

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Council will be held on:

Date: Thursday 27 June 2019
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Council OPEN AGENDA

Membership

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Becca Brooke
Governance Team Leader

20 June 2019

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Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act.
 - d) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee taskforces and their terms of reference.

Oversight of Policies:

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

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1 Apologies

2 Confirmation of Agenda

The Council to confirm the agenda.

3 Declaration of Interest

Members are reminded of the need to be vigilant 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.

4 Public Forum

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for three minutes or longer at the discretion of the Mayor.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6439.

Council Report

Committee: Council

Date: 27 June 2019

Author: Amy Viggers

Authoriser: Becca Brooke

Position: Committee Advisor

Position: Governance Team Leader

Report Name: Confirmation of the Council Open Minutes - 30 May 2019

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Open Minutes of the Council Meeting held on 30 May 2019 as a true and correct record.

Attachments

Attachment 1 - Council Open Unconfirmed Minutes 30 May 2019 .

Council

OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 30 May 2019 at 9.36am.

PRESENT

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

In Attendance:	Richard Briggs – Chief Executive
	Lance Vervoort – General Manager Community
	David Bryant – General Manager Corporate
	Jen Baird – General Manager City Growth
	Chris Allen - General Manager Development
	Eeva-Liisa Wright – General Manager Infrastructure Operations
	Sean Hickey – General Manager Strategy and Communication

Governance Staff:	Lee-Ann Jordan – Governance Manager
	Amy Viggers and Rebecca Watson – Committee Advisor

1. Apologies

There were no apologies.

2. Confirmation of Agenda

Resolved: (Mayor King/Cr Hamilton)

That the agenda is confirmed noting that item 17 (Recommendation from the Finance Committee Meeting of 23 May 2019) was circulated under separate cover prior to the meeting.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. **Public Forum**
No members of public wished to speak.
5. **Confirmation of the Extraordinary Council Open Minutes 9 April 2019**

Resolved: (Cr Macpherson/Mayor King)
That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 9 April 2019 as a true and correct record.
6. **Confirmation of the Council Open Minutes 18 April 2019**

Resolved: (Cr Macpherson/Mayor King)
That the Council confirm the Open Minutes of the Council Meeting held on 18 April 2019 as a true and correct record.
7. **Confirmation of the Extraordinary Council Open Minutes 29 April 2019**

Resolved: (Cr Macpherson/Mayor King)
That the Council confirm the Open Minutes of the Extraordinary Council Meeting held on 29 April 2019 as a true and correct record.
8. **Confirmation of the Elected Member Open Briefing Notes 2 April 2019**

Resolved: (Cr Macpherson/Mayor King)
That the Council confirm the Open Notes of the Elected Member Briefing held on 2 April 2019 as a true and correct record.
9. **Confirmation of Elected Member Open Briefing Notes - 11 April 2019**

Resolved: (Cr Macpherson/Mayor King)
That the Council confirm the Open Notes of the Elected Member Briefing held on 11 April 2019 as a true and correct record.
10. **Confirmation of Elected Member Open Briefing Notes - 30 April 2019**

Resolved: (Cr Macpherson/Mayor King)
That the Council confirm the Open Notes of the Elected Member Briefing held on 30 April 2019 as a true and correct record.
11. **Chair's Report**

The report was taken as read.
Resolved: (Mayor King/Cr Casson)
That the Council:
 - a) receives the report; and
 - b) approves the submission to the Remuneration Authority.

12. Safety and Wellness Performance Update

The General Manager Corporate took the report as read, and responded to questions from Elected Members concerning the inclusion of the update in the induction programme post the 2019 Local Elections and the outcomes from the lost time injuries review and wellness programme.

Resolved: (Cr Pascoe/Cr Southgate)

That the Council:

- a) receives the report; and
- b) notes that the Council's safety performance is steady, and several pro-active initiatives are being deployed to support our high-performance culture through improved work practices and mindsets.

13. Proposed Changes to LGNZ's Rules

The Governance Manager introduced the report and responded questions from Elected Members concerning the proposed changes.

Resolved: (Mayor King/Cr Macpherson)

That the Council approves LGNZ's proposal 1 – minor (administrative) substantive changes as set out in attachment 2.

Resolved: (Mayor King/Cr Macpherson)

That the Council approves LGNZ's proposal 2 – amendments to provide Te Maruata representation on the National Council (including consequential amendments) as set out in attachment 2.

Cr Mallett Dissenting.

Resolved: (Mayor King/Cr Macpherson)

That the Council approves LGNZ's proposal 3 – amendments to give effect to Auckland Council representation on the National Council (including consequential amendments) as set out in attachment 2.

Resolved: (Mayor King/Cr Macpherson)

That the Council approves LGNZ's proposal 4 – minor amendments to modernise (e.g. electronic notices and voting) and rationalise language as set out in attachment 2.

Resolved: (Mayor King/Cr Macpherson)

That the Council notes that Hamilton City Council's representative to the LGNZ Annual General Meeting (AGM) on 7 July 2019 will vote in accordance with the Council's decisions on proposals 1-4 in points a-d above.

14. Recommendation from the Growth and Infrastructure Committee Meeting of 7 May 2019

The report was taken as read.

Resolved: (Cr Macpherson/Cr Taylor)

Solid Waste Bylaw

That the Council determines that a Solid Waste Bylaw is appropriate to the issues relating to Solid Waste in Hamilton City.

15. Recommendations from the Community, Services & Environment Committee of 14 May 2019

The report was taken as read.

Resolved: (Cr Southgate/Cr Hamilton)

Hamilton Arts Agenda – Arts and Culture Strategy

That the Council approves the development of a new Arts and Culture Strategy to replace the existing Arts Agenda; and

Draft Disability Policy

That the Council approves the Draft Disability Policy.

16. Recommendation from the Audit and Risk Committee Meeting of 16 May 2019

The report was taken as read.

Resolved: (Mayor King/Cr Pascoe)

Council Risk Management Policy

That the Council approves the updated Council Risk Management Policy.

17. Recommendation from the Finance Committee Meeting of 23 May 2019

The report was taken as read.

Resolved: (Cr Mallett/Cr Pascoe)

Extension of Delegation for Management of 3-Year Renewals and Compliance Capital Programme

That the Council approves the changes to the Delegations to Positions Policy (as set out in item 11 attachment 1 of the Finance Agenda of 23 May 2019), to enable more flexibility in the management of the 3-Year Renewals and Compliance capital programme.

18. Resolution to Exclude the Public

Resolved: (Mayor King/Deputy Mayor Gallagher)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes 18 April 2019	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 198	Section 48(1)(a)
C2. Confirmation of the Extraordinary Council Public Excluded Minutes - 29 April 2019		
C3. Confirmation of Elected Member Public Excluded Briefing Notes - 11 April 2019		
C4. District Licensing Committee Appointment		
C5. Appointment of Independent Hearings Panel		
C6. Freedom of the City Awards		

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C5.	to maintain legal professional privilege	Section 7 (2) (g)
Item C6.	to protect the privacy of natural persons	Section 7 (2) (a)

The meeting went into a Public Excluded session at 9.56am.

The meeting was declared closed at 10.18am.

Council Report

Committee: Council **Date:** 27 June 2019
Author: Claire Guthrie **Authoriser:** Becca Brooke
Position: Committee Advisor **Position:** Governance Team Leader
Report Name: Confirmation of the Elected Member Briefing Notes - 28 May 2019

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Notes of the Elected Member Briefing held on 28 May 2019 as a true and correct record.

Attachments

Attachment 1 - Elected Member Briefing Unconfirmed Notes - 28 May 2019 .

Elected Member Briefing Notes – 28 May 2019 – Open

Time and date:	10.30am, 28 May 2019
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor King, Deputy Mayor Gallagher, Crs Pascoe, Taylor, Henry, Southgate, Bunting, Mallett, Casson, Hamilton, Tooman, Macpherson
Apology for Full Session:	Maangai Maaori Hill, Takiari-Brame, Te Ua, Thompson-Evans, Whetu, Cr O’Leary
Apologies for lateness/early departure:	Cr Southgate,

Discussion

The briefing session covered the following topics in an open session.

- Local Government Funding Agency Presentation
- Encroachment Policy
- Personal Vehicles for Hire Principles
- Strategic Three Waters Servicing
- Waikato River Bridge

There were a number of key points arising from the discussion:

1. **Local Government Funding Agency Presentation** (Presentation was provided)

The Chief Executive (CE) of Local Government Funding Agency (LGFA) explained that the purpose of the presentation was to update the Council on the organisation’s changes and the Statement of Intent. The LGFA CE noted that there has been a record amount of lending over 2018-2019 and profitability was at approximately \$11 million with some growth in assets. The CE explained that one of the Agency’s key new initiatives was to enable lending to Council Controlled Organisations (CCOs) as it currently could only lend to the parent body.

Elected Members asked questions in relation to the following:

- current interest rates and variances for members
- use of bank loans to avoid LGFA debt cap
- difference between Auckland’s borrowing and other councils
- difference in borrowing rates between central government rates and LGFA rates
- shareholder/guarantor benefits for HCC,
- importance of financial covenants and protecting credit rating
- financial worth of Hamilton’s shares in LGFA
- benefit to changing credit rating agencies
- alternative income streams for councils.

2. **Encroachment Policy** (Presentation was provided)

The Network Operations and Use Manager explained that the purpose of the presentation was to update Elected Members on proposed changes to the policy. The proposed changes to the principles were outlined. It was noted that policy management would apply parks and open spaces,

not reserves which are covered by separate legislation. Some examples of approved encroachments were shown to demonstrate the difference between private and public gain.

Elected Members asked questions in relation to the following:

- definition of encroachment
- encroachments on public land
- definition of utility carrying
- provision for cable tv or private providers and blimps
- issues with historical encroachments and issues of risk
- inclusion of reserves in the policy
- need for right of appeal to Council to be covered in the principles.

3. **Personal Vehicles for Hire Principle**

(Presentation was provided)

The Policy Consultant explained that the purpose of the presentation was to update Elected Members on personal hire devices (PHDs), the development of principles and a code of practice for Hamilton. It was noted that these devices did not include mobility scooters. The development of the PHDs principles and code of practice was driven by concerns for public safety. The proposed conditions for permits were outlined. Full cost recovery was proposed to cover costs for enforcement, education and administration.

Elected Members asked questions in relation to the following:

- definition of PHDs
- conditions to include - only devices hired off the footpath, sharing of all data, operators' liability insurance, the use of a flat fee
- exclusion of rent depots from policy
- benefit of charging per ride and to trial open use for six months
- use of local small businesses or New Zealand wide operators and the impact of the number and licencing of operators
- use of data from corporate providers
- impact on car usage
- effect on residents, how to control where devices go
- conflict with HCC policy of no bikes on footpaths.

4. **Strategic Three Waters Servicing**

(Presentation was provided)

The Strategic Manager, Infrastructure and the City Waters Manager explained that the purpose of the presentation was update Elected Members on critical challenges in 3-waters servicing. These included wet industry demands, out of district servicing, constraints on water uptake and discharge, and Te Ture Whaimana - the Waikato River Vision and Strategy. The constraints and challenges with respect to Strategic Three Waters Servicing were outlined and discussed. The 3-month programme to investigate to these matters was outlined and it was emphasised that the Waikato River was a finite resource.

Elected Members asked questions in relation to the following:

- treatment of storm water, access to more water, limitations of access
- date of the next allocation review
- content of cross boundary agreement
- projections for industrial growth
- possibility of recycling of wastewater to be made potable
- likely outcomes from another study and cooperation from other territorial authorities
- details on calculating water supply agreement to Waikato including capital costs

- innovative solutions for industries to re-use the water
- impact with Water Care on boundary
- involvement of central government.

5. Waikato River Bridge
(Presentation was provided)

The Strategic Development Manager explained that the purpose of the presentation was to update Elected Members on progress with the bridge design and to outline the next steps. He noted that structural option A had been approved and was now moving to detailed design. He outlined outstanding issues which included timing to access contractors, stakeholders input, ecological requirements, cultural significance and connectivity. The design principles were discussed, and included linkage to Hamilton parks and gardens, walking/cycling paths, the pedestrian bridge, aesthetic opportunities, geotech risks, legislation and standard changes, construction industry costs, and timing of land purchase.

Elected Members asked questions in relation to the following:

- parking availability for recreational activities
- access to the south side of the river for swimming, and safety for swimmers
- lighting options to incorporate bats needs
- importance of the gateway aspect and the width of the road
- width of cycle walk pathway on the bridge
- bridge jumping
- use of viewing platform for adventure tourism.

Council Report

Committee: Council
Date: 27 June 2019
Author: Claire Guthrie
Authoriser: Becca Brooke
Position: Committee Advisor
Position: Governance Team Leader
Report Name: Confirmation of the Elected Member Briefing (Annual Plan) Notes - 6 June 2019

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Notes of the Elected Member Briefing (Annual Plan) held on 6 June 2019 as a true and correct record.

Attachments

Attachment 1 - Elected Member Briefing Notes (Annual Plan) - Open - 6 June 2019 .

Elected Member Briefing Notes (Annual Plan) – 6 June 2019 – Open

Time and date:	10.30am, 6 June 2019
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Mayor King, Deputy Mayor Gallagher, Crs Pascoe, O’Leary, Henry, Southgate, Mallett, Hamilton, Taylor, Tooman, Macpherson Maangai Maaori Thompson-Evans
Apology for Full Session:	Maangai Maaori Takiari-Brame, Te Ua, Hill, Whetu Crs Casson, Bunting
Apologies for lateness/early departure:	Crs Taylor, O’Leary

Discussion

The briefing session covered in an open session the following topics:

- Annual Plan Design
- Update on Wellbeing Legislation
- Wellbeing Legislation - Development Contributions
- Cost Benefit Analysis
- Strategic Plans and Strategy Update

There were a number of key points arising from the discussion:

1. Annual Plan Design

(Presentation was provided)

The General Manager, Strategy and Communications and the Unit Manager, Corporate Planning and Strategy, explained that the purpose of the presentation was to receive Elected Members feedback on the draft 2019/2020 Annual Plan. The timeframe and process were outlined and it was noted that the numbers in the financial section were preliminary and would be updated for the Council meeting on 20 June 2019.

2. Update on Wellbeing Legislation

(Presentation was provided)

The General Manager, Strategy and Communication, explained that the purpose of the presentation was to inform Elected Members of the changes to Local Government Act (LGA) with the Local Government Community Well-being Bill, how the four well-beings would be included in HCC decision making and the impact on Development Contributions. The changes to the LGA were outlined and it was noted that the 10-Year-Plan (10YP) and funding decisions would need to include current and future well-being of citizens and communities. It was noted that Council would define the well-beings and decide how they would apply in decision-making.

Development Contributions (DC)

(Presentation was provided)

The Growth Funding and Analytics Unit Manager gave an update on the DC component of the LGA amendments and noted that the DC Policy would need an amendment with consultation. He explained that the new definition included land or development assets on land owned by a Territorial Authority (TA) such as pools, library, or theatre and would cover larger public assets. The

definition only applied to land owned or controlled by the TA and excluded alternative ownership or funding structures.

3. **Cost Benefit Analysis**

(Presentation was provided)

The PMO Manager explained that the purpose of the presentation was to inform Elected Members on ways cost/benefit analysis was undertaken at HCC. She defined the cost benefit analysis tool and noted it was a useful tool for making comparisons between alternative projects designed to produce similar benefits. The challenges were outlined, particularly the issues in obtaining accurate data on quantifying benefits. It was noted that this process would be aligned with the Well-beings framework and would be included in the business case template.

Elected Members asked the following questions in relation to Items 1-3:

- estimating DCs with community infrastructure, reform of DC Policy, possible challenges to changes
- ways to measure well-beings that were or were not being delivered and identifying areas that needed improvement, how to quantify
- relationship between Well-beings and sustainability
- legal requirement to implement the Well-beings
- partnering with government on large projects involving Well-beings
- use of new mechanisms such as SPV and the eligibility of SPV funding for DCs
- innovation in funding methods
- control of land/assets in the Act
- extra costs for consultation on projects in relation to the Well-beings
- definitions to be used - new or reverting to ones used previously, timeframe for definitions
- ways to measure outcomes and outputs, measure of cost/ benefit other than money
- resources required to implement Well-beings
- process to address the Well-beings in council projects
- factors included in cultural considerations
- effect of legislation on the funding of the Regional Theatre

4. **Strategic Plans and Strategy Update**

(Presentation was provided)

The Unit Manager Corporate Planning and Strategy explained that the purpose of the presentation was to update Elected Members on all HCC strategies and plans with an overview of actions and timelines. The terminology used in relation to strategies and plans was explained in relation to the reports and documents that were presented to Elected Members.

Elected Members asked questions in relation to the following:

- feedback on definitions
- process for feedback on strategies or plans
- ways to align common areas of interest in different strategies or plans, who takes responsibility for this

Council Report

Item 8

Committee: Council

Date: 27 June 2019

Author: Claire Guthrie

Authoriser: Becca Brooke

Position: Committee Advisor

Position: Governance Team Leader

Report Name: Confirmation of the Elected Member Briefing Open Notes - 13 June 2019

Report Status	<i>Open</i>
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Staff Recommendation

That the Council confirm the Open Notes of the Elected Member Briefing held on 13 June 2019 as a true and correct record.

Attachments

Attachment 1 - Elected Member Briefing Notes - Open - 13 June 2019 .

Elected Member Briefing Notes –13 June 2019 – Open

Time and date:	10.30am, 13 June 2019
Venue:	Committee Room 1, Hamilton City Council
In Attendance:	Deputy Mayor Gallagher, Crs Pascoe, Henry, Southgate, Bunting, Mallett, Casson, Hamilton, Tooman, Macpherson Maangai Maaori Takiari-Brame, Hill, Te Ua, Thompson-Evans and Whetu
Apology for Full Session:	Mayor King, Crs Taylor, O’Leary, Maangai Maaori Whetu
Apologies for lateness/early departure:	Deputy Mayor Gallagher

Discussion

The briefing session covered in an open session:

- Review of Gateways Policy and Streetscapes Policy
- Biodiversity Strategy
- District Plan Change 8 – Development Plans
- CBD – recent activities and future initiatives

There were a number of key points arising from the discussion:

1. Review of Gateways Policy and Streetscapes Policy
(Presentation was provided)

The Network Operations and Use Manager and the Policy Consultant explained that the purpose of the presentation was to inform Elected Members of the proposed changes to the policies.

The Parks and Recreation Manager noted that there was funding allocated in the 10-Year Plan for removal and replacement of trees where this was required.

Elected Members asked questions in relation to the following:

- inclusion of gateways such as Greenhill, Ruakura,
- difference between signage for Schedule 1 and 2
- Te Rapa and Ohaupo Roads as secondary gateway
- quality of astro-turf and control of its use
- guidance on planting for developers
- leaf fall, root damage and the HCC planting regime
- composting of leaves
- permission to plant on berm, parking on berms, incentives for residents to clean up street frontages
- street sweeping regime

2. Biodiversity Strategy
(Presentation was provided)

The Team Leader Implementation and Monitoring explained that the purpose of the presentation was to obtain Elected Members agreement to consult with key stakeholders with the Strategy’s proposed changes. Consultation had been undertaken with community and key informants. The ‘One-Page’ strategy was presented showing the vision, the purpose statement and the four outcome areas.

Elected Members asked questions in relation to the following:

- benefits of biodiversity and how the goals benefit the community and ratepayers
- responsibility for gully damage
- feedback from gully restoration groups and grass root groups on the strategy
- 10% target for biodiversity
- resources to restore the quality of Hamilton's green space
- timelines beyond July for approval
- potential problems with limited consultation

3. **District Plan Change 8 – Development Plans**

(Presentation was provided)

The City Planning Heritage, Urban Design, Spatial Team Leader explained that the purpose of the presentation was to inform Committee Members of Plan Change 8. The plan change was to ensure that the District Plan complied with the RMA and ensured integrated planning outcomes.

Elected Members asked questions in relation to the following:

- origin of this problem
- process for final decision on the changes
- effect on other plan changes such as REEP and Ruakura Industrial
- expectations of objections or difficulties
- possibility of objections to future developments

4. **CBD – recent activities and future initiatives**

(Presentation was provided)

The City Planning Manager explained that the purpose of the presentation was to provide an overview of City Centre core data, metrics, initiatives and trends. It was noted that the central city was defined in the District Plan (DP) through a different rating area, census and Development Contributions (DCs). The importance of the City Centre for Hamilton's prosperity was outlined in terms of overall GDP, employment, residential and non-residential use, and as the cultural, administrative and civic centre for Hamilton. The Central City Plan was intended to bring all strategic decisions together, with a definitive and integrated vision, which would help inform funding decisions.

Elected Members asked questions in relation to the following:

- GDP in Central City
- comparison of retail space in CBD and outside CBD
- use of office space
- trends for retail becoming office space
- timeline of growth increase
- residential population trends and the inclusion of 'bedsits' compared to apartments and flats
- ways of measuring GDP
- comparison data for other cities
- effect of motel areas and stadia
- investors and stakeholders
- inclusion of DHB, WRC employees in work related data
- link between planning approval, parking and transport issues, parking to be matched to residential parking/transport policy, integrated transport options
- requirement to consider transport issues with new city centre developments to ensure residents road safety and upgrades in pedestrian areas
- need for good urban outcomes by managing rubbish and parking

- integration between plans such as waste management and parking plan with this development
- information needed to readjust zones re people movement with local neighbourhood thinking,
- emerging needs for more provision of drinking water and sewerage
- effect of big retail companies
- information from central govt on moving offices to city centres
- benefits of a city centre rather than centres over the whole city
- governance responsibilities to ensure plan is effective,
- consideration of noise effect from city retail (nightclubs) on city centre residents
- retaining key aspects of heritage with development

Council Report

Item 9

Committee: Council
Author: Andy Mannering
Position: Social Development Manager
Report Name: Community Land Trust Model

Date: 27 June 2019
Authoriser: Lance Vervoort
Position: General Manager Community

Report Status	<i>Open</i>
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Purpose

1. To inform the Council on options for the development of a Hamilton and Waikato focused community land trust model.
2. To seek approval from the Council for a model for the establishment of a new entity called the Waikato Community Lands Trust.

Staff Recommendation

That the Council:

- a) approves the establishment of a new entity, to be called the Waikato Community Lands Trust, to hold land in perpetuity to provide access to affordable housing for the benefit of the community;
- b) approves \$1,000,000 in 2019/20 and a further \$1,000,000 in 2020/21 for the Waikato Community Lands Trust for purchasing land to be paid upon approval of the draft Trust Deed and subsequent registration with Charities Services;
- c) delegates the Chief Executive to undertake a selection process for Trustees for the Waikato Community Lands Trust in accordance with the composition of the Trust as set out in paragraph 34 and bring the recommended appointees to the Council meeting of 17 September 2019 for approval; and
- d) delegates the Chief Executive to prepare a Trust Deed for approval at the Council meeting of 17 September 2019.

Executive Summary

3. Following the Council decision of 14 March 2019 to make funding available for the support of a Community Land Trust in the draft 2018/19 Annual Plan, staff have facilitated a series of hui with Community Trusts and other potential partners to develop a community land trust model that would best benefit Hamilton and the wider Waikato.
4. Support has been shown for a model where a new entity is established to acquire land and/or land and buildings, to hold the land in perpetuity, and then work with existing housing

providers to develop the sites and for the housing providers to work with individuals or families to gain access to affordable home ownership.

5. Staff recommend option two in this report – to support the establishment of a new entity, the Waikato Community Lands Trust.
6. Staff consider the decisions in this report have a low significance and that the recommendations comply with the Council's legal requirements.

Background

7. At the 14 March 2019 Council meeting ([Agenda](#), [Minutes](#)) the following was resolved;

“That the Council:

- a) receives the report;*
- b) approves, for the purposes of preparing the draft 2019-20 Annual Plan budget, reallocating funding for social housing as follows:*
 - i. \$600,000 of debt funding brought forward from 2022-2024 to 2019-2020;*
 - ii. \$600,000 of debt funding brought forward from 2022-2024 to 2020-2021;*
- c) approves, for the purposes of preparing the draft 2019-2020 Annual Plan budget, that this funding (in addition to the \$400,000 per year currently allocated to social housing in 2019- 2020 and 2020-2021) is to be available to go towards a community land trust;*
- d) delegates the Chief Executive to negotiate as required with Community Trusts and other potential partners to develop a community land trust model; and*
- e) requests the Chief Executive to report back to Council by 27 June 2019 on the proposed land trust model.”*

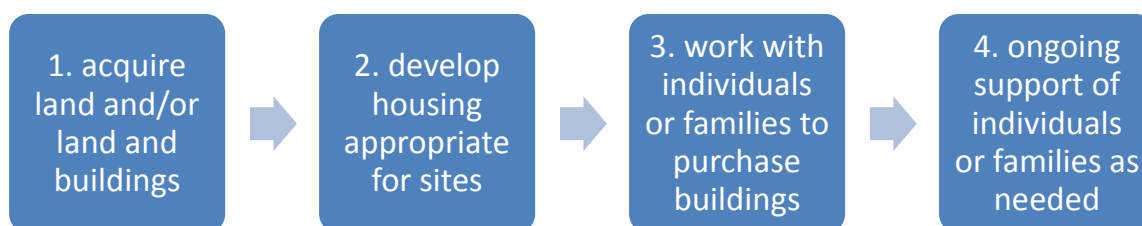
Considerations in establishing a Community Land Trust

8. Attachment 1 shows the housing spectrum, from homelessness and emergency housing through to full market, identifying key players within the Waikato Region. The Council identified the central blue column of “affordable assisted ownership” as the primary target for a community land trust.
9. Generally, a Community Land Trust is a non-profit organisation, created to acquire and hold land for the benefit of a local community, and provide ongoing secure affordable access to land and housing for its residents. A Community Land Trust owns the land and leases it for a nominal fee to individuals who own the buildings on the land.
10. The beneficiaries of a Community Land Trust are community members who are experiencing ongoing housing stress, that are unable to enter the full market, but are excluded from central government housing support.
11. Housing stress describes the situation where the cost of housing is high relative to household income. It is used to describe inadequate housing for a proportion of the population. A common measure is that a household spending 30% or more of its income can be considered under housing stress, and under "extreme" housing stress if spending exceeds 50%.
12. The Council receives reports on housing affordability, an example presented to the [Growth and Infrastructure Committee, 23 October 2018](#) shows that the current housing and rental affordability within Hamilton is lower than national figures, yet both remain higher than 30%.

Discussion

Process around developing a model

13. Following the 14 March 2019 Council meeting staff facilitated a series of hui and conversations with interested parties and potential partners to discuss the development of a community land trust model that would best benefit Hamilton and the wider Waikato.
14. Local community funders, accredited Community Housing Providers and the wider social housing network of the region were invited to partner with the Council in this project.
15. The following organisations were involved in this dialogue with Council:
 - Community Housing Aotearoa
 - Local Community Funders
 - DV Bryant Trust
 - WEL Energy Trust
 - Trust Waikato
 - Momentum Waikato
 - Len Reynolds Trust
 - Gallagher Charitable Trust
 - Accredited Community Housing Providers
 - Habitat for Humanity
 - Ngaa Rau Tatangi
 - Accessible Properties
 - Link People
 - Waikato-Tainui
 - Kirikiriroa Intentional Communities
16. Support exists from these organisations for the Council to initiate and provide funding towards a community land trust for Hamilton and the wider Waikato.
17. There are broad activity stages that need to occur to successfully support individuals or families into home ownership through a community land trust, these are:



18. Discussion was focused on the best model to maximise current Council investment and the ability to leverage ongoing support from the community.

Possible local solutions

19. Four viable solutions were discussed initially as possible community land trust models for Hamilton and the wider Waikato;
 - Expand an existing housing provider
 - Establish a new entity to acquire land and partner with existing housing providers to work with households
 - Establish a new entity to manage the entire process
 - A Council Controlled Organisation.

Item 9

	Positives	Negatives
<p>Option one.</p> <p>Expand an existing housing provider.</p>	<p>Existing housing providers have a range of proven programmes and products assisting the target beneficiaries into home ownership.</p> <p>By expanding the ability of an established housing provider to operate as a community lands trust, the time before housing outcomes are achieved through this mechanism is shortened, as the time needed to find trustees, create the legal trust, register the new trust and begin operations is removed.</p> <p>Existing housing providers have operational models to provide ongoing support to individuals and families as needed.</p>	<p>An existing entity operates with an organisational culture and strategic direction that may not be fully compatible to the desired community lands trust.</p> <p>Public perceptions of existing housing providers may reduce the impact of a new community land trust initiative.</p>
<p>Option two.</p> <p>Establish a new entity to acquire land and partner with existing housing providers to work with households.</p>	<p>Creating a new legal entity, allows the purpose and benefits to be clearly defined and collectively agreed to at the outset, reducing the possibility of political capture.</p> <p>Multiple organisations will be able to partner with the Lands Trust to deliver housing outcomes.</p> <p>Ongoing operational costs are low due to the defined scope of activity.</p>	<p>Time is needed to appoint trustees, create the trust documents and register the new trust before housing outcomes can be achieved.</p>
<p>Option three.</p> <p>Establish a new entity to manage the entire process.</p>	<p>Creating a new legal entity, allows the purpose and benefits to be clearly defined and collectively agreed to at the outset, reducing the possibility of political capture.</p>	<p>Time is needed to appoint trustees, create the trust documents, register the new trust, recruit staff and create operational processes before housing outcomes can be achieved.</p> <p>Ongoing operational costs are significant as staff need to be employed or contracted to work across the stages.</p> <p>Partnerships with existing housing providers is limited.</p>
<p>Option four.</p> <p>Council controlled organisation.</p>	<p>This model would leverage existing staff expertise in purchasing and lease agreements.</p> <p>Under this option the Council could control the entire process, by either appointing staff to manage within the organisation or to set up a Council Controlled organisation to be active in each stage.</p>	<p>Council has limited experience in programmes and products assisting the target beneficiaries into home ownership.</p> <p>Ability to raise additional philanthropic funding would be limited.</p> <p>Ability to leverage other Territorial Authorities support may be limited.</p>

Preferred model

20. Partners participating in these discussions have indicated support for option two - model whereby a new entity is established to acquire land and/or land and buildings, hold the land in perpetuity, and then work with existing housing providers to develop the sites and for the housing providers to work with individuals or families to gain access to affordable home ownership.
21. This model allows decisions around the best development for individual pieces of land to occur, with existing organisations experience leveraged to deliver appropriate and affordable housing outcomes.

Proposed Waikato Community Lands Trust

22. Staff recommend Waikato Community Lands Trust (the proposed Trust) as the name of the new entity.
23. The proposed Trust would be a not-for-profit organisation, where the public investment is held, retained and recycled in perpetuity. The proposed Trust will not be a Council controlled organisation or pay a dividend to any person or party.
24. Waikato is in the name of the proposed Trust to represent the geographic area the proposed Trust will work in, recognising that opportunities may present themselves outside of Hamilton boundaries.
25. The Council investment (approved funding for land purchase) will be ringfenced for purchasing sites within Hamilton.
26. Support exists for the proposed Trust to acquire land and act as an enabler for partner organisations to develop projects on the land, to maximise the work they are doing in the region.
27. It is recommended that the proposed Trust partners with accredited Community Housing Providers or Waikato-Tainui only to develop projects on the proposed Trust's land.
28. Existing Community Housing Providers and Waikato-Tainui have a long history of supporting families who are experiencing housing stress to enter the housing market, using a variety of proven and trusted services and programmes.
29. The proposed Trust will develop guidelines for potential partners around individual sites to ensure that developments comply with the relevant District Plan, addresses urban and ecological design concerns and deliver appropriate housing outcomes.
30. Broad eligibility criteria for families or individuals purchasing a dwelling on the proposed Trust land is recommended to be:
 - The individual household income is less than 100% of median household income
 - The home is used exclusively as the household's primary residence
 - The household owns no other property
 - At least one member of the household is a New Zealand resident or citizen
 - At least one member of the household is in full time employment at the time of application.
31. The proposed Trust will be responsible for seeking out additional funding and donations to grow the impact.
32. In time the proposed Trust may develop the capacity to be the developer of some sites as they build up an equity base and operational expertise. This potential growth will be captured in the proposed Trust deed.

Next steps

33. The right skills, experience and knowledge of establishment Trustees is critical to the ongoing success of the proposed Trust. The following broad makeup is recommended:
 - An Elected Member
 - The Chief Executive of Waikato-Tainui or nominee
 - A Community representative
 - Three representatives with experience in business, legal, or property development
 - A Council officer to be appointed by the Chief Executive.
34. Staff recommend the Chief Executive to undertake a selection process for Trustees for the Waikato Community Lands Trust in accordance with the above composition of the Trust and bring the recommended appointees to the Council meeting of 17 September 2019.
35. Staff recommend the Chief Executive under delegation develop a Trust Deed that reflects the intent of this report for approval by the Council by 17 September 2019.
36. The proposed Trust will undertake due diligence and outline legal frameworks for operating in developing the Trust processes following adoption of the Trust Deed.

Options

37. Staff have assessed that there are two reasonable and viable options that the Council could consider from the four options discussed by the community. This assessment reflects the level of significance and wider community support. The options are set out below:
 - Option one - expand an existing housing provider.
 - Option two - establish a new entity to acquire land and partner with existing housing providers to work with households.
38. Staff recommend option two - create a new legal entity, the Waikato Community Lands Trust to hold land in perpetuity for the benefit of the community by providing access to affordable housing.
39. Staff recommend option two due to the strength of the local community housing provider network and the willingness of these organisations to partner with the proposed Trust.

Financial Considerations

40. The Council has set aside \$2,000,000 for Social housing which can be available for a community land trust if approved.
41. The funding associated with this report is \$2,000,000 over 2019-21, which has been approved in the draft 2019/20 Annual Plan.
42. Ongoing financial costs related to staff support to the Council will be covered by the Community and Social Development Team operational budgets. This will include Legal costs to develop the Trust Deed and staff support to the Waikato Community Lands Trust. Legal costs are anticipated to be \$15,000.

Legal and Policy Considerations

43. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

Cultural Considerations

44. Waikato-Tainui have participated in the conversations around developing a community lands trust model for the Waikato and are interested in ongoing partnership.

45. The proposed Waikato Community Lands Trust aligns with Te Ara Whakatupuranga 2050 Hapori outcomes around housing.
46. It is recommended that the proposed Waikato Community Lands Trust would partner with only accredited Community Housing Providers or Waikato-Tainui to develop projects on the proposed Trust's land.

Sustainability Considerations

47. The establishment of a Waikato Community Lands Trust would align with the following Sustainability Principles:
 - Principle 1: Council includes environmental, economic, social and cultural considerations in its decision-making criteria.
 - Principle 2: Council uses its position as a city leader to educate and influence the wider Hamilton community to embrace sustainability.
48. Environmental sustainability of housing and land will be strongly considered as development opportunities are presented by the proposed Trust to development partners.

Risks

49. The success and impact of the Waikato Community Lands Trust will be influenced by several factors including the availability of land, security of adequate financial resources, the skills and abilities of Trustees, and the capabilities of the housing providers to deliver appropriate housing outcomes.
50. A key role of the proposed Trust will be to scope further potential opportunities, risks and appropriate mitigations.
51. International research shows that generally community benefits outweigh risks. Potential risks can be managed through ongoing political support, a focused approach in the initial stages of establishing the proposed Trust, to ensure the right mix of skills and experience, and clear working agreements between the proposed Trust and partner Housing Providers.

Significance & Engagement Policy

Significance

52. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

Engagement

53. Community views and preferences are already known to the Council through targeted engagement with service providers and community funders.
54. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

Attachment 1 - Waikato Plan Regional Housing Initiative - The Housing Spectrum .

The Housing Spectrum (Homelessness to Market Products)

SOCIAL		AFFORDABLE			MARKET		
←		Increasing Subsidy			Increasing Independence →		
Homelessness and Emergency Housing		State and Other Social Housing	Assisted Rental	Affordable Assisted Ownership	Market Affordable	Market Rental	Full Market
Challenges	Significant rise in the level of homelessness	Number of households seeking social housing has risen significantly	Rents rising at a faster rate than wages Rental market is very tight 45% increase in house prices in the Waikato in the last five years Home ownership rates are declining				
	The People's Project Ministry of Social Development Ministry of Housing and Urban Development Development Women's Refuge Salvation Army Community Housing Aotearoa	Ministry of Social Development Ministry of Housing and Urban Development Housing NZ Waikato-Tainui Accessible Properties Perry's Foundation – pensioner housing Te Rūnanga o Kiriikiriroa Councils, e.g. pensioner housing	Habitat for Humanity NZ Housing Foundation Ministry of Social Development Ministry of Housing and Urban Development	Habitat for Humanity Community Housing Aotearoa Waikato-Tainui Gallagher Charitable Trust	Waikato-Tainui Gallagher Charitable Trust Te Rūnanga o Kiriikiriroa Developers and councils through Special Housing Areas Te Mata Pihi Future Proof Ministry of Housing and Urban Development – KiwiBuild, Urban Growth Agenda	Developers Councils through zoning land MinisttSpecial Housing Areas Waikato-Tainui Future Proof	
Programmes	The People's Project - Housing First – Government programme LinkPeople (part of Wise Group) Special Housing Areas – 40% required to be affordable homes WEL Energy Trust Vital Impact Grants – Housing KiwiBuild The Government's Urban Growth Agenda Healthy Homes – Ministry of Health and Whare Ora - Waikato DHB Universal Design (Lifemark) Papakainga Housing Housing Infrastructure Fund			Strategies and Plans	Waikato Plan Future Proof Strategy Hamilton Urban Growth Strategy Waipa 2050 Waikato District Development Strategy Hamilton Central City Transformation Plan Hamilton Age Friendly Plan Taupo District 2050 Matamata-Piako Town Strategies NPS-UDC – Housing & Business Development Capacity Assessment; Future Development Strategy Waikato Maaori Housing Toolkit		

Council Report

Item 10

Committee: Council

Date: 27 June 2019

Author: Clare Douglas

Authoriser: Jen Baird

Position: Planner

Position: General Manager City Growth

Report Name: Proposed Plan Change 6 – Regulatory Efficiency and Effectiveness Plan Change

Report Status	Open
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Purpose

1. To seek the Council's approval to publicly notify Proposed Plan Change 6 – Regulatory Efficiency and Effectiveness Plan Change, and appoint an independent hearing commissioner to hear, determine and make decisions on all submissions and matters relating to Plan Change 6.
2. To seek the Council's approval to formally begin pre-notification consultation on:
 - reducing the amount of land required on individual sites for dwellings in the general residential zone, from 400m² to 300m²
 - enabling apartments as restricted discretionary activities where the site adjoins publicly-owned sport, recreation and neighbourhood open space zones, or on sites adjoining publicly-owned natural open space zones that adjoin the main stem of the Waikato River or Lake Rotoroa.

Staff Recommendation

3. That the Council:
 - a) approves public notification of Plan Change 6 – Regulatory Efficiency and Effectiveness Plan Change;
 - b) delegate responsibilities to hear, determine and make decisions on submissions and matters relating to Plan Change 6 once notified to a qualified independent commissioner;
 - c) delegates authority to the Chief Executive to appoint a suitably qualified independent commissioner;
 - d) approves staff to begin pre-notification consultation with the community on creating an additional REEP related plan change to give effect to REEP recommendations that reduce the amount of land required on individual sites for dwellings in the general residential zone, from 400m² to 300m²; and enable apartments as restricted discretionary activities where the site adjoins publicly owned sport, recreation and neighbourhood open space zones, or on sites adjoining publicly owned natural open space zones that adjoin the main stem of the Waikato River or Lake Rotoroa.

Executive Summary

4. The objective of the Regulatory Efficiency and Effectiveness Programme (REEP) is to ensure that the Council's regulatory functions are delivered in an effective, efficient and customer-focused manner. Stage 1 of the REEP focused on the efficiency and effectiveness of the District Plan provisions.
5. Staff provided detailed background on Proposed Plan Change 6 – Regulatory Efficiency and Effectiveness Plan Change (Plan Change 6) at the [7 February 2019 Council meeting](#) (Item 9).
6. At the meeting, the Council approved preparation of a change to the District Plan to:
 - incorporate the recommendations from the Regulatory Efficiency and Effectiveness Programme (REEP) that can be made in a simple plan change;
 - correct a mapping error in relation to the National Grid Yard and National Grid Corridor; and
 - rezone Lot 2 DP 425316 from the Special Natural Zone, Rotokauri – Lake Waiwhakareke Landscape Character Area to Destination Open Space.
7. Plan Change 6 has been prepared in accordance with section 74 of the Resource Management Act. See **Attachment 1** for a summary of the Plan Change, **Attachment 2** for the s32 evaluation and **Attachment 3** for a tracked change version of the relevant District Plan provisions.
8. As part of the preparation, Council staff undertook pre-notification consultation, with feedback provided by 22 parties.
9. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matters in this report.
10. In this financial year (2019/20), \$100,000 has been budgeted for notification and the hearing of submissions on Plan Change 6.

Background

11. Stage 1 of the REEP focused on the provisions of the District Plan. Part A of Stage 1 looked at:
 - assessing the rules and methods framework of the District Plan in terms of their efficiency and effectiveness in meeting the District Plan's objectives and policies
 - identifying any objectives and policies that do not serve a resource management purpose or Council function under the RMA, and
 - recommending changes to provisions when evidence demonstrates that they add cost and delay to the development process without delivering actual resource management or urban planning benefits.
12. The REEP project team spent 18 months collecting data, undertaking stakeholder engagement through questionnaires and interviews, and holding internal workshops to build an evidence base. This was followed by in-depth analysis and developing recommendations. The detailed recommendations reports were provided to Councillors and presented at a workshop in November 2018. Drop-in sessions were held after the briefing to discuss the recommendations in detail.
13. On the 7th February staff reported to the Council the outcomes of the REEP project to date including specific recommendations to amend the District Plan to give effect to the findings from the REEP review. The project team broke the recommendations into three categories:
 - a) minor changes that can be made without a plan change under Clause 20A of the RMA
 - b) those suitable for a simple plan change (the subject of this report), and

- c) those that require more technical work before proceeding to a plan change.
14. The Council resolved on 7th February 2019 to prepare a plan change in accordance with the REEP recommendations for a simple plan change.
 15. Work on the minor changes that can be made without a plan change (paragraph 13a) is complete. These included editorial corrections and some reorganisation of provisions for clarity and ease of use.
 16. In addition, at the 7 February 2019 meeting, the Council was informed of two of the REEP recommendations that required more technical work (paragraph 13c) including:
 - reducing the amount of land required on individual sites for dwellings in the general residential zone, from 400m² to 300m²
 - enabling apartments as restricted discretionary activities where the site adjoins publicly owned sport, recreation and neighbourhood open space zones, or on sites adjoining publicly owned natural open space zones that adjoin the main stem of the Waikato River or Lake Rotoroa.
 17. Capacity analysis has been undertaken to understand the effect the changes in paragraph 16 will have on yield and capacity in Hamilton. It was concluded that the changes to the planning provisions would increase Hamilton's plan-enabled capacity by approximately 5-7% across existing urban areas (2,150 to 3,100 dwellings).
 18. Infrastructure modelling now needs to be undertaken to determine the impacts on infrastructure network performance and assess the ability to promote these aspects of the REEP recommendations. However, staff are of the view that the capacity results recently received are enough to formally begin pre-notification consultation prior to reporting back to Council seeking formal notification of a separate plan change to provide for these REEP recommendations. Following this, staff would seek to merge the two plan changes in to a combined hearing, if possible.
 19. Other recommendations requiring more technical work will be considered as part of the ongoing City Planning Unit work programme.
 20. At the 7 February 2019 meeting, the Council approved preparation of a simple plan change to address the recommendations referenced in paragraph 13b). The proposed changes will reduce or simplify requirements while still achieving the District Plan objectives.
 21. These changes potentially reduce the need for approximately 80-100 resource consent applications each year (based on the level and type of development that occurred over the three-year research period from 10 July 2014 to 30 June 2017). This will save applicants approximately \$200,000 in Council application fees and a similar amount in application preparation costs (and more if the level of development continues to increase), and will free up Council staff to deal with more complex planning matters.
 22. The Council also resolved to include two other small changes to Plan Change 6 – a correction to a mapping error of the National Grid Yard and National Grid Corridor, and rezoning land adjoining Waiwhakareke to the Destination Open Space Zone.

What Plan Change 6 covers

23. Plan Change 6 is a direct outcome of the recommendations made through the REEP review to improve the efficiency and effectiveness of the District Plan. The changes are straightforward in nature and aim to reduce or simplify requirements of the Plan.
24. Plan Change 6 includes minor changes, the removal of redundant or unnecessary provisions and clarification of provisions within the following chapters of the District Plan:

- Residential
- Business
- Central City
- Industrial
- Community Facilities
- Natural Hazards
- Subdivision
- Earthworks
- Landscaping and Screening
- Noise and Vibration
- Signs
- Transportation
- Information Requirements.

The changes are consistent with the existing policy framework of the Plan.

25. The benefits of the changes include reducing the need for resource consent, cost and time-savings for applicants, and Council staff being freed up to deal with more complex matters. See **Attachment 1** for a summary of the changes.
26. Plan Change 6 also includes minor corrections to amend the National Grid Corridor and National Grid Yard in the District Plan Maps to correct the boundaries currently shown in the Operative District Plan and to rezone Lot 2 DP 425316 (land adjoining Waiwhakareke) to Destination Open Space Zone following gazettal of the site as a Reserve in July 2016.

Preparation of Plan Change 6

27. From 3 April to 6 May 2019, Council staff sought initial feedback from a cross section of stakeholders including members of the public, the development community, planning consultants and resident groups. Feedback on the draft provisions was provided by 22 parties. The feedback included:
 - a large amount of support for the plan change in its entirety and to a number of specific proposed provisions
 - requests for technical wording changes to a number of rules in the Residential, Business, Central City and Industrial Zones; and the Subdivision, Transportation, Definitions and Information Requirements chapters of the Plan
 - requests for increased density as well as a request for no change to density
 - one concern with the impact on human wellbeing from the changes to the Residential Zone
 - requests for clarification on the wording of definitions, information requirements and general standards and clarification on the Transmission Corridor correction
 - a request for a qualified conservation architect to review if sensitive cultural/heritage locations would be impacted by the change
 - requests to remove the Natural Open Space Zone and Gully Hazard Area from various properties
 - requests to amend the Special Character and Medium Density Zone rules to be consistent with the changes to the Residential Zone
 - a request to review the Hazardous Facilities Chapter
 - some comments that provisions are still too restrictive

- requests for changes to Comprehensive Development Consent and Land Development Plan provisions
 - a request for adequate space for waste storage and collection.
28. Following consultation, 17 amendments have been made to the recommendations made under REEP. The amendments are minor or technical tweaks.
29. As per schedule 1, clause 4a of the RMA staff have provided a draft copy of Plan Change 6 to Waikato-Tainui's Environmental Team and THaWK and incorporated their feedback into the s32 evaluation. The feedback included requests for clarification on the changes to the information requirements and consideration whether any changes could be made to the Papakainga provisions.
30. Staff have prepared the plan change, which includes the costs and benefits evaluation report required under Section 32 of the RMA (**Attachment 2**).

Next Steps

31. The next step in the process is to publicly notify Plan Change 6 as per the indicative diagram below.



32. Notification of the Plan Change is required under clause 5 of the First Schedule of the RMA. As Plan Change 6 will directly affect a wide range of stakeholders within Hamilton, full notification is required. This means that a letter will be sent to every ratepayer in Hamilton giving the opportunity to formally submit on the proposed changes.

Appointment of independent hearing commissioner

33. Staff recommend that the Council resolve to delegate hearing and decision-making powers with respect to the proposed plan change to a suitably qualified independent hearing commissioner.
34. Section 39B of the RMA requires that the hearing commissioner be accredited.

Financial Considerations

35. The work undertaken to date in preparing the plan change has occurred within the budgets for 2017/18 and 2018/19 financial years.
36. \$100,000 has been budgeted in this financial year (2019/20) for notification and the hearing of submissions.
37. All costs relating to Plan Change 6 fall to the Council.

Legal and Policy Considerations

38. Staff confirm that proposed Plan Change 6 and associated documentation complies with the Council's legal and policy requirements. Notification is required under clause 5 of the First Schedule of the Resource Management Act.

Cultural Considerations

39. Staff have undertaken full consultation with Iwi as per the consultation requirements set out in the RMA. There are no matters of national importance and no matters that would offend the Treaty of Waitangi.

Sustainability Considerations

40. The RMA promotes the sustainable management of natural and physical resources on land, air and water. The first schedule plan change process ensures that sustainability is adequately considered through evaluation of the environmental, economic, social and cultural impacts.

Risks

41. Not notifying Plan Change 6 would result in the benefits of Plan Change 6 not being realised in a timely manner.

Significance & Engagement Policy

Significance

42. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matter(s) in this report.

Engagement

43. Community views and preferences are already known to the Council through engagement undertaken through the REEP review (see paragraph 12).
44. Staff have undertaken consultation in preparing Plan Change 6 in accordance with Schedule 1 of the RMA. Appendix 4 of the Section 32 Report sets out the consultation undertaken as part of this plan change (refer **Attachment 2**). Public notification is the next step in the engagement process.

Attachments

Attachment 1 - Summary of Proposed Changes

Attachment 2 - Section 32 Evaluation (*Under Separate Cover*)

Attachment 3 - Draft District Plan Provisions (*Under Separate Cover*) .

Summary of changes proposed as part of Plan Change 6- Regulatory Efficiency and Effectiveness Plan Change

This summary is a guide only. See the full document for any consequential changes

Chapter 4- Residential Zone

- Amend the explanation of Strategic Objective 2.2.6, the purpose of the Residential Zone and Residential Intensification Zone to delete statements around residential areas remaining unchanged and higher density developments occurring on amalgamated sites.
- Enable establishment of up to 3 residential units per site as a Permitted Activity (including duplexes where on rear lots).
- Amend the definitions for Eave, Site Coverage and Building Setback to increase the eave overhang exclusion in site coverage calculations.
- Reduce the level of permeability required in the front yard setback and amend the definition of permeable surface to enable the use of permeable pavers for access, parking and manoeuvring areas.
- Amend the height in relation to boundary rule to include exemptions for gable ends of buildings and to specify where measurement is to be taken from where property boundaries adjoin land used exclusively for vehicle access to neighbouring sites.
- Amend the definition of Transport Corridor to include access segregation strips.
- Reduce the building setback from internal vehicle access.
- Enable siting of one small accessory building (e.g garden shed) on a site within the side or rear yard setback area.
- Amend the interface rules to make it clear that rules only apply to dwellings and accessory buildings that directly front onto a transport corridor; enable accessory buildings to be located forward of the front building line of a dwelling subject to design parameters; and ensure that garages with vehicle doors facing the street are setback sufficient distance from the road boundary to reduce safety hazards for pedestrians.
- Provide clarification of the fence and walls provisions to align with the definition of a building, make it clear how these are to be measured and to make it clear that the rules do not apply to fences below natural ground level or where internal to a development.
- Amend the outdoor living area provisions to allow decks and patio areas to be covered, reduce the minimum outdoor living area and area that needs to be on the north, east or west of the dwelling.
- Amend the unit size rules to apply to all residential zones, amend minimum floor area requirements and introduce a minimum living area.
- Increase the allowable apartment mix in an Integrated Residential Development to 30% and amend the definition of Integrated Residential Development so that it no longer requires shared facilities such as open space, access, parking or other communal activities.
- Include definitions of Self-contained House-keeping Unit and Kitchen.

Chapter 6- Business Zone

- Make gymnasiums a permitted activity in Business 1 and 7 Zones where they are less than 250m².

- Amend the minimum density rules to be calculated by site area rather than per hectare.
- Amend the outdoor living area rules to decrease the area required per apartment and change orientation requirement of outdoor living areas; and include relevant policy for achieving a high amenity living environment.
- Incorporate minimum living area requirements for residential units.
- Amend the external outlook area rules and include relevant policy for achieving a high amenity living environment.

Chapter 7- Central City Zone

- Make alterations and additions to existing buildings in the Central City Zone a permitted activity and add new specific standards for alterations and additions.
- Delete the floor area ratio provisions.
- Remove the height and bonusing provisions from the plan and only specify height limits for overlays 2 and 3.
- Allow windows in active frontages to be covered or used for purposes other than the display of goods.
- Amend the veranda cover provisions.
- Amend the minimum density rules to be calculated by site area rather than per hectare.
- Incorporate minimum living area requirements for apartment units.
- Amend the outdoor living area rules to decrease the area required per apartment and change orientation requirement of outdoor living areas.
- Amend the external outlook rule to allow more flexibility.

Chapter 9- Industrial Zone

- Make alterations and additions to existing buildings in the Industrial Zone a permitted activity and add new standards for buildings adjoining Major Arterial Roads.
- Delete the Comprehensive Development Consent provisions within Rotokauri.
- Reduce the front boundary setback from collector and local roads and open space
- Amend rule 9.4.7 to control the use of the front yard setback in all industrial zone locations for outdoor storage purposes.

Chapter 16- Community Facilities Zone

- Expansion of schools as a permitted activity.
- Provide for new buildings and relocated buildings as permitted activities and incorporate new standards for new buildings and alterations / additions to existing buildings relating to the interface with transport corridors.

Chapter 22- Natural Hazards

- List swimming pools as a discretionary activity in the Waikato Riverbank and Gully Hazard Area.

Chapter 23 Subdivision

- Policy to promote appropriate form of land tenure for subdivision, and provide for fee simple subdivision of apartments as discretionary activities
- Include a new rule to make it clear that subdivision design standards do not apply to cross lease conversions and amend the rules to require boundaries to be based on

exclusive pattern of occupation where the underlying cross lease plan does not identify exclusive use areas.

- Delete the requirements for average net site area in the General Residential Zone (within the Rototuna Structure Plan area), the Rototuna North East Character Zone and the Special Natural Zone (Ridgeline Character Area).
- Clearly stipulate land use consent requirements within the subdivision suitability provisions.
- Align the rules with the Transportation chapter.
- Include new requirements for vesting of an access as a public road where more than 6 fee simple lots are to be served and making provision for 7 – 20 units under unit title arrangement to be shared by a private way under common property.
- Increase the maximum length of a private way in the General Residential Zone from 50m to 100m.
- Change standards relating to private ways accessing onto a cul-de-sac to apply to the turning head of the cul-de-sac only.
- Include a provision that subdivisions need to identify a location where a complying entranceway can be located.

Chapter 25.2- Earthworks

- Alter the wording of Policy 25.2.2.1 to include the words 'minimise adverse effects on'
- Amend Earthworks Rule 25.2.4.1 to:
 - Remove reference to the building footprint and authorised construction work and replace with '*associated with any activity requiring building consent (including associated site works)*'
 - Include earthwork provisions for subdivision
 - Remove reference to 12 month period and replace with one calendar year
 - Include a standard to ensure earthworks do not result in instability
 - Include a new standard to ensure earthworks do not cause malfunction or result in the damage of network utilities
 - Simplify volume standards by putting them in a table.

Chapter 25.5- Landscaping and Screening

- Clarify the provisions to make the drafting more certain including amending provisions where it is unclear whether a 1.2m high or 1.8m fence is required.
- Delete the requirement for screening of residential service areas when these are visible from other residential properties.
- Reduce the width of a buffer strip in the Industrial Zone where adjoining the Residential, Special Character Zone and Open Space Zone.
- Include a new landscaping requirement for the provision of a planting strip where parking spaces are located within 3m of the front boundary in the Residential Zone.
- Require the provision of a buffer strip along a Major Arterial Road when vehicle access is not obtained.
- Increase the trigger for provision of additional specimen trees in parking areas.

Chapter 25.8 Noise and Vibration

- Redraft the noise sensitive activities to make the drafting more certain by:
 - Specifying the list of transport corridors that carry high traffic volumes
 - Capturing the designated transport corridors where there is no defined carriageway

- Simplifying the noise requirements in the Rototuna North East Character Zone and updating the provisions now that the location of the Waikato Expressway is known.

Chapter 25.10- Signs

- Include standards for electronic signs in the Ruakura Logistics and Ruakura industrial Park Zone.
- Simplify the existing temporary signage rules by combining the provisions, adjusting the maximum total area of signage per site, deleting the specific provisions for heritage sites, simplifying the height provisions and aligning the size of temporary signs with the Electoral Act 1993.

Chapter 25.14 Transportation

- Include an exemption to the vehicle separation distance requirements where there is no ability to comply with the separation distance requirements.
- Amend requirements for internal access widths to state legal widths and identify when public roads might be required and what standard of design is expected.
- Amend the design and access width requirements to include minimum width and height of access, require splays, require internal vehicle access to remain unobstructed.
- Exclude access and loading provision in the definition of service area.
- Include tracking curve diagrams in the District Plan for 99th percentile car tracking curve for internal manoeuvring, 90th percentile car tracking curve for parking space manoeuvring, 8m Medium Rigid Truck for loading spaces.
- Amend the tables for Simple and Broad Integrated Transport Assessment checklists to remove unnecessarily onerous information requirements.
- Alter the thresholds and circumstances under which requirement to provide any Integrated Transport Assessment is triggered.

Appendix 1.2 Information Requirements

- Amend the information requirements to be less mandatory in some cases.
- Remove requirement for a concept analysis plan and site analysis plan as being part of any subdivision concept plan.
- Delete the requirement for a detailed landscaping plan as part of resource consent and replace with a provision which requires developers to demonstrate how landscaping and screening requirements will be accommodated.
- The information requirement be re-written to delete reference to the situations where a water impact assessment is required to be provided.
- Delete the waste minimisation plan information requirement.
- Delete information requirement for managed care facilities.
- Amend the Centres Assessment Report information requirement so that it is only obligatory to provide one for retail and office activities outside of the Central City or Business Zones; and give discretion to Council staff to determine what needs a centres assessment within the Central City and Business Zones.

Appendix 17- Planning Maps

- Amend the planning maps to reflect the national grid data provided to Council in July 2012 (see Appendix 8 which shows the extent of the change on each property)
- Rezone Lot 2 DP 425316 from Special Natural Zone, Rotokauri- Lake Waiwhakareke Landscape Character Area to Destination Open Space Zone

Council Report

Item 11

Committee: Council

Date: 27 June 2019

Author: Alice Morris

Authoriser: Jen Baird

Position: City Planning Heritage, Urban Design and Spatial Team Leader

Position: General Manager City Growth

Report Name: 2019/20 Heritage Fund Allocation

Report Status	<i>Open</i>
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Purpose

To inform the Council on the 2019/20 Heritage Funding round and to seek approval for the allocation of the budgeted \$100,000 Heritage Fund as set out in Attachments 1 and 2.

Staff Recommendation

2. That the Council:
 - a) receives the report; and
 - b) approves the allocation of the 2019/20 Heritage Fund as set out in Attachment 2 of this report.

Executive Summary

3. The Heritage Fund is a specific line item under the 2018/28 10-Year Plan. The \$100,000 is an annual amount and does not accumulate.
4. The Heritage Fund positively assists with maintaining and retaining Hamilton's listed heritage items. It allows listed sites to continue to contribute to the quality of the environment and the foreseeable needs of future generations living in Hamilton. It also assists with the on-going contribution of these sites to the vibrancy and growth of Hamilton.
5. In calling for applications to the 2019/20 round, twelve applications were received; eleven have been deemed eligible to receive heritage funding.
6. Staff assessments and comments from the Urban Design Panel are in Attachment 1.
7. Staff consider the decision in this report has low significance and that the recommendations comply with the Council's legal requirements.

Background

8. Applications for the 2019/20 Heritage Fund were called for between 5 April and 17 May 2019. Twelve applications were received; eleven met the eligibility criteria set out in the Historic Heritage Fund Guidelines.

9. Staff have undertaken a review of the eleven applications and their recommendations were present to the Urban Design Panel on 30 May 2019. All advice received from the Panel has been included into the final recommendations for each application. (attachment 2).

Discussion

10. There is a range of heritage projects seeking funding, from the preparation of technical reports to the repairs of an art deco residential dwelling.
11. Of the eleven applications, nine have been supported through previous rounds. The on-going support of these buildings ensures the project can be undertaken in stages. If the recommendations are not approved the available funds will not be utilised as anticipated in the 10-Year Plan.
12. The allocation of the Heritage Fund give effect to the Heritage Plan and implementation of the Historic Heritage Funding Guideline.

Financial Considerations

13. This is a regular operating activity funded through the 2018-28 10-Year Plan.

Legal and Policy Considerations

14. Staff confirm that the allocation of the Heritage Fund as proposed complies with the Council's legal and policy requirements.

Cultural Considerations

15. The decision to allocate funding has no impact on Maaori or their opportunities to contribute to the decision-making process for heritage protection in general.

Sustainability Considerations

16. The provision of funding to supporting the retention of Hamilton's heritage through the provision of funding provides positively on the quality of the environment and the foreseeable needs of future generations living in Hamilton.
17. The following Sustainability Principles are supported by the decision to allocate funding for the restoration and retention of heritage items:
 - Principle 1: Council includes environmental, economic, social, and cultural considerations in its decision-making criteria
 - Principle 3: Council anticipates and acts to prevent or mitigate environmental degradation where there are threats of serious or irreversible damage
 - Principle 6: Council works to improve the resource efficiency and health of homes, businesses and infrastructure in our city
 - Principle 10: Council works with its communities to minimise the production of waste and maximise opportunities to recycle

Risks

18. The risk of not allocating the funds will result in the Council not giving effect to the intent of the Heritage Funding as set out in the funding guidelines.

Significance & Engagement Policy

Significance

19. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

20. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

Attachment 1 - Heritage Fund 2019/20 - Assessment of Funding Applications

Attachment 2 - 2019/20 Heritage Fund Application Staff Recommendations June 2019 .

HAMILTON CITY COUNCIL

**HERITAGE FUND ROUND
2019/2020**

Assessment of funding applications

Previous projects supported by the Hamilton City Council
Heritage Fund



Laurensen Settlement House - 126 Forest Lake Road
Repairs and painting of the exterior.



Former Frankton Junction Supply Store - 245 Commerce
Street, Frankton. Repairs and painting of building
facade.



St. Mary's Chapel - Earthquake Strengthening

Introduction

The City Planning Unit's Heritage Team have undertaken a review of the applications made to the 2019/20 Heritage Fund for funding of works to heritage buildings and Group I archaeological sites.

This report has been prepared as an aid to assist Council with making decisions on the allocation of heritage funds totaling \$100,000 for the 2019/20 financial year.

Site visits were made to all the applications involving built heritage items.

As part of this review all applications were presented to the Urban Design Panel which provided recommendations on the allocation of funds. The panel consists of the following members:

Steve King - Architect

Robin Byron - Heritage Architect, Urban Design (Heritage New Zealand)

Chris Dawson - Planner.

A description of the applications, as well as recommendations are detailed later in this report.

Purpose of Heritage Fund

The Heritage Fund resulted from the actions set out in the Hamilton Heritage Plan.

The purpose of the Fund is to encourage and assist owners with work required to maintain and enhance heritage buildings in Hamilton.

The Fund incentivises the protection, conservation, restoration and use of both built heritage and archaeological sites within Hamilton.

Past Funding Rounds

The previous three Heritage Funding rounds have supported 40 projects, including the development of heritage conservation plans, building assessment reports, earthquake strengthening works, restoration and repair of lead-light windows and sash windows, repair to porches and decorative plaster works, painting and borer treatment.

A number of heritage buildings have been supported on a ongoing basis to ensure that through a staged funding process, the works to the buildings are completed.

Summary of past Heritage Funding rounds:

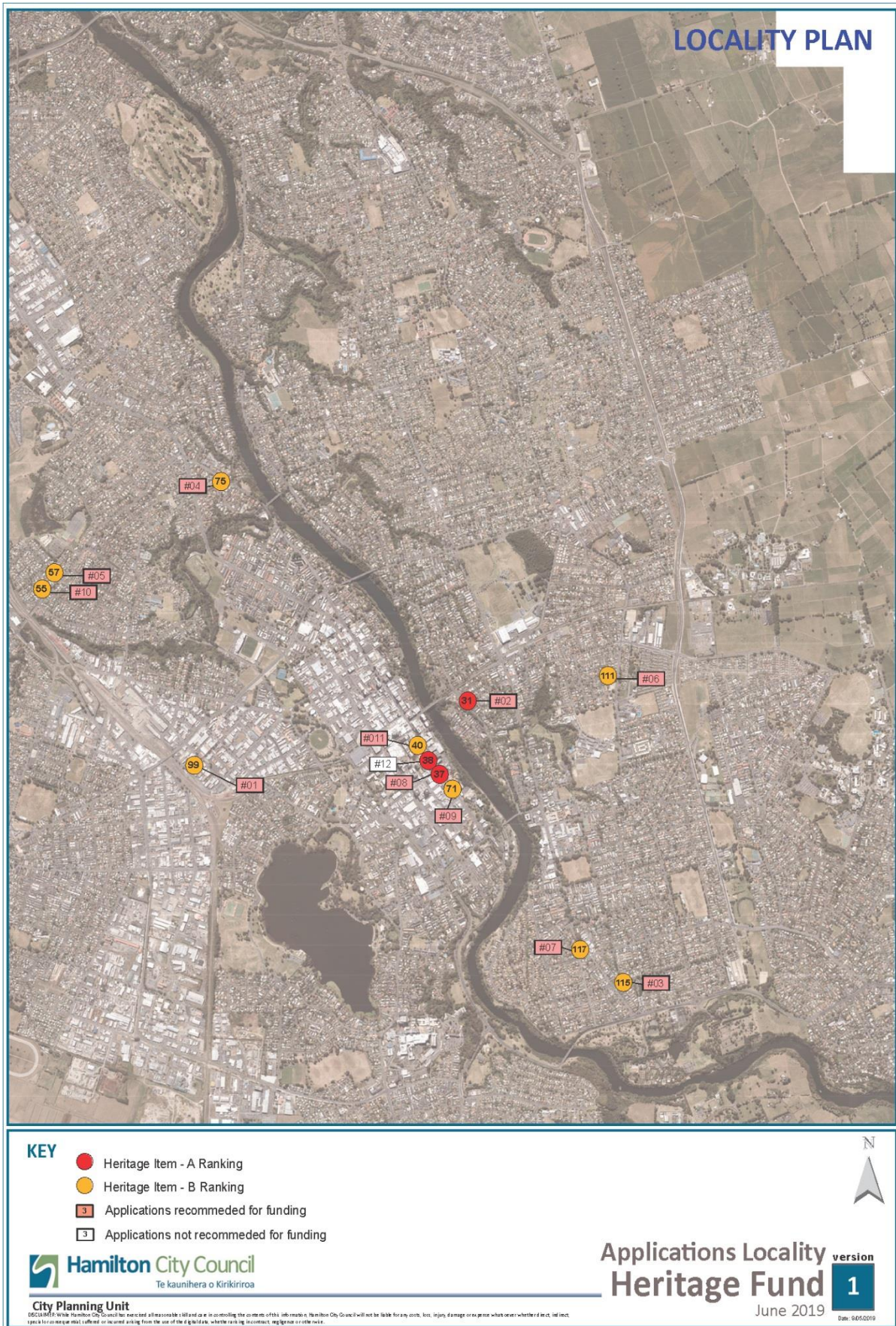
Funding Round	2016/17	2017/18	2018/19
Number of applications	22	17	10
Number of applications supported	17	13	10
Total amount of funds requested	\$639 248.68	\$663 544.95	\$553 193.30
Total amount of funds allocated	\$100 000.00	\$100 000.00	\$100 000.00
Total amount of funds spent	\$ 88 432.50	\$ 96 375.00	\$ 83 300.00

Summary of Applications for the 2019/20 funding round

Item 11

Attachment 1

No	Appl Ref No	Name	DP Ref No	Works	Requested Funding	Proposed Funding	Support
Applications meeting funding criteria							
1	001	Puna's Building	H99	Earthquake DSA and roof repairs	\$40 000.00	\$15 000.00	In par
2	002	St Andrew's Presbyterian Church	H31	Earthquake strengthening works	\$20 000.00	\$20 000.00	Y
3	003	Settlers House	H115	Repair to original sash windows	\$10 882.00	\$8 000.00	In par
4	006	House	H75	Repair to original windows	\$2 655.00	\$2 650.00	Y
5	007	Laurenson Settlement House	H57	Repair to roof	\$10 873.00	\$8 000.00	In par
6	009	House	H111	Essential repairs to roof	\$2 000.00	\$2 000.00	Y
7	010	House	H117	Replace external doors	\$1 500.00	\$1 500.00	Y
8	011	Wesley Chambers	H37	Window repairs	\$30 000.00	\$21 000.00	In par
9	012	Howden Jewellers	H71	Essential repairs	\$4 585.25	\$2 850.00	In par
10	013	Laurenson Settlement House	H55	Painting the external elevations of the house	\$12 000.00	\$6 000.00	In par
11	014	Frears/Pascoes Building	H40	Repair to roof	\$35 000.00	\$13 000.00	In par
Total					\$169 495.25	\$100 000.00	
Application not meeting funding criteria							
12	004	Commercial Hotel	H38	Payment for works already completed	\$100 000.00	\$0	N



Assessment Criteria

A full description of the assessment criteria is set out in the Heritage Fund application Form. In summary, the following factors are considered:

- Is the building within Hamilton?
- Is the item listed in the District Plan?
- Is the item registered by Heritage New Zealand?
- Who owns the building? (Buildings owned by the Crown, state enterprise, district health boards, tertiary institutions, and local and regional authorities are not eligible for funding).
- Is the building earthquake prone under the Building Act 2004? Earthquake prone building will be given priority.
- What type of works are proposed? The following types of projects are eligible for funding:
 1. Essential repairs, emergency works, stabilisation or core structural works of the original heritage fabric
 2. Restoration projects
 3. Upgrades to code/regulation standards to enable contemporary use of heritage places, e.g. fire, earthquake, access provisions
 4. Specific “like for like” material replacement or maintenance projects that protect the integrity of heritage buildings
 5. Preparation of heritage conservation plans and/or maintenance plans.
- Does not detract from the heritage values of the item?
- Do the works contribute to the retention, preservation and the continued use or compatible reuse of the heritage building?
- Is the work supported by a conservation/maintenance plan prepared by a heritage professional?
- What financial contribution will the applicant make?

Description and Assessment of Applications

Refer to the following pages for a brief description of each application along with an assessment and recommendation.

1

2019/20 001 H99 Puna's Building - 221 -229 Commerce St



Item 11

Attachment 1

History of Building

Puna's Building is likely to have been built around 1911-1915 and is one of the earliest buildings in Commerce Street, Frankton. The building is a simple Edwardian commercial building with a plainly detailed plastered facade, divided in two with simple piers and a plain capping. It has a curved corrugated iron verandah supported on posts, one of which is an early decorative cast iron type, as shown on the original drawings. Typical of the period, the shop fronts were originally designed with recessed entrances. The shop fronts have been periodically modified.

Although modest, the building contributes to the streetscape character in Commerce Street and is consistent with the typical one- and two-storey pattern of early built development evident in Frankton.

The building is significant for its association with William Wood Dillicar, who had grocery businesses in Victoria Street in Hamilton and at Frankton. W.W. Dillicar was closely involved with the Methodist Church in Hamilton and was a generous benefactor. He established a Maori hostel in Colombo Street and served as chairman on the Advisory Board of the Maori Trust. He was an active member of the Hamilton Beautifying Society and served as a Hamilton Borough Councillor. The building is also significant for its long association with Puna's fruit and vegetable business from 1963 until c.2003.

Purpose of Application

Essential repairs. Repairs to the roof, which is leaking, and the preparation of a detailed seismic assessment for the building.

Funding Amount Requested

\$40 000.00

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Assessment Criteria

District Plan Listing	District Plan Ranking = B Date of Construction = c. 1895 - 1915 Architect = Frederick C Daniell Registered HNZ = No
Ownership	Private
Is the building earthquake-prone?	Yes
Works Proposed	Repairs to the roof of the buildings and the preparation of a Detailed Seismic Assessment (DSA) report.
Does the work detract from the heritage values of the item?	No - ongoing maintenance to the building is important to ensure the heritage value of the building is retained. The DSA will provide a clearer understanding of the earthquake strengthening works required and possible impacts on the heritage values of the building.
Does the work contribute to the retention, preservation and the continued use of the heritage building ?	Yes - repairs to the roof will allow the continued occupation of the building as well as protecting the heritage values of the building from damage. The DSA will establish strengthening work required and help ensure that the heritage values are protected.
Is the work supported by a conservation/ maintenance plan?	No heritage consultation has been carried out.
What funding is the applicant bringing to the project?	\$16 588.00
Comments - Urban Design Panel	<ul style="list-style-type: none"> Have concerns over the integrity of the roof structure, particularly in the original building. Ensure that when re-roofing where the extension meets the original building it is undertaken properly to protect the heritage fabric of the building.

Recommendation

A grant of \$15 000.00 should be offered for the repairs to the roof, with the following conditions:

- Obtain written heritage advice from Heritage New Zealand regarding the appropriateness of the new roof material to assist with the determination that it is a "Like for Like" replacement.
- Obtain an initial structural engineer's report advising on the structural integrity of the roof and what strengthening is required to ensure that the re-roofing at this time would not be undermined by future recommendations of the DSA for the building.
- Re-roof the entire building to ensure the integrity of the heritage building is protected.
- Advise the Council in writing prior to any works commencing.

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History of Building

St Andrew's Church, at the corner of Te Aroha Street and River Road, was built in 1913. Prior to the construction of this church, Presbyterians had worshipped at a small timber church built in 1867 in Grey Street on the site where St Mary's Catholic Cathedral now stands. Initially it was planned to rebuild on the Grey Street site, however parishioners voted overwhelmingly to buy a new site in Claudelands, close to a growing centre of population.

A section on the corner of Te Aroha Street and River Road was purchased for £1000. Architect Frederick Daniell was commissioned to design the new church. Daniell was closely involved with the Methodist Church and designed a number of churches including St James Methodist Church in Frankton built in 1913 as well as alterations to St Paul's Methodist Church in 1914. His design for the new St Andrew's Church was described as 'a splendid piece of ecclesiastic architecture'.

St Andrew's Church is significant for its architectural design in gothic revival style, with a prominent square tower at its western end and a gabled roof over the nave and sacristy. The building features buttresses to the nave and at the corners of the tower. Segmental arched openings along the nave incorporate tripartite lead-light windows with trefoil heads. The building is described as having been constructed using ferro-concrete and is a comparatively early example of use of concrete construction in Hamilton. Other early concrete construction examples include FC Daniell's own house built in 1910. A rough cast plaster finish on the walls of the church contrasts with a smooth plaster finish on the buttresses, cappings and base. Screened vents at the top of the tower contribute further texture and detail.

Purpose of Application

Seismic strengthening, essential maintenance and repair including electrical code of compliance.

Funding Amount Requested

\$20 000.00

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Assessment Criteria

District Plan Listing	District Plan Ranking = A Date of Construction = 1913 Architect = Frederick Daniell Registered HNZ = No
Ownership	Private - Presbyterian Church
Is the building earthquake-prone?	Yes
Works Proposed	Seismic strengthening and upgrades to code/regulation standards to enable contemporary use of heritage places specifically with regards to electrical code and concerns regarding fire risk
Does the work detract from the heritage values of the item?	No - proposed work supports the ongoing protection of the building's heritage values.
Does the work contribute to the retention, preservation and the continued use of the heritage building ?	Yes - Earthquake strengthening and upgrades will protect the building during an natural disaster and will also ensure the building has the ability to retain is original use as a place of worship.
Is the work supported by a conservation/ maintenance plan?	Yes - Conservation Plan for the Church was prepared in 2018.
What funding is the applicant bringing to the project?	\$99 000.00
Comments - Urban Design Panel	<ul style="list-style-type: none"> One of Hamilton's most prominent heritage buildings. Need to ensure proposed works are prioritised to ensure protection of heritage values.

Recommendation

A grant of **\$20 000.00** should be offered to undertake Stage 1 of the seismic strengthening and essential maintenance and repairs. With the following conditions:

- That a suitably qualified Heritage Architect is engaged to coordinate the structural work to ensure the heritage integrity of the building is not impacted by the proposed strengthening and re-wiring.
- That the Heritage Architect confirms in writing that all works have been undertaken in accordance with the 2018 Conservation Plan.
- That a written and pictorial record of the works is prepared and supplied to the Council.



History of Building

The house at 44 Brookfield Street is a good example of the modest cottages associated with the early settlement of Hamilton East. It is a simple two-roomed cottage with a steep gabled corrugated iron roof and a two-roomed lean-to at the rear. These small simple cottages are described as having 'few pretensions to style, beyond perhaps the Georgian habit of symmetry'. They used simple forms, typically gabled roofs, continued at the rear as a lean-to, with symmetrical front elevations. Construction methods changed very little between 1860 and 1910. While more materials were factory produced and machine-made nails made construction simpler, the houses were generally built with a timber frame, on piles, clad with weather boards and roofed with corrugated iron, tiles or slate. Windows and doors were generally factory made standard types. Catalogues offered a wide selection of mouldings, brackets and fretwork.

Victorian cottages were sited to face the road and verandahs across the front offered a sense of welcome and shelter, providing a transitional space between the public footpath and the privacy of the home, when the street was a social space. On small or moderately sized sections the front gate was typically placed opposite the front door and connected by a straight path. The rear yard was usually much larger than the front, with space for clothesline, out buildings, vegetable gardens and fruit trees.

The cottage is typical of the symmetrical two and four-roomed cottages that were constructed throughout New Zealand in the 1860s to 1880s with simple gable roof and lean-to, single double-hung sash window either side of a central front door. It is likely to follow a simple four-roomed floor plan with either a central corridor and rooms either side, or the front door opening into the main room off which are other rooms.

Purpose of Application

Repair to double-hung sash windows

Funding Amount Requested

\$ 10 880.00

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Assessment Criteria

District Plan Listing	District Plan Ranking = B Date of Construction = Early 1880s Architect = Not Known Registered HNZ = No
Ownership	Private
Is the building earthquake-prone?	N/A
Works Proposed	Repair to original sash windows
Does the work detract from the heritage values of the item?	No - works proposed on the sash windows will ensure the original windows are retained.
Does the work contribute to the retention, preservation and the continued use of the heritage building?	Yes - the on going maintenance of the buildings original sash windows ensures the ability for the long term use of the building and ensures the heritage values of the building are protected and retained.
Is the work supported by a conservation/ maintenance plan?	No
What funding is the applicant bringing to the project?	\$5 000.00
Comments - Urban Design Panel	<ul style="list-style-type: none"> Funding should be used only for repairs to original sash windows and original weatherboard only.

Recommendation

A grant of **\$8 000.00** should be offered, with the following conditions:

- The funding is for the repair of the sash windows and adjacent weatherboards of the original dwelling area. No funding is to be used for works to the later additions to the rear of the dwelling.
- All work is to be overseen by a qualified Heritage Architect.
- A photographic record of the works and written descriptions of works undertaken is to be provided to Council on completion.



History of Building

The house is significant for its architectural design in Moderne style. It was generally not until the late 1930s that architects in New Zealand began to adopt styles that reflected the enormous changes in direction that had occurred earlier in Europe. More typically there was still a tendency to plan in a traditional manner, with an external appearance that looked Modern, or to use subtle Art Deco detailing or stripped-back Classical forms and detail.

The rebuilding of Napier following the earthquake in 1931, based on Spanish Mission and Art Deco models, popularised these styles, which were also used by a number of architects outside of Napier in the design of apartments and houses. Around the country smaller single-storeyed Art Deco and Moderne houses were built; relatively few were designed by architects.

In Hamilton, the houses designed by Terrence Vautier are very good examples of substantial houses designed in this style. The design of the house reflects modern concepts in its planning and external form and appearance with its concealed flat roof, stream-lined curved corners and Art Deco detail including chevron mouldings to one of the parapets and windows. A horizontal emphasis was given to the design of the elevations with bands of windows set below a plastered parapet and fine parallel mouldings around the facade at window head height. The plan layout is asymmetrically arranged, with main living spaces interconnected.

The house was built with built-in electric radiators rather than fireplaces in the dining room and sitting room. Originally chrome finished, they were replaced with polished copper in the 1950s. The surround in the dining room was faced in Hinuera stone.

Purpose of Application

Repair to original windows.

Funding Amount Requested

\$2 655.39

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Assessment Criteria

District Plan Listing	District Plan Ranking = B Date of Construction = 1938 Architect = Terence Philip Vautier Registered HNZ = No
Ownership	Private
Is the building earthquake-prone?	N/A
Works Proposed	Repair to original windows
Does the work detract from the heritage values of the item?	No - will ensure the retention of original windows and window detailing.
Does the work contribute to the retention, preservation and the continued use of the heritage building?	The repairs to the windows will prevent any future damage to the heritage fabric of the building that may occur due to the building not being weather tight.
Is the work supported by a conservation/maintenance plan?	No
What funding is the applicant bringing to the project?	Labour costs.
Comments - Urban Design Panel	<ul style="list-style-type: none"> • Important to use correct putty for the window frames. • Using incorrect materials could damage the original metal windows.

Recommendation

A grant of \$2 650.00 should be offered, with the following conditions:

- Prepare a photographic record of all windows pre and post the re-puttying. A copy of this record is to be provided to the Council.
- Prior to works commencing on site, written advice is to be obtained and provided to the Council on how the re-puttying of the windows will be undertaken and evidence on the suitability and compatibility of the putty to be used.



History of Building

The house at 126 Forest Lake Road is one of a group of nine houses known as the Laurensen Settlement built on the north-western side of Forest Lake Road as workers dwellings between 1914 and 1916, under the Workers Dwellings Act 1910. A further two houses were built in 1920-21. The houses were built for applicant purchasers and were designed by Woburn Temple, a Department of Labour staff architect.

In New Zealand, workers' housing was largely developed by the Government. The Workers Dwelling Act 1905 provided the basis for the development of the first state housing schemes, under the Liberal Government led by Richard Seddon. Architects were invited to submit plans and thirty four designs were selected from 150 entries. No two houses were to look the same and the intention was to move away from row-housing types. A different approach was proposed for the North and South Islands.

The first homes were built and rented on the outskirts of the four main cities to provide good quality but affordable homes for working families. Examples other than the houses on Lake Road include the surviving row of houses in Patrick Street in Petone near Wellington.

The houses built in Hamilton as part of the Laurensen settlement in Forest Lake Road are significant for their associations with Government development of worker housing.

The house has been supported by the Heritage Fund in previous rounds. Proposed works will complete the required works identified for the restoration of the house.

Purpose of Application

Essential repairs to roof.

Funding Amount Requested

\$10 873.00

Assessment Criteria

District Plan Listing	District Plan Ranking = B Date of Construction = c. 1915 Architect = Woburn Temple Registered HNZ = Category II (9903)
Ownership	Private
Is the building earthquake-prone?	N/A
Works Proposed	Replacement of roof
Does the work detract from the heritage values of the item?	No - ongoing maintenance to the house is important to ensure the heritage value of the building is retained.
Does the work contribute to the retention, preservation and the continued use of the heritage building?	The replacement of the roof will ensure the heritage values of the house are protected and will ensure the ongoing residential use of the building.
Is the work supported by a conservation/maintenance plan?	Yes - maintenance plan prepared in 2017 which identified the need to address weather tightness issues with the roof.
What funding is the applicant bringing to the project?	The applicant has also undertaken repairing and repainting of the house with assistance from the last round of the heritage fund.
Comments - Urban Design Panel	<ul style="list-style-type: none"> • If guttering and down pipes are to be replaced they should reflect the heritage value of the building. • Heritage New Zealand is happy to provide advice on the proposed work as the building is listed with HNZ. • The house has been funded in previous rounds and proposed roof works would protect work supported in previous funding rounds.

Recommendation

A grant of **\$8 000.00** should be offered, with the following condition:

- Obtain written heritage advice from Heritage New Zealand regarding the appropriateness of the new roof material to assist with the determination that it is a “like for like” replacement.



History of Building

In 1918 Hamilton architect, John (known as Jack) Edward Chitty, purchased the property from Allan James and completed the house. The one and half storey bungalow-style house has similarities with other houses designed by Chitty. The house was positioned on an angle to face the intersection of Peachgrove Road and James Street. Peachgrove Road was named after the peach orchard that once occupied the land along part of Peachgrove Road and was originally spelt Peach Grove Road.

Chitty was born in Hamilton and was the son of one of Hamilton's pioneering families. In 1904 Chitty became the first employee of Hamilton architect F.E. Smith. Some of the buildings Chitty designed include the Farmers Cooperative Auctioneering Company building (1918); Milk Powder Factory Hautapu, Cambridge (1919); Church of Saint Peter, Apostle and First Pope, Cambridge (1926); the Chapel for the Institute de Notre Dame des Missions Hamilton (1926); and Frankton Hotel (1929).

The house is significant for its design, incorporating elements of the Arts and Crafts style and bungalow style, which developed in New Zealand around the turn of the twentieth century, reaching a peak in the 1920s. Distinctive elements of the bungalow style include lower pitched roofs with generous eaves overhang, exposed rafter ends; shingle cladding to elements such as the gabled ends; porches and verandahs incorporated under the main roof forms of the house. Elements such as projecting bay windows and a change in window joinery from the double hung sash to casement types with fanlights above were also common. The house has the common characteristics of the style including medium-pitched dominant gable roofs, a flat-roofed dormer, asymmetry and irregular massing, prominent tall chimneys, high casement windows, and a large open porch. Applied half-timbered framing is also a characteristic of the style making reference to Tudor origins, while the wide, overhanging eaves, exposed rafter ends and shingle cladding to gable ends are elements typical of the Bungalow style.

Purpose of Application

Essential repairs to guttering and replacement of rotting soffit.

Funding Amount Requested

\$2 000.00

Assessment Criteria

District Plan Listing	District Plan Ranking = B
	Date of Construction = c1914 - 1918
	Architect = J.E. Chitty
	Registered HNZ = No
Ownership	Private
Is the building earthquake-prone?	N/A
Works Proposed	Essential Repairs to guttering and soffit
Does the work detract from the heritage values of the item?	No - proposed work supports the heritage fabric of the building.
Does the work contribute to the retention, preservation and the continued use of the heritage building?	Yes - the repairs will ensure the ongoing protection of the heritage fabric of the building and ensure the ongoing residential use of the building.
Is the work supported by a conservation/ maintenance plan?	Yes - a maintenance Plan was prepared for the building in 2017. The plan identified the need to undertake maintenance work on the gutters.
What funding is the applicant bringing to the project?	\$1 850.00
Comments - Urban Design Panel	<ul style="list-style-type: none"> Ensure that any repairs are undertaken using similar materials.

Recommendation

A grant of **\$2 000.00** should be offered, with following conditions:

- All repairs are undertaken with 'like-for-like' materials.
- That a photographic record of the works is prepared and a copy provided to the Council.



History of Building

The house is an excellent example of an Arts and Crafts house with a prominent gabled roof, half timber framing in the gable, small-paned casement windows, Classical detailing and bay windows.

The dwelling has concrete foundations, cavity-brick walls with a rough cast finish, and a Marseille tiled roof. The interior floors are wood with plastered ceilings. The building style is Arts and Crafts with typical rough cast exterior, tiled roof, arched openings, bay and multi-paned windows. There are some plastered decorative elements by the front door.

There are a number of very good Arts and Crafts style houses in Hamilton and this house contributes to the range of examples evident. In England the Arts and Crafts movement was at its height between 1880 and 1910. It was a search for a meaningful style which grew out of a reaction against the eclectic historic revival styles of the Victorian era. The model was English vernacular architecture, which used local materials and skills, expressed the structure of a building honestly, avoided over-ornamentation and responded to its surroundings. The idealism of the Arts and Crafts Movement believed in retaining master craftsmanship which was fast being lost in the process of increasing industrialisation.

The house forms part of a group of houses from a range of periods that collectively contribute to the distinctive character of Hamilton East, Hamilton's earliest suburb. The house provides evidence of the early 20th century residential development in Hamilton East in a range of styles, including timber cottages and villas as well as Arts and Crafts, English cottage Bungalow and Moderne style houses. Although often modest, the houses were designed with a sense of formality, evident in the symmetrical facades facing the street and treatment of the front yards. Verandahs and porches impart a sense of welcome and shelter, providing a transitional space between the public footpath and the privacy of the home.

Purpose of Application

Replacement of the property's timber front door and surrounding structure along with an external door on the side of the house - both of which are irreparable.

Funding Amount Requested

\$1 500.00

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Assessment Criteria

District Plan Listing	District Plan Ranking = B Date of Construction = c1916 Builder = B. William Bourne Registered HNZ = No
Ownership	Private
Is the building earthquake-prone?	N/A
Works Proposed	Replacement of original exterior doors with custom made replica doors.
Does the work detract from the heritage values of the item?	Proposed work is to replace existing external doors with "like for like" doors so that the heritage character and aesthetic is maintained.
Does the work contribute to the retention, preservation and the continued use of the heritage building?	The replacement of the existing doors with exact replacements will ensure the heritage values of the building are retained while still allowing for the ongoing residential use of the building.
Is the work supported by a conservation/ maintenance plan?	No conservation plan has been prepared for the building.
What funding is the applicant bringing to the project?	\$500.00 (cost of standard wooden door)
Comments - Urban Design Panel	<ul style="list-style-type: none"> Any works to the front door should retain the original sidelights and that the original hardware (door handles etc.) should be retained and reinstated.

Recommendation

A grant of **\$1 500.00** should be offered, with the following conditions:

- All repairs are undertaken with 'like-for-like' materials.
- That the overall door frame case with sidelights, and any original hardware are to be retained.
- That a photographic record of the works is prepared and a copy provided to the Council.



History of Building

Constructed in 1924, Wesley Chambers is a substantial three-storey commercial building on a prominent corner of Victoria and Collingwood Streets. It is situated on part of Allotment 87, one of the original one-acre allotments surveyed in 1864 as grants to men of the Fourth Regiment of Waikato Militia. It was granted to Assistant-Surgeon William Rayner in 1867; he immediately donated the south-west half “for the use of the people called Methodists in the Australasian connexion” and the conveyance was formalised in April 1868.

The focus for Hamilton’s commercial development was planned to be Grantham St and the south end of Victoria St, but as the population and the need for more retail outlets and financial institutions grew, the one-acre residential allotments were subdivided and the town developed further and further north up Victoria St.

The church trustees invested in building wooden shops on the Victoria St end in 1880, the income from this assisting with the construction of a larger church built beside the first in 1882. The shops were known as the Cosey Corner. In 1904 the Trustees improved on their investment by commissioning Hamilton architect F. E. Smith to design a new block of brick shops. There were six shops, each with plate-glass windows facing Victoria St and were known as the Wesley Buildings. The shops were built in a boom time for Hamilton, namely the first decade of the 20th century. Several institutions and government departments had made Hamilton their headquarters or regional offices and by then the commercial precinct had spread even further north up Victoria St.

Purpose of Application

Essential repairs to original metal framed windows.

Funding Amount Requested

\$30 000.00

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Assessment Criteria

District Plan Listing	District Plan Ranking =	A
	Date of Construction =	1909-1910, two additional floors constructed in 1924
	Architect =	F.C. Daniell
	Registered HNZ =	Category II (5301)
Ownership	Private	
Is the building earthquake-prone?	No	
Works Proposed	Continue with the repairs to the original metal windows.	
Does the work detract from the heritage values of the item?	No - proposed work supports the heritage fabric. The identified windows will be removed off site, repaired and then reinstalled.	
Does the work contribute to the retention, preservation and the continued use of the heritage building?	Yes - the repairs to the original steel windows will ensure the building has a long term use and ensures the heritage values of the building are protected. The proposed works to internal aluminum joinery does not support the retention and preservation of the buildings heritage fabric.	
Is the work supported by a conservation/maintenance plan?	Yes - Proposed work is in line with the recommendations of the conservation plan prepared in 2017.	
What funding is the applicant bringing to the project?	\$40 403.00	
Comments - Urban Design Panel	<ul style="list-style-type: none"> • A key heritage building within the city • The Panel supports the retention of original features of the building rather than the replacement. • The Fund should not be used to support works to any aluminium windows as these are not part of the original heritage fabric of the building. 	

Recommendation

A grant of **\$21 000.00** should be offered, with the following conditions:

- The removal, restoration and re-installment is to be overseen by a suitably-qualified heritage expert.
- Funds are not to be used for works to internal aluminum joinery.
- All three windows are to be completed.



History of Building

Howdens Jewellers are described as Hamilton's first jewellers, opening as a watchmaker and jeweller on the 3 January 1889, initially located in a single level timber shop. In 1892 Howdens' opened a new two-storeyed timber building in Victoria Street. The existing brick building at 179 Victoria Street dates from 1902 and was the third to have been purpose-designed for Howden's Jewellers in Hamilton. The shop was also finished to a very high standard. It incorporated a clock above the door, which still remains, timber shopfront joinery and the interior had decorative pressed metal ceilings.

Howdens Jewellers building is now one of the earlier commercial buildings located in Victoria Street. It demonstrates the consolidation of Victoria Street as Hamilton's commercial hub in the early 20th century. The commercial centre of Hamilton underwent an initial period of growth and expansion in the late 1870s as the population doubled from around 600 in 1874 to over 1200 in 1878. Infrastructure improvements including the Union Bridge linking east and west Hamilton in 1879, commencement of the Thames to Waikato railway in 1879 and completion of the railway bridge in 1884 were catalysts for development. In the late 1870s the business centre moved from the wharf at the base of Grantham Street up to Victoria Street near the Hood Street intersection. 1890s. Following a number of serious fires, including one in 1898 that destroyed many timber buildings in Victoria Street, the Borough Council introduced a bylaw requiring buildings in the central area to be built of permanent materials.

In the early 1900s a number of public buildings were constructed including the Hamilton Town Hall in 1905, the Courthouse in 1906, the Waikato Hospital in 1908 and the Carnegie Library in 1908. Commercial development in Victoria Street also increased, particularly during the 1910s and 1920s.

Purpose of Application

The repair of a crack in a critical part of the structure which requires a metal beam by way of a lintel to make it safe.

Funding Amount Requested

\$4 585.24

Assessment Criteria

District Plan Listing	District Plan Ranking = B
	Date of Construction = c. early 1900s
	Architect = F. E. Smith.
	Registered HNZ = No
Ownership	Private
Is the building earthquake-prone?	Yes
Works Proposed	The building has a crack in a critical part of the structure which requires a metal beam by way of a lintel to make it safe.
Does the work detract from the heritage values of the item?	No - proposed work supports the heritage fabric. Proposed works are internal but is essential to ensure the ongoing protection and use of the building.
Does the work contribute to the retention, preservation and the continued use of the heritage building?	Yes - the repairs to the crack will ensure the building has a long term use and ensures the heritage values of the building are protected.
Is the work supported by a conservation/ maintenance plan?	No
What funding is the applicant bringing to the project?	None - undertaken engineering assessment to determine works required at own costs.
Comments - Urban Design Panel	<ul style="list-style-type: none"> • Key building along Victoria Street • Ensure works are reviewed to ensure that it does not have a negative impact of the heritage fabric of the building.

Recommendation

A grant of \$2 850.00 should be offered, with the following conditions:

- The fund is to be used to support the physical works being undertaken.
- A suitably-qualified heritage expert to provide written advice on how to mitigate any effects of the proposed metal beam on the heritage fabric of the building.



History of Building

The house at 102 Forest Lake Road is one of a group of nine houses known as the Laurenson Settlement built on the north-western side of Forest Lake Road as workers dwellings between 1914 and 1916, under the Workers Dwellings Act 1910. A further two houses were built in 1920-21. The houses were built for applicant purchasers and were designed by Woburn Temple, a Department of Labour Staff Architect.

In New Zealand workers' housing was largely developed by the Government. The Workers Dwelling Act 1905 provided the basis for the development of the first state housing schemes, under the Liberal Government led by Richard Seddon. Architects were invited to submit plans and thirty four designs were selected from 150 entries. No two houses were to look the same and the intention was to move away from row-housing types. A different approach was proposed for the North and South Islands.

The first homes were built and rented on the outskirts of the four main cities to provide good quality but affordable homes for working families. Examples other than the houses on Lake Road include the surviving row of houses in Patrick Street in Petone near Wellington.

The houses built in Hamilton as part of the Laurenson settlement in Forest Lake Road are significant for their associations with Government development of worker housing.

Purpose of Application

Maintenance. The funding is for painting the external elevations of the house.

Funding Amount Requested

\$ 12 000.00

Assessment Criteria

District Plan Listing	District Plan Ranking = B Date of Construction = c.1915 Architect = Woburn Temple Registered HNZ = II (9902)
Ownership	Private
Is the building earthquake-prone?	N/A
Works Proposed	Paint exterior cladding
Does the work detract from the heritage values of the item?	No - ongoing maintenance to the house is important to ensure the heritage value of the building is retained.
Does the Works contribute to the retention, preservation and the continued use of the heritage building?	Yes the repainting of the exterior of the building will protect the heritage elements and will continue to support the on going residential use of the building.
Is the Work supported by a conservation/ maintenance plan?	No heritage consultation has been carried out but heritage fund has supported the re-roofing of the house in past funding rounds.
What funding is the applicant bringing to the project?	The applicant is proposing to contribute half the costs.
Comments - Urban Design Panel	<ul style="list-style-type: none"> The proposed work supports the restoration works already completed on the house. Heritage New Zealand is happy to provide advice on the proposed work as the building is listed with HNZ. Previous works also supported by the heritage fund.

Recommendation

A grant of \$6 000.00 should be offered, with the following conditions:

- Written advice from Heritage New Zealand is obtained to confirm the appropriateness of the proposed colour scheme.
- A copy of that advice shall be submitted to the Council prior to any works commencing.
- A photographic record shall be kept and provided to the Council on completion of the works.



History of Building

Frear's Building, also known as Pascoe's Buildings, was built in 1916 at the corner of Garden Place and Victoria Street, for Joseph Frear. It was designed by Wade & Wade Architects in Auckland and built by W E Hutcheson.

The building was one of the earliest substantial commercial buildings to be erected in central Hamilton. Signage on the building facades relates to Pascoes Jewellers who remained as tenants until at least the 1960s. The jewellery firm of James Pascoe eventually bought the building from the Frear family.

Many of Hamilton's early shops and businesses had been located in the Ferrybank area, but in the mid 1870s the main business zone was located at the southern end of Victoria Street. In the early twentieth century commercial development expanded further to the north, away from the ferry landing which had provided a vital transport link in earlier years and closer to the railway station which offered a more modern and efficient form of transport.

The Garden Place hill had gradually become a constraint within the commercial area, rather than a geographic feature on the edge of it. In 1906 Hamilton Borough Council proposed that the central part of the Garden Place frontage to Victoria Street should be leased for commercial building. Joseph Frear protested, concerned to maintain the value of his adjacent property as well as the open space in the centre of Hamilton. The proposal was rejected by ratepayers and Garden Place became a landscaped area containing lawns, trees and fountains.

Joseph Frear was a carpenter, entrepreneur and successful businessman who played an important role in Hamilton in the late 19th and early 20th centuries. He served on the Hamilton Borough Council and on committees of the Hamilton Chamber of Commerce and Hamilton West School.

Purpose of Application

Repair to roof

Funding Amount Requested

\$35 000.00

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Assessment Criteria

District Plan Listing	District Plan Ranking = A
	Date of Construction = 1916
	Architect = Wade & Wade Architects
	Registered HNZ = Category II (5298)
Ownership	Private
Is the building earthquake-prone?	Yes
Works Proposed	Re-roof including roofing iron, membrane to gutters, scaffolding and shrinkwrap cover to protect the original upper level ceiling which is intended to be expose (currently hidden above modern ceiling) and restore as part of the strengthening and restoration of the building.
Does the work detract from the heritage values of the item?	No - proposed work supports the heritage fabric.
Does the work contribute to the retention, preservation and the continued use of the heritage building?	Yes - will ensure the building has the ability to have a ongoing use and preserve the heritage values of the building. The protect the original upper level ceiling and restore as part of the strengthening and restoration of the whole building will support the retention of the building heritage fabric.
Is the work supported by a conservation/ maintenance plan?	No
What funding is the applicant bringing to the project?	The applicant is proposing to contribute \$40 000.00 towards the works.
Comments - Urban Design Panel	<ul style="list-style-type: none"> Ensure that engineering advice is obtained regarding the timing of the re-roofing vs earthquake strengthening. Works should be over seen by an heritage architect to ensure that the heritage fabric of the building is not compromised.

Recommendation

A grant of \$13 000.00 should be offered, with the following condition:

- Written confirmation is obtained from a structural engineer that the proposed roofing works are consistence with the recommendations of the DSA report and in undertaking the roofing work at this time no re-working of the roof structure and ceiling areas of the building would be required as part of the strengthening works. A copy of this advice is to be provided to the Council prior to the works commencing.
- A qualified heritage architect shall oversee all works to ensure the works do not negatively impact the heritage fabric of the building.
- That written advice from Heritage New Zealand is obtained to confirm the suitability of the proposed roofing materials and profile to determine that it is a 'like-for-like' replacement. A copy of that advice shall be submitted to the Council prior to any works commencing.

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Attachment 2: Heritage Fund Allocation Recommendations – June 2019

Table A: 2019/20 Heritage Fund Recommendations for each eligible application					
No.	Fund Ref #	Applicant	Funding Sought	Recommendation	
				Funding	Reason
1	001	CKL Investments Ltd	\$40,000.00	\$15,000.00 With the following conditions: <ul style="list-style-type: none"> • That an initial structural engineer's report is obtained advising on the structural integrity of the roof and what strengthening is required to ensure that the re-roofing at this time would not be undermined by future recommendations of the DSA for the building. • That the entire building is to be re-roofed to ensure the integrity of the heritage building is protected. • That written advice from Heritage New Zealand is obtained to confirm the suitability of the proposed roofing materials and profile to determine that it is a 'like-for-like' replacement. • A copy of that advice shall be submitted to Council prior to any works commencing. 	Key building in telling the story of Frankton. The works to the roof will ensure the continued use of the building and protect the historic fabric of the building and area of Frankton.

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No.	Fund Ref #	Applicant	Funding Sought	Recommendation	
				Funding	Reason
2	002	St Andrews Presbyterian Church	\$20,000.00	\$20,000.00 With the following conditions: <ul style="list-style-type: none"> • That a suitably qualified Heritage Architect is engaged to coordinate the structural work to ensure the heritage integrity of the building is not impacted by the proposed strengthening and re-wiring. • A written confirmation from the Heritage Architect that all works have been undertaken in accordance with the 2018 Conservation Plan. • That a written and pictorial record of the works is prepared and supplied to Council. 	Works being identified by Conservation Plan prepared in 2017. Key Heritage building within the city
3	003	R Coffin	\$10,882.00	\$8,000.00 With the following conditions: <ul style="list-style-type: none"> • The funding is for the repair of the sash windows and adjacent weatherboards of the original dwelling area. No funding is to be used for works to the later additions to the rear of the dwelling. • All work is to be overseen by a qualified Heritage Architect. • A photographic record of the works and written descriptions of works undertaken is to be provided to Council on completion. 	Building being supported by previous rounds of the Heritage Fund. Repair original sash windows would retain heritage fabric of building rather than replacing them.

No.	Fund Ref #	Applicant	Funding Sought	Recommendation	
				Funding	Reason
4	006	H Prentice	\$2,655.00	\$2,650.00 With the following conditions: <ul style="list-style-type: none"> • Prepare a photographic record of all windows pre and post the re-puttying. A copy of this record is to be provide to Council. • Prior to works commencing on site, written advice is to be obtained and provided to Council on how the re-puttying of the windows will be undertaken and evidence on the suitability and compatibility of the putty to be used. 	Ensuring the weather tightness of the building would ensure the protection of the heritage fabric of the building.
5	007	T Williams	\$10,873.00	\$8,000.00 With the following condition: <ul style="list-style-type: none"> • That written heritage advice is obtained from Heritage New Zealand regarding the appropriateness of the new roof material to assist with determining the correct like-for-like roofing profile. 	The recommended funding is a continuation of the support already provided through the 16/17, 17/18 and 18/19 funding rounds that is ensuring the heritage value of the building is protected

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No.	Fund Ref #	Applicant	Funding Sought	Recommendation	
				Funding	Reason
6	009	V Sandford	\$2,000.00	\$2,000.00 With the following conditions: <ul style="list-style-type: none"> • All repairs are undertaken with 'like-for-like' materials. • That a photographic record of the works is prepare and a copy provided to Council. 	Continue the restoration of the heritage building that has been supported through previous rounds of funding. Maintenance plan identifies the need to repair guttering.
7	010	S Hastings	\$1,500.00	\$1,500.00 With the following conditions: <ul style="list-style-type: none"> • All repairs are undertaken with 'like-for-like' materials. • That the overall door frame with sidelights, and any original hardware are to be retained. • That a photographic record of the works is prepare and a copy provided to Council. 	Ensure that original historic doorframe and sidelight are retained while allowing the replacement of the exiting door with a bespoke replica door.
8	011	VR Hamilton Limited	\$30,000.00	\$21,000.00 With the following condition: <ul style="list-style-type: none"> • The removal, restoration and re-installation is to be overseen by a suitably qualified heritage expert. • These funds are not for works to internal aluminium joinery. • All three windows are to be completed. 	This is a key building in the central city area. The recommended funding is a continuation of the support already provided through the 16/17, 17/18 and 18/19 funding rounds.

No.	Fund Ref #	Applicant	Funding Sought	Recommendation	
				Funding	Reason
9	012	The Robertshaw Investment Trust	\$4,585.25	\$2,850.00 With the following conditions: <ul style="list-style-type: none"> • The fund is to be used to support the physical works being completed. • Written advice is to be obtained from a suitably qualified heritage expert on mitigating the effects of the proposed metal beam on the heritage fabric of the building. 	A key heritage building on Victoria Street. The repairs will allow for the continued use of the building.
10	013	G Douglas	\$12,000.00	\$6,000.00 With the following conditions: <ul style="list-style-type: none"> • Written advice from Heritage New Zealand is obtained to confirm the appropriateness of the proposed colour scheme. • A copy of that advice shall be submitted to Council prior to any works commencing. • A photographic record shall be kept and provided to Council at completion of the works 	The funding is a continuation of the support already provided through the 17/18 and 18/19 funding rounds that is ensuring the heritage value of the building is retained.

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No.	Fund Ref #	Applicant	Funding Sought	Recommendation	
				Funding	Reason
11	014	Maritime Partnership	\$35,000.00	\$13,000.00 With the following conditions: <ul style="list-style-type: none"> Written confirmation is obtained from a structural engineer that the proposed roofing works are consistent with the recommendations of the DSA report and in undertaking the roofing work at this time no re-working of the roof structure and ceiling areas of the building would be required as part of the strengthening works. A copy of this advice is to be provided to Council prior to the works commencing. A qualified Heritage Architect shall oversee all works to ensure the works do not negatively impact the heritage fabric of the building. That written advice from Heritage New Zealand is obtained to confirm the suitability of the proposed roofing materials and profile to determine that it is a 'like-for-like' replacement. A copy of that advice shall be submitted to Council prior to any works commencing. 	A key building in the central city area. The funding is a continuation of the support already provided through the 18/19 funding round that is ensuring the heritage value of the building is retained

Table B: Proposed funding allocations for 2019/20 financial year					
Overall Funding allocation breakdown for the financial year (2019/20)	Annual Heritage Fund	Total cost of all works proposed	Total amount of funding being sought	Total amount recommended to be allocated	Un-allocated funds
	\$100,000.00	\$395,136.14	\$169,495.20*	\$100,000.00	\$0.00
*Excludes the ineligible application (HF#004)					

Council Report

Item 12

Committee: Council
Author: Becca Brooke
Position: Governance Team Leader
Report Name: Local Government New Zealand (LGNZ) Annual General Meeting 2019 - Remits for Consideration.

Date: 27 June 2019
Authoriser: David Bryant
Position: General Manager Corporate

Report Status	<i>Open</i>
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Purpose

1. To seek approval for those remits Council wishes to support at the 2019 Local Government New Zealand (LGNZ) Annual General Meeting (AGM) to be held in Wellington on Sunday, 7 July 2019.

Staff Recommendation

That the Council:

- a) receives the report;
- b) approves the following remits to be **supported/not supported** by Council's delegate at the 2019 Local Government NZ AGM:
 - i. Climate change – local government representation
 - ii. Ban on the sale of fireworks to the general public
 - iii. Traffic offences – red light running
 - iv. Prohibit parking on grass berms
 - v. Short-term guest accommodation
 - vi. Nitrate in drinking water
 - vii. Local Government Official Information and Meetings Act (1987)
 - viii. Weed control
 - ix. Building defects claims
 - x. Social housing
 - xi. Procurement
 - xii. Single use polystyrene
 - xiii. Local Government Act 2002
 - xiv. Campground regulations
 - xv. Living Wage

- xvi. Sale and Supply of Alcohol Act
- xvii. Greenhouse gases
- xviii. Climate Change – funding policy framework
- xix. Road safety
- xx. Mobility scooter safety
- xxi. Museums and galleries
- xxii. Resource Management Act
- xxiii. Mayor decision to appoint Deputy Mayor
- xxiv. Beauty industry

Executive Summary

2. Member authorities of LGNZ (member councils) have been asked to consider a number of remits submitted from zones, sector groups, or member authorities ahead of the LGNZ AGM.
3. If supported at the AGM by the majority of member councils present, remits will be actioned by LGNZ.
4. Representation at the AGM and the voting entitlement of each member council is determined by their LGNZ subscription levels. Hamilton City Council's appointed representatives at the AGM are determined by the Mayor.
5. Mayor King is the Council's presiding delegate and votes on behalf of Hamilton City Council. Mayor King will vote on each remit in accordance with the resolutions made by Council at this meeting.
6. Cr Southgate has been appointed as alternate delegate.
7. In addition to voting on remits, Mayor King as presiding delegate will also vote in accordance with the resolutions made by Council at its 30 May 2019 meeting with respect of the proposed changes to LGNZ's rules. Minutes for this meeting can be found [here](#).
8. The list of 2019 remits for consideration below were received by the Chief Executive and the Mayor on 22 May 2019 and are detailed in Attachment 1 of this report.
9. The LGNZ Remit Policy can be found [here](#).
10. Staff consider the matters in this report to have a low level of significance and that the recommendations comply with the Council's legal requirements.

Discussion

11. Remits for Consideration:

- i. **Climate change – local government representation**
That LGNZ calls on the Government to include local government representation (as determined by local government) at all levels of policy development, technical risk and resilience assessment, and data acquisition on climate change response policies – with an emphasis on climate adaptation: policy; legal; planning; and financial compensation regimes.
- ii. **Ban on the sale of fireworks to the general public**

That LGNZ work with central government to raise the sale of fireworks issue and advocate for legislative change.

iii. **Traffic offences – red light running**

That LGNZ request the Government to bring into line camera and officer-detected red light running offences with other traffic offences that incur demerit points.

iv. **Prohibit parking on grass berms**

To seek an amendment to clause 6.2 of the Land Transport (Road User) Rule 2004 to prohibit parking on urban berms.

v. **Short-term guest accommodation**

That LGNZ advocates for enabling legislation that would allow councils to require all guest accommodation providers to register with the council and that provides an efficient approach to imposing punitive action on operators who don't comply.

vi. **Nitrate in drinking water**

That LGNZ recommend to the Government the funding of additional research into the effects of nitrates in drinking water on human health, and/or partner with international public health organisations to promote such research, in order to determine whether the current drinking water standard for nitrate is still appropriate for the protection of human health.

vii. **Local Government Official Information and Meetings Act (1987)**

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

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

That LGNZ use the data obtained to:

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

viii. **Weed control**

That LGNZ encourages member councils to consider using environmentally friendly weed control methods.

ix. **Building defects claims**

LGNZ calls on central government to take action as recommended by the Law Commission in its 2014 report on “Liability of Multiple Defendants” to introduce a cap on the liability of councils in New Zealand in relation to building defects claims whilst joint and several liability applies.

x. **Social housing**

That LGNZ, in conjunction with central government, urgently focus on the development and implementation of a broader range of funding and financing tools in respect of community/social housing provision, than those which currently exist in the housing needs space. These should include funding to support the operation, upgrade and growth of council housing portfolios and, where a council chooses, access to Income Related Rents for eligible tenants.

xi. **Procurement**

That LGNZ investigate the ability of the sector to collaborate in procuring open-source designs and plans for bulk infrastructure that are largely similar, with an initial approach to look at water and wastewater treatment facilities.

xii. **Single use polystyrene**

That LGNZ advocates to the Government to phase out single use polystyrene.

xiii. **Local Government Act 2002**

That LGNZ pursue an amendment to the Local Government Act 2002 to:

- a. Re-number sub-sections 181 (5) and (6) to sub-sections (6) and (7); and
- b. Introduce a new sub-section (5) to read: For all purposes the term “any work” in subsection 4 means any works constructed before xx Month 20xx; and includes any works that were wholly or partly in existence, or work on the construction of which commenced, before xx Month 20xx.

xiv. **Campground regulations**

That LGNZ request the Government to amend the Camping - Ground Regulations to allow councils to approve remote camp facilities on private property, subject to any such conditions as deemed required by a council, including the condition that any approved campground is x distance away from an existing campground, unless the existing campground operator agrees to waive this condition in writing.

xv. **Living Wage**

Wellington City Council asks that LGNZ members consider engaging with the Living Wage Aotearoa New Zealand Movement when developing policies on payment of the Living Wage.

xvi. **Sale and Supply of Alcohol Act**

LGNZ, on behalf of its member councils ask for a review of the effectiveness of the Sale and Supply of Alcohol Act 2012 in reducing alcohol harm (eg price, advertising, purchase age and availability) and fully involve local government in that review.

xvii. **Greenhouse gases**

Wellington City Council asks that LGNZ members collectively adopt the position that government should revise the Resource Management Act 1991 to adequately consider the impact of greenhouse gases when making decisions under that law and to ensure that the Resource Management Act 1991 is consistent with the Zero Carbon Bill.

xviii. **Climate Change – policy framework**

That LGNZ recommends to government that they establish an independent expert group to develop a new policy framework for adapting to climate change impacts as recommended by the Climate Change Adaptation Technical Working Group (CCATWG). This new expert group would be supported by a secretariat and stakeholder advisory group.

xix. **Road safety**

That LGNZ acknowledges that the New Zealand Transport Agency's (NZTA's), Code of Practice for Temporary Traffic Management (CoPTTM) is a comprehensive and robust document, and that NZTA ensures the CoPTTM system is regularly reviewed, refined and updated. However, in light of the recent road worker fatalities LGNZ requests NZTA, in partnership with Road Controlling Authorities (RCAs);

- a. Review afresh its Code of Practice for Temporary Traffic Management (CoPTTM) to satisfy themselves that; i. The document provides sufficient guidelines and procedures to ensure approaching traffic are given every possible opportunity to become aware of the worksite ahead and to respond appropriately and in a timely manner.
- b. Review its CoPTTM Training System to ensure;
 - i. Trainers are sufficiently qualified and adequately covering the training syllabus.
 - ii. Site Traffic Management Supervisors (STMS's) and Traffic Controllers (TC's) are only certified when they can demonstrate competence in the application of CoPTTM.
 - ii. A robust refresher programme is in place to ensure those in charge of Traffic Management on worksites remain current in the required competencies.
- c. Review its Site Auditing requirements to ensure the traffic management at worksites is independently audited at a sufficient frequency to ensure compliance, and that a significantly robust system is put in place to enable enforcement of compliance.

That LGNZ takes steps to remind its members of their duties with respect to their role as Road Controlling Authorities including;

- a. Appointing and sufficiently training and resourcing a Traffic Management Coordinator to ensure their obligations under the Health and Safety Work Act 2015, with respect to traffic management, are being met.
- b. *Adequately resourcing and undertaking audits of road work sites to ensure compliance with CoPTTM.*

xx. **Mobility scooter safety**

That LGNZ requests that government investigate the introduction of strengthened rules to govern the safe use of mobility scooters, particularly in relation to speed limits and registration.

xxi. **Museums and galleries**

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

xxii. **Resource Management Act**

That the selection of all independent commissioners for Resource Management Act hearings be centralised to improve independence and enhance the quality of decisions.

xxiii. **Mayor decision to appoint Deputy Mayor**

That LGNZ request the Government to amend S.41A of the LGA2002 to give Mayors the same powers to appoint a deputy mayor as held by the Mayor of Auckland.

xxiv. **Beauty industry**

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

Financial Considerations

12. There are no financial or budget impacts related to the decisions required in this report.

Legal and Policy Considerations

13. Staff confirm that the recommendations in this report comply with the Council's legal and policy requirements.
14. Staff confirm that the recommendations in this report comply with the LGNZ Remit Policy which can be found [here](#).

Cultural Considerations

15. There are no known cultural considerations associated with the decisions required for this matter.

Sustainability Considerations

16. There is no known impact on the Sustainability Principles.

Risks

17. There are no known risks associated with the decisions required for this matter.

Significance

18. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

19. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments

Attachment 1 - 2019 LGNZ AGM Remits for Consideration .

Who's
putting local
issues on
the national
agenda?

**We are.
LGNZ.**

Item 12

2019 Annual General Meeting

Remits

Attachment 1

1

Climate change – local government representation

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

Background information and research

1. Nature of the issue

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

2. Background to its being raised

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

3. New or confirming existing policy

This is a new policy.

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

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

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

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

6. Any existing relevant legislation, policy or practice

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

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

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

8. Suggested course of action envisaged

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

2

Ban on the sale of fireworks to the general public

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

Background information and research

1. Nature of the issue

The following issues have been identified:

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

2. Background to its being raised

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

3. New or confirming existing policy

This is a new policy.

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

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

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

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

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

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

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

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

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

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

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

Key themes in support included:

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

Key themes opposed, including from fireworks retailers, were:

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

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

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

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

6. Any existing relevant legislation, policy or practice

Hazardous Substances (Fireworks) Regulations 2001

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

WorkSafe

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

New Zealand Police

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

Environmental Protection Agency (EPA)

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

Auckland Council

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

New Zealand Transport Agency (NZTA)

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

7. Suggested course of action envisaged

It is recommended that LGNZ work with central government to raise the issue and advocate for legislative change.

3

Traffic offences – red light running

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

1. Background information and research

1. Nature of the issue

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

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

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

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

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

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

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

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

2. Background to its being raised

Road safety crisis

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

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

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

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

3. New or confirming existing policy

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

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

10 years of driver offence data:

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

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

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

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

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

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

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

Note on equity

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

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

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

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

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

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

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

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

Comment on technology used for enforcement:

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

6. Any existing relevant legislation, policy or practice

To change the:

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

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

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

7. Suggested course of action envisaged

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

4

Prohibit parking on grass berms

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

Background information and research

1. Nature of the issue

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

2. Background to its being raised

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

3. New or confirming existing policy

Change in the existing legislative situation.

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

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

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

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

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

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

AT have not received an update on the issue since.

6. Any existing relevant legislation, policy or practice

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

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

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

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

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

7. Suggested course of action envisaged

That LGNZ formally supports the change to the legislation and a confirmed timeline for this to happen.

5

Short-term guest accommodation

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

Background information and research

1. Nature of the issue

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

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

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

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

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

confirm they meet relevant regulatory requirements. In short, we don't know where they are and finding them is an expensive and resource-intensive exercise.

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

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

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

2. Background to it being raised

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

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

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

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

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

LGNZ Flagship Policy Project - Localism

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

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

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

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

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

5. Suggested course of action envisaged

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

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

Examples of legislation that provide similar powers include:

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

6

Nitrate in drinking water

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

Background information and research

1. Nature of the issue

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

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

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

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

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

2. Background to its being raised

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

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

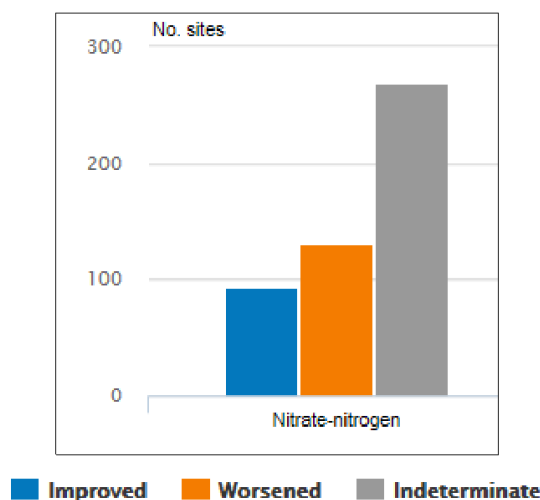


Figure 1. Nitrate levels in groundwater, 2005-2014

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

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

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

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

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

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

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

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

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

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

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

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

6. Suggested course of action envisaged

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

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

7

Local Government Official Information and Meetings Act (1987)

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

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

That LGNZ use the data obtained to:

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

Proposed by: Hamilton City Council

Supported by: Metro Sector

Background information and research

1. Nature of the issue

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

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

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

2. Background to its being raised

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

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

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

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

Current status:

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

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

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

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

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

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

5. Any existing relevant legislation, policy or practice

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

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

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

6. Suggested course of action envisaged

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

8

Weed control

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

Background information and research

1. Nature of the issue

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

2. Background to its being raised

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Any existing relevant legislation, policy or practice

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

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

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

7. Suggested course of action envisaged

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

9

Building defects claims

Remit: LGNZ calls on central government to take action as recommended by the Law Commission in its 2014 report on “Liability of Multiple Defendants” to introduce a cap on the liability of councils in New Zealand in relation to building defects claims whilst joint and several liability applies.

Proposed by: Napier City Council

Supported by: Zone Three

Background information and research

1. Nature of the issue

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

2. Background to its being raised

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

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

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

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

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

8. Suggested course of action envisaged

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

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

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

10

Social housing

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

Background information and research

1. Nature of the issue

Napier City Council

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

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

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

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

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

Tauranga City Council

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

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

Wellington City Council

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

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

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

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

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

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

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

2. Background to its being raised

Napier City Council

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

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

Wellington City Council

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

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

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

Napier City Council

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

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

Wellington City Council

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

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

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

Napier City Council

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

Wellington City Council

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

5. Suggested course of action envisaged

Napier City Council

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

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

Wellington City Council

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

11

Procurement

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

Background information and research

1. Nature of the issue

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

2. Background to its being raised

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

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

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

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

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

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

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

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

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

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

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

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

4. Any existing relevant legislation, policy or practice

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

12

Single use polystyrene

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

Background information and research

1. Nature of the issue

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

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

2. Background to it being raised

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

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

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

13

Local Government Act 2002

Remit:	That LGNZ pursue an amendment to the Local Government Act 2002 to: <ul style="list-style-type: none"> a. Re-number sub-sections 181 (5) and (6) to sub-sections (6) and (7); and b. Introduce a new sub-section (5) to read: For all purposes the term “any work” in subsection 4 means any works constructed before xx Month 20xx; and includes any works that were wholly or partly in existence, or work on the construction of which commenced, before xx Month 20xx.
Proposed by:	Rangitikei District Council
Supported by:	Zone Three

Background information and research

1. Nature of the issue

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

Questions arise:

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

2. Background to its being raised

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

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

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

The issue is not unique to Rangitikei

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

The power to construct is constrained

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

Effect of the law

- The Act provides power to construct; it is the owner consent (or notification process) that provides the authority to enter private land to exercise its power to construct.
- A local authority cannot claim absolute right of access without evidence of owner consent or compliance with the notification requirements.
- The High Court considered the need for fresh consent from, or notice to, subsequent owners (Re Watercare Services Ltd [2018] NZHC 294 [1 March 2018]). The Court’s Declaration was that “....it is not necessary either to obtain the written consent from the subsequent owner or give notice of the intention to construct the works before the work is done.”

Other infrastructure owners

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

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

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

14

Campground regulations

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

Background information and research

1. Nature of the issue

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

2. Background to its being raised

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

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

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

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

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

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

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

4. Any existing relevant legislation, policy or practice

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

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

5. Suggested course of action envisaged

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

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

15

Living Wage

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

Background information and research

1. Nature of the issue

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

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

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

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

2. Background to its being raised

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

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

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

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

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

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

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

5. Suggested course of action envisaged

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

16

Sale and Supply of Alcohol Act

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

Background information and research

1. Nature of the issue

Wellington City Council

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

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

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

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

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

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

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

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

2. Background to its being raised

Wellington City Council

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

Hastings District Council

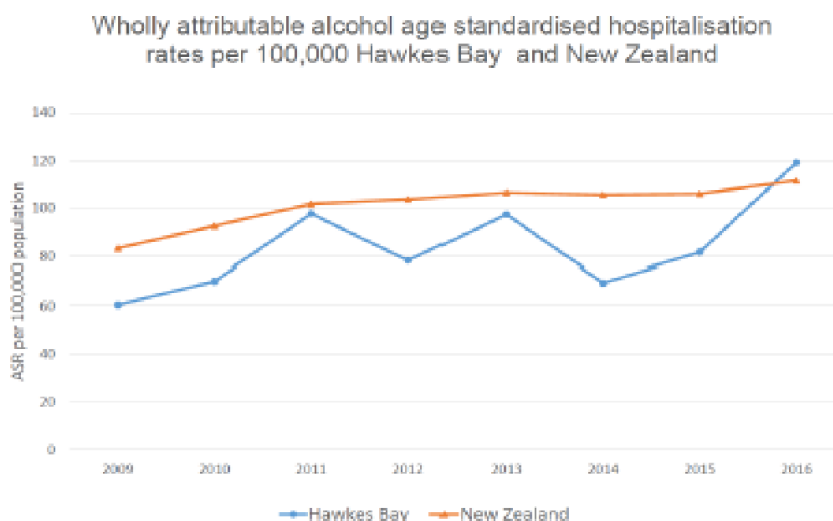
Hawke's Bay faces significant social challenges as demonstrated in the following statistics:

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

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

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

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



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

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

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

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

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

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

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

The most significant drivers of alcohol-related harm include:

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

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

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

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

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

Wellington City Council

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

Hastings District Council

This remit links to the social policy priority; community safety.

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

Wellington City Council

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

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

Hastings District Council

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

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

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

5. Suggested course of action envisaged

Wellington City Council

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

Hastings District Council

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

17

Greenhouse gases

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

Proposed by: Wellington City Council

Supported by: Metro Sector

Background information and research

1. Nature of the issue

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

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

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

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

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

2. Background to its being raised

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

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

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

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

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

5. Suggested course of action envisaged

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

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

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

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

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

18

Climate Change – policy framework

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

Background information and research

1. Nature of the issue

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

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

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

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

2. Background to its being raised

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

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

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

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

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

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

4. Suggested course of action envisaged

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

19

Road safety

Remit:

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

Proposed by: Whakatāne District Council

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

Background information and research

1. Nature of the issue

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

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

2. Background to its being raised

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

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

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

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

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

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

- Removal of any prequalification status.
- Reduction of quality scores assigned in tender evaluations.
- Forwarding of non-conformance to the appropriate standards organisation which may affect the company's ISO9000 registration.
- Denial of access to the road network for a period of time.
- Requirement for the company to have someone else provide their TTM.
- Staff retraining for CoPTTM warrants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Suggested course of action envisaged

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

20

Mobility scooter safety

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

Background information and research

1. Nature of the issue

The following issues have been identified:

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

A supplementary issue is also acknowledged:

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

2. Background to its being raised

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

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

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

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

Some of the issues raised include:

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

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

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

3. New or confirming existing policy

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

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

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

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

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

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

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

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

6. Any existing relevant legislation, policy or practice

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

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

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

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

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

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

7. Suggested course of action envisaged

Speed limits

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

Road usage

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

Monitoring and registration

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

21

Museums and galleries

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

Background information and research

3. Nature of the issue

The following issues have been identified:

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

4. Background to its being raised

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

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

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

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

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

This is supported by the following background information:

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

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

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

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

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

5. New or confirming existing policy

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

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

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

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

This is framed by the following statement:

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

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

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

8. Any existing relevant legislation, policy or practice

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

9. Suggest course of action envisaged

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

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

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

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

22

Resource Management Act

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

Background information and research

1. Nature of the issue

The following issues with the current system have been identified:

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

2. Background to its being raised

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

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

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

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

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

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

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

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

3. New or confirming existing policy

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

Such provisions are already contained in legislation such as the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (s25 and s28).

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

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

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

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

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

6. Any existing relevant legislation, policy or practice

Resource Management Act (1991)

7. Suggested course of action envisaged

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

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

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

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

23

Mayor decision to appoint Deputy Mayor

Remit:	That LGNZ request the Government to amend S.41A of the LGA2002 to give mayors the same powers to appoint a deputy mayor as held by the Mayor of Auckland.
Proposed by:	Invercargill District Council and Whanganui District Council
Supported by:	Provincial Sector

Background information and research

1. Nature of the issue

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

2. Background to its being raised

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

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

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

4. Any existing relevant legislation, policy or practice

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

24

Beauty industry

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

Background information and research

1. Nature of the issue

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

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

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

2. Background to its being raised

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

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

3. New or confirming existing policy

New policy.

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

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

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

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

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

6. Any existing relevant legislation, policy or practice

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

7. Suggested course of action envisaged

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

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

Remits not going to AGM

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

1. Earthquake strengthening – tax relief

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

Proposed by: Horowhenua District Council

Supported by: Zone Three

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

2. Benchmark Programme

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

Proposed by: New Plymouth District Council

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

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

3. On-line voting

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

Proposed by: Palmerston North City Council

Supported by: Metro Sector

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

4. E-waste

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

Proposed by: Palmerston North City Council

Supported by: Metro Sector

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

5. Tourism Industry Aotearoa

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

Proposed by: Ruapehu District Council

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

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

6. Official business scheduling

Remit: That councils aim to schedule their official business in such a way as to making standing for office a more viable option for candidates.

Proposed by: Dunedin City Council

Supported by: Zone Five and Zone Six

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

Council Report

Item 13

Committee: Council

Date: 27 June 2019

Author: Becca Brooke

Authoriser: Richard Briggs

Position: Governance Team Leader

Position: Chief Executive

Report Name: Extension of Chief Executive Delegations during July 2019

Report Status	Open
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Purpose

1. To seek approval to extend the Chief Executive's delegations during July 2019, subject to certain limitations as set out in legislation and this report.

Staff Recommendation

2. That the Council extends the Chief Executive's current delegations (detailed in the Council's *Delegations to Positions Policy*) to include all of Council's responsibilities, duties, and powers currently retained by Council or delegated to Council's standing committees (except the District Licensing Committee), subject to the following conditions:
 - a. The extended delegations will have effect only for the period from 1 July 2019 to 31 July 2019 (extended delegation period);
 - b. The extended delegations do not include a delegation of any Council powers, duties and functions which are prohibited by law from delegation - including, without limitation, those set out in clause 32(1) of the Seventh Schedule to the Local Government Act 2002;
 - c. The Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the Council meeting;
 - d. The Chief Executive is not permitted to use the extended delegations in respect of any politically significant matters that require input from Elected Members;
 - e. Where reasonably practicable, the Chief Executive must, before exercising an extended delegation power, duty or function, consult with the Mayor and/or Deputy Mayor (subject to their availability); and
 - f. The Chief Executive must report all matters relating to this extended delegation to the Council at the 8 August 2019 Council meeting.

Discussion

3. The Council's delegations to the Chief Executive are set out in the [Delegations to Positions Policy](#).

4. The Council is not due to meet during July 2019. A number of Elected Members have advised that they will not be available for some or all of the month. It may therefore be difficult to arrange an Extraordinary Council meeting in July due to a lack of quorum.
5. Staff propose that the Council consider putting a process in place by which any urgent and necessary decisions may be made during July 2019 in the event a quorum is not able to be achieved.
6. Staff recommend that the Council extends the Chief Executive's current delegations during that month to undertake all of the Council's responsibilities, duties, and powers (except as prohibited by clause [32\(1\)\(a\) to \(h\) of Schedule 7 to the LGA](#) and any other Act).
7. This proposed extension to the CE's delegations is consistent with the process that operates during the interregnum period i.e. between the election and the inaugural meeting of a new council.
8. The recommended extended delegations are subject to a number of conditions (set out under paragraph 2(a) – (f) above) to ensure that these delegations only empower the Chief Executive to make such decisions as are *necessary for the effective and efficient day-to-day conduct of Council's business* during the period in question.

Financial Considerations

9. There are no financial considerations for this report.

Cultural Considerations

10. There are no cultural considerations for this report.

Sustainability Considerations

11. There are no sustainability considerations for this report.

Legal and Policy Considerations

12. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

Risks

13. If the recommended extended delegation is not approved, there is a risk of the Council not being able to undertake its business effectively and efficiently during July 2019. An Extraordinary Council meeting would be required to consider any unexpected, urgent matters that fall within the Council's terms of reference. As noted, any such meeting would only be able to proceed if a quorum of members is present (that is, seven Elected Members).

Significance & Engagement Policy

14. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation in this report has a low level of significance.
15. No engagement is required.

Attachments

There are no attachments for this report. .

Council Report

Item 14

Committee: Council
Author: Amy Viggers
Position: Committee Advisor
Date: 27 June 2019
Authoriser: Becca Brooke
Position: Governance Team Leader
Report Name: Recommendations from the Growth and Infrastructure Meeting of 18 June 2019

Report Status	<i>Open</i>
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1. To seek the Council's approval of the recommendations from the Growth and Infrastructure Committee Meeting of 18 June 2019, in respect of:
 - Personal Hire Devices - Permitting Fees and Charges
 - Deliberation and Approval of the Hamilton City Speed Management Plan
 - Business Improvement District Policy Review
2. The 18 June 2019 Growth and Infrastructure Committee agenda is available on the Council website or via the following link:
<https://www.hamilton.govt.nz/AgendasAndMinutes/Growth%20and%20Infrastructure%20Open%20Agenda%20-%2018%20June%202019.pdf>
3. The 18 June 2019 Growth and Infrastructure Committee Unconfirmed Minutes is available on the Council website or via the following link:
<https://www.hamilton.govt.nz/AgendasAndMinutes/Growth%20and%20Infrastructure%20Open%20Unconfirmed%20Minutes%20-%2018%20June%202019.pdf>

Recommendations from the Growth and Infrastructure Committee Meeting of 18 June 2019

Personal Hire Devices - Permitting Fees and Charges

4. That the Council:
 - a) approves the proposed fees and charges for 2019/2020:
 - i. \$300 annual permit fee;
 - ii. \$55 per permitted device per 6-month period (for enforcement and management);
 - iii. a \$10,000 safety program fund per operator, with an understanding that there will be future ongoing funding shared among all operators for Council and user education.

Deliberation and Approval of the Hamilton City Speed Management Plan

5. That the Council:
 - a) approves the Hamilton City Speed Management Plan 2019 [as set out in Item 10 Attachment 1 of the growth and Infrastructure Committee Meeting Agenda of 18 June 2019; and

- b) notes that with the approval of the Hamilton City Speed Management Plan 2019, the 2015 Speed Management Policy be retired.

Business Improvement District Policy Review

6. That the Council approves the draft Business Improvement Policy with an amendment to one existing term and the insertion of four new terms in the definitions section (Option 1) [as set out in Item 12 Attachment 2 of the Growth and Infrastructure Committee Meeting Agenda of 18 June 2019].

Attachments

There are no attachments for this report. .

Council Report

Item 15

Committee: Council
Author: Rebecca Watson
Position: Committee Advisor
Date: 27 June 2019
Authoriser: Becca Brooke
Position: Governance Team Leader
Report Name: Recommendations from the Community, Services and Environment Committee Meeting of 25 June 2019

Report Status	<i>Open</i>
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1. To seek the Council's approval of the recommendation from the Community, Services and Environment Committee meeting on 25 June 2019, in respect of:
 - Parks, Domains and Reserves Bylaw 2019. **To be advised following the 25 June 2019 Community, Services and Environment Committee meeting (under separate cover).**
 - Residential House options – 18A Ruakiwi Road, Hamilton. **To be advised following the 25 June 2019 Community, Services and Environment Committee meeting (under separate cover).**
2. The 25 June 2019 Community, Services and Environment Committee agenda and minutes are available on the Council website or via the following link:
https://www.hamilton.govt.nz/our-council/Council_meetings_and_public_information/meetings-and-minutes/Pages/default.aspx

Attachments

There are no attachments for this report. .

Council Report

Committee: Council **Date:** 27 June 2019
Author: Riki Manarangi **Authoriser:** Jen Baird
Position: Programme Manager - Policy and Bylaw **Position:** General Manager City Growth
Report Name: Prostitution Bylaw Review - Determination and Consultation

Report Status	<i>Open</i>
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Purpose

To seek an additional determination and approval of a revised Statement of Proposal (SOP) to fully complete the consultation on the Prostitution Bylaw.

Staff Recommendation

2. That the Council, further to its resolution of 14 March 2019:
 - a) determines that the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 and;
 - b) approves public consultation for one month from 1 July 2019 to 31 July 2019 on the attached Statement of Proposal (Attachment 1) on the proposed continuation of the Bylaw.

Discussion

3. The Council has the existing 2009 Prostitution Bylaw (Attachment 2) which the Council is required to review to meet its 10-yearly legislative requirements under the Local Government Act 2002 (s159, **the LGA**).
4. At the [14 March 2019 Council meeting](#) the Council made a resolution that it:
 - a) approves that the current Hamilton City Council Prostitution Bylaw is the most appropriate means of controlling the issue of prostitution services in Hamilton City; and*
 - b) approves public consultation for one month, from 18 March to 18 April 2019, on the proposed continuation of the current Prostitution Bylaw.*
5. Staff prepared the consultation documents including the Statement of Proposal based on the resolution. The consultation was undertaken between 18 March 2019 to 18 April 2019 with submissions to be heard by the 4 June 2019 Regulatory and Hearings Committee.
6. In mid April 2019, Council's lawyers reviewed the resolution and consultation process and advised that there was legal risk relating to the process. They advised that to be fully compliant Council should:

- Make a specific determination in relation to the Bylaw's interaction with the Bill of Rights Act 1990 (BORA);
 - Include in the consultation the reasons Council believes that the current bylaw remains the most appropriate form of bylaw to regulate commercial sexual services in Hamilton City;
 - Include the determination in the consultation document.
7. The process has been stopped to seek direction from the Council on whether to accept the risk and continue the review or recommence the review process. Accordingly, staff present two options for consideration:
 8. Options:
 - OPTION 1 - Continue the existing review process - This will entail the existing review continuing with hearings now to be held in August 2019 and deliberations in September 2019.
 - OPTION 2 – Address the procedural issues (**Staff recommendation**) - This will entail making the BORA determination and consulting with a revised Statement of Proposal (SOP) – attachment 1.
 9. The staff recommendation is to make a formal determination resolution and recommence consultation with the new SOP to ensure a full and complete process to remove the risk of an adopted bylaw being deemed invalid on the basis of non-compliance with the procedural requirements of the Local Government Act 2002.
 10. With either option, staff will report to the 20 August 2019 Regulatory and Hearings Committee on all the feedback received and provide any further information gathered in response to any feedback received.
 11. The SOP attached to this report has been legally reviewed. Stakeholders will be invited to provide feedback on the positions outlined for consideration in the SOP so that their views on the positions can be considered by the Council in conjunction with the wider community's views.
 12. Those who submitted during the earlier consultation were advised on 30 May 2019 that the hearings for the Bylaw review had been paused.
 13. Following Council's decision on this report, staff will communicate with submitters the decision and the process for further submissions (if necessary) and hearings.

Financial Considerations

14. The cost for this report was approximately \$5,000 including staff time and legal costs.
15. The total cost to review the Bylaw will be approximately \$25,000 - \$30,000.

Legal and Policy Considerations

16. Staff confirm that the staff recommendations comply with the Council's legal and policy requirements.

Cultural Considerations

17. Te Runanga o Kirikiriroa and Te Haa o te Whenua o Kirikiriroa were informed of the Council's review of the Bylaw and invited to provide feedback and both organisations will be invited to provide the Council feedback during any further public consultation.
18. The public consultation period will provide an opportunity for any further cultural considerations outside the above organisations to be captured by staff.

Sustainability Considerations

19. There are no known sustainability considerations in relation the recommendations.

Risks

20. If Council were to continue with the existing review process (Option 1) then there would be a risk of a successful legal challenge on the basis of non-compliance with Council's consultation obligations under the Local Government Act 2002. A court may see the procedural requirements as a means of fulfilling Council's democratic functions and of ensuring Council complies with its obligations under BORA.
21. There is a risk that the community is confused by the revised process and the need for it. Clear communication will be required to maintain trust and confidence that the bylaw is established in the correct way.
22. Some stakeholders or submitters may not become aware of the change in the process, so it is recommended that all current submissions remain part of the consultation. Submitters can be given the opportunity to amend or add to their submission.

Significance & Engagement Policy

Significance

23. Given the statutory requirements to consult, staff have not separately addressed the key considerations under the Significance and Engagement Policy to assess the significance of the matter in this report.

Engagement

24. The LGA requires the Council to consult the public on whether to continue the existing Bylaw without amendment (s160(3)(b), the LGA) or amends, revokes or replaces the Bylaw (ss160(3)(a) and 156(1), the LGA).
25. Sections 156 and 160 of the LGA sets out that the Council is required the use the Special Consultative Procedure (**the SCP**) if:
 - the bylaw concerns a matter identified under the Council's Significance and Engagement Policy as being of significant interest to the public; or
 - there will be a significant impact on the public due to the changes to or revocation of the bylaw.
26. Compliance with s156 and s160 of the LGA will be by ensuring:
 - a SOP (as attached) is made available to the public including options for consideration;
 - a public consultation period of one month between 1 July 2019 and 31 July 2019 on the attached SOP;
 - Submitters have an opportunity to present their views in a spoken form at the 20 August 2019 Regulatory and Hearings Committee.

Attachments

Attachment 1 - Prostitution Bylaw Review - Statement of Proposal

Attachment 2 - Prostitution Bylaw 2009 .

Item 16

Hamilton City Prostitution Bylaw



STATEMENT OF PROPOSAL

Hamilton City Council (the Council) is seeking feedback following the review of the Hamilton City Prostitution Bylaw 2009.

WHY ARE WE DOING THIS?

The Bylaw was last reviewed in 2009 as per the Local Government Act 2002 requirements. The Council is required to review the existing bylaw every 10 years by law. This provides an opportunity for the Council to check in with our community on how the Bylaw is working and consider feedback.

Council consulted on the Bylaw between 18 March and 18 April 2019. An internal review identified a process risk so this second consultation seeks to complete the consultation process.

The Council has determined that:

- the current Hamilton City Council Prostitution Bylaw is the most appropriate means of controlling the issue of prostitution services in Hamilton City; and
- the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 because the limits it places on the rights and freedoms contained within that Act can be demonstratively justified in a free and democratic society.

The Council proposes to continue the current Bylaw unamended.

OPTIONS

In compliance with the LGA, the Council provides two options. The Council wants to consult on its intention to continue the current Bylaw unamended. If you do not think the Bylaw should be continued unamended, then the Council would like to know why. Tell us your views either way in the feedback form attached.

Retain the existing Bylaw (preferred)

The Council believes it is appropriate to keep the current Bylaw without making any changes because the Bylaw has operated well over the

last 10 years and is considered fit for purpose.

Retaining the current Bylaw means:

- A brothel must be in the shaded area in the Bylaw map AND at least 100m away from a school, early childhood centre, marae and/or places of worship.
- A premises providing accommodation (e.g. a hotel or motel) is not considered a brothel if prostitution occurs there under an arrangement initiated elsewhere.
- No person can offer, without an invitation, sex for a payment/reward on a street, road, footpath, road reserve public place in Hamilton.
- Only one sign for a brothel is allowed and it must:
 - be smaller than 2m².
 - not have flashing or neon lights.
 - not contain explicit or offensive words.
 - not contain any images, shapes or models considered sexually explicit/offensive.
 - Anyone who breaches the rules in the Bylaw could be fined up to \$20,000 if convicted.

A copy of the existing Bylaw is attached to this proposal.

Amend the existing Bylaw

This will mean the Council amends the current Bylaw after it considers feedback through the consultation process. This could include changing or removing one or more of the elements of the bylaw.

TELL US YOUR THOUGHTS ON THE BYLAW

Before making any final decisions, we'd like to have your input.

You can give us feedback from 1 July to 31 July 2019.

If you submitted during the first consultation period, your submission will be included automatically. You can add to or change your submission by resubmitting it using the options below.

How to give feedback:

- Fill out a feedback form online at hamilton.govt.nz/haveyoursay
- Fill out the feedback form included in this Statement of Proposal and send to Hamilton City Council, c/- Strategy and Communication Unit, Private Bag 3010, Hamilton 3240.
- Fill out the feedback form and deliver it to the Municipal Building Reception or any branch of Hamilton City Libraries.

Feedback forms and the proposed Bylaw amendments are available from all Hamilton City Libraries, and from the Ground Floor reception of the Council's Municipal Building in Civic Square.

For any queries please ring 07 838 6699 or email haveyoursay@hcc.govt.nz

Next Steps

Staff will collect and analyse all feedback at the close of the submission period.

The analysis of this feedback will be presented to the August 2019 meeting of the Regulatory and Hearings Committee. At this meeting, submitters who want to speak to their written submission will be able to do so.

The Council will then consider all the views and make a decision on the Bylaw in September 2019.

FEEDBACK FORM

HAMILTON CITY PROSTITUTION BYLAW

Hamilton City Council has reviewed the Prostitution Bylaw

Please note:

Please be aware when providing a submission/giving feedback/responding to a survey that all responses are part of the consultation process. This means that your name but not contact details may be reproduced and included in the Council's public documents such as the Council agendas and minutes. These documents are available on the Council's website at hamilton.govt.nz

■ **SHOULD HAMILTON CONTINUE ITS CURRENT PROSTITUTION BYLAW UNAMENDED?**

☐ Yes ☐ No

Reasons (Please print clearly):

■ **DO YOU WANT TO VERBALLY PRESENT TO THE COUNCIL IN SUPPORT OF YOUR FEEDBACK?**

☐ Yes (*Please ensure you give us your contact details below) ☐ No

ABOUT YOU: (Please print your details clearly)

This section lets us know a bit more about you and helps us with our analysis of the overall feedback we receive.

■ **ARE YOU RESPONDING AS:**

☐ An individual/householder ☐ A representative of an organisation

As a representative of an organisation:

What is the name of your organisation? _____

What is your role within it? _____

What is the key focus of the organisation? _____

Do you have an office/a base in Hamilton? _____

☐ Yes ☐ No

As an Individual:**■ CAN YOU TELL US YOUR AGE GROUP?**

- | | |
|--------------------------------|--------------------------------|
| <input type="checkbox"/> 16-24 | <input type="checkbox"/> 25-35 |
| <input type="checkbox"/> 36-50 | <input type="checkbox"/> 51-64 |
| <input type="checkbox"/> 65-80 | <input type="checkbox"/> 80+ |

■ WHICH BEST DESCRIBES YOUR HOUSEHOLD?

- | | |
|--|---|
| <input type="checkbox"/> Living alone | <input type="checkbox"/> Living with others that are not family |
| <input type="checkbox"/> Family or couple with dependants (children or other family) | <input type="checkbox"/> Family or couple with no dependants |

■ WHERE DO YOU LIVE?

I am a Hamilton city resident, my suburb is: _____

I live outside Hamilton city:

- | | |
|---|-----------------------------------|
| <input type="checkbox"/> Waipa | <input type="checkbox"/> Waikato |
| <input type="checkbox"/> Elsewhere in New Zealand | <input type="checkbox"/> Overseas |

The Regulatory and Hearings Committee will hear any verbal submissions that the community and organisations wish to make in support of their written feedback on Tuesday 20 August 2019.

■ CONTACT DETAILS: (PLEASE PRINT YOUR DETAILS CLEARLY)

Name: _____

Organisation (where applicable): _____

Postal Address (incl. City and postcode) _____

Phone: (day) _____ (evening) _____

_____ Email: _____

PLEASE GET YOUR FEEDBACK TO US BY 31 JULY 2019.

Feedback after this date may not be included in the feedback summary.

FEEDBACK CAN BE:

- Completed online at hamilton.govt.nz/haveyoursay
- Posted to: Freepost 172189, C/- Strategy and Communication, Hamilton City Council, Private Bag 3010, Hamilton 3240
- Dropped off to a Council library or the main reception, ground floor Council (Municipal) Building, Garden Place.

Prostitution Bylaw 2009

Bylaw of the Hamilton City Council made in pursuance of the powers contained in the Prostitution Reform Act 2003 and the Local Government Act 2002, and any other authority enabling the Council in that behalf.

Interpretation

Adjoining: means allotments sharing one or more common boundaries or separated only by a road width or similar equivalent.

Brothel: means

1. any premises
 1. kept; or
 2. habitually used for the purposes of prostitution; but
2. does not include a premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere.

Brothel Permitted Area: means the area indicated on Map 1 that defines the area of the city where brothels may be located.

Children and young people: means individuals under 18 years of age.

Commercial sexual services: means sexual services that-

1. involve physical participation by a person in sexual acts with, and for the gratification of, another person; and
2. are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).

Council: means Hamilton City Council.

District Plan: means the Proposed Hamilton City District Plan (References version 2001) or any subsequent amendments (or the Waipa District Plan (1997 version) in respect of the Temple View area where this is not yet subject to the Hamilton City District Plan).

Marae: means land and buildings of premises that:

1. are used as a public marae; and
2. are included on the Prostitution Sensitive Sites Register held by Hamilton City Council.

Place of Worship: means land and buildings of premises that are:

1. used as a place of religious worship; and
2. are subject to Part 1 of Schedule 1 of the Local Government (Rating) Act 2002; and

3. are included on the Prostitution Sensitive Sites Register held by Hamilton City Council.

Prostitution: means the provision of commercial sexual services.

School / Licensed Early Childhood Centre: means a parcel or adjoining parcels of land that:

1. contain a school as defined in section 2 of the Education Act 1989, or
2. a licensed Early Childhood Centre as defined in section 308 of the Education Act 1989, and
3. are included on the Prostitution Sensitive Sites Register held by Hamilton City Council.

Sensitive site: means a site that is either:

1. a school / Licensed Early Childhood Centre, or
2. a place of worship, or
3. a marae.

and is identified as a sensitive site on the Prostitution Sensitive Sites Register held by Hamilton City Council.

Sex worker: means a person who provides commercial sexual services.

Solicit: means any person who, in any public place offers any commercial sexual service not in pursuance to any invitation.

Objectives of the Bylaw

1. To support the purpose and intent of the Prostitution Reform Act 2003.
2. To enable commercial sexual service providers to operate within Hamilton City in a manner that both meets community demand for services and addresses community concerns and sensitivities.
3. To allow the establishment of brothels in areas where the effects associated with the operation can be readily controlled.
4. To limit the exposure of children and young people to commercial sex activities.
5. To control the establishment of signage associated with brothels to minimise community harm or offence.
6. To control the soliciting of commercial sexual services in Hamilton.

Location of Brothels

1. Permitted areas of operation

Brothels are permitted to locate and provide commercial sexual services from premises located within the Permitted Brothel Area indicated on Map 1 (Refer to Page 5), subject to meeting other conditions in the bylaw.

2. Proximity to Sensitive Sites

Any brothel shall not be located within 100 metres (in a straight line) of any sensitive site as shown on the current version of the Prostitution Sensitive Sites Register held by Council, unless it was lawfully established prior to the date this bylaw comes into force, and not discontinued for more than six months.

Where a sensitive site establishes within 100 metres of an existing and lawfully established brothel, the brothel will be exempt from this restriction, provided that this exemption shall not apply where the operation of the brothel is discontinued for a continuous period of more than 6 months.

Signage of Commercial Sexual Services

1. Brothels

Any sign advertising any brothel must be fixed to the premises at which the commercial sexual service is provided.

Only one sign is permitted per premises.

The maximum area of total signage per site should be 2m².

Signs must not:

1. contain neon lighting or include or be lit by flashing lights; or
2. contain words reasonably considered to be sexually explicit or offensive by Council or delegated officer (under clause 32 of schedule 7 of the Local Government Act 2002); or
3. contain any images (photographs or artwork) or models (human or mannequin) or shapes reasonably considered by Council or delegated officer (under clause 32 of schedule 7 of the Local Government Act 2002) to be sexually explicit or offensive.

Soliciting of Commercial Sexual Services

No person shall solicit within the Hamilton City Council area or in any street, road, footpath, road reserve, public place or area.

No person shall solicit within the Hamilton City Council area where that person is, or may be visible from any public place, reserve or area.

Breach of Bylaw

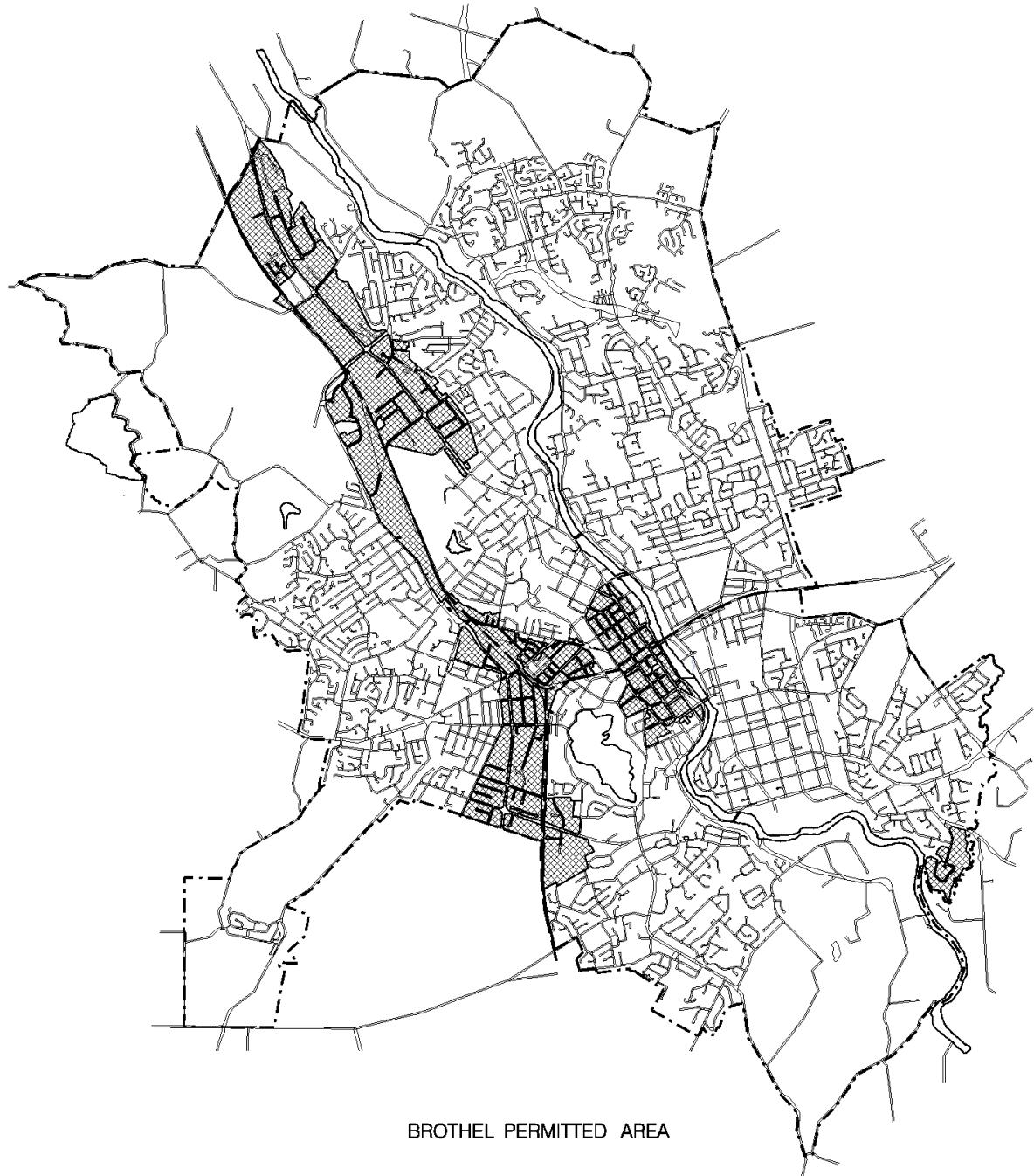
Any person who acts in breach of this Bylaw commits an offence and is liable upon summary conviction to a fine, as provided for under the Local Government Act 2002 (which specifies a fine not exceeding \$20,000), and may also be liable to penalties under other legislation.

Commencement

This bylaw applies to all Brothels located in Hamilton City and comes into force on 1 July 2009.

Advisory Note: Brothels are subject to the provisions of this bylaw and the Hamilton District Plan and both regulations must be complied with at all times.

MAP 1



BROTHEL PERMITTED AREA

The foregoing bylaw was duly made by the Hamilton City Council by a resolution passed on the 26th day of June 2009 following consideration of submissions received during the special consultative procedure. The Prostitution Bylaw 2009 was ordered to come into force on the 1st day of July 2009.

The COMMON SEAL of the HAMILTON CITY
COUNCIL was hereunto affixed in the presence
of:

Councillor _____

Chief Executive _____

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Prostitution Bylaw Review - Legal Update) Good reason to withhold information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)
C2. Confirmation of the Council Public Excluded Minutes - 30 May 2019		
C3. Confirmation of the Elected Member Briefing Closed Notes - 30 May 2019		
C4. Confirmation of the Elected Member Briefing Closed Notes - 13 June 2019		
C5. Hamilton Gardens Development Project Governance Group - Appointee Recommendations		
C6. Hamilton City Council/Waikato District Council growth discussions update		
C7. CE Report on Legal Services		
C8. Verbal Report from the Chair of the CEO Review Committee		
C9. Recommendations from the Community, Services and Environment Committee Meeting of 25 June 2019		

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

Item C1.	to maintain legal professional privilege	Section 7 (2) (g)
Item C2.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C3.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C4.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C5.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C6.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C7.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
	to enable Council to carry out negotiations	Section 7 (2) (i)
	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C8.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C9.	to enable Council to carry out negotiations	Section 7 (2) (i)