
Ashburton	\$484.80	\$242.40
Methven	\$484.80	\$242.40
Rakaia	\$484.80	\$242.40
Rakaia loan rate	\$147.50	\$73.80

The following additional targeted rates are set under section 16 for wastewater disposal on connected rating units within the Ashburton urban area, Methven and Rakaia townships as listed below. These rates are set differentially based on location and the number of urinals / pans in excess of three, in each rating unit, as listed below.

	Urinal / pan charge from 4+
Ashburton	\$161.60
Methven	\$161.60
Rakaia	\$161.60

Solid waste collection rates

The following rates are set under section 16 for waste collection for each area to which the service is provided as listed below. The targeted rates are set as a fixed amount per separately used or inhabited part of a rating unit.

Ashburton urban	\$235.30
Ashburton CBD (inner)	\$428.60
Methven	\$235.30
Rakaia	\$235.30
Hinds	\$235.30
Mayfield	\$235.30
Mt Somers	\$235.30
Chertsey	\$235.30
Fairton	\$235.30
Lake Clearwater	\$144.60
Rangitata	\$163.30
Ashburton District extended	\$235.30

Stockwater rate

A targeted rate under section 16 on all rating units within the general stockwater scheme. The rate is to be determined in accordance with the following factors:

- a) A rate of \$209.56 where the total length of any stockwater races, aqueducts or water channels that pass through, along, or adjacent to, or abuts the rating unit does not exceed 246 metres in length; and
- b) A rate of 62 cents per metre where the total length of any stockwater races, aqueducts or water channels that pass through, along or adjacent to, or abuts the rating unit exceeds 246 metres in length; and
- c) A rate of \$119.10 for each pond service, pipe service, ram service, pump service, water wheel or windmill; and
- d) A rate of \$62.00 for each dip service or extension pump service using water from the Council's water race system.

Amenity rates

Targeted rates for amenity services under section 16 are as follows.

Ashburton CBD (inner) footpath cleaning rate

\$0.000450 per dollar on the capital value of every business rating unit within the Ashburton CBD (inner) rating area (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book), for footpath services.

Ashburton urban amenity rate

\$0.000745 per dollar of capital value of every rating unit in the Ashburton urban area excluding Lake Hood (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) to meet the costs of stormwater services, footpaths and parks and open spaces funding.

Ashburton urban amenity rate – Lake Hood

\$0.000745 per dollar of capital value of every rating unit in the Ashburton (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) to meet the costs of stormwater services, footpaths, and parks and open spaces funding.

Ashburton business amenity rate

\$0.000326 per dollar of capital value of every business rating unit within the Ashburton urban area excluding Lake Hood (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) for the provision of district promotion and public conveniences.

Ashburton business amenity rate – Lake Hood

\$0.000326 per dollar on the capital value of every business rating unit within the Ashburton urban area for Lake Hood (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) for the provision of district promotion and public conveniences.

Methven business amenity rate

\$0.000433 per dollar on the capital value of every business rating unit within the Methven township area (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) for the purposes of district promotion and public conveniences.

Methven amenity rate

\$0.000579 per dollar on the capital value of every rating unit within the Methven township (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) to meet the costs of stormwater services, footpaths, parks and open spaces and reserve board funding.

Rakaia business amenity rate

\$0.000338 per dollar on the capital value of every business rating unit within the Rakaia township area (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) for the provision of district promotion and public conveniences.

Rakaia amenity rate

\$0.000592 per dollar on the capital value of every rating unit within the Rakaia township (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book) to meet the costs of stormwater services, footpaths, parks and open spaces and reserve board funding.

Hinds stormwater rate

\$0.000223 per dollar on the capital value of every rating unit within the Hinds township area for the provision of stormwater services.

Rural amenity rate

\$0.000039 per dollar on the capital value of every rating unit within the rural area, excluding the townships of Methven and Rakaia, for the provision of footpaths and parks and open spaces.

Methven Community Board rate

A targeted rate to fund the Methven Community Board under section 16 of \$148.80 per rating unit within the Methven township (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book).

Mt Hutt Memorial Hall rate

A targeted rate to partially fund the Mt Hutt Memorial Hall under section 16 of \$0.000059 per dollar on the capital value of each rating unit in the Methven township (as more particularly described by reference to the Ashburton District Council Rating Areas Map Book).

Due dates for payment of rates

The rates will be payable in four equal instalments due on:

- 20 August 2022
- 20 November 2022
- 20 February 2023
- 20 May 2023

Where the 20th of a month in which rates are due does not fall on a working day, rate payments will be accepted without penalty up to and including the first working day after the 20th of that month.

Due dates for payment of water meter charges – Extraordinary Supplies

That water by meter charges are due on:

Quarterly period	Reading dates completed	Invoice date
1 July to 30 September 2022	15 October 2022	20 November 2022
1 October to 31 December 2022	15 January 2023	20 February 2023
1 January to 31 March 2023	15 April 2023	20 May 2023
1 April to 30 June 2023	15 July 2023	20 August 2023

Due dates for payment of water meter charges – Residential D and Rural A supplies

That water by meter charges are due on:

Annual period	Reading date completed	Invoice date
1 July 2022 to 30 June 2023	15 July 2023	20 August 2023

Penalties

In accordance with sections 57 and 58, the Council authorises the Finance Manager to add the following penalties on rates unpaid by the due date.

A 10% penalty will be added to instalment balances remaining unpaid as at the following dates:

- 21 August 2022
- 21 November 2022
- 21 February 2023
- 21 May 2023

In addition a further penalty of 10% will be added to any unpaid rates and charges levied prior to 30 June 2022, if still unpaid as at 31 August 2022.

Background

1. The Ashburton District Council Rates 2022/23 have been set based on Council's Annual Plan 2022/23. The setting of rates meets the requirements of the Local Government (Rating) Act 2002.

Options analysis

Option one – set the rates 2022/23 by resolution of Council – recommended

2. Council would set the rates in accordance with the Local Government (Rating) Act 2002. This option would mean the Council would be able to levy rates for the 2022/23 year.

Option two – do not set the rates 2022/23 by resolution of Council

3. This option would mean Council would be unable to levy rates for the 2022/23 year.

Legal/policy implications

4. Council is required, under section 23 of the Local Government Act (rating) 2002, to set rates by a resolution of Council.

Financial implications

Requirement	Explanation
What is the cost?	Up-to-date financial and rating information is included in the 2023 Annual Plan.
Is there budget available in LTP / AP?	Yes
Where is the funding coming from?	See 2023 Annual Plan for details.
Are there any future budget implications?	No
Reviewed by Finance	Erin Register, Finance Manager

5. If rates are not set for the 2022/23 year, Council will be unable to levy rates and, therefore, will not have revenue available to undertake the work programmes outlined in of the 2023 Annual Plan.

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	Yes
Level of significance	Low
Level of engagement selected	1. Inform – one way communication
Rationale for selecting level of engagement	Setting the rates is significant due to the number of people affected, and Council consulted the community on the draft Annual Plan. This consultation resulted in Council refining the Annual Plan.
Reviewed by Strategy & Policy	Toni Durham; Strategy & Policy Manager

Next steps

There are no further steps required of Council.

9. *Protected Disclosures Policy*

Author	<i>Tania Paddock; Legal Counsel</i>
GM responsible	<i>Sarah Mosley; Manager – People & Capability</i> <i>Toni Durham; Acting GM Business Support</i>

Summary

- The Protected Disclosures (Protection of Whistleblowers) Act 2022 comes into force on 1 July 2022. This Act repeals the Protected Disclosures Act 2000.
- The 2022 Act has necessitated changes to Council’s internal and external Protected Disclosure Policies.
- The purpose of this report is to recommend Council adopts the updated Protected Disclosures Policy for Elected Members & Chief Executive.

Recommendation

1. **That** Council adopts the Protected Disclosures Policy For Elected Members & Chief Executive as attached in Appendix 1.

Attachments

Appendix 1 Draft Protected Disclosures Policy for Elected Members & Chief Executive

Background

Background to Protected Disclosure Legislation

1. Parliament has recently passed the Protected Disclosures (Protection of Whistleblowers) Act 2022 (**the Act**). The Act comes into force on 1 July 2022 and can be found [here](#).
2. This new Act repeals the previous protected disclosure legislation (the Protected Disclosures Act 2000). The new Act makes changes to address issues with the previous legislation.
3. The purpose of the Act is to provide a process for the disclosure and investigation of serious wrongdoings by an organisation (also known as ‘whistleblowing’) and to provide protection for those who disclose serious wrongdoings.
4. The Act requires public organisations such as Council to have internal procedures for dealing with protected disclosures. Where a person believes on reasonable grounds that there has been serious wrongdoing¹ within or by an organisation, they can make a protected disclosure in accordance with their organisation’s internal policies, or to an appropriate authority (being one of the external parties listed in the Act²).
5. The discloser is entitled to a number of protections under the Act, provided they did not make the disclosure in bad faith. These protections include confidentiality, the person cannot be retaliated against or treated less favourably for having made the disclosure, and the person cannot be liable to any civil, criminal and disciplinary proceedings because of making the disclosure. They can however still have legal action taken against them if they were involved in the wrongdoing. For example, if the wrongdoing was a criminal offence and the whistleblower was found to be a party to this offence, they can still be prosecuted for their part in the offence.

Changes in the Act

6. The main changes in the new Act that are relevant to Council include:
 - a. The definition of serious wrongdoing has been extended to cover behaviour that is a serious risk to the health and safety of any individual.
 - b. Enabling people to report serious wrongdoing directly to an appropriate authority at any time (rather than just in specific circumstances), while clarifying the ability of the appropriate authority to decline or refer the disclosure.
 - c. Strengthening protections for disclosers by specifying what a receiver of a disclosure should do.

¹ See the definition of ‘serious wrongdoing’ in section 10 of the Act [here](#)

² See section 25 and Schedule 2 of the Act.

- d. Clarifying internal procedure requirements for public sector organisations and requiring them to state how they will provide support to disclosers.

Protected Disclosures Policy For Elected Members & Chief Executive

7. Council has a 'Protected Disclosures Policy for Elected Member and the Chief Executive' (**the Policy**).
8. The purpose of the Policy is to provide guidance to elected members and the Chief Executive on the Act, including on the types of serious wrongdoings and providing guidance on how to make a protected disclosure.
9. This Policy has been updated due to the new Act, with the suggested changes incorporated in the draft policy contained in Appendix 1 to this report. Key changes to the Policy include:
 - a. Amending the definitions of 'serious wrongdoing', 'discloser' and 'appropriate authorities' in the Policy;
 - b. Amending the Council's internal procedures for addressing protected disclosures to include the matters that must be incorporated in accordance with section 29 of the Act (see sections 2 and 3 of the Policy);
 - c. Specifying the protections that are provided to a discloser under the Act (see section 5 of the Policy);
 - d. Clarifying how Council will meet the duty of confidentiality required by the Act (see section 6 of the Policy).
10. The purpose of this report is to adopt the updated Policy, provided the changes to the Policy are approved by Council.

Options analysis

Option one – Roll over the current policy (status quo)

11. Under this option, no changes are made to the Policy. This option would therefore result in Council having a policy that is inconsistent with current legislation.
12. There are no advantages to this option.

Option two – Adopt the amended policy as attached in Appendix 1 (recommended option)

13. Under this option, the amended policy would be adopted.
14. The Policy has been amended to incorporate changes to the Act and as already discussed, Council is required to comply with this legislation.

Legal/policy implications

Protected Disclosures (Protection of Whistleblowers) Act 2022

15. This Act has been discussed in detail above.
16. The Act requires Council to have an policy for dealing with protected disclosures. The draft policy in Appendix 1 is considered to meet the requirements of the Act.

Protected Disclosures Policy For Employees, Contractors & Volunteers

17. Council also has an internal staff policy called the ‘Protected Disclosures Policy for Employees, Contractors & Volunteers’. The content of this staff policy largely mirrors the Policy that is the subject of this report.
18. This internal policy has been reviewed and updated in conjunction with the Elected Members & Chief Executive Policy. The Executive Team have signed off this internal staff policy, as is standard operating practice for all internal staff policies.

Strategic alignment

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic		N/A
Environmental		N/A
Cultural		N/A
Social	✓	This policy provides the public with reassurance that, were any serious wrongdoing to occur within or by Council, there are measures in place for people to disclose such wrongdoing, a process to investigate the wrongdoing and for appropriate action to be taken.

Financial implications

Requirement	Explanation
What is the cost?	Costs are minimal and only relate to staff time involved in updating the Policy.
Is there budget available in LTP / AP?	Yes.
Where is the funding coming from?	Funding is met from existing operating budgets.
Are there any future budget implications?	No.
Reviewed by Finance	Not required – no additional funds required.

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Medium
Rationale for selecting level of significance	There is community interest in ensuring there is no serious wrongdoing occurring within, or by Council. As with any organisation, there is some risk of wrongdoing occurring, which must be addressed. Therefore, there is some significance and interest in this policy.
Level of engagement selected	1. Inform – one-way communication
Rationale for selecting level of engagement	The update to the Policy is necessary due to changes in legislation. Council's Policy must comply with this legislation and therefore it is difficult to conceive how any changes could be made to the Policy as a consultation.
Reviewed by Strategy & Policy	Toni Durham; Acting GM Business Support

Policy

PROTECTED DISCLOSURE POLICY

For Elected Members & Chief Executive

COUNCIL COMMITTEE:	COUNCIL
TEAM:	People & Capability
RESPONSIBILITY:	Manager – People & Capability
ADOPTED:	13/12/2018
REVIEW:	Every three years, or as required
CONSULTATION:	N/A
RELATED DOCUMENTS:	ADC Protected Disclosure Policy – for Employees, Contractors and Volunteers Staff Elected Members Code of Conduct Protected Disclosures (Protection of Whistleblowers) Act 2022 00 Employment Relations Act 2000 Human Rights Act 1993

Policy Objectives

1. To provide guidance to past and present Mayors, Elected Members (EM's), which includes Reserve and Hall Board Members and Community Board Members, and the Chief Executive (CE) about what type of serious wrongdoing disclosures are covered by the Protected Disclosures ([Protection of Whistleblowers](#)) Act 2022~~00~~ (the "Act").
2. To provide guidance on how to make a protected disclosure.
3. To protect past and present Mayor's, EM's and CE's who want to report serious wrongdoing.
4. To safeguard against damage to the reputation of the Council and all involved.
5. To give guidance for the Mayor, EM's, and the CE, to ensure compliance with the Act.

Definitions

Serious wrongdoing: refers to any ~~action that may impact adversely on Council and its reputation, act, omission, or course of conduct in (or by) an organisation that is;~~ including:

- ~~An~~ unlawful, corrupt or irregular use of public money or resources;
- ~~conduct that poses~~ a serious risk to public health, public safety, the health or safety of any individual, the environment or the maintenance of the law;
- any ~~criminal~~ offence; or
- oppressive, unlawfully discriminatory, grossly negligent or that is gross mismanagement by public officials.

EmployeeDiscloser: this term has a very broad definition under the Act and thus includes:

- Councillors and Mayors
- Reserve and Hall Board members and Chair
- Community Board members and Chair
- Chief Executive

Please note, all paid staff, contractors and volunteers are covered by the Protected Disclosure Policy- for [Staff Employees, Contractors and Volunteers](#).

Policy Principles

The following principles underpin the intent and implementation of the Protected Disclosures Policy:

- Council has a statutory and contractual obligation to develop and maintain a safe workplace for all '[employees'](#)'[disclosers'](#) as defined by this policy and the Act, and a duty to protect the public interest.
- All '[employees'](#)'[disclosers'](#) as defined by this policy and the Act, are encouraged to report serious wrongdoing in their workplace if they are concerned that it may be occurring in order to help prevent the Council from being brought into disrepute.

Procedures for protected disclosures

There are certain procedures involved for the making, receiving, and responding to a complaint made as a protected disclosure; this is provided for both in the Act and under this policy. The following guideline is for, all '[employees'](#)'[disclosers'](#) as defined by this policy and the Act, who may wish to make a complaint as a protected disclosure, and for those in Council who may receive and need to deal with such a complaint.

1. What disclosures will/will not be protected

Your disclosure will be protected if the following apply:

- The information is about serious wrongdoing by any or all of the following: Council elected members (including Community, Reserve and Hall Board members and chairs), Mayor, Chief Executive, staff, contractors and volunteers
- You reasonably believe the information to be true or likely to be true
- You want the serious wrongdoing to be investigated
- You wish to be protected making the disclosure

Your disclosure will not be protected if any of the following applies:

- You fall outside the definition of an [employee-discloser](#) as identified by this policy and the Act
- You know the allegations to be false
- You act in bad faith
- The information you are disclosing is protected by legal professional privilege

2. How to make a protected disclosure

- 2.1 Disclosures need to be in writing.
- 2.2 You can make the disclosure to the CE if you believe on reasonable grounds that Council staff, contractors or volunteers may be involved.
- 2.3 You can make the disclosure to the Mayor if you believe on reasonable grounds the CE may be involved; or where you believe they may be in a relationship or associated with a person who is or may be involved in the alleged serious wrongdoing; or where it is justified by the urgency of the matter or other exceptional circumstances.
- 2.4 You can make the disclosure to the CE ~~or Appropriate Authority (section 4)~~ if you believe on reasonable grounds the Mayor or an Elected Member may be involved or where you believe they may be in a relationship or associated with a person who is or may be involved in the alleged serious wrongdoing.
- 2.5 Alternatively, you can also make the disclosure directly to an Appropriate Authority (section 4) at any time if you do not wish to make the disclosure to the CE or Mayor. if you believe, on reasonable grounds that you are unable to make the disclosure to either the CE or Mayor.
- 2.6 You can make the disclosure to a Minister of the Crown or ~~Ombudsman~~ appropriate authority if you have made substantially the same disclosure to any of the above parties and they have:
 - Either:
 - Decided not to investigate, or
 - Not made progress ~~within~~ after 2120 working days and have not advised you of any reason for the delay in investigating, or
 - Not taken any action or recommended any action after the investigation, and
 - You consider that the disclosure is still true or likely to be true.

3. Council's processes for responding to protected disclosures

Where the disclosure is made to the CE or Mayor, they will, within 20 working days of receiving the disclosure:

- Acknowledge receipt of the complaint, including summarising the complaint in writing if the disclosure was made orally;
- Handle the complaint in the strictest of confidence; and discuss the matter only where appropriate, such as seeking independent legal advice (including an assessment of whether or not the complaint is a protected disclosure under the Act) or other specialist independent advice;
- Use their best endeavours not to disclose information that might identify the person who made the protected disclosure unless where there are exceptions (see the Confidentiality section);
- Seek the assistance of a third party/parties to participate & or take notes of the interview;
- Interview the complainant-discloser with an appropriate third party/ies;
- Provide the discloser with practical assistance and advice, including having a support person assess and provide advice to the discloser on any risks to the discloser;
- Investigate the allegation;
- Keep a detailed file note recording the interview, the investigation and the explanation give to the complainant-discloser about procedures to be followed;

- Have the file note signed by the ~~complainant-discloser~~ to verify the accuracy and completeness of the interview notes and to record the ~~complainant's-discloser's~~ acceptance of the procedures to be followed;
- Deal with the matter by doing one or more of the following:
 - Investigate the disclosure;
 - Address any serious wrongdoing by acting or recommending action;
 - Referring the disclosure to an appropriate authority in accordance with the Act;
 - Decide that no action is required.
- Report back to the ~~complainant-discloser~~ within 20 working days, on how the matter has been dealt with (with reasons);
- If the Mayor or CE fails to ~~investigate the complaint in accordance with the above processes~~ this, or the ~~complainant-discloser~~ is ~~not dissatisfied- that the serious wrongdoing has been addressed~~with the outcome, the ~~complainant-discloser~~ may refer the matter to a Minister of the Crown or an appropriate authority.

Flow chart of the process on page 56.

4. Appropriate Authorities

'Appropriate authorities' that a ~~complainant-discloser~~ may refer their protected disclosure to include the following:

- The Ombudsman
- The Commissioner of Police
- The Controller and Auditor-General
- The Director of the Serious Fraud Office
- ~~The Inspector General of Intelligence and Security~~
- The Health and Disability Commissioner
- The Parliamentary Commissioner for the Environment
- ~~Minister of the Crown~~
- The Solicitor-General
- The State Services Commissioner
- WorkSafe New Zealand
- Department of Internal Affairs
- The head of every public sector agency
- Any officer of Parliament
- Privacy Commissioner

See Schedule 2 of the Act for a full list of appropriate authorities.

5. Protections provided under this policy

The Act provides that no civil, criminal, or disciplinary proceedings can be taken against a person for making a protected disclosure, or for referring one to an appropriate authority.

If a person makes a protected disclosure, Council shall not retaliate or threaten to retaliate against the discloser, nor treat or threaten to treat the discloser less favourably.

The Act ~~also~~ provides that an ~~employee-discloser~~ who suffers retaliatory action by Council for making a protected disclosure can take a personal grievance under the Employment Relations Act 2000.

It is also unlawful under the Human Rights Act [1993](#) to treat whistle-blowers or potential whistle-blowers less favourably than others in the same or similar circumstances. If a whistle-blower is victimised in this way the legal remedies under the Human Rights Act [1993](#) may be available to them.

Protection does not apply where allegations are made that you know are false or you act in bad faith.

6. Confidentiality

If you make a disclosure and it meets the definition and threshold of serious wrongdoing, information which identifies you will be kept confidential*.

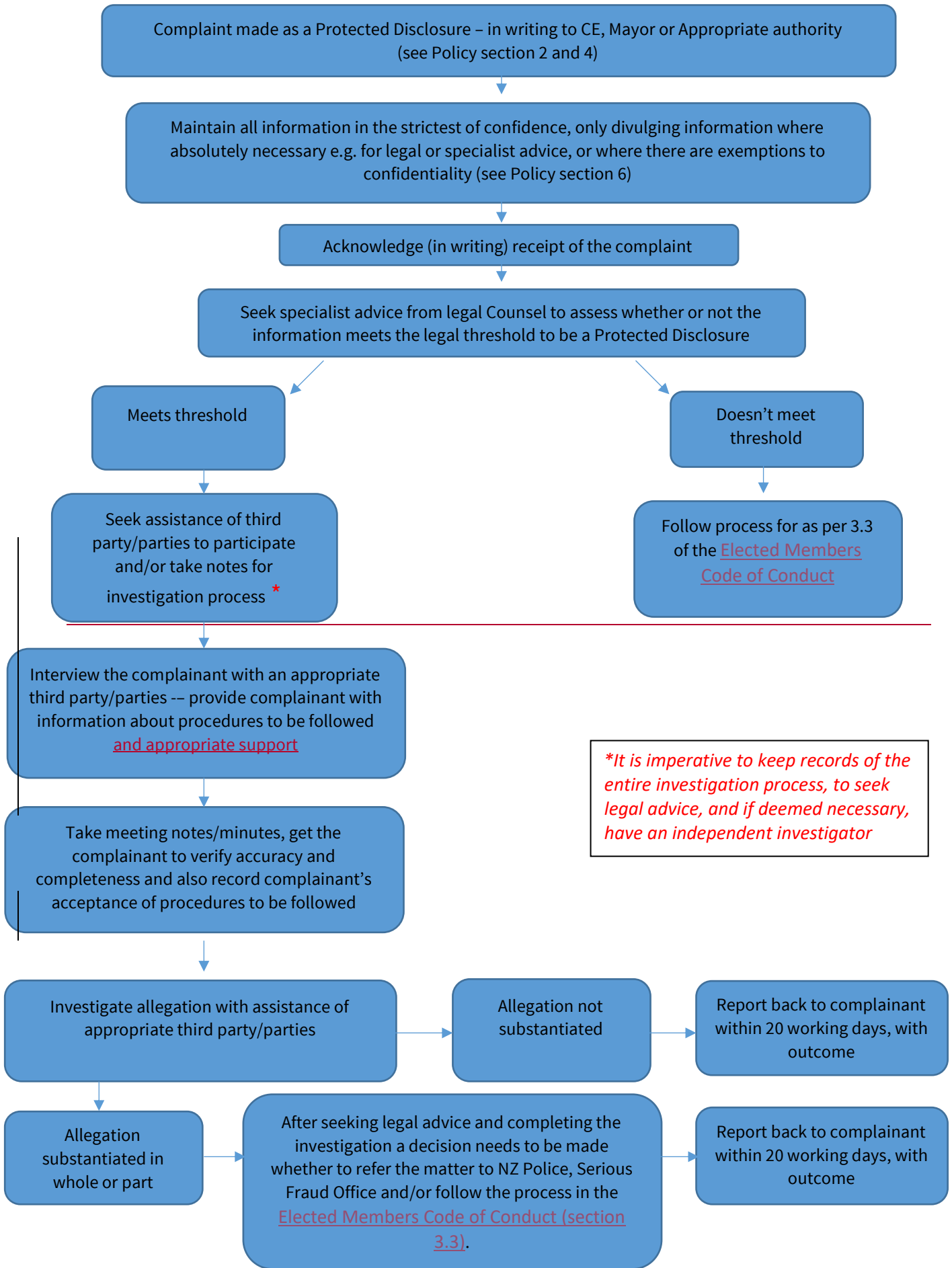
However, exceptions to this anonymity include:

- exemptions in the Act apply; or
- if you consent to waiving your right to confidentiality; or
- if your name must be released to:
 - ensure an effective investigation occurs, [including an investigation by a law enforcement or regulatory agency; or](#)
 - comply with the principles of natural justice; [or](#)
 - prevent serious risk to public health or [public](#) safety, [the health or safety of any individual](#), or the environment.

*Information requested under the Local Government Official Information and Meetings Act 1987 that identifies a person who made a protected disclosure, will be refused.

If you have any questions about this policy, please speak to People & Capability.

PROTECTED DISCLOSURE INVESTIGATION PROCESS



10. Elected Members' Remuneration 2022/23

Author *Phillipa Clark; Governance Team Leader*
GM responsible *Hamish Riach; Chief Executive*

Summary

- The Remuneration Authority has released the Local Government Members (2022/23) Determination which will come into force on 1 July 2022, expiring 30 June 2023.
- This year the governance remuneration pool has been apportioned in two parts; the first covering the period 1 July 2022 until the date of the Council's election results in October, and the second from the date after the election results are declared until 30 June 2023.
- This report is for elected members' information and there is no decision required. The new Council will be required to make a proposal to the Remuneration Authority on how the pool will be allocated for the remainder of the year.

Recommendation

- 1. That** Council receives the Remuneration Authority (elected member remuneration 2022/23) report.

Attachments

- Appendix 1** Local Government size indices: factors and weightings
Appendix 2 [Local Government Members 2022/23 Determination](#)

Background

The current situation

1. The Remuneration Authority ('the Authority') is the independent body responsible for setting elected members' remuneration, and expenses and allowances entitlements.
2. In December 2021, after reviewing remuneration settings for local government elected members, the Authority advised Council of the proposed 2022/23 remuneration.
3. The amounts (allocated in two schedules) are now confirmed. A total of \$388,893 will be distributed to Ashburton District Councillors from 1 July until the date of the Council's election result in October. The pool increases by \$61,302 for the remainder of the financial year.
 - **Schedule 1:** covers the period beginning on 1/07/22 and ending on the close of day on which the official result of the Council's 2022 election is declared (s86 LEA 2001).
Under schedule 1, the governance pool and remuneration of elected members will continue to be informed by the current 2019 size indices.
 - **Schedule 2:** applies on and from the day after the date on which the official result of the election is declared.
Under schedule 2, the governance pool and remuneration of elected members will be covered by the new 2022 size indices.

Governance Remuneration Pool: Ashburton District Council

Local Government Members (2021/22) Determination 2021	Local Government Members (2022/23) Determination	
	Schedule 1	Schedule 2
Current from 1 July 2021	Proposed from 1 July 2022	Proposed from day after the date the official result is declared
\$383,524	\$388,893	\$450,195

4. The Authority determines the minimum allowable remuneration that a councillor must be paid. A councillor cannot be paid below the minimum allowable remuneration.
5. The difference between the minimum allowable remuneration and the total of the allocated pool is then available for the remuneration of councillors who take on extra responsibilities and/or to increase the base payment for all councillors with no additional responsibilities.
6. For the period 1 July 2022 until the date of the election results, the first part of Council's remuneration pool will be allocated between the 9 councillors as follows:

Deputy Mayor	\$59,182
Councillors (x8)	\$41,214

7. After the date of the election results, the total pool will increase but all nine councillors will be paid the minimum allowable remuneration (\$29,842) until the new governance arrangements, including appointment of the Deputy Mayor, are in place. Approved remuneration rates will then be back-dated.
8. The Authority has four requirements for allocating the governance pool:
 - i) the entire pool must be allocated
 - ii) 'minimum allowable remuneration' is decided for councillors who have no additional responsibilities
 - iii) for any role that attracts additional remuneration (above the minimum allowable), Council is required to have a formal vote to describe the role and the annual dollar value attached to the role
 - iv) Council must then forward its proposal to the Authority for approval and inclusion in the determination.
9. The governance remuneration pool doesn't apply to the Mayor and the Methven Community Board members. Their remuneration levels for 2022/23 are:

	<i>1/07/22 until October (post election)</i>	<i>Post election until 30/06/23</i>
Mayor	\$123,201	\$132,690
MCB Chair	\$5,554	\$5,554
MCB Members (x 4)	\$2,777	\$2,777

10. Council's *Elected Members' Allowances and Reimbursement Policy* was reviewed and adopted September 2021. The policy details the entitlements available to elected members during their term of office and ensures transparency in the reimbursement process.

Options analysis

11. Council must accept the Remuneration Authority's final decision on the total pool and fully allocate that money. Council has confirmed that its governance arrangements will remain unchanged until the end of this term. The new Council will have the opportunity to review the structure and submit a proposal to the Authority to approve allocation of the remaining funding pool.
12. The allowances and reimbursement policy will continue to be applied until such time that the new Council reviews it.

Legal/policy implications

Legislation

13. The [Local Government Act 2002, Schedule 7](#), Part 1, clause 6 sets out the role of the Remuneration Authority in determining the remuneration, allowances and expenses payable to elected members.

14. The [Remuneration Authority Act 1977](#) sets out criteria to which the Authority must have regard in determining the pay for elected members.
15. The [Local Electoral Act 2001](#) sets out the timing of when remuneration will be adjusted following the October 2022 elections.
16. The Ashburton District Council [Elected Members' Allowances and Reimbursement Policy](#) aligns with the Remuneration Authority Determination and provides for allowances and reimbursement of costs incurred by elected members while on the job.

Strategic alignment

17. The recommendation relates to Council's community outcome of '*Residents are included and have a voice*' because the community participates in local elections and representation reviews.
18. The community outcome of '*A prosperous community based on innovation and opportunity*' reflects how a growing population and economic growth impacts on how elected members' remuneration is determined.

Wellbeing		Reasons why the recommended outcome has an effect on this wellbeing
Economic	✓	Increased population and development is reflected in the size indices and weightings used to determine elected member remuneration, as well as Council's operating expenditure and socio-economic deprivation levels.
Social	✓	The community participates in local elections and residents have the opportunity to have their say on Council business and influence Council decision-making.

Financial implications

Requirement	Explanation
What is the cost?	Total remuneration pool 2022/23 - \$450,195
Is there budget available in LTP / AP?	Yes. Budget provision in year 2 of the LTP.
Where is the funding coming from?	Democracy budget.
Are there any future budget implications?	No.
Reviewed by Finance	Erin Register; Finance Manager

Significance and engagement assessment

Requirement	Explanation
Is the matter considered significant?	No
Level of significance	Low
Rationale for selecting level of significance	Assessment based on the policy formula. Assessment in the round confirms the outcome from the formula.
Level of engagement selected	1. Inform involved parties
Rationale for selecting level of engagement	Potential community concern about the proposed increase in the new term is outside the control of the Elected Members.
Reviewed by Strategy & Policy	Richard Mabon Senior Policy Advisor

Next steps

Date	Action / milestone	Comments
1 July 2022	Schedule 1 of the Determination is applied	<i>Up until the close of day when the official election result is declared</i>
Oct-Nov 2022	Schedule 2 of the Determination is applied after the new Council is in place	<i>Minimum allowable remuneration paid to councillors</i>
By 16 Nov 2022	Remuneration proposal submitted to the Remuneration Authority for approval	<i>Remuneration attached to different roles / positions of responsibility within allocated pool</i>
22 Dec 2022	Amending Determination gazetted	<i>New remuneration rates paid</i>
Nov-Dec 2022	Elected Members' Allowances & Expenses Policy will be reviewed	

11. Mayor's Report

11.1 LGNZ Conference and AGM

Deputy Mayor Liz McMillan, CE Hamish Riach and myself will be attending the Conference and AGM in Palmerston North in July.

Ashburton District Council is entitled to be represented by three delegates at the AGM and I have been appointed as the presiding delegate responsible for voting on behalf of Council. Deputy Mayor Liz McMillan is the alternate proxy.

We have been advised that five remits have been approved for consideration at the AGM –

Appendix 1

1) Central government funding for public transport

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

Joins the Aotearoa Collective for Public Transport Equity in support of the Free Fares campaign.

2) Review of Government transport funding

Recommendation that LGNZ calls for an independent review into the way in which government, through Waka Kotahi, funds transport investments in Aotearoa. This includes funding of new developments and maintenance programmes.

3) Illegal street racing

Recommendation that LGNZ implement a nation-wide working group of subject matter experts with the objective of formulating an action plan to effectively enforce the Land Transport Act 1998 and work with police to tackle illegal street racing and the anti-social behaviour associated with it.

4) Bylaw infringements

Recommendation that LGNZ lobby Government to implement an infringement notice regime for general bylaws.

5) Density and proximity of vaping retailers

Recommendation that LGNZ requests the Government to:

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

11.2 Water Services Entities Bill

The Government has introduced the Water Services Entities Bill to implement its decisions to establish four public entities to take on the delivery of drinking water, wastewater and stormwater services across New Zealand from July 2024. The Bill is the first in a suite of legislation to enact the three waters reforms which are intended to ensure all New Zealanders have safe, clean and affordable water services.

Submissions on the Bill close on Friday 22 July 2022. The Bill has passed its first reading and the Select Committee is expected to report back to the House by Friday 11 November 2022, allowing the remaining stages of legislative process to be completed before the end of the calendar year.

Council will be making a submission on the Bill to reinforce its opposition to the reforms, as they are currently proposed. Our comment will make reference to the need for strong local voice. It is critical that Ashburton and Canterbury have strong and clear mechanisms to ensure local perspectives are heard and considered by the new entity. There is also a need to ensure a balance of metro, rural and provincial Council representation on the regional representative groups. These groups will consist of between 12 and 14 members, with half its members appointed from mana whenua within the Entity region, and half from territorial authorities.

We note that consumer interests are to be addressed through the water services entities undertaking direct engagement with consumers on asset management, funding and pricing plans and infrastructure strategies. We want assurance that consumer forums will achieve their purpose and that consumer needs, expectations and service requirements are clearly understood.

Council remains concerned at the lack of local input and that the focus of the three waters debate has been primarily on drinking water and not stormwater or wastewater (where the bulk of the money is to be spent). Our strong view is that the reform process should be paused for up to five years to let the new regulator (Taumata Arowai) settle in, and then see how readily Councils are meeting their obligations and responsibilities.

Council is also conscious that we've given assurance that the community would be consulted at the right time. We are now faced with a short timeframe to make our submission, but it's our intention to continue to share information with the community and we would also encourage local people to voice their concerns and submit on the Bill.

Officers have been instructed to prepare a submission to meet the 22 July deadline. As there won't be a Council meeting before that, Council's approval is sought for the submission to be signed and approved by the Mayor and Chief Executive.

Recommendation

That the Mayor and Chief Executive be authorised to approve Council's submission on the Water Services Entities Bill.

11.3 LGNZ Rural and Provincial Sector Meeting

Councillors Lynette Lovett and Stuart Wilson, CE Hamish Riach and myself attended the Rural and Provincial sector meeting in Wellington 16/17 July 2022. Topics discussed included:

NZ Infrastructure Strategy - Ross Copland, Chief Executive, New Zealand Infrastructure

- Net zero emissions
- Flourishing towns and cities
- Attractive and inclusive cities
- Circular economy
- Resilience to shocks and stresses
- \$30 billion per year needs to be spent to get NZ infrastructure to where it should be
- Productivity is reducing year on year

An interesting speaker and worth watching this young knowledgeable person steer Infrastructure NZ into the future.

Update on Three Waters Reform - Hon Nanaia Mahuta

- Legislation to be passed later this year
- Setting up the mechanism for the transfer of the assets to the new entity
- Submissions close on the 24 July on the Water Services Entities Bill
- Nothing new was mentioned.

Training

In the new term of Council LGNZ have advised they will be undertaking training for Mayors in October and Councillors in November. The dates are set and all prospective Councillors will be notified of these dates in due course.

Resource Management Reform – Hon David Parker

- Government will take advice from the steering group on the development of the reform
- Spatial planning will be at regional level
- No co-governance model for the plans

This piece of work will be bigger than 3Waters and LGNZ will be holding hour long monthly webinars to keep elected members up to date on the process until December. The first has been held and they are recorded for viewing later if you cannot attend at the time.

11.4 Meetings

• Mayoral calendar

Thank you to Deputy Mayor Liz McMillan for stepping up and attending functions whilst I was isolating at home last week with the Covid virus.

June 2022

- 16/17 June: LGNZ Rural and Provincial, Wellington with Crs Lynette Lovett and Stuart Wilson and CE Hamish Riach
- 16 June: Canterbury Regional Transport Committee Regional Land Transport Programme workshop
- 17 June: Hokonui on Air Radio Interview, Deputy Mayor Liz McMillan deputised
- 18 June: Kā Huru Manu exhibition opening, Deputy Mayor Liz McMillan deputised
- 20 June: Civic Awards Ceremony (2021 recipients, ceremony delayed due to Covid restrictions), Deputy Mayor Liz McMillan deputised
- 20 June: Community House representatives (via MS Teams), with CE Hamish Riach
- 21 June: E-Tipu: The Boma Agri Summit (virtually)

- 22 June: Water Entities workshop (via MS Teams)
- 22 June: Activity briefings (via MS Teams)
- 22 June: Audit & Risk (via MS Teams)
- 22 June: Councillor only Activity briefings (via MS Teams)
- 22 June: Dr Malcolm Wootton (via MS Teams) with Cr Carolyn Cameron
- 23 June: Airport Development Plan workshop (via MS Teams)
- 23 June: Minimum Parking Standard workshop (via MS Teams)
- 27 June: Queen Elizabeth Platinum Jubilee tree planting ceremonies (Tinwald, Hinds, Mayfield, Mt Somers, Methven, Rakaia and Ashburton)
- 29 June: Canterbury Mayoral Forum – RLG meeting
- 29 June: Executive Committee
- 29 June: Council meeting

Recommendation

That Council receives the Mayor's report.

Neil Brown

Mayor

Appendix 1

Who's
putting local
issues on
the national
agenda?

**We are.
LGNZ.**

Te Kāhui Kaunihera o Aotearoa.

2022 Annual General Meeting

Remits

1

Central government funding for public transport

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

Background information and research

1. Nature of the issue

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

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

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

2. Background to its being raised

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

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

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

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

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

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

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

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

3. New or confirming existing policy

This is new policy.

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

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

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

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

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

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

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

6. Any existing relevant legislation, policy or practice

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

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

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

8. Suggested course of action

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

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

2

Review of Government transport funding

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

Background information and research

1. Nature of the issue

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

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

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

2. Background to its being raised

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

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

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

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

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

3. New or confirming existing policy

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

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

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

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

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

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

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

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

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

6. Any existing relevant legislation, policy or practice

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

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

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

8. Suggested course of action envisaged

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

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

3

Illegal street racing

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

Background information and research

1. Nature of the issue

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

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

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

2. Background to its being raised

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

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

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

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

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

3. New or confirming existing policy

The issue is not currently covered by existing LGNZ policy.

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

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

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

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

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

6. Any existing relevant legislation, policy or practice

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

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

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

8. Suggested course of action envisaged

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

4

Bylaw infringements

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

Background information and research

1. Nature of the issue

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

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

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

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

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

2. Background to its being raised

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

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

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

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

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

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

3. New or confirming existing policy

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

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

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

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

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

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

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

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

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

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

6. Any existing relevant legislation, policy or practice

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

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

This proposed remit was supported by the Auckland Zone.

8. Suggested course of action envisaged

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

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

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

5

Density and proximity of vaping retailers

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

Background information and research

1. Nature of the issue

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

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

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

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

2. Background to its being raised

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

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

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

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

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

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

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

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

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

3. New or confirming existing policy

This is a new policy.

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

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

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

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

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

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

6. Any existing relevant legislation, policy or practice

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

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

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

8. Suggested course of action envisaged

This remit suggests that LGNZ requests the Government to:

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

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

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