

# Kaipara District Council Briefing Agenda

Date:	Wednesday 2 December 2020
Time:	9.30 a.m.
Location:	Mangawhai Domain
	75 Moir Street
	Mangawhai
Elected Members:	Mayor Dr Jason Smith
	Deputy Mayor Anna Curnow
	Councillor Victoria del la Varis-Woodcock
	Councillor Karen Joyce-Paki
	Councillor Jonathan Larsen
	Councillor Mark Vincent
	Councillor Peter Wethey
	Councillor David Wills
	Councillor Eryn Wilson-Collins

*For any queries regarding this meeting please contact the Kaipara District Council on (09) 439 7059* 



Wednesday, 2 December, 2020 9:30 am Mangawhai Domain 75 Moir Street Mangawhai

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# NRC coastal hazard mapping update

Meeting:Council BriefingDate of meeting:02 December 2020Reporting officer:Katy Simon, Policy Analyst

## Purpose/Ngā whāinga

To provide an overview of Northland Regional Council's coastal hazard mapping programme, focusing on current work in the Kaipara District.

## Context/Horopaki

Under the Resource Management Act 1991 (RMA), the management of significant risks from natural hazards is a 'matter of national importance' that all councils need to take into account. Additionally, under the RMA both Northland Regional Council (NRC) and Kaipara District Council (Council) have statutory responsibilities for controlling the use of land for the purpose of avoiding or mitigating natural hazards.

The Northland Regional Policy Statement (RPS) has established a comprehensive regime for managing natural hazard risk in Northland. This includes NRC coordinating the gathering and collating of information on flood and coastal hazards at a regional scale. Identifying and mapping hazard zones is the primary method towards meeting this requirement.

The RPS stipulates that Council is required to gather and collate information on additional natural hazards and identify and manage natural hazards risks and impacts. It also requires all councils in Northland to work collaboratively to reduce natural hazard risk throughout the region. This involves clarifying roles and responsibilities to help ensure efficient and effective hazards management.

NRC is currently completing two coastal hazard mapping processes (coastal erosion and coastal inundation) and it is anticipated that maps to be publicly released in early 2021. These maps will have strong linkages to Council's District Plan review work and Climate Change work programme.

This briefing aims to provide Elected Members with an overview of NRC's coastal hazards mapping processes and methodology ahead of the publication of these maps and to provide an initial overview of Councils responsibilities and actions in relation to this. NRC's Natural Hazards Advisor will attend the briefing to provide a presentation on:

- NRC's coastal hazard mapping project
- The methodology used for the mapping process
- Next steps by NRC.

## Discussion/Ngā kōrerorero

All coastal hazards maps are still under review in draft form and have yet to be finalised and made public. Two kinds of natural hazards mapping will result from this process that will impact Council and landowners within our district - coastal flood hazard zones (CFHZ) and coastal erosion hazard zones (CEHZ). CFHZ maps will expand on <u>current CFHZ mapping</u> and there are several locations within the district that have already been mapped for coastal inundation. There are currently no CEHZ maps for the district.<sup>1</sup> This project is mapping CEHZ's for Mangawhai, Baylys Beach, Glinks Gully and Whakapirau. Publication by the NRC of the maps on their website is required for the maps to come into effect, the impacts of which are discussed below. Notification is scheduled to

<sup>&</sup>lt;sup>1</sup> It is important to note that coastal erosion is not a new, introduced hazard. Different coastal locations across Kaipara have historically experienced coastal erosion.



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#### **KDC** impacts

The RPS requires Council to incorporate finalised (coastal) hazard maps into our statutory planning framework, to inform policies and rules on land-use, subdivision, building requirements and consents processes. Once finalised and released by the NRC, these maps will therefore be considered for resource consent applications and our intention is to incorporate all hazard mapping into the current District Plan review process.

Once the coastal hazard maps are finalised, this information will be required to be identified on relevant LIMs and PIMs as it is information that is 'known to council' but not apparent from the district plan<sup>2</sup>. This will be consistent with the existing processes that Council has in place for the current NRC coastal (inundation) hazard mapping information.

Staff also advise that Council needs to have a strong climate-related risk assessment and management process in place in order to reduce climate-related risk. These considerations are accounted for in the proposed Climate Change Work Programme and can be discussed at future Council presentations, once coastal hazards maps are finalised and published.

#### Next steps/E whaiake nei

A subsequent presentation will be scheduled for early next year to present the finalised maps to Council and detail the associated activities and responsibilities of Council regarding these maps.

 $<sup>^2</sup>$  See section 44A(2) of the Local Government Official Information and Meetings Act 1987, which sets out what must be included on LIMs.



# Omamari Windfarm Development update by Tilt Renewables

Meeting:Council BriefingDate of meeting:2 December 2020Reporting officer:Gavin Dawson, Governance Advisor

## Purpose/Ngā whāinga

Representatives from Tilt Renewables, the developers of the Omamari Windfarm development project, will provide the Council with a presentation on the most recent activities and progress of the project.

The presentation will made available after the briefing on 2 December 2020.



# **Representation Review – An Overview**

Meeting:Council BriefingDate of meeting:2 December 2020Reporting officer:Dale Ofsoske, Electoral OfficerJason Marris, GM Transformation and Engagement

#### Purpose/Ngā whāinga

To provide an overview of the upcoming representation review process for the 2022 and 2025 local government elections, reflecting the latest population figures and the establishment of a Māori ward (subject to the outcome of any poll being held) with an indicative implementation timetable.

## Context/Horopaki

The Local Electoral Act (LEA) requires all local authorities to undertake a representation arrangements review at least once every six years. Council's last review was undertaken in 2018/2019 (for the 2019 local government elections). The outcome of this review was an adjustment in some ward boundaries and the creation of a new Kaiwaka/Mangawhai ward. Eight councillors were confirmed, elected from the four wards.

The next review would normally occur in 2024/2025 (for the 2025 local government elections) but council indicated at the end of the previous process that it would complete another representation arrangements review in 2021/2022 (for the 2022 and 2025 local government elections). This was due to the significant growth being experienced around the District and the impact that would have on representation statistics. Doing this review will also enable the use of the latest population statistics (2018 Census with population estimates at 30 June 2020) when determining options.

Council also resolved on 28 October 2020 to establish a Māori ward (subject to the outcome of any poll being held), which requires a review to be completed.

During the review, Council must consider its communities of interest, effective representation (wards, total number of councillors, community boards etc) and fair representation (each councillor representing about the same number of people, within +/- 10%). The Local Government Commission has published guidance for Local Authorities to consider when undertaking a Representation Review. It is available at **Attachment A**.

#### Discussion/Ngā korerorero

The formal representation review process cannot commence until 1 March 2021 and an initial proposal must be made by 31 August 2021.

#### Informal consultation

It is recommended Council undertake preliminary public consultation on representation arrangements, as was done prior to the 2018 review. Feedback obtained from the public consultation can then be provided to elected members to assist in their deliberations in determining an initial proposal. Staff intend to complete this via a people's panel survey early next year.

#### Potential Māori ward poll

The public are currently able to demand a poll on Māori wards at any time, and if a demand is received by 22 February 2021, a poll must be held by 21 May 2021 – the outcome effective for the 2022 and 2025 triennial elections. The holding of a poll could then impact on the timing/finalisation of the representation review.

If a demand for a poll is received after 22 February 2021, a poll must be held after 21 May 2021 and can be held with the 2022 triennial election – the outcome effective for the 2025 and 2028 triennial elections.

It should be noted the Minister of Local Government's interest in the poll provisions for Māori wards, and a directive or legislative change may be forthcoming.



#### Considerations

To undertake a representation review, Council must consider the following:

- What are the district's communities of interest?
- Whether general councillors are elected by all electors of the district whose names are on the general electoral roll either:
  - as a whole (at large) or
  - from two or more wards or
  - from a mix of electors of the district (at large) and by electors of wards?
- The impact of the Māori ward (one councillor to be elected by all electors of the district whose names are on the Māori electoral roll)
- the proposed number of councillors to be elected in each category (at large/ward/mixture if applicable)
- the proposed name and boundaries for each ward
- whether there should be communities and community boards, and if so, the nature of a community and structure of a community board?
- the number of members of a community board (including the number elected and appointed)
- whether members of a community board are to be elected by electors of a community as a whole or by electors of two or more subdivisions?
- the names, boundaries and number of members of each subdivision of a community (if adopted).

#### **Current arrangements**

Because of the significant population growth in the district, the current ward structure does not comply with the +/- 10% fair representation criteria (Dargaville and Kaiwaka-Mangawhai Wards are non-compliant).

Ward	Рор	Crs	Average	Fits Rule	% Variation
Dargaville	4,960	2	2,480	No	-21.18%
Kaiwaka-Mangawhai	8,680	2	4,340	No	37.94%
Otamatea	5,760	2	2,880	Yes	-8.46%
West Coast-Central	5,770	2	2,885	Yes	-8.30%
	25,170	8	3,146	Min 2,831	Max 3,460

Population estimates 30 June 2020

When an at large Māori ward is included, all current wards are non-compliant to the +/- 10% rule.

#### Timetable

There is a prescribed timetable and process Council must follow when undertaking a representation arrangements review. Key indicative dates, with last legal dates, are:

- December 2020 March 2021: informal public consultation
- 22 February 2021: last date for demand for poll (for outcome applicable for 2022 election)
- April 2021/mid-June 2021: initial proposal consideration (noting a poll may be required by 21 May 2021)
- mid-June 2021: initial proposal resolution (last legal date 31 August 2021) and public notice (last legal date 8 September 2021)



- mid-June/mid-July 2021: public submission period (minimum 4-weeks, last legal date 8 October 2021)
- end August 2021: public hearings, final proposal resolution and public notice (maximum 6weeks from public notice, last legal date 19 November 2021)
- end August 2021 end September 2021: public appeal/objection period (minimum 4weeks, last legal date 20 December 2021)
- early October 2021: public notice (basis of election) or forward material to LGC (last legal date 15 January 2022)
- by 10 April 2022: determination by LGC (if required)

The above dates are flexible, provided functions are undertaken within the last legal dates.

## Next steps/E whaiake nei

Develop a communications strategy for preliminary public consultation on representation arrangements, noting that various options can be informally consulted on, but only one initial proposal can be resolved for formal public consultation.

Once feedback from the informal public consultation has been received and analysed, a further briefing be held to help formulate an initial proposal.

## Attachments/Ngā tapiritanga

	Title
А	Local Government Commission Guidance on Representation Reviews



Local Government Commission

Mana Kāwanatanga ā Rohe

# Guidelines for local authorities undertaking representation reviews

7th Edition June 2020 Guidelines: Representation review

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# Guidelines for Local Authorities Undertaking Representation Reviews

Local Government Commission Mana Kāwanatanga ā Rohe Wellington

June 2020 (7<sup>th</sup> edition)

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# **Chapter 1: Introduction**

- 1.1 These are the seventh representation review guidelines issued by the Local Government Commission in accordance with *section 19ZI, Local Electoral Act 2001*. They replace the guidelines issued in June 2017.
- 1.2 Section 19ZI, Local Electoral Act 2001 states:
  - (1) The Commission must issue guidelines identifying factors and considerations for territorial authorities or regional councils to take into account in making their determinations under any of the provisions of sections 19H to 19JB and Schedule 1A.
- 1.3 The next local authority elections will be held in October 2022. These guidelines are provided to assist local authorities carrying out their representation reviews for these elections.
- 1.4 The guidelines also provide guidance on the processes in *sections 19JA and 19JB, Local Electoral Act 2001* that permit local authorities to make minor changes to the boundaries of electoral areas when not undertaking representation reviews.

## What are representation reviews?

- 1.5 Representation reviews are reviews of the representation arrangements for a local authority (*Local Electoral Act 2001*).
- 1.6 Local authorities' representation reviews determine detailed arrangements for:
  - the number of electoral subdivisions (if any), and
  - their boundaries, names, and number of members.
- 1.7 For territorial authorities, the representation review also includes deciding the:
  - basis of election (at large, wards, or a mix of both), and
  - establishment of community boards.
- 1.8 Local authorities are required to carry out a representation review at least every six years. They may undertake a review after three years if they choose.

# **Related processes**

- 1.9 In addition to the above representation arrangements, local authorities and communities have the opportunity to consider the:
  - electoral system to be used for their elections (first past the post (FPP) or single transferable vote (STV)), and
  - establishment of Māori wards/constituencies.

1.10 These decisions are not formally part of the representation review process, and are matters for local discretion with no right of appeal to the Commission. However, these options are important in helping to identify appropriate representation arrangements for a district/region, and need to be resolved before the detailed ward/constituency arrangements are determined.

# **These guidelines**

- 1.11 These guidelines cover the:
  - statutory provisions
  - electoral system and Māori wards/constituencies (covered first, as they should be carried out before the representation review)
  - the representation review processes (generally covered in the order they are carried out)
  - related processes minor boundary alterations and Auckland Council requirements.
- 1.12 Terms used in these guidelines have the following interpretations:
  - **election** the triennial local authority elections
  - **election year** the calendar year in which a triennial local authority election takes place
  - **district** the geographic area of a territorial authority (applies whether it is a city or district council)
  - **section** (abbreviation 's') legislative sections referred to in these guidelines refer to the *Local Electoral Act 2001*, unless stated otherwise.
- 1.13 See <u>Appendix B:Timelines diagram</u> on page 57 for an overview of the time requirements leading up to a round of local government elections.

# The Commission's role

- 1.14 The Commission is not involved in developing initial or final local authority representation proposals, other than providing procedural or technical advice when requested.
- 1.15 The local authority must refer its proposal to the Commission if the final proposal:
  - has appeals and/or objections made against the final proposal, or
  - does not comply with the requirements for achieving fair representation in *s19V(2)*.
- 1.16 In these situations the Commission must determine the representation arrangements for the local authority, including any constituent community boards, for the upcoming local authority election (*s19R*).

- 1.17 However, if the only reason for referral to the Commission is non-compliance with *s19V(2)*, the Commission's role is solely to determine the non-complying arrangements.
- 1.18 The Commission's process for determining representation arrangements in these situations is outlined in <u>Chapter 11: Appeals, objections, and referrals</u> on page 46.
- 1.19 The Commission also has a role in determining whether to uphold minor boundary adjustments made under *ss19JA* and 19JB. See Chapter 13: Minor boundary alterations.
- 1.20 Commission determinations may be:
  - appealed only on a point of law
  - subject to judicial review regarding matters of process.

# Are the guidelines legally binding?

1.21 The statutory requirements described in these guidelines are binding on both local authorities and the Commission itself in the exercise of its powers on objections, appeals and referrals. The other content in these guidelines describes recommended practice for the review process.

# **Supplementary information**

- 1.22 The Commission:
  - will consider issuing supplementary guidelines if there is an identified need for further information
  - may provide further technical information relating to representation reviews or representation issues from time to time.

# **Feedback and review**

1.23 These guidelines are reviewed after each round of local authority elections. Feedback from local authorities on the guidelines and on Commission procedures is welcomed and will be considered. Send feedback to the Local Government Commission (contact details below).

# **Providing advice**

1.24 The Commission can provide advice to councils and answer queries regarding representation reviews or other matters raised in these guidelines (see below).

# **Contact details**

The contact details for the Local Government Commission are:

Telephone:(04) 460 2228Email:info@lgc.govt.nzPostal address:PO Box 5362Wellington 6140

All contact details in these guidelines are also listed in <u>Appendix A: Contacts</u> on page 55.

# **Chapter 2: Statutory provisions**

## **Requirement to carry out a review**

- 2.1 The local authorities that must carry out a representation review before the 2022 elections are those:
  - that didn't carry out a review leading up to the 2019 elections (s19H(2) and s19I(2)); or
  - that are establishing Māori wards/constituencies for the first time for the 2022 local authority elections (*cl 1(1), Schedule 1A*). See <u>Chapter 4: Māori</u> <u>wards & constituencies</u> on page 15 for more information.
- 2.2 Local authorities that carried out a representation review leading up to the 2019 local elections are not required to undertake a review before the 2022 local elections, but may do so, if they choose.

# Statutory provisions from *Part 1A, Local Electoral Act* 2001

- 2.3 This section covers the statutory provisions from *Part 1A Representation arrangements for elections of territorial authorities, regional councils, local boards, and community boards.*
- 2.4 The requirements relating to local authorities' representation reviews are contained in *ss19A to 19Y, Part 1A Local Electoral Act 2001*. These cover:
  - representation arrangements
  - representation reviews
  - procedural steps and timelines.

#### **Representation arrangements**

- 2.5 The following provisions relate to representation arrangements for territorial authorities, regional councils and community boards:
  - section 19A membership of territorial authorities
  - section 19B basis of election of mayor of territorial authority
  - section 19C basis of election of members of territorial authority
  - section 19D membership of regional councils
  - section 19E basis of election of members of regional council
  - section 19EA membership of local boards
  - section 19EB basis of election of chairperson of local board in certain circumstances
  - section 19EC basis of election of members of local board
  - section 19F membership of community boards

• section 19G – basis of election of members of community board.

#### **Review of representation arrangements**

- 2.6 The following provisions relate to representation reviews:
  - section 19H review of representation arrangements for elections of territorial authorities
  - section 19I review of representation arrangements for elections of regional councils
  - section 19J review of community boards
  - section 19T requirement for effective representation and other factors in determination of membership and basis of election of territorial authorities and local boards
  - section 19U requirement for effective representation and other factors in determination of membership and basis of election of regional council
  - section 19V requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions
  - section 19W factors in determination of matters in relation to community boards.
- 2.7 If Māori wards/constituencies are to apply to a local authority election, then the provisions of *Schedule 1A, Local Electoral Act 2001* also apply. Those provisions substitute the *Part 1A* provisions as required to provide for the Māori wards/constituencies.
- 2.8 Matters for local authorities to take into account when formulating proposals for Māori wards/constituencies are outlined in <u>Chapter 4: Māori wards &</u> <u>constituencies</u> on page 15.

#### **Procedural steps**

- 2.9 The following provisions set out procedural requirements relating to representation reviews and associated timelines:
  - section 19K requirements for resolution
  - section 19L distribution of copies of resolution
  - section 19M public notice of proposals, and responsibilities in relation to submissions
  - section 19N response to submissions
  - section 190 appeals
  - section 19P objections
  - section 19Q obligation to forward appeals and objections to Commission
  - section 19R Commission to determine appeals and objections
  - section 195 determination of Commission
  - section 19X certificate of Government Statistician
  - section 19Y when determinations take effect.

#### Timelines

- 2.10 In the past some local authorities have worked close to the statutory deadlines. In doing so they limited their ability to deal with any unexpected issues that may have arisen, and potentially created problems for themselves later in the process.
- 2.11 The Commission encourages all local authorities to get the planning for their reviews underway as early in the relevant triennium as possible, and to set internal deadlines that enable the local authority sufficient flexibility to respond to issues that may arise during the process, while also ensuring the local authority can meet the statutory deadlines.
- 2.12 It is desirable for a regional councils and territorial authorities in a region to communicate on the timing and direction of their reviews. This is particularly so given the requirement for regional constituencies, as far as practicable, to coincide with territorial authority or ward boundaries (*s19U*).
- 2.13 Section 19K(1AA) provides that a formal resolution of initial proposals must not be made before 1 March in the year before the next election. This enables account to be taken of any demand for an electoral system poll or separate Māori representation poll. However this does not preclude local authorities from undertaking preliminary consideration, planning, and consultation well before the 1 March date.

#### 2.14 In general, the representation review process involves the following steps:

Procedure	Deadline	Relevant section
Local authority determines proposed representation arrangements	<ul> <li>Initial proposals must be made:</li> <li>no earlier than 1 March in the year before election year</li> <li>by 31 August in the year before election year, if establishing Māori wards/constituencies</li> <li>in any other case, in time for the deadline for public notice (i.e. by 7 September)</li> </ul>	<ul> <li>19H (territorial authorities)</li> <li>19I (regional councils)</li> <li>19J (community boards)</li> <li>Schedule 1A for Māori wards or constituencies</li> </ul>
Local authority gives public notice of "initial" proposal and invites submissions	Within 14 days of resolution, and not later than 8 September in the year before election year	19M(1)
Submissions close	Not less than one month after public notice	19M(2)(d)
If no submissions then proposal becomes final <sup>1</sup>	Public notice to be given when there are no submissions but no date fixed for doing this	19Y(1)
Local authority considers submissions and may make resolution to amend proposal	Within 6 weeks of closing date for submissions	19N(1)(a)
Local authority gives public notice of its "final" proposal	Within 6 weeks of closing date for submissions	19N(1)(b)
Appeals and objections close	<ul> <li>Must be lodged:</li> <li>not less than 1 month after the date of the public notice issued under section 19N(1)(b)</li> <li>not later than 20 December in the year before election year</li> </ul>	190 19P
If no appeals or objections then proposal becomes final <sup>1</sup>	Public notice to be given when there are no appeals/objections, but no date fixed for doing this	19Y(1)
Local authority forwards appeals, objections and other relevant information to the Commission <sup>2</sup>	As soon as practicable, but not later than 15 January in election year	19Q 19V(4)
Commission considers resolutions, submissions, appeals and objections and makes determination	Before 11 April in election year	19R
Determination subject to appeal to High Court on a point of law <sup>3</sup>	Appeals to be lodged within 1 month of determination	Clause 2, Schedule 5, Local Government Act 2002

#### Table 1: Representation review timelines

<sup>&</sup>lt;sup>1</sup> Under *section 19V(4)* proposals that do not comply with the +/-10% fair representation requirement are subject to confirmation by the Commission.

 $<sup>^2</sup>$  Includes any proposal that does not comply with the +/-10% fair representation requirement.

<sup>&</sup>lt;sup>3</sup> Commission determinations may also be subject to judicial review.

# **Other relevant statutory provisions**

2.15 In addition to the specific requirements of *Part 1A, Local Electoral Act 2001*, local authorities preparing for and carrying out representation reviews need to bear in mind other relevant provisions of that *Act* and the *Local Government Act 2002*. These are described below.

#### Local Electoral Act 2001

2.16 *Section 3(c)* provides that the purpose of the *Act* is to allow diversity, through local decision-making, in relation to:

(ia) the regular review of representation arrangements for local authorities

2.17 *Section 4(2)* requires local authorities:

... in making decisions under this Act or any other enactment, [to] take into account those principles specified in *subsection (1)* that are applicable (if any), so far as is practicable in the circumstances.

- 2.18 In summary, the principles in *subsection (1)* are:
  - representative and substantive electoral participation in local elections and polls
  - fair and effective representation for individuals and communities
  - reasonable and equal opportunities to:
    - vote
    - nominate, or be nominated as, candidates
  - public confidence in, and public understanding of, local electoral processes.

#### Local Government Act 2002

- 2.19 It is also necessary for local authorities to consider the purpose and principles of local government and the consultation and decision-making requirements set out in the *Local Government Act 2002* when undertaking their review of representation arrangements.
- 2.20 Section 3, Local Government Act 2002 provides that:

The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; ...

- 2.21 Section 10 (1) provides that the purpose of local government is:
  - (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
  - (b) to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.
- 2.22 Section 13 provides that sections 10 (Purpose of local government) and 12(2) (Status and powers):

...apply to a local authority performing a function under another enactment to the extent that the application of those provisions is not inconsistent with the other enactment.

- 2.23 Section 14 (1) sets out principles for local authorities. These include the following provisions that a local authority must act in accordance with when performing its role (which includes performing the duties and exercising the rights conferred on it by any other enactment):
  - (b) local authority should make itself aware of, and should have regard to, the views of all of its communities; and
  - (c) when making a decision, a local authority should take account of-
    - (i) the diversity of the community, and the community's interests, within its district or region; and
    - (ii) the interests of future as well as current communities; and
    - (iii) the likely impact of any decision on each aspect of well-being referred to in *section 10*:
  - (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes.
- 2.24 Sections 77, 78 and 81 set out requirements for local authorities when making decisions including contributions to decision-making by Māori, and section 82 sets out principles of consultation. Subsection 76(1) provides that every decision must be in accordance with these sections (that is, sections 77 to 82) and subsection 76(5) applies these requirements to decisions made under other enactments to the extent they are not inconsistent with the other enactment.
- 2.25 Consultation requirements are covered in *<u>Chapter 8: Consultation</u>*.
- 2.26 Section 19W, Local Electoral Act 2001 sets out provisions relating to reviews of community boards. It provides that a local authority in undertaking a review under section 19J, or the Commission in determining a local authority's community board arrangements, must have regard to the criteria for reorganisation proposals specified in the Local Government Act 2002, as considered appropriate in the circumstances.

2.27 The general role of community boards is set out in *section 52, Local Government Act 2002.* The role of particular community boards is significantly determined by the matters referred or responsibilities that are delegated to boards by the parent territorial authority under *subsections 52(b) and (f).* 

#### Relationship of *Local Government Act 2002* and *Local Electoral Act 2001*

- 2.28 The provisions of the *Local Government Act 2002* described above apply to local authorities making decisions under the *Local Electoral Act 2001*, including representation reviews, if they are not inconsistent with the *Local Electoral Act 2001*.
- 2.29 Specific provisions of the *Local Electoral Act 2001* reflect the philosophy of the *Local Government Act 2002,* which recognises the diversity of New Zealand communities. These provisions provide local choice in respect of:
  - the electoral system to be used
  - the establishment of Māori wards or constituencies
  - representation arrangements (subject to appeal/objection/referral to the Local Government Commission), including:
    - the number of members of the elected body (within a prescribed range)
    - and for territorial authorities:
      - the basis of election –at large, wards, or a mix of both
      - the establishment of community boards.
- 2.30 In both the *Local Electoral Act 2001* and the *Local Government Act 2002*, the word 'community' is used in two different senses:
  - a community constituted under *Schedule 6, Local Government Act 2002* and relating to a community board, or
  - a broader community of interest within the district/region.
- 2.31 Section 5, Local Government Act 2002 provides that, with specified exceptions, the term 'community' (and by cross-reference the Local Electoral Act 2001) refers to a community board area. However, 'community' is used in the wider sense in the provisions referred to in paragraphs 2.20 to 2.23 (from Part 2, Local Government Act 2002).

# **Chapter 3: Choosing an electoral system**

# Introduction

- 3.1 The *Local Electoral Act 2001* provides for local authorities and their communities to choose either of the following as their electoral system for local elections:
  - first past the post (FPP) or,
  - single transferable vote (STV).
- 3.2 A territorial authority's chosen electoral system also applies to the election of members of any local boards or community boards.
- 3.3 A change of electoral system can be achieved by:
  - local authority resolution, or
  - favourable outcome of a poll of electors. This poll may be:
    - demanded by electors, or
    - the result of a local authority resolution.
- 3.4 The statutory provisions for changing the electoral system are set out in *sections 27 to 34, Local Electoral Act 2001.*

# Key statutory provisions for changing electoral systems

3.5 The relevant provisions of the *Local Electoral Act 2001* for changing a local authority's electoral system are:

Who	Provision	Timing	Section
local authority	may resolve to change the electoral system to take effect for the next two elections	no later than 12 September two years before election year	27
local authority	must give public notice of the right for electors to demand an electoral system poll, and that notice must include a statement that a poll is required to countermand any local authority resolution made on the electoral system	by 19 September two years before election year	28
5% of electors	may demand a poll on a proposal that a specified electoral system be used at the election of a local authority	at any time	29
local authority	may resolve to hold an electoral system poll	no later than 21 February the year before election year	31

- 3.6 Also, if either:
  - a valid demand for a poll is received (*s29*) <u>before 21 February</u> in the year before election year, or
  - a local authority resolves to hold a poll (s31),

then the:

- electoral officer is notified
- poll must be held not later than 89 days after the notification, that is not later than 21 May in that year, and
- result of the poll takes effect for the next two elections (*s33*).
- 3.7 Section 30 states that when a valid demand for a poll is received <u>after 21</u> <u>February</u> in the year before election year, the:
  - poll must be held after 21 May in that year and
  - result takes effect for the next but one election and the subsequent election.
- 3.8 *Section 32* states that *sections 27 to 31* do not apply if the result of a poll:
  - took effect at the previous election, or
  - takes effect at the next election.

# General

- 3.9 The choice of electoral system is not formally part of representation reviews, and the Commission's role in appeals and objections does not apply. However, the electoral system should be considered as part of the overall review of representation.
- 3.10 Five to seven members is preferable for wards or constituencies using STV (the absolute minimum is three) to gain the full benefits of proportional representation under STV.
- 3.11 So that this can be considered during the review process, choosing an electoral system should occur before:
  - the representation review
  - decisions on establishment of Māori wards/constituencies.

# **Further information**

3.12 Further information is also available in the following reports:

Graham Bush, "STV and local body elections --- a mission probable?" in J. Drage (ed), Empowering Communities? Representation and Participation in New Zealand's Local Government, pp 45-64 (Wellington: Victoria University Press, 2002). Christine Cheyne and Margie Comrie, "Empowerment for Encumbrance? Exercising the STV Options for Local Authority Elections in New Zealand, *Local Government Studies*, 31(2), April 2005: pp 185-204.

Dr Janine Hayward, <u>The Local Government Electoral Option 2008</u>

A 2017 version of this document is available to SOLGM members as an appendix to Part 4 of the Code of Good Practice for the Management of Local Authority Elections and Polls on <u>www.solqm.co.nz</u>

STV Taskforce, Choosing Electoral Systems in Local Government in New Zealand (2002)<u>http://www.dia.govt.nz/Pubforms.nsf/URL/STV.pdf/\$file/STV.pdf</u>

Jack Vowles, "STV and the 2004 local elections: Disaster or success?", *Public Sector*, 28(3), 2005: 1

# Chapter 4: Māori wards & constituencies

# Introduction

- 4.1 The Local Electoral Act 2001 provides that Māori wards (territorial authorities) or constituencies (regional councils) may be established. The statutory provisions for establishing Māori wards/constituencies are set out in sections 19Z to 19ZH, Local Electoral Act 2001.<sup>4</sup>
- 4.2 Establishing Māori wards/constituencies can be achieved by a:
  - local authority resolution or
  - favourable outcome of a poll of electors. This poll may be:
    - demanded by electors or
    - the result of a local authority resolution.
- 4.3 A local authority resolution (to establish a Māori ward/constituency, or to hold a poll) or a valid poll demand (by 5% of electors) may be made at any time, but to apply for the next election they must be made within the timeframe described in the *Local Electoral Act 2001* (resolution *s19Z(1)*, poll demand *19ZC(4)*). These timeframes ensure this process follows the choice of electoral system, as the choice of electoral system may influence a decision on the establishment of Māori wards/constituencies but precedes a representation review.
- 4.4 If the local authority resolves to establish Māori wards/constituencies it must give public notice of this resolution. The public notice must include a statement that a poll is required to countermand the local authority resolution (*s19ZA*).
- 4.5 If a local authority's district/region is required to be divided into Māori wards/constituencies at the next election, that local authority must undertake a representation review (whether or not it conducted a review before the previous election). A local authority must resolve its initial representation proposals after 21 February in the year before the next election (*s192C(4)*). This is to ensure that the resolution is made after the time for lodging demands for a poll on Māori representation prior to the next election.
- 4.6 The local authority needs to be fully aware of the relevant provisions and possible implications of establishing Māori wards/constituencies for any representation review.

<sup>&</sup>lt;sup>4</sup> The Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001 requires the Bay of Plenty Regional Council to include provision for 1 or more Māori constituencies in representation reviews conducted by it. Sections 19Z to 19ZG, Local Electoral Act 2001 do not, therefore, apply to the Bay of Plenty Region. In carrying a representation review the Bay of Plenty Regional Council must follow both the process set out in the Local Electoral Act and the Bay of Plenty Regional Council (Maori Constituency Empowering) Act.

- 4.7 The Commission's role in respect of determination of appeals and objections on representation arrangements:
  - does not extend to whether or not Māori wards/constituencies need to be established
  - is limited to consideration of the detailed arrangements for such wards/constituencies such as the number of wards/constituencies, their boundaries, and number of members.

# Key statutory provisions for establishing Māori wards/ constituencies

- 4.8 The relevant provisions of the *Local Electoral Act 2001* relating to the establishment of Māori wards/constituencies are:
  - a local authority may resolve to establish Māori wards/constituencies and, if made by 23 November two years before the next election, the resolution takes effect for the next election (*s19Z*)
  - if a local authority makes such a resolution to establish Māori wards/constituencies by 23 November it must give public notice of this fact by 30 November two years before the next election year, including a statement that a poll is required to countermand that resolution (*s19ZA*)
  - 5% of electors may demand a poll at any time on whether a district/region needs to be divided into one or more Māori wards/constituencies (19ZB)
  - a local authority may resolve at any time to conduct a poll on whether the district/region needs to be divided into Māori wards/constituencies (19ZD)
  - if, <u>before 21 February</u> in the year before election year, either a valid demand for a poll is received (*s19ZB*) or the local authority resolves to hold a poll (*s19ZD*) this is notified to the electoral officer and the poll must be held not later than 89 days after the notification, that is, not later than 21 May in that year, and the result of the poll takes effect for the next two elections (*s19ZF*)
  - if a valid demand for a poll is received after 21 February in the year before the next election, the poll must be held after 21 May in that year and takes effect for the next but one election and the subsequent election (*s19ZC*)
  - *sections 19Z to 19ZD* do not apply if the result of a poll took effect at the previous election or takes effect at the next election (*s19ZE*).
- If, as a result of a resolution or poll, Māori wards/constituencies are to apply for an election then a representation review must be carried out (*cls1 and 3, Schedule 1A, Local Electoral Act 2001*). In such cases the requirements of *Part 1A, Local Electoral Act 2001* are subject to the provisions of *Schedule 1A*.

- 4.10 *Clauses 1 and 3, Schedule 1A* provide that the local authority is required to determine:
  - the proposed total number of members of the local authority
  - whether (for territorial authorities only):
    - all members are to be elected from either Māori or general wards, or
    - some members are to be elected from either Māori or general wards, and some are to be elected at large
  - the proposed number of members to be elected from the Māori wards/constituencies and the number from the general wards/ constituencies
  - the proposed name and boundaries of each ward/constituency
  - the proposed number of members to be elected from each Māori and general ward/constituency.

#### **Processes**

4.11 The processes involved with these steps and the factors and considerations to be taken into account are described below.

#### Calculating the number of members

- 4.12 The general and Māori electoral population requirements described below may limit options available to a local authority in terms of the number of elected members from Māori wards/constituencies, including that no members could be elected from such wards/constituencies.
- 4.13 Therefore local authorities need to determine their Māori and general electoral populations at the beginning of determining the range of options for Māori and general wards/constituencies to ensure that any debate occurs in the context of what is possible.
- 4.14 The process for determining the number of members to be elected from both Māori and general wards/constituencies is set out in *clauses 2 and 4, Schedule 1A* and involves:
  - determining the total number of members of the local authority
  - multiplying the total number of members by the ratio of the Māori electoral population to the total (Māori and general) electoral population.

4.15 For territorial authorities the following formula is applied:

$$nmm = \frac{mepd}{mepd + gepd} \times nm$$

where:

- nmm number of Māori ward members
- mepd Māori electoral population of the district
- gepd general electoral population of the district
- nm proposed number of members of the territorial authority (other than the mayor).
- 4.16 For regional councils the following formula is applied:

$$nmm = \frac{mepr}{mepr + gepr} \times nm$$

where:

- nmm number of Māori constituency members
- mepr Māori electoral population of the region
- gepr general electoral population of the region
- nm proposed number of members of the regional council.

In both cases, fractions are rounded up or down to the nearest whole number.

- 4.17 Section 3, Electoral Act 1993 contains definitions for "general electoral population" and "Māori electoral population". Summaries of those definitions are :
  - general electoral population the total ordinarily resident population at the last census less the Māori electoral population.
  - Māori electoral population a calculation based on the number of electors on the Māori electoral roll and proportions of those of Māori descent not registered and those under 18 years of age.
- 4.18 The Māori electoral population, and the general electoral population, are calculated by Statistics New Zealand and must be provided on request to a local authority by the Government Statistician. These populations (at the regional and district level) can also be found on the Local Government Commission's website.
- 4.19 For further information about how the Māori electoral population is calculated search for the following titles on the *Statistics New Zealand* website <u>www.stats.govt.nz</u>:
  - Statistics New Zealand, <u>'The mathematics of electorate allocation in New</u> Zealand based on the outcome of the 2018 Census and the Māori Electoral Option 2018' (2018)

• Statistics New Zealand, <u>'Deriving the 2018 Māori Descent electoral</u> <u>Calculations' (2018).</u>

#### Number and boundaries of wards/constituencies

- 4.20 In determining arrangements for Māori wards/constituencies, *clause 6, Schedule 1A* requires local authorities to:
  - satisfy the requirements of *sections 19T and 19U*, which require:
    - that the election of members provides effective representation of communities of interest within the district/region
    - conformity with meshblock boundaries
    - to the extent that is practicable, conformity of ward boundaries with community board boundaries, and conformity of constituency boundaries with the boundaries of territorial authority districts or wards.
  - have regard to:
    - the boundaries of any existing Māori parliamentary electoral district
    - communities of interest and tribal affiliation.

#### Number of members to be elected by each ward/constituency

- 4.21 *Clause 6, Schedule 1A* sets out particular requirements when determining the number of members to be elected by each Māori ward/constituency (where there are two or more wards/constituencies). The local authority is required to ensure that the ratio of members to Māori electoral population in each Māori ward/constituency produces a variance of no more than +/-10% (to the extent that is reasonably practicable and consistent with the above considerations relating to Māori electoral districts, communities of interest, and tribal affiliations).
- 4.22 This may require a judgment to be made in individual cases as to the relative importance to be given to each of these sets of factors when determining the number of members from each Māori ward/constituency. Local authorities need to record in detail the decisions they reach on this issue.
- 4.23 Where Māori wards/constituencies are established, the '+/-10% rule' for general wards/constituencies is calculated separately using the general electoral population (which excludes the Māori electoral population).

# General

- 4.24 In working through the requirements of *Schedule 1A, Local Electoral Act 2001*, local authorities need to consider appropriate consultation at an early stage with iwi and hapū over the boundaries of their rohe. This helps determine the appropriate number of Māori wards/constituencies (subject to Māori and general electoral populations) to reflect Māori communities of interest and areas of tribal affiliation.
- 4.25 The legislation does not provide for Māori electoral subdivisions to be constituted for community board or local board areas.

# **Chapter 5: Fair and effective representation**

## Key considerations

- 5.1 In reviewing their representation arrangements, local authorities must provide for 'effective representation of communities of interest' (*ss19T and 19U*) and 'fair representation of electors' (*s19V*). Therefore, there are three key factors for local authorities to carefully consider. They are:
  - communities of interest
  - effective representation of communities of interest
  - fair representation of electors.
- 5.2 These inter-related factors are discussed below.

#### **Communities of interest**

#### Defining communities of interest

- 5.3 The term 'community of interest' is not defined in the *Local Electoral Act 2001* and may mean different things to different people. Defining local communities of interest is an essential part of the representation review process and needs to be carried out before determining how to provide effective representation.
- 5.4 One definition<sup>5</sup> of 'community of interest' describes it as a three-dimensional concept:
  - perceptual a sense of belonging to a clearly defined area or locality
  - functional the ability to meet with reasonable economy the community's requirements for comprehensive physical and human services
  - political the ability of the elected body to represent the interests and reconcile the conflicts of all its members.

<sup>&</sup>lt;sup>5</sup> <u>The Concept of Community of Interest</u> (1989) prepared by Helen Fulcher for the South Australian Department of Local Government.

- 5.5 The perceptual and functional aspects can be extended to define a community of interest as having:
  - a sense of community identity and belonging reinforced by:
    - distinctive physical and topographical features (e.g. mountains, hills, rivers)
    - similarities in economic or social activities carried out in the area
    - similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community
    - distinct local history of the area
    - the rohe or takiwā of local iwi and hapū
  - dependence on shared facilities and services in an area, including:
    - schools, recreational and cultural facilities
    - retail outlets, transport and communication links.
- 5.6 Decisions relating to the representation of communities of interest (the political dimension) need to reflect these interests and needs.

#### Identifying communities of interest

- 5.7 Communities of interest may alter over time, so local authorities need to make sure they identify their current communities of interest when carrying out a representation review.
- 5.8 Communities of interest can be considered at different levels. For example, local authorities themselves are distinct and identifiable communities of interest.
- 5.9 Regions are assumed to have a number of distinct identifiable communities of interest and therefore are required to be divided into constituencies.
- 5.10 A degree of commonality between regional and district communities of interest can be assumed. This is in light of the requirement relating to effective representation of communities of interest for regional councils (addressed next) for their constituencies, so far as is practicable, to coincide with territorial authority boundaries or territorial authority ward boundaries (*s19U(c)*).
- 5.11 This does not preclude regional constituencies varying from territorial authority/ward boundaries to reflect, for example, communities based around river catchments. However, if this is proposed the regional council should clearly document the case for this variation.
- 5.12 During a representation review territorial authorities need to determine:
  - any identifiable communities of interest below the district level
  - whether these communities of interest are located in identifiable geographical areas, justifying the establishment of wards, or are spread across the district.

#### Effective representation of communities of interest

- 5.13 Territorial authorities must ensure effective representation of communities of interest (*s19T*).
- 5.14 Regional councils must ensure effective representation of communities of interest (*s19U*).
- 5.15 Achieving effective representation first requires identifying communities of interest that are geographically distinct and, in the case of territorial authorities, those that may be spread across the district.
- 5.16 Effective representation of these communities of interest must be achieved within the following statutory limits:
  - between 5 and 29 members (excluding the mayor) for territorial authorities (*s19A*)
  - between 6 and 14 members for regional councils (*s19D*).
- 5.17 Other factors to consider include the size, nature, and diversity of the district/region.
- 5.18 The basis of election (at large, by ward, or a combination of both) used by a territorial authority is the one determined by the territorial authority (or Commission, if relevant) to provide the most effective representation of the identified communities of interest.
- 5.19 As far as practicable, the following further factors need to be considered when determining effective representation for the local authority:
  - avoiding arrangements that may create barriers to participation, for example, not recognising residents' familiarity and identity with an area during elections
  - not splitting recognised communities of interest between electoral subdivisions
  - not grouping together two or more communities of interest that have few common interests
  - accessibility, size, and configuration of an area, including:
    - the population's reasonable access to its elected members and vice versa
    - the elected members' ability to:
      - effectively represent the views of their electoral area
      - provide reasonably even representation across the area including activities like attending public meetings and opportunities for face-to-face meetings.
- 5.20 As far as practicable, different types of electoral subdivision boundaries (ward, constituency, community board subdivisions etc.) need to coincide as this:

- supports communities of interest and local electors' identification with their area
- may encourage participation, such as voting or standing as a candidate.
- 5.21 The legislation is neutral on whether a territorial authority needs to be divided into wards. General characteristics of territorial authorities that have opted for elections at large include:
  - the district has a relatively compact geographic area, and/or
  - a shared common community of interest at the district level, and/or
  - communities of interest that are spread across the district rather than being geographically distinct.
- 5.22 When there are a large number of communities of interest, identify any common interests and consider combining the communities of interest into one or more larger wards/constituencies.
- 5.23 Consider the relative merits of one and multi-member wards/constituencies:
  - single-member wards/constituencies provide a close direct link between local electors and their representative
  - multi-member wards/constituencies can:
    - provide greater choice for voters
    - following the election, provide greater choice for residents on who to approach on local issues
    - allow sharing and specialising in responsibilities between the ward/constituency representatives.
- 5.24 The local authority also needs to consider the electoral system used when addressing particular configurations of wards/constituencies (for example wards/constituencies of 5 to 7 members better allow for proportional representation under STV (see paragraph 3.10 on page 13).
- 5.25 Members of a territorial authority may also be elected partly by wards and partly at large (a mixed system). This option may be best when there are clear district-wide communities of interest as well as specific geographically based communities of interest.
- 5.26 All members, regardless of the area they are elected to represent, make the same declaration on coming into office to act in the best interests of the whole district. In other words, the members under a ward or mixed system have the same obligation to the district as the members elected at large. Therefore there is no functional difference in the decision-making role of members elected at large and members elected by way of a ward system. Ward and at large members do, however, continue to represent the areas they are elected from at the council table.
- 5.27 Details of the basis of election adopted by territorial authorities since 1989 are set out in <u>Appendix C: Basis of election</u> on page 58.

#### Fair representation of electors

- 5.28 *Section 19V, Local Electoral Act 2001* details the factors to be applied in determining the membership for wards/constituencies/subdivisions in order to achieve fair representation of electors.
- 5.29 Under this provision, membership of wards/constituencies/subdivisions is required to provide approximate population equality per member, that is, all votes are of approximately equal value (referred to as the '+/-10% rule') unless there are good (prescribed) reasons to depart from this requirement.
- 5.30 Section 19V outlines the specific requirements as follows:
  - (2) For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or community divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any).
- 5.31 In respect of territorial authorities, *section 19V(3)(a)* provides four grounds for not complying with the fair representation requirements of *section 19V(2)*. These grounds are:
  - to provide for effective representation of communities of interest within:
    - island communities
    - isolated communities
  - where compliance would limit effective representation of communities of interest by:
    - dividing a community of interest
    - grouping together communities of interest with few commonalities of interest.
- 5.32 In the case of regional councils, constituencies may be defined in such a way that does not comply with *section 19V(2)* if it is considered that this is required to achieve effective representation of communities of interest (*s19V(3)(b)*).
- 5.33 A decision by a local authority not to comply with *section 19V(2)* must be referred to the Commission for determination. Referral to the Commission is required whether or not appeals or objections have been lodged against the local authority's proposal. That referral is treated by the Commission as an appeal under the *Local Electoral Act 2001*.

- 5.34 It is important that all local authorities, including regional councils, clearly identify the grounds for any proposed non-compliance with the '+/-10% rule' of *section 19V(2)*. This is required for the public notices under *section 19M(2)(c)* and *section 19N(2)(bb)* and assists the Commission in its deliberations.
- 5.35 Examples of the application of the '+/-10% rule', including exceptions, can be found in the Commission's determinations for the 2010, 2013, 2016 and 2019 elections, available on the Commission's website <u>www.lgc.govt.nz</u>. Earlier determinations can be found on the Commission's <u>archived website</u>.<sup>6</sup>
- 5.36 In relation to isolated communities, the *Local Electoral Act 2001* does not specify the criteria to be met to warrant specific representation by a member or members on a territorial authority, but given the requirements of *subsections (1) and (2) of section 19V*, it does imply a significant test in this regard.
- 5.37 The Commission recommends territorial authorities consider the following factors when determining whether a community or grouping of communities of interest warrants specific representation because of its isolation:
  - isolation needs to relate to the ability of a community to receive appropriate representation by elected members
  - isolation needs to be evidenced by things such as significant distance or travel time, or other physical/practical travel, and/or communications difficulties, or service reliability problems
  - for a community to have enhanced representation on the grounds of isolation, a significant proportion of the population of the area should be physically isolated
  - physical separation alone may not necessarily constitute isolation
  - an area may not be isolated simply because it is rural in nature
  - isolation may justify one member instead of no specific representation for a community based on an application of the '+/-10% rule', but caution would need to be applied in allocating additional members on that basis.
- 5.38 In addition, a district may have its own particular factors that contribute to an area having a sense of isolation.
- 5.39 While *section 19V* does not specifically identify grounds for regional councils not to comply with the '+/-10% rule', the grounds for non-compliance set out in *section 19V(3)(a)* relating to territorial authorities, could be used as possible reasons for non-compliance by a regional council.

<sup>&</sup>lt;sup>6</sup> Note that determinations made between 2004 and 2013 were made under the then-current legislation which provided that exceptions to the '+/-10% rule' could only be made for territorial authorities in relation to island or isolated communities. Determinations made prior to 2004 were required to achieve fair representation but were not subject to the '+/-10% rule'.

# Questions and answers relating to effective and fair representation

#### Is effective or fair representation more important?

- 5.40 *Section 4(1)* (Principles) makes it clear that fairness and effectiveness are equally important:
  - (a) fair and effective representation for individuals and communities
- 5.41 This is supported by recent amendments to the fair representation requirements with some permitted exceptions now being linked to effective representation requirements.
- 5.42 In practice, there is often a tension between the tests for effective and fair representation, and the identified options may not satisfy both tests perfectly. However the assessment of one requirement will help inform assessment of the other in order to reach a balance between the two.

# How much discretion is there in applying the isolation factor when determining fair representation for territorial authorities?

5.43 The Commission believes that 'isolation' is best assessed in relation to the particular local circumstances of a district, so a generic definition is not practical. However, it also believes the generic characteristics of isolation identified in paragraph 5.35 on page 26 should guide territorial authorities' assessment of isolation. The Commission applies these when considering appeals, objections, and referrals.

# If a territorial authority ward or regional council constituency or community board subdivision is allowed to not comply with the '+/-10% rule' how does that affect the application of the rule across the rest of the district/region/community?

5.44 If wards/constituencies/subdivisions are determined to be defined and members distributed between them in a way that that does not comply with the '+/-10% rule', compliance with the rule is relaxed for the balance of the district/region/community. However, the Commission considers that other wards/constituencies/subdivisions need to be as close as practicable to +/-10%.

# How is the '+/-10% rule' calculated for the balance of the district/region/community when an exception is made for one ward, constituency or subdivision?

5.45 The '+/-10% rule' is calculated once under section 19V(2) for the district/region/community as a whole regardless of whether any exceptions to the rule are being proposed. It is not calculated again for the balance of the district/region/community once any exception has been identified.

# Chapter 6: Reviewing communities and community boards

## Introduction

- 6.1 All territorial authorities must consider whether community boards are (or would be) appropriate to provide fair and effective representation for individuals and communities in its district as part of their representation review (*s19J*).
- 6.2 The representation review provides a process for a territorial authority to propose the constitution of new boards, alterations to existing boards, or disestablishment of existing boards.
- 6.3 When carrying out a review, the required decisions are:
  - whether there needs to be communities and community boards within the territorial authority's district
  - if the territorial authority decides that one or more communities needs to be established (or retained):
    - the nature of the community and
    - the structure of the community board.
- 6.4 *Schedule 6, Local Government Act 2002* provides for community boards to be established at any time outside of the representation review process as the result of a proposal from the community concerned. However boards may only be disestablished, or the boundaries of a community altered, as part of a:
  - representation review under the Local Electoral Act 2001, or
  - local government reorganisation scheme.

## **Key statutory provisions**

- 6.5 *Section 19F* provides for a minimum of 4 and maximum of 12 community board members (with at least 4 elected members) and the appointment of members by the parent territorial authority (appointees must total less than half the total number of members).
- 6.6 Section 19G prescribes that the area of a community board may be subdivided for electoral purposes. This includes provision for the community board members to be elected by wards if the community board area comprises two or more whole wards of a district.
- 6.7 The division of a community board area into electoral subdivisions may be appropriate when the community board area is made up of a number of distinct communities of interest and the formation of subdivisions will provide more effective representation of these communities of interest.

- 6.8 The issues to consider when deciding whether or not a community board area needs to be subdivided are similar to those which apply to the division of a district into wards discussed in <u>Chapter 5: Fair and effective representation</u>, excluding the mixed system of representation.
- 6.9 The fair representation requirements of *section 19V* (the '+/-10% rule') also apply in respect of subdivisions of communities including the permitted exceptions in *section 19V(3)(a)*.
- 6.10 The following table sets out specific decisions that need to be made in reviews of community boards under *section 19J, Local Electoral Act 2001*.

Section	Decision		
19J(1)	Whether to have communities and community boards		
	If so, the nature of any community and the community board structure		
19J(2)(a)	Whether to establish 1 or more communities		
19J(2)(b)	Whether to abolish or unite any community		
19J(2)(c)	Whether to alter the boundaries of a community		
19J(2)(d)	Whether to subdivide any community		
19J(2)(e)	Whether to alter the boundaries of a subdivision		
19J(2)(f)	The number of members of a community board		
19J(2)(g)	The number of elected and appointed members of a community board		
19J(2)(h)	Whether the members to be elected need to be elected:		
	across the whole community		
	from subdivisions		
	<ul> <li>where the community comprises two or more whole wards, from those wards</li> </ul>		
19J(2)(i)	Where members are to be elected from subdivisions:		
	<ul> <li>the name and boundaries of subdivisions</li> </ul>		
	<ul> <li>the number of members to be elected from each subdivision (in accordance with the '+/-10% rule' set out in section 19V(2)</li> </ul>		

- 6.11 In undertaking its review, the territorial authority is required to consider the criteria as apply to local government reorganisation under the *Local Government Act 2002* as the territorial authority considers appropriate (*s19W*). Key criteria are set out in *clauses 11, 12 and 19 of Schedule 3, Local Government Act 2002* (see <u>Appendix D: Criteria for reorganisation schemes</u> on page 60). Applying these criteria for reviews relating to community boards means considering:
  - Will the proposal promote good local government of the parent district and the community area concerned?
  - Will the district and the community have the resources necessary to enable them to carry out their respective responsibilities, duties and powers?

- Will the district and the community have areas that are appropriate for the efficient and effective performance of their role?
- Will the district and the community contain a sufficiently distinct community of interest or sufficiently distinct communities of interest?

# Administrative changes from proposals to change community board arrangements

- 6.12 As noted in paragraph 6.11 when deciding community board matters under *section 19J*, the territorial authority (or Commission, if applicable) needs to consider the criteria for local government reorganisation that they consider appropriate.
- 6.13 The High Court has found that previous statutory reorganisation criteria were broad enough that administrative changes resulting from changing existing community board arrangements also fell within the criteria, and therefore are matters that the territorial authority and the Commission need to consider when making their decision.<sup>7</sup>
- 6.14 Administrative changes include any allocation of resources and funding, and any delegation of statutory authority to enable a community board to discharge responsibilities referred or delegated to it under *section 52, Local Government Act 2002* by the territorial authority.

# General

- 6.15 All elements of territorial authorities' representation proposals (including the elements relating to community boards) are subject to rights of appeal and/or objection. Therefore, the issues relating to community boards considered under *section 19J* need to be as carefully considered as all the other elements of the review.
- 6.16 The Commission has no power to determine a community board's functions or delegations as part of any representation determination.

<sup>&</sup>lt;sup>7</sup> Paragraphs 111 to 119 of the judgment in Ford & Ors v The Local Government Commission & Ors (16/8/2004, High Court, Christchurch, John Hansen J, CIV-2004-409-948) set out the Court's reasoning on this matter.

# **Chapter 7: Reviewing local boards**

# Introduction

- 7.1 All territorial authorities with local boards (which must be unitary authorities) must consider certain local board arrangements as part of their representation review (*s19H*(*1*)(*e*)-(*i*)).
- 7.2 When carrying out a review, the required decisions are:
  - the number of members of local boards
  - whether elected members are to be elected from the whole local board area, subdivisions, or wards (if the local board area comprises 2 or more wards)
  - if the basis of election is subdivisions, the names and boundaries of the subdivisions, and the number of members for each subdivision
  - if the basis of election is wards, the number of members to be elected by each ward
  - where appointed members are a requirement, the number of appointed members of local boards
  - the names of local boards.
- 7.3 The following matters relating to local boards are to be dealt with only by way of reorganisation applications under the *Local Government Act 2002*, and therefore not through the representation review process (*s24, LGA*):
  - establishment of local board areas
  - abolition of local board areas
  - alteration of boundaries of local board areas
  - union of 2 or more local boards.
- 7.4 As can be seen, reviews of local board arrangements are more limited than the requirement to review community boards.

## **Key statutory provisions**

- 7.5 *Section 19EA*<sup>8</sup> provides for a minimum of 5 and maximum of 12 local board members.
- 7.6 The *Local Government Act 2002* and the *Local Electoral Act 2001* provide that, if provided for, by an Order in Council implementing a reorganisation proposal, local boards:
  - include appointed members<sup>9</sup>

<sup>&</sup>lt;sup>8</sup> Section 11, Local Government (Auckland Council) Act 2009 applies in the case of Auckland local boards.

<sup>&</sup>lt;sup>9</sup> Section 48E, Local Government Act 2002 and section 19EA, Local Electoral Act 2001

• have a chairperson directly elected by electors<sup>10</sup>.

Neither of these options are able to be used for local boards in Auckland (see *section 11(2)(a), Local Government (Auckland Council) Act*).

- 7.7 *Section 19EC* deals with the basis of election for elected members of local boards. It provides three bases of election:
  - subdivisions
  - wards, where a local board area comprises two or more whole wards
  - the whole of the local board area.
- 7.8 The division of a local board area into electoral subdivisions may be appropriate when the local board area is made up of a number of distinct communities of interest and the formation of subdivisions will provide effective representation of these communities of interest.
- 7.9 The issues to consider when deciding whether or not a local board area needs to be subdivided are similar to those which apply to the division of a district into wards discussed in <u>Chapter 5: Fair and effective representation</u>, excluding the mixed system of representation.
- 7.10 The fair representation requirements of *section 19V* (the '+/-10% rule') also apply in respect of subdivisions of local board areas including the permitted exceptions in *section 19V(3)(a)*.
- 7.11 The following table sets out specific decisions that need to be made in reviews of local boards under *section 19H, Local Electoral Act 2001*.

Section	Decision	
19H(1)(e)	The number of members of a local board	
19H(1)(f)	<ul> <li>Whether the members to be elected need to be elected:</li> <li>from the whole local board area</li> <li>from subdivisions</li> <li>where the local board area comprises two or more whole wards, from those wards</li> </ul>	
19H(1)(g)	<ul> <li>Where members are to be elected from subdivisions:</li> <li>the name and boundaries of subdivisions</li> <li>the number of members to be elected from each subdivision (in accordance with the '+/-10% rule' set out in section 19V(2))</li> </ul>	
19H(1)(h)	Where members are to be elected from wards, the number to be elected from each ward	
19H(1)(i)	The names of local boards	

<sup>&</sup>lt;sup>10</sup> Section 48E, Local Government Act 2002 and section 19EB, Local Electoral Act 2001

# General

- 7.12 All elements of territorial authorities' representation proposals (including the elements relating to local boards) are subject to rights of appeal and/or objection. Therefore, the issues relating to local boards considered under *section 19H* need to be as carefully considered as all the other elements of the review.
- 7.13 The Commission has no power to determine a local board's allocated responsibilities or delegations as part of any representation determination.

# **Chapter 8: Consultation**

# Introduction

- 8.1 *Part 1A, Local Electoral Act 2001* sets out requirements for conducting representation reviews, including providing opportunity for the public to make submissions on a local authority's proposals.
- 8.2 The following sections of the *Local Government Act 2002* contains sections that apply to local authorities performing functions under all enactments:
  - *sections 10, 11, 12(2), and 14* relating to the purpose of local government and the role, status, powers and principles for local authorities
  - *sections 76 to 82* relating to decision-making and consultation requirements.
- 8.3 During representation reviews local authorities need to be mindful of the principles set out in *section 14, Local Government Act 2002,* including:
  - being aware of, and regarding the views of all of its communities
  - accounting for the diversity of the community
  - providing opportunities for Māori to contribute to decision-making processes.

# **Preliminary consultation**

- 8.4 Some local authorities undertake preliminary consultation before beginning the formal statutory representation review process, including community surveys or referenda, discussion documents, newspaper advertising, focus groups, email groups of interested citizens, and public workshops and meetings. These activities are often led or facilitated by local councillors, community boards, or other community groups. Targeted consultation may also be appropriate, including with iwi and hapu.<sup>11</sup>
- 8.5 Preliminary consultation may seek views on particular representation options as well as on factors such as current communities of interest. This consultation can assist local authorities to identify issues relevant to the review process and enable them to consider a wider range of representation options when developing their formal proposal.

<sup>&</sup>lt;sup>11</sup> Specific consultation with iwi and hapū may be required if determining the number, area, names and boundaries of Māori wards/constituencies.

- 8.6 Preliminary consultation is not a substitute for the formal statutory steps. For example, the results of a referendum may indicate overall public opinion but should not be used as the only justification of a particular ward/constituency configuration. The review must seek to achieve the statutory principles of fair and effective representation for all individuals and communities of interest of the district/region, and not be limited to reflecting majority community views on particular aspects of arrangements.
- 8.7 Local authorities should consider using independent panels to undertake preliminary consultation and then make recommendations on options for representation arrangements. This avoids potential perceptions of parochialism and self-interest arising from elected members' involvement at least in the early stages of the review process.
- 8.8 When convening an independent panel:
  - select people who have relevant skills, and a good knowledge of the district/region
  - provide clear terms of reference
  - fully brief the panel on its task, ensuring it has a good understanding of the statutory requirements for reviews.

### **Statutory requirements**

- 8.9 The statutory consultation requirements for initial and final proposals:
  - have their timelines summarised in <u>Table 1: Representation review timelines</u> on page 8
  - are detailed under *sections 19M* (initial) and *19N* (final) of the *Local Electoral Act 2001*
  - are based on the special consultative procedure provided for in the *Local Government Act 2002.*
- 8.10 The following appendices contain sample public notices based on the requirements of *sections 19M and 19N*:
  - Appendix E: Sample public notice initial proposal on page 62
  - Appendix F: Sample public notice final proposal on page 66
  - Appendix G: Sample public notice no submissions on page 71
  - Appendix H: Sample public notice no appeals or objections on page 74
- 8.11 *Sections 19M and 19N* describe the minimum required. Local authorities need to consider additional steps to encourage feedback from the community on their proposals.
- 8.12 Providing full information to the public on representation proposals is good practice and may reduce the potential for appeals and/or objections.
- 8.13 For example, to improve the public's access to information about the local elections, consider using:

- local authority facilities and communications channels such as displays at council offices and libraries
- council publications, newsletters, and websites
- news media and social media.
- 8.14 Ensure that information is easy to understand. For example, clarify proposed electoral subdivisions by including suitable maps (or details of where to view them physically or electronically) in public notices.

# **Chapter 9: Recommended practice processes**

9.1 The Local Electoral Act 2001 does not prescribe the representation review decision-making process. Each local authority may determine its own process for undertaking its review provided the statutory requirements are met. The following recommended process steps are designed to assist local authorities to achieve a robust outcome that accords with the statutory requirements and other relevant considerations.

# **Preliminary steps**

#### **Step 1: Identify criteria for assessing need for review after three years**

- 9.2 Local authorities must carry out a representation review at least every six years, and may choose to carry out a review after three years. If considering whether to undertake a review more than once within a six year period, consider:
  - What are the local authority's and/or community's views on the current electoral system?<sup>12</sup>
  - Given the establishment of Māori wards/constituencies triggers a representation review, what are the local authority's, iwi/hapū's and/or community's views on the issue of separate Māori representation?<sup>13</sup>
  - What are the local authority's and/or community's views on current community boards (if any) and/or the establishment of new boards? (applies only to territorial authorities)
  - What are the local authority's and/or community's views on the current basis of election; that is, does it need to be a ward, at large or mixed system? (applies only to territorial authorities)
  - What are the local authority's and/or communites' views on the present number of councillors?
  - Have there been significant changes in population in some areas which impact on fair representation, that is, approximate equality between councillors in the numbers represented?
  - Is the determination for the previous election now seen as resulting in less than optimum effectiveness of representation for communities of interest?
  - Are there any other reasons (current or future considerations) that suggest a review needs to be undertaken at this time?
- 9.3 In addition, local authorities have the option of making minor boundary alterations after three years rather than undertaking a full review (see <u>Chapter</u> <u>13: Minor boundary alterations</u> on page 51).

<sup>&</sup>lt;sup>12</sup> Not relevant if the electoral system was determined by poll for the last election.

<sup>&</sup>lt;sup>13</sup> Not relevant if Māori representation was determined by poll for the last election.

9.4 Local authority officers are advised to consider these questions and discuss whether to carry out a review after three years with elected members (formally or informally).

#### **Step 2: Consider preliminary consultation**

- 9.5 Once a local authority is either required or has decided to carry out a representation review, it needs to consider whether to carry out preliminary consultation with the community (including local Māori) on the representation issues including:
  - the electoral system
  - Māori representation
  - communities of interest.
- 9.6 The local authority also needs to liaise with the other local authorities in the region or area over the timing of representation reviews, including the possibility of carrying out joint consultation activities.

### **Representation review steps**

#### Step 3: Identify communities of interest

9.7 Identify the communities of interest of the district/region considering the factors set out in <u>Chapter 5: Fair and effective representation</u> and other relevant information available to the local authority.

#### Step 4: Determine effective representation for communities of interest

- 9.8 Territorial authorities need to consider whether effective representation for identified communities of interest is best achieved by way of elections held at large, wards, or a mix of both. Considerations will include the:
  - accessibility, size, and configuration of the district
  - the existence of community boards
  - the electoral system
  - any Māori wards
  - single versus multi-member wards
  - the wider statutory role of local authorities encompassing overall community well-being, sustainability and the interests of future generations
  - the diversity of the population and the geographical location of particular communities of interest
  - improved communications mechanisms.
- 9.9 Regional councils must have constituencies.

- 9.10 Local authorities need to consider what council size, or range in membership, would be appropriate to provide effective representation for the district/region as a whole, bearing in mind:
  - the diversity of the district/region
  - statutory obligations (for example, does it have the responsibilities of a unitary authority)
  - the need for efficient and effective governance of the district/region.
- 9.11 Consider whether each identified community of interest needs separate representation in a ward/constituency, or whether some communities of interest can be grouped together to achieve effective representation considering the need to:
  - facilitate elector and resident participation
  - avoid dividing recognised communities of interest between wards/constituencies
  - avoid grouping communities of interest with few commonalities
  - factor in the accessibility, size, and configuration of the area concerned.
- 9.12 Regarding wards/constituencies, determine:
  - the <u>number</u> of wards/constituencies based on communities of interest, or groupings of communities of interest (see previous paragraph)
  - the <u>boundaries</u> of wards/constituencies including the requirement, as far as practicable, for constituencies to coincide with territorial authority or ward boundaries, and for ward boundaries to coincide with community boundaries
  - the <u>names</u> of the wards/constituencies (see <u>Names of electoral subdivisions</u> on page 42).

# **Step 5: Consider fairness of representation for electors of constituencies and wards**

- 9.13 In relation to the range of options for the total membership of the local authority:
  - identify the ratio of population per member for each proposed ward/constituency
  - compare the ward/constituency ratios calculated with the average population per member for the local authority as a whole.
- 9.14 Under any of the options for total membership, do the ward/constituency ratios fall within +/-10% of the average population per member?
  - If "yes", which option would provide the optimum local authority size in terms of providing effective and fair representation?

- If "no", consider altering ward/constituency boundaries or reconfiguring these (to the extent practicable to provide effective representation of communities of interest) so that the ratios fall within +/-10% of the average population per member.
- 9.15 If the alteration or reconfiguration does not achieve the required ratios, consider whether there are sufficient grounds to not comply with the requirements of section 19V(2) that is, are there sufficient grounds for applying the provisions of sections 19V(3)(a) or (b)?
- 9.16 If sufficient grounds for an exception:
  - are identified, document these in appropriate detail
  - cannot be identified, consider altering or reconfiguring the boundaries.
- 9.17 Steps 4 and 5 may need to be repeated a number of times until a proposal has been identified that best meets both criteria.

# Step 6: Consider communities and community boards (for territorial authorities only)

- 9.18 In light of the principle of fair and effective representation for individuals and communities, consider and document whether:
  - there need to be communities and community boards
  - the nature of any community and the structure of any community board
  - community boards should cover all or only parts of the district, and the rationale for the approach taken.
- 9.19 Where community boards are to be established or retained, consider whether effective representation for identified communities of interest is best achieved by way of:
  - an at large system
  - subdivision of the community, including boundaries and names of subdivisions
  - whole territorial authority wards within the community.
- 9.20 Where community boards are to be established, a similar process for territorial authority reviews is to be undertaken to:
  - identify the total number of members required (both elected and appointed)
  - the number of members per subdivision (if any) to ensure compliance with the '+/-10% rule', or number per ward (if any)
  - the number (if any) of members to be appointed by the parent territorial authority.

# Local authority decision-making

9.21 When resolving its initial proposal, each local authority must act in accordance with the requirements of the:

- Local Electoral Act 2001, and
- the consultation and decision-making provisions of the *Local Government Act 2002.*
- 9.22 Local authority officers and members involved with the review process need to be familiar with relevant administrative law issues, and need to seek advice from their legal advisers when necessary.
- 9.23 If a local authority receives submissions on its initial proposal, it must ensure that it acts in a legally 'fair' way in considering them. For instance, if any person exercises the right to be heard under *section 19M(3), Local Electoral Act 2001* it is typically appropriate that only local authority members who hear the submissions participate in the decision-making on those submissions. If an elected member has very good reason for being unable to attend oral submission presentations, it may be possible for them to still participate in the decision-making, provided that they take all reasonable steps to inform themselves about the oral submissions concerned.
- 9.24 Each local authority needs to consider all submissions received, and must be able to demonstrate that it has done this by providing reasons for the acceptance or rejection of submissions. Amendments in a local authority's final proposal should be made in response to submissions, or else the initial proposal needs to be retained. Otherwise the community has not had an opportunity to give feedback on all aspects of the proposal, and community members may have grounds to submit appeals and/or objections.
- 9.25 The local authority's public notice of its final proposal under *section 19N(2)* is required to state the reasons for amendments and the reasons for any rejection of submissions, so the reasons must be recorded in the local authority's resolution of its final proposal.
- 9.26 It is important to carefully consider the following issues in particular, and to record detailed reasoning for all related decisions:
  - identification of communities of interest
  - the basis of election (territorial authorities only)
  - establishment or retention of community boards (territorial authorities only)
  - provision of fair and effective representation for electors and communities of interest, and compliance with the '+/-10% rule' in particular
  - where the '+/-10% rule' has not been complied with the specific grounds for not complying and the supporting reasons for that decision
  - consideration by regional councils of the practicality of constituency boundaries coinciding with territorial authority or ward boundaries, and
  - consideration by territorial authorities of ward boundaries coinciding with community boundaries.

# **Chapter 10: Additional requirements**

# Names of electoral subdivisions

- 10.1 In general, names of electoral subdivisions should:
  - use the most common or predominant, place or feature name (whether official or recorded<sup>14</sup>) within the electoral subdivision concerned
  - avoid duplication and confusion of names of electoral subdivisions with those in other local authority areas.
- 10.2 Appeals and/or objections may be lodged with the Local Government Commission against the names of communities, subdivisions, and wards/constituencies.
- 10.3 Local authorities considering new names for any electoral subdivisions may wish to contact the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa (the NZGB), which has national guidelines on naming, including the appropriate use of place names and the conventional spelling of place names.
- 10.4 Information on the NZGB is online <u>here</u>. The rules of naming are covered in the NZGB's frameworks document <u>here</u>. The New Zealand Gazetteer of Official Geographic Names can be searched <u>here</u>.
- 10.5 The NZGB does not have jurisdiction over the naming of electoral subdivisions, so the statutory process outlined in the *New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008* does not apply.<sup>15</sup>
- 10.6 Local authorities are encouraged to refer to *Section 3 Locality Definition and Naming* in *AS NZS 4819-2011 Rural and urban addressing* for good practice naming guidelines. This is available from the Standards New Zealand website <u>www.standards.co.nz</u>.
- 10.7 Enquiries regarding the NZGB and the process for assigning or altering official place names (but not the names of electoral subdivisions) should be directed to:

Wendy Shaw Secretary for the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa

<sup>&</sup>lt;sup>14</sup> Recorded names are unofficial names that have been depicted in at least two official documents, e.g. maps or charts.

<sup>&</sup>lt;sup>15</sup> The NZGB does, however, have a role in changing the names of districts and regions when requested to do so by a local authority. See sections 22 and 23 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

Post: c/o Land Information New Zealand PO Box 5501 Wellington 6145

Phone:	(04) 460 0581
Email:	wshaw@linz.govt.nz
Website:	www.linz.govt.nz

## Meshblocks

- 10.8 Under sections 19T(b), 19U(b) and 19W(c), Local Electoral Act 2001, all ward, constituency, community and subdivision boundaries (including those of Māori wards/constituencies) must coincide with the boundaries of statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.
- 10.9 If a local authority is considering boundaries that do not align with meshblock boundaries, it will need to consult Stats NZ to ascertain whether specific meshblock boundary alterations are possible. Stats NZ may at times put in place a "meshblock freeze" during which no splits or nudges will be undertaken. Stats NZ may, in some cases, (when a meshblock freeze is not in place) be able to split meshblocks or nudge meshblock boundaries to better reflect communities of interest or current property boundaries.
- 10.10 Stats NZ releases new meshblock boundaries annually on the 1 January of each year. When reviewing their boundaries local authorities must use the most current meshblock boundaries. Not doing so risks proposing boundaries that cannot be accepted.
- 10.11 Enquiries regarding meshblock alterations should be directed to the Geospatial Team as follows:

Jill Foster Phone: (03) 964 8909

Rachel Livingston Phone: (03) 964 8448

Post: Geospatial Team Stats NZ Tatauranga Aotearoa Private Bag 4741 Christchurch

Email:geography@stats.govt.nzWebsite:www.stats.govt.nz

# Use of population data

10.12 When carrying out its representation review, the local authority must (*s19X*) apply the "ordinarily resident population" figures derived from either:

- the most recent census, or
- population estimates prepared by Stats NZ.
- 10.13 The Commission recommends that most recent population estimate is used, so that each local authority is applying population data that most accurately reflects its current situation.
- 10.14 Stats NZ produces sub-national population estimates annually. Estimates for local authority districts and existing electoral areas are published by Statistics New Zealand and on the Local Government Commission's website.
- 10.15 Stats NZ will not provide estimates of population for individual meshblocks. However, estimates of population will be provided for existing electoral areas, proposed electoral areas (if an appropriate geographic description is provided), statistical areas<sup>16</sup>, and whole districts.
- 10.16 Population estimates for areas smaller than an area unit (for example, a group of meshblocks) will be available each year from December onwards on request.
- 10.17 Stats NZ charges a fee for the preparation of population estimates for areas that are not existing electoral subdivisions or statistical areas.
- 10.18 Enquiries regarding population estimates should be directed to:

Melissa Adams		Phone: (03) 964 8348
Helen He		Phone: (03) 964 8353
Post:	Population Insights Stats NZ Tatauranga Aotearoa Private Bag 4741	

Email: <u>info@stats.govt.nz</u> Website: w<u>ww.stats.govt.nz</u>

Christchurch

## Informing relevant organisations

- 10.19 Each local authority needs to keep the following informed of its representation review's progress; the:
  - Commission
  - Surveyor-General, and
  - Government Statistician.

<sup>&</sup>lt;sup>16</sup> Statistical areas are groupings of meshblocks devised for the reporting of statistical data for areas larger than individual meshblocks. Statistical area 2's (SA2) replace the former area units and area, generally, about the same size. Statistical area 1's (SA1) cover smaller areas the SA2's but usually include a number of meshblocks.

- 10.20 Local authorities are required to provide the above parties and the Remuneration Authority a copy of the:
  - resolution on its initial proposals (section 19L)
  - public notice of its final proposals, if submissions were received on the initial proposals (*section 19N*)
  - public notice of its final proposals, if no submissions were received on the initial proposals, or if no appeals and/or objections were received (*section 19Y*).
- 10.21 A copy of the public notice under *section 19Y* is also required to be sent to the Secretary for Local Government.
- 10.22 The Commission requests that in addition to the statutory information requirements, each local authority provides copies of the following information to the Commission as and when they are released:
  - any public discussion or consultation documents issued relating to the review
  - officer reports to the local authority, and
  - all relevant local authority resolutions and public notices.
- 10.23 A local authority also needs to ensure that other local authorities with a direct interest in its proposal are provided with copies of the public notices issued by the local authority in undertaking its representation review. *Sections 19N and 19Y* require:
  - a territorial authority issuing a public notice to provide it to the regional council(s) in whose region(s) the district is located
  - a regional council issuing a public notice to provide it to the territorial authorities located in its region.
- 10.24 The postal addresses for the organisations required to receive copies of public notices are:

Chief Executive Officer Local Government Commission PO Box 5362 Wellington 6145

Surveyor-General Land Information New Zealand PO Box 5501 Wellington 6145 Preferred means of contact – <u>electoral@linz.govt.nz</u>

Secretary for Local Government **Department of Internal Affairs** PO Box 805 Wellington 6140 Government Statistician Statistics New Zealand PO Box 2922 Wellington 6140

Chair **Remuneration Authority** PO Box 10-084 Wellington 6143

# **Chapter 11: Appeals, objections, and referrals**

# Introduction

- 11.1 Once a local authority has decided on its final proposal:
  - an <u>appeal</u> may be made by a submitter on the initial proposal about matters related to their original submission (*s190*)
  - an <u>objection</u> may be lodged by any person or organisation if a local authority's final proposal differs from its initial proposal (*s19P*). The objection must identify the matters to which the objection relates.
  - the local authority must <u>refer</u> their final proposal to the Commission if the proposal does not comply with the '+/-10% rule' (*s19V*).
- 11.2 Any references to appeals in this chapter include any proposals referred under *section 19V*, as they are treated as appeals.
- 11.3 Appeals, objections, and referrals under *section 19V* are sent to the Commission.
- 11.4 Local authorities must set the closing date for appeals and objections:
  - at least one month after the date of the public notice issued under section 19N(1)(b)
  - no later than 20 December in the year before election year.
- 11.5 There is no provision in the *Local Electoral Act 2001* for the acceptance of late appeals or objections.

# The role of the Commission

- 11.6 When there are appeals, objections or referrals, the Commission must:
  - consider the appeals, objections, and other information forwarded to it
  - determine the representation arrangements for the local authority (*section 19R*)
  - complete its duties before 11 April in election year.
- 11.7 In making its determination, the Commission is able to make any enquiries that it considers appropriate, and may choose to hold meetings with the parties.
- 11.8 Determinations of the Commission may be:
  - appealed on a point of law, in accordance with *Schedule 5, Local Government Act 2002*
  - subject to judicial review under the Judicial Review Procedure Act 2016.

- 11.9 One of the Commission's 2004 determinations was subject to judicial review<sup>17</sup>. The High Court's judgement confirmed that:
  - the Commission's role is to determine the matters required to complete the review of representation arrangements
  - the Commission's role is not merely supervisory of a local authority's decision. This means that the Commission is not restricted to checking that a local authority has followed a correct process and referred to all relevant factors, but that it is also required to form its own view on the matters which are within the scope of the review
  - the Commission is required to take into account the local authority's proposal (amongst other matters), and the weight accorded to the proposal is determined by the Commission
  - it is not mandatory for the Commission to consider the weight of numbers in favour of a particular viewpoint. One compelling submission may provide sufficient material for the Commission to reach a decision.

## Information to be provided to the Commission

- 11.10 The information required to accompany the appeals and objections forwarded to the Commission is (set out in detail in *section 19Q*):
  - copies of the resolutions on the initial and final proposals
  - a copy of the public notice of the final proposal
  - all submissions made on the local authority's initial proposal
  - all appeals and objections received
  - information concerning the communities of interest and population of the district, region or community, or any proposed electoral subdivision, as is held by the local authority and is necessary for the Commission's determination of the appeals and objections.
- 11.11 In addition, the Commission would normally expect the following information to be provided:
  - copies of any public discussion or consultation documents on the review
  - detailed maps showing the existing electoral subdivisions of the local authority or community and the proposed subdivisions
  - officer reports to the local authority that provide background information and make recommendations, including the financial impacts of any proposals.

<sup>&</sup>lt;sup>17</sup> Ford & Ors v The Local Government Commission & Ors (16/8/2004, High Court, Christchurch, John Hansen J, CIV-2004-409-948)

# **Commission consideration**

- 11.12 When considering appeals and/or objections against the final proposal of a local authority, the Commission has the option of either making a decision based on the papers, or holding a hearing at which the parties may put forward their respective viewpoints. The Commission also has the discretion to make any enquiries it considers appropriate.
- 11.13 Occasionally the Commission has invited selected submitters who support local authority proposals to appear at hearings in order that the Commission hears a balance of views. Others, such as representatives of community boards, may also be invited to ensure additional perspectives are heard by the Commission. Such invitations are made at the discretion of the Commission.
- 11.14 Where the only appeals received involve relatively minor matters the Commission has, on occasions, reached its decision based on a consideration of the papers. In deciding whether or not to hold a hearing, the appeals and/or objections received will be assessed to determine whether a hearing is justified in a particular case, taking into account the workload of the Commission and the time constraints of the legislation.
- 11.15 Refer to <u>Appendix I: Appeals and objections hearing processes</u> on page 77 for details on the conduct of Commission hearings and process requirements.

## **Commission decisions**

- 11.16 Commission decisions take account of matters:
  - that come before it through appeals and objections
  - raised in submissions to a local authority's initial proposal, and information gained through any further enquiries the Commission considers appropriate (s19R).
- 11.17 With regard to a proposal before it, the Commission must rectify any element of a local authority's proposal that it considers does not comply with the statutory provisions, whether or not that element of the proposal was the subject of an appeal or objection. Therefore, there may be occasions when the Commission's determination is not founded on any particular proposal, submission, objection, or appeal.
- 11.18 In considering local authority proposals, the Commission must ensure that the provisions of *sections 19T* or *19U* or *19W*, and *section 19V* are complied with. If the Commission does not consider that the local authority has established grounds for a departure from the '+/-10% fair representation rule' in *section 19V(2)*, then the Commission is required to ensure that this requirement is met.

# **Chapter 12: Implementation issues**

# What happens after Commission makes its determination?

- 12.1 After the Commission has made a determination on a local authority's representation arrangements, it:
  - advises the affected local authority and the appellants and objectors
  - advises the news media
  - advises the Surveyor-General, Government Statistician, the Remuneration Authority and the Secretary for Local Government
  - gives public notice of the determination (the cost of which is met by the Commission)
  - where boundaries have been altered or new electoral areas are established, arranges for the preparation of plans defining those boundaries and areas (the cost of which is met by the affected local authority).
- 12.2 As well as formally advising the Government Statistician of the determination, the Commission liaises with Stats NZ's Geospatial Team to ensure that new or altered boundaries are reflected in the digital meshblock pattern. In turn Stats NZ provides the new meshblock pattern to the Electoral Commission, so that electoral rolls reflect the new or altered boundaries.
- 12.3 When the Commission has determined a local authority's representation arrangements, it is not necessary for the local authority to liaise with Stats NZ or to arrange for the preparation of plans. This will be done by the Commission.

# What happens if a local authority's proposal is not considered by the Commission?

- 12.4 If the Commission does not have to determine a local authority's representation review proposal it is the local authority's responsibility to liaise with Stats NZ over changes required by new or altered boundaries and to arrange for the preparation of new plans.
- 12.5 In such cases Commission staff are able to provide technical advice to the local authority or to Stats NZ.

# **Preparation and certification of plans**

- 12.6 Representation arrangements for the next local authority or community board election do not take effect unless plans of the relevant electoral subdivisions have been:
  - forwarded to Land Information New Zealand (LINZ), and
  - certified by the Surveyor-General or his/her delegate.
- 12.7 Forward plans in PDF format to <u>electoral@linz.govt.nz</u>, with the words 'Plan for certification' and the name of the local authority in the subject line of the email.
- 12.8 The Surveyor-General (in conjunction with the Commission) has issued a standard specifying the requirements for plans submitted for certification <u>Standard for plans of local authority areas LINZS5000</u>.
- 12.9 When the Commission determines a local authority's representation arrangements and is required to arrange the preparation of new plans, the relevant local authority must reimburse the Commission for all costs incurred in obtaining the certification, or must meet the costs of the production of the certificate if required to do so by LINZ (*s19Y(5)*). The Commission may either invoice the local authority, or arrange for the firm undertaking the preparation of the plans to invoice the local authority directly.
- 12.10 The drafting and certification of plans, whether undertaken under instructions from a local authority or the Commission, may take some time to complete. The time and costs involved will generally reflect the number and complexity of changes to existing representation arrangements.
- 12.11 All local authorities need to factor in provision for costs associated with such plans when developing the budgets for their representation reviews.
- 12.12 Copies of current plans can be viewed on the Commission's website at <u>www.lgc.govt.nz</u>.

### When do determinations take effect?

12.13 The Commission's determinations come into force at the upcoming elections. A local authority or electoral officer may act on the content of a determination to prepare for those elections.

# **Chapter 13: Minor boundary alterations**

### Introduction

- 13.1 Local authorities not undertaking representation reviews may make minor alterations to electoral boundaries where there have been property boundary changes at or near existing electoral boundaries.
- 13.2 A local authority decision on a minor boundary alteration must be referred to the Commission for determination.

## **Key statutory provisions**

- 13.3 The statutory provisions relating to minor boundary alterations are set out in *section 19JA* for territorial authorities and *section 19JB* for regional councils. These provisions set out the following requirements:
  - since the last representation review, there have been changes to allotment boundaries at or near electoral boundaries<sup>18</sup>
  - the proposed electoral boundary alterations are minor
  - the alterations will maintain effective representation of communities of interest
  - as far as practicable, the proposed electoral boundaries will coincide with allotment boundaries
  - as far as practicable, proposed ward boundaries will coincide with community boundaries (if any), and proposed constituency boundaries will coincide with district or ward boundaries.
- 13.4 The proposal is not subject to consultation in the way a representation review proposal is, but a local authority's decision must be made in an open meeting (*ss19JA and B*) (subject to the requirements of the *Local Government Official Information and Meetings Act 1987*).
- 13.5 The local authority must refer a decision on a proposed minor boundary alteration to the Commission no later than 15 January in an election year. It must also forward any information on communities of interest, population, and the proposed electoral subdivisions held by the local authority and necessary for the Commission's determination. The information provided to the Commission needs to focus on the areas directly affected by the proposed minor boundary alteration.
- 13.6 The Commission is able to make any inquiries it considers appropriate before making a determination on the proposal. It must make its determination before 11 April in election year.

<sup>&</sup>lt;sup>18</sup> Allotment is defined as having the same meaning given by section 218(2)-(4), Resource Management Act 1991 (see <u>Appendix J</u>: on page 79).

# **Commission consideration**

- 13.7 The Commission sees the normal use of this provision as being situations where a property subdivision has occurred that:
  - straddles an electoral boundary, resulting in properties being divided between electoral subdivisions
  - leaves properties without direct roading access to the electoral subdivision in which they are situated
  - is adjacent to an electoral boundary and leaves a new property subdivision outside the electoral subdivision in which its predominant community of interest is located.
- 13.8 The benefits of making minor boundary alterations are seen as:
  - better recognising communities of interest
  - providing clarity about which electoral subdivision electors should be enrolled in.

# **Detailed matters for local authorities**

- 13.9 Minor boundary alterations normally require an alteration to meshblock boundaries and contact should be made with Statistics New Zealand to ascertain whether it will agree to change meshblock boundaries. There may be some circumstances where a meshblock is not able to be changed, for example where the boundary is also the boundary of a parliamentary electorate.
- 13.10 A local authority considering a minor boundary alteration needs to check whether the boundary is also:
  - another local authority's electoral subdivision's boundary, for example a ward boundary may also be a regional constituency boundary
  - a DHB boundary
  - a licensing trust district or community trust boundary.<sup>19</sup>
- 13.11 Discussion with the other affected bodies (and in some cases with the Commission) may help clarify how feasible it is to make a minor boundary alteration.

<sup>&</sup>lt;sup>19</sup> Sections 300, 304, 337 and 363 of the Sale and Supply of Liquor Act 2012 enable the Commission to alter the boundaries of licensing trust districts and community trusts so that they conform with meshblock boundaries.

## **Chapter 14: Auckland Council**

- 14.1 The Auckland Council carried out a representation review prior to the 2019 local elections and is not required to carry out a review prior to the 2022 local authorities. This chapter, however, applies to any future review carried by the Auckland Council.
- 14.2 The representation review provisions of the *Local Electoral Act 2001* apply to the Auckland Council because it is a territorial authority, subject to the following specific provisions of the *Local Government (Auckland Council) Act 2009*:
  - the governing body of the Auckland Council must comprise a mayor and 20 members (*s8(1)*)
  - local boards must comprise no fewer than 5 and no more than 12 members (s11(1A))
  - a prohibition on the establishment of community boards in Auckland (*s102*).
- 14.3 The following matters relating to local boards are to be dealt with by way of reorganisation applications under the *Local Government Act 2002*, and therefore not through the representation review process (*s24, LGA*):
  - establishment of local board areas
  - abolition of local board areas
  - alteration of boundaries of local board areas
  - union of 2 or more local boards.
- 14.4 The following matters relating to local boards must be considered as part of the representation review process (*s19H(1)(e)-(i), LEA*):
  - the number of elected members of local boards
  - whether elected members are to be elected from the whole local board area, subdivisions, or wards (if the local board area comprises 2 or more wards)
  - if the basis of election is subdivisions, the names and boundaries of the subdivisions, and the number of members for each subdivision
  - if the basis of election is wards, the number of members to be elected by each ward
  - the names of local boards.
- 14.5 A new local board established following a reorganisation application under the *Local Government Act 2002* may have:
  - a chairperson directly elected by the electors of the local board area
  - a mixture of directly elected members and members appointed by the governing body.
- 14.6 These options are not available to the local boards established under the *Local Government (Auckland Council) Act 2009 (s24(1)(h), LGA).*

- 14.7 The *Local Government (Auckland Council) Act 2009* included the following requirements for the representation arrangements determined for the Auckland Council's first election in 2010:
  - single member wards for the rural part of the former Rodney District and for that part of the former Franklin District included in Auckland
  - a more flexible approach to the '+/-10% rule' allowing the requirement not to be complied with if considered necessary for the effective representation of communities of interest.
- 14.8 These arrangements do not apply to reviews subsequent to 2010. However, the arrangements in *section 19V(3)(a), Local Electoral Act 2001* now contain greater flexibility in respect of the '+/-10% rule' than was the case in 2010.
- 14.9 The provisions in *section 19JA, Local Electoral Act* which permit minor alterations to the boundaries of territorial authority wards, communities, subdivisions of communities, and local board subdivisions:
  - apply to Auckland only in relation to wards and local board subdivisions
  - do not apply to the external boundaries of local board areas as these can only be altered through the reorganisation process in the *Local Government Act 2002*.

## **Appendix A: Contacts**

#### **Local Government Commission**

Telephone:	(04) 460 228	
Email:	info@lgc.govt.nz	
Postal address:	PO Box 5362	
	Wellington 6140	

#### New Zealand Geographic Board (regarding place names)

	Wendy Shaw, Secretary for the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa
Post:	c/o Land Information New Zealand PO Box 5501 Wellington 6145
Phone: Email: Website:	(04) 460 0581 <u>wshaw@linz.govt.nz</u> <u>www.linz.govt.nz</u>
Stats NZ	Molices Adams and Holon Ho (ro nonulation optimatos)

Melissa Adams and Helen He (re population estimates) Email: <u>info@stats.govt.nz</u>

Jill Foster and Rachel Livingston (re meshblocks) Email: <u>geography@stats.govt.nz</u>

Stats NZ Tatauranga Aotearoa

Post:	Private Bag 4741
	Christchurch
Phone:	(03) 964 8370
Fax:	(03) 964 8999
Website:	www.stats.govt.nz

#### Organisations required to receive public notices

Chief Executive Officer
Local Government Commission
PO Box 5362
Wellington 6140

Government Statistician Statistics New Zealand PO Box 2922 Wellington 6140 Chair **Remuneration Authority** PO Box 10-084 Wellington 6143

Secretary for Local Government **Department of Internal Affairs** PO Box 805 Wellington 6140 Surveyor-General Land Information New Zealand PO Box 5501 Wellington 6145 Preferred means of contact – <u>electoral@linz.govt.nz</u>

## **Appendix B: Timelines diagram**

Figure 1 below is a summary of the timelines leading up to a round of local government elections. Refer to the relevant sections in these guidelines for detailed information about the associated requirements. An A3 version is available at the Local Government Commission website <u>www.lgc.govt.nz</u>.

Figure 1 includes the dates relating to choosing electoral systems and establishing Māori wards/constituencies that must be met for any new resolutions to apply in the upcoming local government elections.

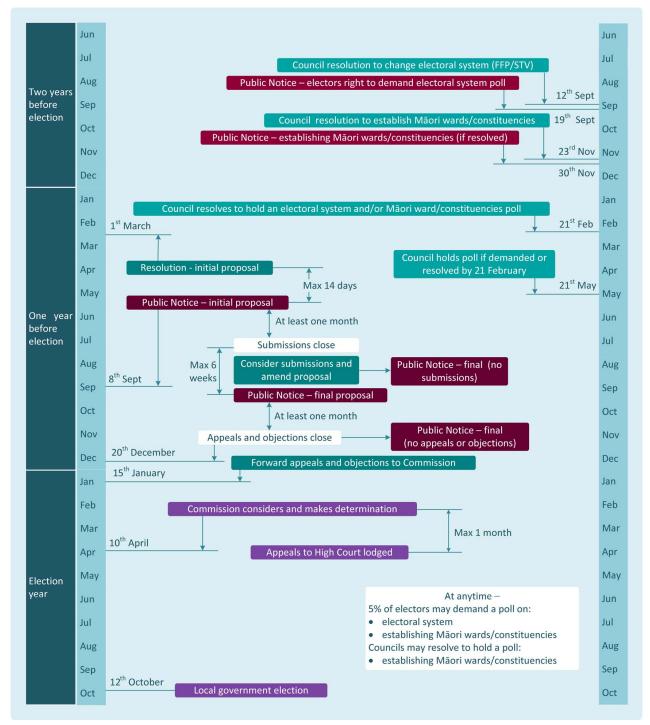


Figure 1: Timelines leading up to local government elections

## **Appendix C: Basis of election**

Basis of election (wards, at large, or a combination of both) only applies to territorial authorities. This appendix gives an overview of territorial authorities' basis of election since 1989.

At the 1989 elections, following the reorganisation of local government, the members of the Kaikoura and Kawerau District Councils were elected at large. All other territorial authority elections were conducted by wards.

At the 1992 elections, four further territorial authorities adopted the at large system: Upper Hutt City, Invercargill City, Nelson City, and the Chatham Islands. All remaining territorial authorities used wards as the basis of election for their members.

The basis of election of territorial authorities remained the same for the 1995, 1998 and 2001 elections with the exception of Napier City which adopted the at large system for the 1998 and subsequent elections.

For the 2004 elections, in addition to the above seven territorial authorities, the Commission upheld a proposal of the Wairoa District Council that the Council be elected at large. For these elections, the Commission also determined that the mixed system of representation would apply for the election of members to the Kapiti Coast District Council and the Tauranga City Council. The remaining 63 territorial authorities continued to use wards as the basis of election for members.

At the 2007 elections, the above eight territorial authorities with the exception of Napier City, conducted their election at large. In addition, as a result of appeals/objections, the Commission determined that the Wanganui District Council election would also be conducted at large. The Commission also determined that three further territorial authority elections (in addition to Tauranga City and Kapiti Coast District) would be conducted using a mixed system of representation. These were Napier City, Masterton District and Gore District Councils. The remaining 60 territorial authorities continued to use wards as the basis of election for members.

For the 2010 elections the Commission upheld the Rotorua District Council's proposal that it be elected at large. The newly constituted Auckland Council was elected from wards. The remaining 53 territorial authorities continued to use wards as the basis of election for members.

In 2013 the Commission determined that the Palmerston North City Council would be elected at large.

For the 2016 elections the Commission determined that the Dunedin City Council would be elected at large.

Most recently, for the 2019 elections, the Commission upheld the Napier City Council's proposal that it be elected entirely from wards but determined that the Hutt City Council should be elected from a mixed system instead of the previous ward system. The Masterton District Council resolved that it be elected at large instead of from a ward system. The Commission was not required to make a determination on that matter as no appeals against the proposal were lodged.

This meant that for those elections:

- 51 territorial authorities were elected by wards
- 12 were elected at large
- 4 were elected by a mixed system.

Election **Councils newly adopting** Councils newly adopting Number of councils mixed systems elected solely by wards at large systems 1989 Kaikoura District 72 \_ Kawerau District 1992 Chatham Islands 68 Invercargill City **Nelson City Upper Hutt City** 1995 68 1998 Napier City (to 2007) 67 2001 67 2004 Wairoa District Kapiti Coast District 64 Tauranga City 2007 Whanganui District Gore District 60 Masterton District (to 2019) Napier City (to 2019) 2010 **Rotorua District** 53 2013 52 Palmerston North City 2016 Dunedin City 51 2019 51 Masterton District Hutt City

The information outlined above is summarised in the following table.

## **Appendix D: Criteria for reorganisation** schemes

(as prescribed in Schedule 3, Local Government Act 2002)

#### **10** Objectives that the Commission must consider in reorganisation investigation

In assessing the desirability of options for the reorganisation of local government within the affected area, the Commission must take into account how best to achieve—

- (a) better fulfilment of the purpose of local government as specified in section 10; and
- (b) productivity improvements within the affected local authorities; and
- (c) efficiencies and cost savings; and
- (d) assurance that any local authority established or changed has the resources necessary to enable it to effectively perform or exercise its responsibilities, duties, and powers; and
- (e) effective responses to the opportunities, needs, and circumstances of the affected areas; and
- (f) enhanced effectiveness, efficiency, and sustainability of local government services; and
- (g) better support for the ability of local and regional economies to develop and prosper; and
- (h) enhanced ability of local government to meet the changing needs of communities for governance and services into the future; and
- effective provision for any co-governance and co-management arrangements that are established by legislation (including Treaty of Waitangi claim settlement legislation) and that are between local authorities and iwi or Māori organisations.

#### 12 Commission may adopt reorganisation plan

- (2) In deciding whether to adopt a reorganisation plan, the Commission must have regard to—
- (a) the scale of the potential benefits of the proposed changes in terms of the objectives set out in clause 10 and the likelihood of those benefits being realised; and
- (b) the financial, disruption, and opportunity costs of implementing the proposed changes at the proposed time; and
- (c) the risks and consequences of not implementing the proposed changes at the proposed time; and
- (d) existing communities of interest and the extent to which the proposed changes will maintain linkages between communities (including iwi and hapū) and sites and resources of significance to them; and
- (e) the degree and distribution of demonstrable public support for the proposed changes within communities in the affected area; and
- (f) the degree and distribution of any public opposition to the proposed changes within communities in the affected area.

#### 19 Communities

When preparing a draft proposal or (if clause 14(4) applies) a reorganisation scheme, the Commission may consider whether good local government of any affected district would be best promoted by—

- (a) a system of communities and the responsibilities, duties, and powers of the community boards in the district; or
- (b) an alternative to an existing system of communities; or
- (c) a change in the responsibilities, duties, and powers of the community boards in the district.

# Appendix E: Sample public notice – initial proposal

This example of a public notice for an initial representation proposal is intended to assist local authorities prepare public notices under *section 19M Local Electoral Act 2001*. A template is available on the Local Government Commission website <u>www.lgc.govt.nz</u>.

### Nameless District Council

## Initial proposal for representation arrangements for the 2022 local elections

On 28 August 2021 the Nameless District Council reviewed its representation arrangements, and resolved that the following proposal apply for the Council and its community boards for the elections to be held on 8 October 2022:

#### **Council Representation**

It is proposed that the Council comprise 10 members elected from five wards, and the mayor. The five wards reflect the following identified communities of interest:

Ward	Communities of interest	
Brown Ward	brief geographic description of Brown Ward	
Green Ward	brief geographic description of Green Ward	
Yellow Ward	brief geographic description of Yellow Ward	
Red Ward	brief geographic description of Red Ward	
Blue Ward	brief geographic description of Blue Ward	

The population that each member will represent is as follows:

Ward	Population (2018 census)	Members	Population per member
Brown Ward	8900	2	4450
Green Ward	11400	3	3800
Yellow Ward	3500	1	3500
Red Ward	8400	2	4200
Blue Ward	8800	2	4400
Total	41000	10	4100

In accordance with *section 19V(2), Local Electoral Act 2001* the population that each member represents must be within the range of 4100 +/- 10% (3690 to 4510), unless particular community of interest considerations justify otherwise.

Only the representation of the Yellow Ward falls outside the stipulated range. The Council considers that the Yellow Ward warrants a single member for the following reasons:

- reason 1 based on the considerations set out in section 19V(3)
- reason 2 based on the considerations set out in section 19V(3).

#### Community Board Representation

It is proposed that the following five community boards be elected:

Community Board	Area of Community
East Community Board	geographical description of the East Community Board
West Community Board	geographical description of the West Community Board
North Community Board	geographical description of the North Community Board
South-West Community Board	geographical description of the South-West Community Board
South-East Community Board	geographical description of the South-East Community Board

#### East, West and North Community Boards

The East, West, and North Community Boards will each elect five members. They will not be subdivided for electoral purposes. They will each have one appointed member as follows:

Community Board	Number of members from which ward	
East Community Board	1 member appointed from the Brown Ward	
West Community Board	1 member appointed from the Green Ward	
North Community Board	1 member appointed from the Yellow Ward	

#### South-West Community Board

The South-West Community Board will elect six members. One member will be appointed to the Board from the Red Ward.

Subdivision	Area of Subdivision	
Hills Subdivision	geographical description of the Hills Subdivision	
Valley Subdivision	geographical description of the Valley Subdivision	

Subdivision	Population (2018 census)	Members	Population per member
Hills Subdivision	3200	2	1600
Valley Subdivision	5800	4	1450
Total	9000	6	1500

The population that the members of each subdivision will represent is shown below:

The population each member of the South-West Community Board represents falls within the range of 1500 +/-10% (1350 – 1650) in accordance with *section 19V(2), Local Electoral Act*.

#### South-East Community Board

The South-East Community Board will elect six members. One member will be appointed to the Board from the Blue Ward.

The South-East Community Board will have two subdivisions for electoral purposes as follows:

Subdivision	Area of Subdivision	
Lakes Subdivision	geographical description of the Lakes Subdivision	
Rivers Subdivision	geographical description of the Rivers Subdivision	

The population that the members of each subdivision will represent is shown below:

Subdivision	Population (2018 census)	Members	Population per member
Lakes Subdivision	4200	3	1400
<b>Rivers Subdivision</b>	4000	3	1333
Total	8200	6	1367

The population each member of the South-East Community Board represents falls within the range of 1367 +/-10% (1230 - 1504) in accordance with *section 19V(2), Local Electoral Act*.

#### **Further Information**

Copies of the Council's resolution and maps setting out the areas of the proposed wards, communities and subdivisions may be viewed and obtained from

• Council Offices, 46 Main Street, Somewhere town.

Any queries regarding the Council's decision should be directed to Tāne Smith, 01 234 5678, extn 9876, tāne.smith@Somewhere.govt.nz.

Relevant information is also available on the Council's website www.namelesscc.govt.nz.

#### Submissions are invited

Persons with an interest in the proposed representation arrangements are invited to make written submissions on the Council's representation proposal.

Submissions are to be forwarded to:

- Attention Tāne Smith (01 234 5678, extn 9876)
- Physical address Council Offices, 46 Main Street, Somewhere town.
- Email representation.review@somewhere.govt.nz
- Fax 01 234 9876.

Submissions must be received by Council no later than 8 October 2021.

Christine Jones Chief Executive 4 September 2021

## Appendix F: Sample public notice – final proposal

This example of a public notice for a final representation proposal is intended to assist local authorities prepare public notices under *section 19N, Local Electoral Act 2001*. A template is available on the Local Government Commission website <u>www.lgc.govt.nz</u>.

### Nameless District Council

## Final proposal for representation arrangements for the 2022 local elections

#### **Submissions**

On 30 October 2021 the Nameless District Council considered the submissions received on its initial proposal regarding the representation arrangements for the Council and its constituent community boards to apply for the local elections to be held on 8 October 2022.

The Council received 12 submissions on its proposal. Seven submissions were in favour of the Council's proposal. Five submissions contained objections to various elements of the proposal, as follows:

- one submitter sought the division of the District into 6 wards, electing 12 members
- one submitter objected to the names of the wards, and to the boundaries of the wards
- one submitter considered that the boundary between the Yellow and Red Ward needs to be moved to York Street
- one submitter objected to the continued existence of community boards in the District
- one submitter considered that there only need to be two community boards one for the Red Ward and one for the Blue Ward, reflecting the rural nature of those wards.

#### Final proposal

Having considered all of the objections, the Council resolved to adopt its initial proposal as the Council's final proposal, subject to the following amendments:

- the proposed "Brown" Ward be renamed as the "Purple" Ward
- the proposed "Green" Ward be renamed as the "Orange" Ward.

The Council considers that the name changes are appropriate for the following reasons:

- brief description of reason 1
- brief description of reason 2.

The Council rejected the other matters raised in objections for the following reasons:

- brief description of reason 3
- brief description of reason 4
- brief description of reason 5.

Therefore the final proposal is as follows.

#### **Council Representation**

It is proposed that the Council comprise 10 members elected from five wards, and the mayor. The five wards reflect the following identified communities of interest:

Ward	Communities of interest	
Purple Ward	brief geographic description of Purple Ward	
Orange Ward	brief geographic description of Orange Ward	
Yellow Ward	brief geographic description of Yellow Ward	
Red Ward	brief geographic description of Red Ward	
Blue Ward	brief geographic description of Blue Ward	

The population that each member will represent is as follows:

Ward	Population (2018 Census)	Members	Population per member
Purple Ward	8900	2	4450
Orange Ward	11400	3	3800
Yellow Ward	3500	1	3500
Red Ward	8400	2	4200
Blue Ward	8800	2	4400
Total	41000	10	4100

In accordance with *section 19V(2), Local Electoral Act 2001* the population that each member represents must be within the range of 4100 +/- 10% (3690 to 4510), unless particular community of interest considerations justify otherwise.

Only the representation of the Yellow Ward falls outside the stipulated range. The Council considers that the Yellow Ward warrants a single member for the following reasons:

- reason 1 based on the considerations set out in section 19V(3)
- reason 2 based on the considerations set out in section 19V(3).

#### **Community Board Representation**

It is proposed that five community boards be elected. The five community boards will be:

Community Board	Area of Community
East Community Board	geographical description of the East Community Board
West Community Board	geographical description of the West Community Board
North Community Board	geographical description of the North Community Board
South-West Community Board	geographical description of the South-West Community Board
South-East Community Board	geographical description of the South-East Community Board

#### East, West and North Community Boards

The East, West, and North Community Boards will each elect five members. They will not be subdivided for electoral purposes. They will each have one appointed member as follows:

Community Board	Number of members from which ward	
East Community Board	1 member appointed from the Purple Ward	
West Community Board	1 member appointed from the Orange Ward	
North Community Board	1 member appointed from the Yellow Ward	

#### South-West Community Board

The South-West Community Board will elect six members. One member will be appointed to the Board from the Red Ward.

The South-West Community	Board will be subdivided for electora	l purposes as follows:

Subdivision	Area of Subdivision	
Hills Subdivision	geographical description of the Hills Subdivision	
Valley Subdivision	geographical description of the Valley Subdivision	

Subdivision	Population (2018 census)	Members	Population per member
Hills Subdivision	3200	2	1600
Valley Subdivision	5800	4	1450
Total	9000	6	1500

The population that the members of each subdivision will represent is shown below:

The population each member of the South-West Community Board represents falls within the range of 1500 +/-10% (1350 – 1650) in accordance with *section 19V(2), Local Electoral Act*.

#### South-East Community Board

The South-East Community Board will elect six members. One member will be appointed to the Board from the Blue Ward.

The South-East Community Board will have two subdivisions for electoral purposes as follows:

Subdivision	Area of Subdivision	
Lakes Subdivision	geographical description of the Lakes Subdivision	
Rivers Subdivision	geographical description of the Rivers Subdivision	

The population that the members of each subdivision will represent is shown below:

Subdivision	Population (2018 census)	Members	Population per member
Lakes Subdivision	4200	3	1400
<b>Rivers Subdivision</b>	4000	3	1333
Total	8200	6	1367

The population each member of the South-East Community Board represents falls within the range of 1367 +/-10% (1230 - 1504) in accordance with *section 19V(2), Local Electoral Act*.

#### Appeals and objections

Any person who made a submission on the Council's initial proposal may lodge an appeal against the Council's decision. An appeal must relate to the matters raised in that person's submission.

Any person who objects to the final proposal may lodge an objection to the Council's final proposal. Any objection must identify the matters to which the objection relates.

Appeals [*and objections*] must be made in writing and must be received by Council no later than 11 December 2018.

Appeals [and objections] are to be forwarded to:

*Note:* The references to objections in italics above should only be included where the final proposal is different to the initial proposal.

Attention - Tane Smith (01 234 5678, extn 9876)

- Physical address Council Offices, 46 Main Street, Somewhere town.
- Email <u>representation.review@somewhere.govt.nz</u>
- Fax 01 234 9876.

#### Further information

Direct any queries regarding the Council's decision to Tāne Smith (contact details above).

Christine Jones Chief Executive 6 November 2021

## Appendix G: Sample public notice – no submissions

This example of a public notice for the final representation arrangements is intended to assist local authorities prepare public notices under *section 19Y(1), Local Electoral Act 2001* where no submissions are received in respect of the initial proposal. A template is available on the Local Government Commission website <u>www.lgc.govt.nz</u>.

## Nameless District Council

## **Final representation arrangements - 2022 local elections**

On 28 August 2021 the Nameless District Council reviewed its representation arrangements, and resolved that the following proposal apply for the Council and its community boards for the elections to be held on 8 October 2022.

Submissions on the proposal were invited. As no submissions were received in respect of the proposal it becomes the basis of election for the Nameless District Council for the elections to be held on 8 October 2022.

#### **Council Representation**

The Council will comprise 10 members elected from five wards, and the mayor. The five wards reflect the following identified communities of interest:

Ward	Communities of interest	
Brown Ward	brief geographic description of Brown Ward	
Green Ward	brief geographic description of Green Ward	
Yellow Ward	brief geographic description of Yellow Ward	
Red Ward	brief geographic description of Red Ward	
Blue Ward	brief geographic description of Blue Ward	

The population that each member will represent is as follows:

Ward	Population (2018 census)	Members	Population per member
Brown Ward	8900	2	4450
Green Ward	11400	3	3800
Yellow Ward	3500	1	3500
Red Ward	8400	2	4200
Blue Ward	8800	2	4400
Total	41000	10	4100

In accordance with *section 19V(2), Local Electoral Act 2001* the population that each member represents must be within the range of 4100 +/- 10% (3690 to 4510), unless particular community of interest considerations justify otherwise.

Only the representation of the Yellow Ward falls outside the stipulated range. The Council considers that the Yellow Ward warrants a single member for the following reasons:

- reason 1 based on the considerations set out in section 19V(3)
- reason 2 based on the considerations set out in section 19V(3).

#### **Community Board Representation**

Five community boards will be elected. The five community boards will be:

Community Board	Area of Community
East Community Board	geographical description of the East Community Board
West Community Board	geographical description of the West Community Board
North Community Board	geographical description of the North Community Board
South-West Community Board	geographical description of the South-West Community Board
South-East Community Board	geographical description of the South-East Community Board

#### East, West and North Community Boards

The East, West, and North Community Boards will each elect five members. They will not be subdivided for electoral purposes. They will each have one appointed member as follows:

Community Board	Number of members from which ward	
East Community Board	1 member appointed from the Purple Ward	
West Community Board	1 member appointed from the Orange Ward	
North Community Board	1 member appointed from the Yellow Ward	

#### South-West Community Board

The South-West Community Board will elect six members. One member will be appointed to the Board from the Red Ward.

The South-West Community	Board will be subdivided for electoral	purposes as follows:

Subdivision	Area of Subdivision	
Hills Subdivision	geographical description of the Hills Subdivision	
Valley Subdivision	geographical description of the Valley Subdivision	

Subdivision	Population (2018 census)	Members	Population per member
Hills Subdivision	3200	2	1600
Valley Subdivision	5800	4	1450
Total	9000	6	1500

The population that the members of each subdivision will represent is shown below:

The population each member of the South-West Community Board represents falls within the range of 1500 + -10% (1350 - 1650) in accordance with *section 19V(2)*, *Local Electoral Act*.

#### South-East Community Board

The South-East Community Board will elect six members. One member will be appointed to the Board from the Blue Ward.

The South-East Community Board will have two subdivisions for electoral purposes as follows:

Subdivision	Area of Subdivision	
Lakes Subdivision	geographical description of the Lakes Subdivision	
Rivers Subdivision	geographical description of the Rivers Subdivision	

The population that the members of each subdivision will represent is shown below:

Subdivision	Population (2019 census)	Members	Population per member
Lakes Subdivision	4200	3	1400
<b>Rivers Subdivision</b>	4000	3	1333
Total	8200	6	1367

The population each member of the South-East Community Board represents falls within the range of 1367 +/-10% (1230 - 1504) in accordance with *section 19V(2), Local Electoral Act*.

#### **Further information**

Any queries regarding the Council's decision should be directed to:

- Tāne Smith (01 234 5678, extn 9876)
- Physical address Council Offices, 46 Main Street, Somewhere town.
- Email representation.review@somewhere.govt.nz
- Fax 01 234 9876.

Christine Jones Chief Executive 6 November 2021

## Appendix H: Sample public notice – no appeals or objections

This example of a public notice for the final representation arrangements is intended to assist local authorities prepare public notices under *section 19Y(1), Local Electoral Act 2001* where no appeals or objections are received in respect of the final proposal. A template is available on the Local Government Commission website <u>www.lgc.govt.nz</u>.

## Nameless District Council

### **Final representation arrangements - 2022 local elections**

On 6 November 2021 the Nameless District Council gave public notice of its final proposal for representation arrangements to apply for the Council and its community boards for the elections to be held on 8 October 2022. Notification of the right to appeal or object was also given. No appeals or objections were received in respect of the resolution, therefore the representation arrangements for the Nameless District Council's 2022 local elections will be the same as in the final proposal:

#### **Council Representation**

The Council will comprise 10 members elected from five wards, and the mayor. The five wards reflect the following identified communities of interest:

Ward	Communities of interest	
Purple Ward	brief geographic description of Purple Ward	
Orange Ward	brief geographic description of Orange Ward	
Yellow Ward	brief geographic description of Yellow Ward	
Red Ward	brief geographic description of Red Ward	
Blue Ward	brief geographic description of Blue Ward	

#### The population that each member will represent is as follows:

Ward	Population (2019 census)	Members	Population per member
Purple Ward	8900	2	4450
Orange Ward	11400	3	3800
Yellow Ward	3500	1	3500
Red Ward	8400	2	4200
Blue Ward	8800	2	4400
Total	41000	10	4100

In accordance with *section 19V(2), Local Electoral Act 2001* the population that each member represents must be within the range of 4100 +/- 10% (3690 to 4510), unless particular community of interest considerations justify otherwise.

Only the representation of the Yellow Ward falls outside the stipulated range. The Council considers that the Yellow Ward warrants a single member for the following reasons:

- reason 1 based on the considerations set out in section 19V(3)
- reason 2 based on the considerations set out in section 19V(3).

#### Community Board Representation

Five community boards will be elected. The five community boards will be:

Community Board	Area of Community
East Community Board	geographical description of the East Community Board
West Community Board	geographical description of the West Community Board
North Community Board	geographical description of the North Community Board
South-West Community Board	geographical description of the South-West Community Board
South-East Community Board	geographical description of the South-East Community Board

The East, West, and North Community Boards will each elect five members. They will not be subdivided for electoral purposes. They will each have one appointed member as follows:

Community Board	Number of members from which ward	
East Community Board	1 member appointed from the Brown Ward	
West Community Board	1 member appointed from the Green Ward	
North Community Board	1 member appointed from the Yellow Ward	

#### South-West Community Board

The South-West Community Board will elect six members. One member will be appointed to the Board from the Red Ward.

The South-West Community Board will be subdivided for electoral purposes as follows:

Subdivision	Area of Subdivision	
Hills Subdivision	geographical description of the Hills Subdivision	
Valley Subdivision	geographical description of the Valley Subdivision	

Subdivision	Population (2018 census)	Members	Population per member
Hills Subdivision	3200	2	1600
Valley Subdivision	5800	4	1450
Total	9000	6	1500

The population that the members of each subdivision will represent is shown below:

The population each member of the South-West Community Board represents falls within the range of 1500 + -10% (1350 - 1650) in accordance with *section 19V(2)*, *Local Electoral Act*.

#### South-East Community Board

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The South-East Community Board will have two subdivisions for electoral purposes as follows:

Subdivision	Area of Subdivision	
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Rivers Subdivision	geographical description of the Rivers Subdivision	

The population that the members of each subdivision will represent is shown below:

Subdivision	Population (2018 census)	Members	Population per member
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The population each member of the South-East Community Board represents falls within the range of 1367 +/-10% (1230 - 1504) in accordance with *section 19V(2), Local Electoral Act.* 

#### **Further information**

Any queries regarding the Council's decision should be directed to:

- Tāne Smith (01 234 5678, extn 9876)
- Physical address Council Offices, 46 Main Street, Somewhere town.
- Email representation.review@somewhere.govt.nz
- Fax 01 234 9876.

Chris Jones Chief Executive 18 December 2021

# Appendix I: Appeals and objections hearing processes

A standard set of processes applies when the Commission decides to hear the appeals and objections lodged against a local authority's representation proposal.

## **Preliminary organisation**

First the Commission will propose a date for the hearing. The local authority will then be advised of the proposed hearing date and venue arrangements. Hearings are usually held in local authority premises.

When the hearing date and venue arrangements are finalised, all parties (the local authority, appellants, and objectors) will be formally notified. Appellants and objectors will be contacted to ascertain whether they wish to appear before the Commission. There is no obligation for appellants and objectors to appear before the Commission – those who decide not to appear can be assured that the Commission will give their written appeals or objections full consideration.

The Commission may also decide to invite to the hearing:

- people who made submissions to the local authority in support of its proposal
- other people who might be able to provide relevant information to the Commission, e.g. representatives of community boards when they have not lodged an appeal or objection

Once appellants and objectors have responded to the Commission regarding the opportunity to appear, the hearing schedule will be finalised, and each party will receive written advice of the time and venue for their appearance. Ideally each party should plan to be at the hearing venue at least 10 minutes before the allocated speaking time.

A copy of the briefing prepared for the Commission by the Commission's officers will be provided to those appearing at the hearing.

## The hearing

Each hearing follows a standard sequence:

- 1. Introduction from the Commission Chair.
- 2. Outline of its proposal by local authority.
- 3. Representations from appellants and objectors each will have the opportunity to speak to the matters raised in their appeal or objection.
- 4. Representations from invited parties outlining basis of support for the local authority proposal or to answer questions from the Commission
- 5. Exercise of right of reply of local authority to matters raised in the hearing.

#### 6. The Commission reserves its determination.

Commissioners may ask questions of each party during the course of their appearance.

As a general guide, the local authority is allocated up to 30 minutes to outline its proposal, and appellants and objectors up to 10 minutes to speak to the matters raised in their written appeal or objection. If an appellant or objector considers that more time is needed to speak to their appeal or objection, then a request for additional time needs to be made to the Commission well before the hearing – each request will be considered on a case-by-case basis.

If any party wishes to table new written material at the hearing, this information needs to be provided to the Commission at the time that the party appears before the Commission. Six copies of the written material are required – five copies for the Commission and one copy for the local authority.

Hearings are generally kept as informal as possible and are open to the public and the news media. Many people appearing before the Commission will not have experience in presenting submissions, and the Commission endeavours to foster an environment in which people can feel comfortable.

## Appendix J: Minor boundary alterations, Section 218, Resource Management Act 1991

- (2) In this Act, the term allotment means-
  - (a) any parcel of land under the Land Transfer Act 2017that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
    - (i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
    - (ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
  - (b) any parcel of land or building or part of a building that is shown or identified separately—
    - (i) on a survey plan; or
    - (ii) on a licence within the meaning of subpart 6 of Part 3 of the Land Transfer Act 2017; or
  - (c) any unit on a unit plan; or
  - (d) any parcel of land not subject to the Land Transfer Act 2017.
- (3) For the purposes of subsection (2), an allotment that is-
  - (a) subject to the Land Transfer Act 2017 and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or
  - (b) not subject to that Act and was acquired by its owner under 1 instrument of conveyance—

shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.

(4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.

Local Government Commission Mana Kāwanatanga ā Rohe PO Box 5362, Wellington 6140, New Zealand

> Phone: +64 4 460 2228 Web: www.lgc.govt.nz email: info@lgc.govt.nz



## **District Plan Review Update**

Meeting:Council BriefingDate of meeting:02 December 2020Reporting officer:Michael Day, Strategy, Policy and Governance Manager

#### Purpose/Ngā whāinga

To provide an update on the District Plan review programme and to seek initial direction from Elected Members regarding the appetite for staff to 'scope' the content and context of a plan change to the Operative District Plan to enable short-term growth in the district.

#### Context/Horopaki

The District Plan review is a significant, multi-year project, which is an opportunity to reconsider everything in the Operative (2013) District Plan and to 'test' whether existing plan provisions are still fit for purpose and remain the most appropriate for our district.

This review programme is an opportunity to ensure that the new district plan enables economic and residential growth, whilst protecting the things that make Kaipara unique and special.

#### Discussion/Ngā kōrerorero

The spatial planning work that Council (alongside our communities) has been developing during the past year has almost concluded. The full Kaipara District Spatial Plan - Ngā Wawata 2050 - Our Aspirations is set to be adopted at the 16 December 2020 Council meeting. This will be a key tool to inform the review of the District Plan, as it will assist with providing the strategic direction and outlines potential future growth scenarios for our communities.

#### **District Plan review timeframes**

Whilst staff are currently actively working on the district plan review, it needs to be acknowledged that this project will take several years until it reaches the 'public notification' stage (currently scheduled for late 2023, which will be 10 years after the current District Plan was made operative). Some of the key milestones in the district plan review journey are as follows:

- Refreshed District Plan review webpage going live early 2021
  - A refreshed/updated district plan review webpage is currently being created. This will enable our communities to get a better understanding of the processes and stages involved in a district plan review and facilitate greater interaction.
- Release of discussion documents mid 2021 (exact dates to be firmed up in due course as we want to avoid 'clashing' with Long Term Plan consultation)
  - This will be the first opportunity for the community to be introduced to key issues and themes that will shape the content of the new district plan. The community will be able to provide feedback on the discussion documents, which will help inform the Draft District Plan.
- Public release and feedback on Draft District Plan late 2022/early 2023
  - This will be Councils 'first cut' at a new District Plan (issues, objectives, policies, rules, maps etc), which will be required to follow the 'national planning standards' template.
  - This will be an opportunity to test our thinking with the community via 'non-statutory' consultation. Getting public feedback at this stage is crucial to ensuring we create a great District Plan and feedback will be used to refine the Draft Plan.
- Consultation with Iwi authorities on draft proposed District Plan mid/late 2023
  - This is a mandatory process that we are required to undertake before full public notification of the proposed plan.



2

- Public notification of new District Plan late 2023
  - This is when the formal/statutory plan development process starts (submissions, further \_ submissions, hearings etc)
  - Certain rules will have legal effect from time of notification.

#### Potential Plan Change to Operative District Plan

The imminent adoption of the Kaipara District Spatial Plan<sup>1</sup> presents an opportunity to consider the merits of developing a 'plan change' to the Operative District Plan to give effect to some of the growth and development outcomes that are envisaged by communities within the spatial plan(s).

#### What would the plan change cover?

Staff do not have a view on this yet as a) we are awaiting the Kaipara District Spatial Plan to be adopted and b) we are wanting to see if there is appetite from Elected Members for staff to 'scope' out the content of a potential plan change. This said, we believe that the following factors need to be considered:

- The population of the Kaipara district has grown strongly over the past 15 years and growth has been particularly strong in the past five years. Our location on the northern border of Auckland means that we are likely to see sustained growth into the near future.
- As further improvements to State Highway One reduce travel times into Auckland, this will increase the attractiveness of Mangawhai. Kaiwaka and Maungaturoto for commuting workers (to live in our district and commute to Auckland).
- There is a current shortage of residential accommodation in Dargaville, Kaiwaka and Maungaturoto.
- Any plan change needs to be of a suitable size and scale (staff do not have capacity to undertake a large, comprehensive plan change and continue work on the district plan review). Staff therefore envisage that a plan change would likely apply to a small number of locations across the district (in order to promote economic growth).
- If a plan change was to identify land to be 're-zoned' (such as from rural to urban), the potential to connect future dwellings into the reticulated network needs to be considered and the land would need to be free of obvious environmental 'constraints' (such as being subject to flooding).

#### Next steps/E whaiake nei

Staff will provide a further update to Elected Members in the new year (likely March) regarding the District Plan review programme and will also provide more context and options analysis around the potential 'growth' plan change to the Operative District Plan.

<sup>&</sup>lt;sup>1</sup> This is a single document that will 'pull together' all spatial planning work that has occurred within the district during the past year, noting that the four key urban areas throughout the district (Dargaville, Maungatūroto, Kaiwaka and Mangawhai) will also have their own spatial plans.



## **Unsealed Roads**

Meeting:Council BriefingDate of meeting:02 December 2020Reporting officer:Greg Monteith, Capital and Procurement Manager

#### Purpose/Ngā whāinga

To provide Elected Members with information around unsealed roads in relation to how they are managed, what work is currently being undertaken and some of the issues encountered when managing an unsealed network.

#### Context/Horopaki

Kaipara District Council, as the Road Controlling Authority (RCA), currently manages a roading network of 1,574km made up of 455km sealed roads and 1,119km unsealed roads.

The split is predominately urban and arterial routes being sealed and rural lower volume routes being unsealed.



The primary reason we have unsealed roads is that they are cheaper to build and maintain, and in appropriate low traffic volume locations they are adequate for the purpose they are intended.

The approximate cost of converting a gravel road to a sealed road is approximately \$500k per kilometre, with the annual cost of maintenance for a sealed road is over double of an unsealed road.

#### Discussion/Ngā kōrerorero

#### Management of Unsealed Roads

Unsealed roads are constructed from specific graded gravels (metals), with a high content of fines (sands / clays), water and compaction. To achieve optimum performance, they require optimum conditions with optimum moisture content to maintain its compaction and strength.



Gravel



Water



Compacted unsealed pavement



With exposure to environmental conditions of sun, rain and wind they have a varied lifecycle and therefore unsealed roads rate of change is highly variable due to this exposure to the elements, traffic loading and speeds.

When the roads are too wet we tend to see potholes while when they are too dry we tend to see corrugations, rutting, unravelling and dust





Potholes

Rutting



Corrugations

Surface unravelling

Through the Maintenance Contracts, Contractors complete regular inspections across all network roads, with inspection frequencies determined by the One Network Road Classification (ONRC) of the specific road. For unsealed roads this inspection frequency is generally set at monthly. Contractors assess the defects identified against standard intervention level measures and, where a defect is identified as requiring repair, these repairs are completed with measured response times. The combination of inspections and repairs is determined to maintain the Districts roads to the ONRC desired level of service.

To remedy these faults the maintenance intervention is to grade out these defects and compact the pavement back down noting that to undertake this work effectively requires optimum moisture conditions. Too wet it turns to mud; too dry it will not bind together and unravel. These optimum conditions are generally available during the spring and autumn seasons and therefore the bulk of the unsealed network maintenance programmes (heavy metalling, grading, drainage & water tabling works etc.) are scheduled to occur outside of peak summer and winter.

The maintenance intervention strategy during the winter and summer months is to do minimum work unless the defect is posing a safety risk, noting that we actively encourage our Contractors to trial other methodologies through the summer season (e.g. drag broom techniques etc.) to address surface (as opposed to deep seated pavement) corrugations.



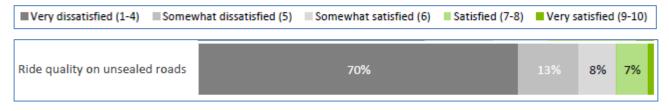
#### Dust

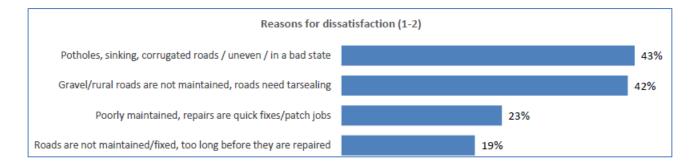
Due to the nature of unsealed roads dust will be generated. The extent of which is usually determined by vehicles size and speed. Traditionally dust has been dealt with in two main ways:

- Sealing the road. Currently KDC does not undertake seal extensions on its network but does have a seal extension policy to provide a mechanism if local communities would like to progress this option.
- Dust suppressant applications. Currently KDC does not undertake dust suppressant on its network. Work is being undertaken to determine if a policy could be developed similar to the seal extension policy.

#### What our customers said

From the latest KDC key research results





#### What we are doing

Work is currently underway as to how we manage our unsealed network to improve the pavement structure, longevity and ride quality.

The process developed is to provide a wearing course to our unsealed roads that will consist of a blended material that will hold together better and produce less defects and potentially less dust.

While the primary driver of this work is around pavement condition improvements it is noted we may also see a reduction in dust being generated. Noting this will not eliminate dust from our unsealed network only potentially reduce it.

Funds have recently been awarded to Kaipara district council from the Provisional Growth Fund (PGF) that will allow this work to progress. But with a network of 1,119km of unsealed roads this will occur of a number of years.

In addition, KDC has embarked on a speed limit review. The first tranche is underway in the Kaiwaka / Mangawhai area where we are seeking public feedback on the proposed speed limits. This review has identified a reduction on unsealed roads from the current open road speed limits. If this change is adopted it will also provide for a reduction in the speed of vehicles travelling on unsealed roads and in turn reduce the defects the amount of dust being generated.



#### Next steps/E whaiake nei

#### Things to note / take away

Unsealed roads will deteriorate. This will be dependent on environmental factors, the geometry of the road, the type and speed of vehicles using the road.

4

Grading will cause more damage if undertaken in the wrong conditions

We have encouraged our contractor not to grade roads during summer unless there is a significant rain event and then to prioritise what they do, and actively encourage them to trial other methodologies to maintain good surface conditions through the summer season (e.g. drag broom techniques etc.) to address surface (as opposed to deep seated pavement) corrugations.

We will respond to dangerous conditions and rectify these (knowing this is a short term fix)

We are progressing with work to improve our unsealed network which will be undertaken over the next 2 years.

#### Attachments/Ngā tapiritanga

	Title
A	Unsealed Roads presentation



# **Unsealed Road Strategy**

# Where it all Began

- 2015 KDC and BRS began trailing new approaches
  - Blended Aggregates
  - Better crossfalls
  - Better Drainage
  - Pavements with wearing course
- Presented to RIMS in 2017
- Putting Practice into a strategy

## Where we are today



- CoE almost completed
- Change in AMP from CoE
- MMP Strategy for unsealed roads
   developed
- MIS and MIG almost complete
- Development of a renewals model
- Leading the industry
- Real world implementation
  - Less distress
  - Less grading
  - FWP for renewals



## **Other Considerations**

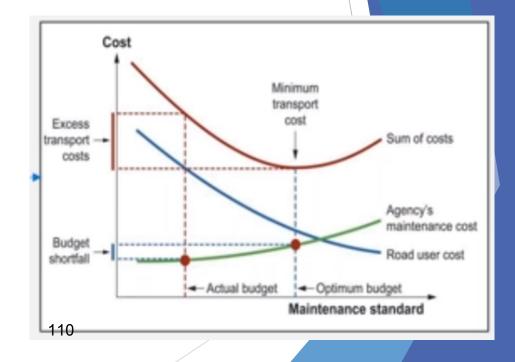
- The Road Template
  - Crossfall
  - Drainage
- Forestry, Dairy and Freight Traffic
- Effective roadside drainage – where does the water go?
- What purpose does the road serve to communities?





## **Unsealed Model**

- Demand based approach
- Normative Cost analysis
- Timing and type of intervention
  - Wearing Course
  - Pavement Rehab





## **Unsealed Model**

 Network Analysis – What impacts the unsealed roading networks?

Parameter/Trigger	Sub Parameter/Trigger	Sub-Weighting	Weighting
Iwi – Cultural Significance,			1
Marae etc			I
ADT			4
% HCV			5
Horizontal Geometry			3
Vertical Geometry			4
	Forestry – collector	10	
	Tourist/Holiday	4	
Use	Dairy	4	4
USE	Lifestyle	2	4
	Quarry	3	
	School/Community Hall	3	
Width			2
Remoteness			2
Resilience/Detour Routes			3
Change – PGF – Marae, Wharf,			
Kai, Economic Improvement,			1
Developments			



## **Unsealed Model**

• Network Analysis

Unsealed Roading Potential Treatment								
	Band	Treatment	Length (KMs)	WDC (Kms)	KDC (KMs)	V	FNDC (KMs)	
	1	Do Minimum	2008	387		667		955
Non Forestry	2	Overlay 100mm	782	221		325		236
Forestry	2	Rebuild	444	18		50		376
	3	Rebuild	223	66		79		78

## One size doesn't fit all







## Centre of Excellence

Renewals vs Maintenance

## Grading

- Done on an inspection lead basis – Contract LS
- dTIMS
  - Resetting the grading frequency to reduce damage and gravel loss
  - Incorporation of the NTA model
- Less Maintenance Metalling

## Rehab

- Rehabbing is more effective than maintenance metalling
- Paige–Green Wearing Course to preserve built pavements
- Right treatment at the right place at the right time



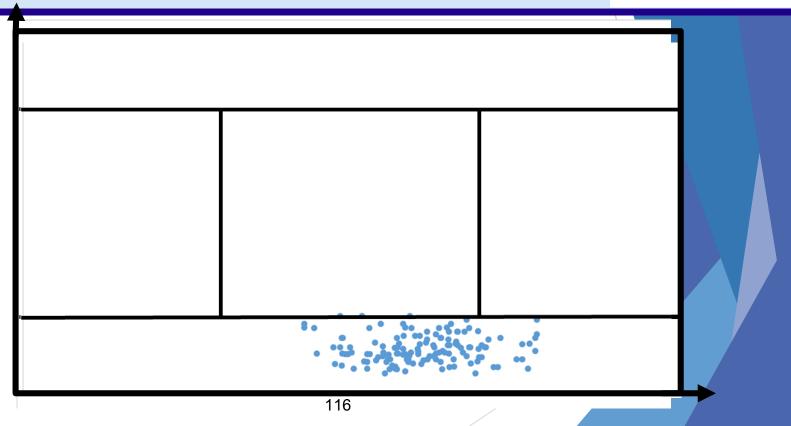






## Spec vs Paige-Green





## Material Spec on Trial Sites





## **Intervention on Trial Sites**

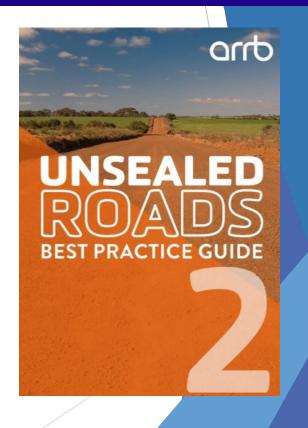




# What the future holds



- Complete the CoE
- Present again to LVR Workshop
- Bring in learnings from ARRB manual update
- Grader Driver Competency
   Framework



## Questions



## Questions?

# Thank you.

# **NORTHLAND TRANSPORTATION ALLIANCE**









# "MOVING NORTHLAND FORWARD"



## **Activity Profiles Update**

Meeting:Council BriefingDate of meeting:2 December 2020Reporting officer:Michaela Borich, Strategic Planning Advisor

### Purpose/Ngā whāinga

To update on changes made to the Activity profiles after feedback from Elected Members at previous briefings.

### Context/Horopaki

A Long-Term Plan (LTP) must outline the activities Council undertake, these sections are called Activity profiles. Each Activity profile should set out what makes up the group of activities, explain the rationale for service delivery and outline significant negative effects that any activity within the group of activities may have on the local community. Activity profiles advise the community what each Activity at Council does so is important the information is clear and meaningful.

This is an update to advise the changes made to the Activity profiles after initial feedback from Elected Members.

### Discussion/Ngā kōrerorero

In the LTP 2021/2031 it is proposed that there will be nine groups of activities, these include:

- 1. Open Spaces and Facilities
- 2. District Leadership, Finance and Internal Services
- 3. Flood protection and land drainage
- 4. Transportation
- 5. Waste Minimisation
- 6. Water Supply
- 7. Stormwater
- 8. Wastewater
- 9. Building, Resource consents and compliance

After feedback from Elected Members, the following changes have or have not been incorporated.

#### **District Leadership, Finance and Internal Services**

- 1. **Internal Services**: It was suggested to include a measure for cyber security and remissions policy on meeting criteria. After investigating what other councils do and speaking to Managers of these departments, these measures have not been included in the profile for the following reasons:
  - a) **Cyber security** This is not something most businesses would want to share with the public as there is a risk of advising people, we do not have good security and leave Council open to cyber-attacks, spam etc. We do track this internally with levels of reporting to the Audit, Risk and Finance Committee as part of the risk framework, so staff are recommending not including this as a measure in the Annual Report.
  - b) Remissions policy It is not recommended adding this as a measure, as this would require further auditing and administration resources to track this. Ensuring that remissions criteria is met, is business as usual and audited as part of the Annual report. The policy outlines what criteria is required for those applying for remissions and adhered to by staff.



- 2. **Governance**: It was suggested that a measure be included around Māori Engagement and Elected Member performance.
  - a) Māori Engagement: The following measure has been added:

	LTP Year	LTP Year	LTP Year	LTP Years
	1	2	3	4-10
	Target	Target	Target	Target
	2021/2022	2022/2023	2023/2024	2024/2031
Council demonstrates engagement with Māori across the District in decision making	Achieved	Achieved	Achieved	Achieved

b) Elected Member performance: The following measures have been added

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
Elected Members are performing well	60%	1% more than previous	1% more than previous	1% more than previous
The community have trust in the Council	60%	1% more than previous	1% more than previous	1% more than previous

- c) **Community Outcomes:** Elected members proposed that all community outcomes should be added as a measure, however Council staff felt this would add too many additional questions to the customer satisfaction survey which would become cumbersome to answer. The above measures are already questions asked in the customer satisfaction survey so obtaining these results will be straight forward as well as give a comparison to previous years.
- 3. **Community Development:** It was suggested to include a measure around an Engagement Framework. This measure has not been included as this is business as usual for Council and may also be difficult to measure annually.
- 4. **Policy:** It was suggested to include a measure around Statutory timeframes. The following measure has been added:

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
All statutory development and review timeframes for	100%	100%	100%	100%
Bylaws and Policies are met				

5. **Economic Development:** It was suggested to consider adding an economic development measure. A measure on this has not been included as these projects and deliverables could be included as part of the proposed Council Controlled Organisation (CCO) work.

#### Transportation

1. **Roading**: it was suggested to include a measure around resilience and climate change. These have not been included as there is insufficient budget at this stage to include a measure around these areas. These concepts will be developed over this LTP with an aim to include them in budgets and as a performance for the next LTP.

#### Four Waters

1. It was suggested to review whether "major capital projects completed within budgets" should appear across other activities. This measure is already in the waters and transportation activities, where the majority of capital projects are undertaken.



- 2. It was suggested to review the 1:50 and 1:100 year weather events information. This information comes directly from NRC who provide the data. If NRC update this information this would be reflected in our measures, however at this stage this measure remains as is.
- 3. It was suggested adding a measure around customer satisfaction for water supply. This was considered, however, as there are multiple mandatory measures from the Department of Internal Affairs already included, council staff felt another measure on this was not required. This information is still captured and available via the Customer Satisfaction Survey.

#### Waste Minimisation

1. **Waste minimisation:** It was suggested to change the measure around recycling to be per household and not total collection. This has been changed and the below is the updated measure:

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
Average amount of recycling collected and	Set	Greater than	Greater than	Greater than
deposited per property within the	benchmark	previous	previous	previous
Kaipara District				

#### Climate change call out boxes

Council officers are proposing to include a climate change section in each activity profile. This highlights the importance and effects of climate change and links back to the Community outcomes.

Council staff would like to know if there is any further feedback prior to these been adopted as a source document in February 2021.

#### Next steps/E whaiake nei

- Financials added to activity profiles
- Activity profiles adopted as a source document
- Activity profiles designed and finalised

#### Attachments/Ngā tapiritanga

	Title
А	Activity Profiles

## **Resource Consents, Building Control and Compliance**

#### Purpose

As a growing district we need to plan for future growth whilst ensuring there is a balance between protecting the existing environment and the economic and social needs of our community. This group of activities enhances the quality of the natural and built environment through planning and regulatory measures and ensures we meet our responsibilities under various legislation, such as: the Building Act 2004; Dog Control Act 1996; Resource Management Act 1991; and the Local Government Act 2002.

#### Legislation associated with this service

- Local Government Act 2002
- Building Act 2004
- Resource Management Act 1991
- Resource Legislation Amendment Act 2017
- Reserves Act 1977
- Health Act 1956
- Food Act 2014
- Sale and Supply of Alcohol Act 2012
- Dog Control Act 1996
- Impounding Act 1955
- Camping Ground Regulations 1985

- Hazardous Substances and New
   Organisms Act 1996
- Burial and Cremation Act 1964
- General Bylaws 2008 (currently under review)
- Food Hygiene Regulations 1974
- Food Regulations 2015
- Health (Registration of Premises) Act 1966
- Health (Hairdressers) Regulations 1980
- Health (Burial) Regulations 1946
- Housing Improvement Regulations 1947
- The Litter Act 1979

#### **Risks and Issues**

- Qualified team members for the building, resource consent and compliance areas are in short supply and difficult to attract
- Not meeting building and resource consent application and compliance inspection timeframes, particularly with the increased volumes
- Complaints regarding consent decisions leading to legal challenges
- Errors when processing a building or resource consent application
- Legislative changes leading to a shifting statutory framework including compressed processing time
- Increasing development pressure on Mangawhai is leading to greater interest in resource consents and concerns regarding consent decisions
- Raw water and wastewater issues throughout the district requiring further sanitary surveys revealing major works to be carried out in the i.e. Kaihu, Paparoa, Pahi, Tinopai areas (but not limited to), includes auditing

#### How we fund this service

- General rates
- Fees and charges
- Borrowing
- Asset sales
- Fines & infringements

## **Building Control**

#### What we do

We are responsible for administering and implementing the provisions of the Building Act 2004. We maintain accreditation as a Building Consent Authority and ensure all buildings are constructed and maintained to appropriate standards and specifications.

We provide information on request to applicants who intend to build or develop a property. We meet the building consent application and Code Compliance Certificate timeframes as well as provide certification that consented buildings people visit, work and live in comply with the New Zealand Building Code. We also inspect and audit buildings in compliance with regulations and take enforcement action where necessary.

#### **Contribution to Community Outcomes**

- Climate Smart
- Vibrant Communities
- Healthy Environment
- A Trusted Council

#### What we will deliver

Description	When
Consents delivered in a timely fashion with improved training skills covering	2021/2022
commercial buildings	

#### **Performance Measures**

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	Target	LTP Years 4-10 Target 2024/2031
Percentage of building control customers who rate request for service responses as very satisfied or satisfied.	78%	79%	80%	80%
Percentage of building consents processed within 20 working days.	100%	100%	100%	100%
Percentage of Code Compliance applications processed within 20 working days	100%	100%	100%	100%
Percentage of illegal activity/unauthorised work complaints investigations initiated within 3 working days. (100% to be initiated within 5 days)	93%	93%	94%	95%
Measured by: Core application overdue service request report.				

#### **Changes in Levels of Service**

There will be no changes to the level of service.

#### **Significant Negative effects**

Currently no significant negative effects associated with this activity.

## **Resource Consents**

#### What we do

We provide advice on resource consent applications for subdivisions and land use. We aim to meet resource consent application processing timeframes and process Land Information Memoranda (LIMs) within statutory timeframes. We also ensure compliance with resource consent conditions and provide timely approval for granting section 224(c) certificates for new land titles.

#### **Contribution to Community Outcomes and well-beings**

- Climate smart
- Healthy environment
- Vibrant communities
- A Trusted Council

#### What we will deliver

Description	When
Information and consenting processes that enable developers large or small to do business easier	2021/2022

#### **Performance Measures**

	Target	Target	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
Percentage of non-notified resource consents processed within 20 working days.	≥80%	≥90%	≥95%	≥95%
Percentage of Land Information Memorandums (LIM) processed within 10 working days.	100%	100%	100%	100%
Percentage of s224(c) certificates for new land titles processed within 10 working days.	100%	100%	100%	100%

#### **Changes in Levels of Service**

There will be no changes to the level of service.

#### **Significant Negative effects**

Currently no significant negative effects associated with this activity.

## Compliance

#### What we do

We provide registration, verification and inspection services to monitor and enforce standards of public health for; Preparation of safe and suitable food; mobile trades; hairdressing salons; camping grounds, offensive trades, funeral parlours and hazardous substances in public and non-workplaces. We protect the environment and water ways from effluent and illegal wastewater nuisance.

To ensure the safe and responsible sale, supply and consumption of alcohol, we process, assess, and grant applications for alcohol licences and managers' certificates.

We educate and assist owners to act responsibly to minimise any danger, to alleviate any health nuisance in the community. We respond in a timely manner to dog, stock, noise and parking complaints as well as provide advice and monitor recreational water quality.

We carry out consent conditions for monitoring and compliance purposes also investigate potential District Plan breaches / regulatory complaints and take enforcement action where necessary.

Meeting our environmental monitoring & compliance objectives and statutory obligations which is to educate and protect the environment our communities wish to thrive in.

#### Contribution to Community Outcomes and well-beings

- Climate smart
- A Trusted Council
- Vibrant Communities

#### What we will deliver

Description	When
Complete refurbishment of existing dog kennels in Dargaville to provide a Kaipara base	2021/2022
Updating existing equipment to provide more efficient service i.e. Sound level meter and Water quality testing kit	2021/2022
Continue collecting the wastewater data checking for compliance noting climate change and sea level rise	2023/2024

#### **Performance Measures**

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
Percentage of food premises verified when required under the Food Act.	100%	100%	100%	100%
Percentage of alcohol premises inspected annually.	100%	100%	100%	100%
Percentage of resource consent complaints regarding unconsented works and noncompliance with the District	90%	92%	94%	95%

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
Plan and resource consent investigation initiated within 5 working days.				
Percentage of all newly granted resource consents audited each year to ensure they comply with relevant conditions.	25%	25%	25%	25%
Percentage of noise callouts to be responded to within 30 minutes.	90%	90%	90%	90%
Percentage of all dog attacks and or wandering stock are responded to (within one hour) as a Priority 1.	95%	95%	95%	95%

### Changes in Levels of Service

There will be no changes to the level of service.

#### **Significant Negative effects**

Activity	Effect	Mitigation
Hazardous substances utilised	Environment detrimentally affected	Expertise in the field within Council

### How are we Considering Climate change?

Climate Smart Community Outcome helps guide Council's Building Control, Resource Consents and Compliance activities. While we are still in the process of identifying specific climate-related risks to these activities, we recognise that climate change will increase current challenges. Consents, building control and compliance all feed into the lifespan of planning and development across the District. These activities occur across different phases and under different timeframes. Quickly growing climate change compliance requirements will increase the challenge of aligning these activities. We will continue to reduce risk of liability by being consistent in regulation and implementation across the lifespan of planning and development.

We also understand that these activities have an important role to play in enforcing and supporting Kaipara's adaptation and mitigation responses. Through these activities, Council can help to reduce risk, reduce negative impacts and encourage resilience. We will ensure these activities align with and bolster Council's growing climate change response.

## **District Leadership, Finance and Internal Services**

#### Purpose

We ensure our governance activities help elected members make decisions. We also provide services to the community relating to policies, strategies, bylaws, plans and reporting, together with Civil Defence Emergency Management (CDEM).

Our internal services relate to those functions of Council which assist the day to day running of our activities. They include Finance, Information Services, Customer Services, People and Capability, Communications and Economic Development.

#### Legislation associated with this service

- Local Government Act 2002;
- Local Government (Rating) Act 2002;
- Resource Management Act 1991;
- Reserves Act 1977;
- Health and Safety at Work Act 2015;
- Employment Relations Act 2000;
- Local Government Official Information and Meeting Act 1987;
- Local Authorities Members' Interests Act 1968;
- Local Electoral Act 2001;
- Citizenship Act 1977;
- Civil Defence Emergency Management Act 2002;
- Climate Change Response Act 2002;
- Fire and Emergency New Zealand Act 2017;
- Mangawhai Empowering Lands Act; and
- Kaipara Validation Act.

#### **Risks and Issues**

- Any plans, policies or bylaws that involve slow processes may not reflect the community priorities and needs and can result in frustration of the community;
- Changes in national or regional policy may require us to investigate changes to our policies and district plan, impacting future costs;
- Accelerated growth within the Kaipara district places a demand on Council operations to significantly improve both our internal capacity and capability;
- The need to understand and effectively manage climate-related risks places a high demand on Council's limited resources;
- The breadth and wide variety of issues and information that Council needs to assimilate places high demand on elected members; and
- Services provided are not always digitally enabled and may not meet residents' expectations.

#### How we fund this Group

- General rates;
- Fees and charges;
- Grants, subsidies and other funding sources;
- Borrowing; and
- Asset sales.

### Governance

#### What we do

The Mayor and Councillors are elected every three years to provide governance over the activities, services, and projects of Council. They must represent their communities and make decisions in an open, transparent and accountable manner with the whole of the district in mind.

This activity supports the democratic processes by providing administrative support, advice and information to elected members, including managing elections and matters relating to representation. It also ensures engagement with tangata whenua, district communities, public interest groups and key stakeholders to identify their priorities and preferences.

The activity also undertakes civic duties such as citizenship and district awards ceremonies.

#### **Contribution to Community Outcomes**

- Vibrant Communities: Decisions are made with the intention of enhancing the District
- Celebrating diversity: Elected members represent the District
- A trusted council: Decisions made are robust and transparent

#### What we will deliver

Description	When
Elected member portal review	2021/2022
<ul> <li>Assessment of audio/video capture and live screen technology</li> </ul>	
<ul> <li>Conduct Representation Review</li> </ul>	
<ul> <li>Administer local government elections for the Kaipara District</li> </ul>	2022/2023
<ul> <li>Meeting technology improvements</li> </ul>	
<ul> <li>Māori wards review (if needed)</li> </ul>	2023/2024
<ul> <li>Conduct Representation Review (if needed)</li> </ul>	2024/2031
<ul> <li>Administer local government elections for the Kaipara District</li> </ul>	

#### Performance Measures

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
Council demonstrates engagement with Maori across the District in decision making	Achieved	Achieved	Achieved	Achieved
Elected Members are performing well	60%	1% more than previous	1% more than previous	1% more than previous
The community have trust in the Council	60%	1% more than previous	1% more than previous	1% more than previous
LGOIMA requests processed by the LGOIMA team completed within statutory timeframes	100%	100%	100%	100%

Long Term Plan, Annual Plan and Annual Reports will be				
adopted within timeframes set in the Local Government Act	Compliant	Compliant	Compliant	Compliant
2002				

#### Changes in Levels of Service

There will be no changes to the level of service

#### Significant Negative effects

Currently no significant negative effects.

## **Policy and District Planning**

#### What we do

We work with our communities to meet their needs by developing policies, bylaws, plans and strategies in accordance with Council's direction and legislative requirements. We regularly review these documents to ensure they remain fit-for-purpose.

Our District Plan, through its policies, objectives and rules, promotes the sustainable management of natural and physical resources within our district, helping ensure that land use and development is appropriate for its location.

We review the District Plan to ensure that it is legally compliant, including making plan changes if required. Our spatial planning project, developed through working with Mana Whenua, our communities and stakeholders, helps us understand their needs and concerns for now and into the future. This project provides a solid basis for our District Plan review to ensure it is fit for purpose for the community it serves.

This activity also ensures we give effect to National Policy Statements and National Environmental Standards developed under the Resource Management Act 1991 as well as the Regional Policy Statement and the Regional Plan and we implement amendments to the Resource Management Act 1991 through the District Plan provisions.

We make submissions on proposed or reviewed regional and national resource management instruments, such as proposed regional policy statements and national policy statements, monitor the District Plan to ensure it meets its policy objectives and use this monitoring to inform future reviews.

The creation of a climate change work programme is a new addition to Policy and District Planning activities. The climate change work programme will enable Council to provide stronger adaptation and mitigation planning services and to better understand and manage climate-related risks. Through the climate change work programme, we will give effect to amendments to the Resource Management Act 1991 and to the Climate Change Response Act 2002.

#### **Contribution to Community Outcomes**

- Climate smart: Council will enhance its strategic approach to climate change adaptation and mitigation through the development of a climate change work programme. The effects of climate change will also be taken into account as we develop our new District Plan
- Vibrant communities: District Planning enables productive land use and activities. Climate change work programme supports communities' resilience and well-being in a changing climate.
- Healthy environments: District Planning, Policies and climate change work programme ensure environemental sustainability is taken into account
- A trusted Council: Decisions and Policies are made with consultation with the public and engagement processes are thorough and inclusive

#### What we will deliver

D	Description	
•	<ul> <li>District Plan Review:</li> <li>Continuation of technical advice development and informal community engagement on various chapter topics to assist in policy development</li> </ul>	2021/2022
•	Climate change work programme <ul> <li>Climate Smart Policy development underway</li> </ul>	

De	scription	When
	<ul> <li>Climate Action Plan/s development underway</li> </ul>	
	<ul> <li>Adaptive Pathways pilot project underway</li> </ul>	
•	Complete Stormwater Bylaw development process	
•	Complete Omnibus Reserve Management Plan	
•	Complete statutory review of Easter Sunday Shop Trading Policy	
•	Complete statutory review of Wastewater Bylaw	
•	Complete statutory reviews of Class 4 Gambling Venue and TAB Venue Policies	
•	Implementing Mana Whenua partnership agreements, on resource management and	
	policy matters	
•	<ul> <li>District Plan Review</li> <li>Complete informal community engagement programme and undertake drafting of new District Plan</li> </ul>	2022/2023
•	Climate change work programme	
	<ul> <li>Complete Climate Smart Policy development process</li> </ul>	
	<ul> <li>Climate Action Plan/s development underway</li> </ul>	
	<ul> <li>Adaptive Pathways pilot project underway</li> </ul>	
•	Complete statutory review of Alcohol Control Bylaw	
•	District Plan Review	2023/2024
	<ul> <li>Publicly notify the new District Plan for formal statutory consultation</li> </ul>	2020/2021
•	Commence Taharoa Domain Bylaws review	
•	Climate change work programme	
	<ul> <li>Complete Climate Action Plan/s development</li> </ul>	
	<ul> <li>Complete Adaptive Pathways pilot project</li> </ul>	
•	Development of District Plan monitoring strategy and programme	
	District Plan Review	2024/2031
	<ul> <li>Appeals and final District Plan adopted.</li> </ul>	2024/2001
•	Complete all statutory policy and bylaw reviews as required	
•	Climate change work programme	
	<ul> <li>Complete Adaptive Pathways major project/s-</li> </ul>	
	<ul> <li>Monitor and review Climate Action Plan/s</li> </ul>	
•	Develop policies, plans and strategies in accordance with Council's strategic direction	
•	Implement improvements needed to ensure effectiveness and efficiency of District Plan	

### Performance Measures

	LTP Year	LTP Year	LTP Year	LTP Years
	1	2	3	4-10
	Target	Target	Target	Target
	2021/2022	2022/2023	2023/2024	2024/2031
All statutory development and review timeframes for Bylaws and Policies are met	100%	100%	100%	100%

#### **Changes in Levels of Service**

There will be no changes to the level of service

#### **Significant Negative effects**

The Legislative framework for statutory policies does not always enable Council to meet our communities' aspirations. We mitigate this by ensuring we provide clear and 'plain english' information when we consult to assist understanding.

Planning must balance the desires of individuals, businesses and developers with those of the wider community. This often takes the form of influencing or controlling growth and associated development activities, as well as other activities, so the quality of life for neighbours or the wider community is not diminished. In other cases, development can impose unacceptable costs on community facilities and infrastructure or the environment.

We aim to mitigate this by ensuring the District Plan review and plan change processes are undertaken using best practice community engagement approaches to ensure we have a good understanding of the range of views of our communities.

Activity	Effect	Mitigation
District Plan	Poorly designed can incur detrimental environmental and	Review the plan with the community and use best
	social impacts	practice techniques

## **Emergency Management**

#### What we do

We provide leadership and support to the community, before and in an emergency and in the recovery afterwards. We will work alongside other agencies such as police, fire and ambulance and any other organisation to offer leadership and support; and will inform and update the community, including local and national media where required.

We help the community get prepared for emergency by reducing the risks of hazards through good regulation, planning and policies. In an emergency, we will operate an Emergency Operations Centre whenever necessary. To ensure we have this capability, we run internal and external training sessions regularly.

We also have a shared services Agreement with Northland Regional Council (NRC) which gives us additional capability to manage CDEM.

There are seven communities with Community Response Plans. These include Dargaville, Mangawhai, Matakohe, Maungaturoto, Paparoa and Ruawai.

#### **Contribution to Community Outcomes**

- Climate smart: Emergency Management helps ensure we are prepared for any increase in frequency and intensity of natural hazard events, which may be exacerbated by climate change
- A trusted Council: A clear plan is in place in case of an emergency

#### What we will deliver

Description	When
<ul> <li>Continue staff training and Development so that Council can respond before, during and after any emergency</li> <li>Purchase new Tsunami sirens</li> </ul>	2021/2024
Northland CDEM Group Plan – contribution and input into its development	2021 and 2026

#### **Performance Measures**

	LTP Year 1	LTP Year 2	LTP Year 3	LTP Years 4-10
	Target	Target	Target	Target
	2021/2022	2022/2023	2023/2024	2024/2031
Conduct Civil Defence training exercises.	1 per year	1 per year	1 per year	1 per year

#### **Changes in Levels of Service**

There will be no changes to the level of service

#### **Significant Negative effects**

Currently no significant negative effects identified.

## **Economic Development**

#### What we do

The Kaipara District Council had a usually resident population of 24,100 people in 2019, with about 8,703 filled jobs across 3,492 businesses. The number of jobs in the Kaipara District increased by 2.1% and the number of businesses by 2% between 2018 and 2019. Kaipara's unemployment rate was down to 4.3% in 2019, its lowest since 2008. The district generated approximately \$914 million of GDP in 2019 or 11.6% of the Northland region's total (\$7,835).

We are focused on actively encouraging people to live, work, visit and invest in the district. We do this through collaboration with other key agencies in central government (Northland Inc.), the community and industry with the aim of creating a thriving, prosperous economy with better employment opportunities.

COVID-19 has had significant impacts on our community. Council must weigh up the cost of services and what we deliver against the potential benefits for the community, particularly with economic development. Securing external funding is a big focus of this work to ensure we can better respond to those impacts.

#### **External funding**

The Ministry of Business and Innovation (MBIE) recently confirmed additional funding of \$12 million from the Infrastructure Reference Group (IRG) fund for several new projects across the Kaipara district.

The following projects have been enabled as a result of this additional secured funding: Kaihu Valley Trail; Kaiwaka Footbridges; Unsealed roading network improvements (part 2)

This IRG funding in addition to the \$21.13 million which MBIE awarded from the Provincial Growth Fund to enable the Kaipara Kickstart programme in 2019. From this ~\$19 million of funding remains, which will be applied to the following projects: Pouto road sealing phase 1; Pouto sealing phase 2; Waipoua river road; Wharves; Kai Water, Unsealed roading network improvements (part 2)

As funding continues to be released, these projects will progress and assist with increasing the potential for job creation and revenue coming into the District.

#### **Regional Council Controlled Organisation**

As part of the LTP 2021-31, Council is consulting with the community on the proposal for Northland Inc. to become a jointly owned Council Controlled Organisation (CCO) of the Northland Regional Council (NRC), Kaipara District Council (KDC) and Far North District Council (FNDC). If this proposal is agreed, KDC would have an equal share in Northland Inc and Northland Inc would be responsible for delivering the economic development for the District and the broader region. KDC would have input into this process through a joint committee that would be established to oversee Northland Inc.

#### **Contribution to Community Outcomes**

• Climate smart: Economic Development considers the effects of climate change and bolsters communities' capacities to adapt.

#### **Changes in Levels of Service**

There will be no changes to the level of service.

#### **Significant Negative effects**

There are no significant negative effects.

- Vibrant communities: Promoting growth and facilitating development across the District
- Prosperous economy: Promotes business and communities around the District

# **Internal Services**

# What we do

Internal services are functions at Council that support other activities. They are important part in keeping Council running. An outline of the activities is below:

#### Information Technology

The mission of the Kaipara District Council (KDC) IT department is to provide both strategic IT vision, and enterprising solutions so KDC can meet its goals, deliver results, and enhance KDC's mana. It also strives to provide the highest quality technology-based services, in the most cost-effective manner, to facilitate KDC services

#### **People and Capability**

People and capability provide the framework to drive culture, employee performance, remuneration, recruitment, health and safety, wellness and overall engagement. We are a business partner with our leadership teams to provide sound employment advice, and work with employees to ensure we retain, train and ensure that they are safe at work.

#### **Customer Service**

Customer services is our interface with our communities and with our visitors. Our customer service team assist with answering general enquiries, documentation and customer needs. Customer services is delivered through our customer service centres in Dargaville and Mangawhai.

#### **Financial Services**

Financial Services are an important service of Council. This team provides Council financial planning, monitoring and reporting, to Council and to other internal business activities. This team also administer transactional functions including rates, water billing, accounts receivable and receipting, including the efficient administration and maintenance of property records by ensuring the Rating Information Database (RID) and other property information systems are kept up to date. Efficient billing processes are undertaken for land and water rates as well as sundry debt and receipting functions for all of Council. Direct debit processing and timely follow up of overdue amounts mean that arrears are kept to a minimum. Another service provided by our team is general procurement advice and management.

# Communications

Communicating and engaging with the community is pivotal to raising awareness and ensuring the Community have their say on Council projects and plans. This team drives strategic communications, branding and internal, corporate and daily media communications through various channels to acknowledge our district. The department also efficiently produces all written and visual for publication. Additionally, we support all Council functions in responding to daily media enquiries.

# **Contribution to Community Outcomes**

- Climate smart: Promote a sustainable working environment
- A trusted council: Services are easy to access

# **Changes in Levels of Service**

There will be no changes to the level of service

# **Significant Negative effects**

There are no significant negative effects

# How are we considering Climate change?

A Climate Smart Community Outcome helps guide this group's varied activities. In reviewing these activities, we considered the effects of climate change and how to enhance our response. Over the next three years, we will continue to identify projected changes and understand connected impacts, implications and risks. Council also understands that increased strategy and planning is needed around climate change. Under District Planning and Policy activities, Council will develop a climate change work programme to guide a comprehensive and consistent adaptation and mitigation response. We will engage our Mana Whenua partners to ensure climate change response supports Mana Whenua climate change values and aspirations.

# **Open Spaces and Facilities**

# Purpose

We provide community development, libraries, a hall and pensioner housing to contribute to our social wellbeing and pride, providing natural spaces open to all and enabling our community to come together and encourage active play. We support community involvement in placemaking, outdoor activities, creating partnerships to provide recreation facilities and civic spaces that are fit for purpose. Financial contributions from developers mean we have a healthy fund that enables us to invest in increased park and open space development. A community development approach strengthens local democracy and the capacity of communities to participate actively in determining the processes and outcomes of social and economic change. Building active and sustainable communities based on social justice and mutual respect. It is about changing power structures to remove barriers that prevent people from participating in the issue that affect their lives.

# Legislation associated with this service

- Local Government Act 2002;
- Local Government Amendment Act 2012;
- Resource Management Act 1991;
- Reserves Act 1977;
- Health and Safety at Work Act 2015;
- Employment Relations Act 2000;
- Local Government Official Information and Meeting Act 1987;
- Local Authorities Members' Interests Act 1968;
- Local Electoral Act 2001; and
- Citizenship Act 1977.

# **Risks and Issues**

#### **Reserves and open spaces**

- There is a perception of a lack of facilities in some areas;
- We rely on community-owned and/or managed sports parks. The only Council-owned and managed facility is Memorial Park in Dargaville;
- As we develop new facilities and new land is vested through development this has the effect

of increasing operational expenditure, if this is not allowed for then maintenance of facilities may suffer causing additional costs to bring these facilities back to a useable state.;

 Community volunteers play a big role in the care and development of our parks and reserves. The new Health and Safety at Work Act 2015 may add additional cost to services done by volunteers and may affect the amount of work they can do.

#### **Community development**

- There are always more applications than funds available and this results in continued rejections, including the welfare and social services areas which do not fit our criteria. The risk is community dissatisfaction over the lack of funds and rejection, resulting in lobbying Council outside the grants system to get funds.
  Financial support to respond to the aspirations identified by communities is limited, so work needs to be prioritised against community priorities and outcomes
  - Balancing the level of engagement of the community in council projects to ensure inclusion and momentum.

# Libraries

There are uneven service levels across the district with only one Council-provided library (in Dargaville) and four community run libraries. With the increasing growth in other areas this could be perceived negatively by residents.

#### **Pensioner housing**

- Inventory is aging; and
- Many councils no longer see this as core Council operations.

#### Northern Wairoa War Memorial Hall

 The Municipal Building, used as part of the adjacent and joined Northern Wairoa War Memorial Hall, needs earthquake strengthening.

#### How we fund this Group:

- General rates;
- Targeted rates;
- Fees and charges;

- Grants, subsidies and other funding sources;
- Financial contributions;
- Borrowing; and

• Asset sales.

# **Open Spaces**

# What we do

Actively maintain and improve a network of parks and recreational areas throughout Kaipara district. We operate four cemeteries and support community run cemeteries. We provide over 30 public toilets within civic areas and reserves across Kaipara district; and oversee Community run campgrounds and Kai Iwi Lakes campgrounds. We maintain and manage council owned coastal assets/facilities, including Wharves.

# **Contribution to Community Outcomes**

- Climate smart: Consider the effects of Climate change when future planning
- Vibrant communities: Provide adequate open spaces and support the development of attractive open spaces
- Healthy environment: Provide clean recreational spaces by keeping the parks and facilities well maintained

Description	When
<ul> <li>Review current terms of O&amp;M Contract, tender and award new contract.</li> </ul>	2021/2022
Pahi Toilet replacement	
<ul> <li>Mangawhai Coastal walkway</li> </ul>	
<ul> <li>New Master plan for Mangawhai Community Park</li> </ul>	
Ancient Kauri Trail	2022/2023
<ul> <li>Deliver a new playground.</li> </ul>	2022/2020
Dargaville Toilets	2023/2024
Coastal structures: renewals	2020/2021
<ul> <li>Park upgrades District wide</li> </ul>	
<ul> <li>Playground renewals</li> </ul>	
Renew Parks Maintenance contract	2024/2031
<ul> <li>Playground renewals</li> </ul>	202 1/2001
Toilet renewals	
<ul> <li>Community Infrastructure upgrades/renewals</li> </ul>	
Hard surface renewals	
Carpark sealing	

#### What we will deliver

#### **Performance Measures**

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
Percentage of residents who are very	85%	86%	87%	87%
satisfied or satisfied with their local parks				
and sports fields.				
Measured by: Residents Survey				
Percentage of residents who are very	<u>&gt;</u> 70%	<u>&gt;</u> 70%	<u>&gt;</u> 70%	<u>&gt;</u> 70%
satisfied or satisfied with the district's				
public toilets.				
Measured by: Residents Survey				
Compliance with parks maintenance	90%	90%	90%	90%
contract specifications monthly audits.				
Parks maintenance contract: number of	Contractor: 4	Contractor: 4	Contractor: 4	Contractor: 4
health and safety audits per month.	Council: 1	Council: 1	Council: 1	Council: 1
Compliance with Resource consent	No abatement	No abatement	No abatement	No abatement
conditions. Wastewater/ water take	notices	notices	notices	notices received
consents.	received	received	received	

# **Changes in Levels of Service**

Berm mowing to be removed in new contract

# Significant Negative effects

Activity	Effect	Mitigation
Working in culturally sensitive sites	Potential damage to sites	Archaeological assessments, planning and research
Chemical spraying	Impacts on soil conditions Accidental spraying of native plants due to weather conditions	Reduce spraying by more mechanical edge control Spray in appropriate weather conditions i.e. low wind.
Construction	Impacts on environment	Using appropriate materials, processes and planning of works. Resource Consent requirements

# **Community Development**

# What we do

We bring Council and community together through positive relationships. We aim to remove barriers that prevent people from participating in the issues that affect their lives by facilitating workshops and engagement events. This approach aims to strengthen local democracy and the capacity of communities to participate actively in determining the processes and outcomes of social and economic change.

We administer the Community Assistance Policy, including community grants; Community Licence to Occupy (LTO), we deliver the Mangawhai Endowment Lands Account (MELA) and Reserves Contribution, administer the Rural Travel Fund, Kai Ora Fund and Creative Communities Scheme, distribution of Community Development Fund and deliver the Citizens and Environmental Awards.

We distribute the Community Development Fund to develop and support community projects, build capacity and capability, promote and support community events across Kaipara. We advise and advocate for increased opportunities for community participation in Council projects. We support community initiatives that may have cultural elements or a focus in their programme e.g. heritage trails, Settlers Day, interpretation panels.

#### **Contribution to Community Outcomes**

- Celebrating diversity: Promoting community development and ideas throughout the District
- Vibrant communities: Ensure consulation and community input is heard
- Prosperous economy: Work with the community to devlope ideas and initiatives

#### • What we will deliver

#### **Performance Measures**

Nil

# **Changes in Levels of Service**

No change in the levels of service.

# Significant Negative effects

There are no significant negative effects for this activity.

# Libraries

# What we do

We have one public library, situated in Dargaville, that provides traditional library lending services, music, DVDs, computers, printing, WiFi, events, holiday programmes and literacy initiatives. We also assist four volunteer community libraries in Paparoa, Maungaturoto, Kaiwaka and Mangawhai. These community libraries are managed under the Community Assistance Policy;

All Kaipara district library members have online free access to ebooks, eaudio, emagazines, online Britannica, Generosity NZ funding search and their library account. The libraries share a catalogue and computer system with training and support provided by Dargaville Library and our IT Team. All libraries provide WiFi to their communities with Dargaville also loaning computers and laptops.

# **Contribution to Community Outcomes**

- Vibrant communities: Provide the community with access to books, internet, and wifi
- Prosperous economy: Promoting life long learning through the Library facilities

#### What we will deliver

De	scription	When
-	A modern library environment in Dargaville and Mangawhai is included as part of	2021/2022
	Council's Civic Building Strategy	
•	Continuously work to improve library services to residents and visitors	
•	Support community libraries to improve and develop their services and work to align	
	standards between libraries	
•	Investigate co-operative initiatives with other Northland libraries	
•	Progress towards a modern library environment in Mangawhai and Dargaville	2022/2023
•	Continuously work to improve library services to residents and visitors	2022/2020
•	Support community libraries to improve and develop their services and work to align	
	standards between libraries	
•	Investigate co-operative initiatives with other Northland libraries	
	Progress towards a modern library environment in Dargaville	2023/2024
•	Progress towards a modern library environment in Mangawhai	2020/2021
•	Continuously work to improve library services to residents and visitors	
•	Support community libraries to improve and develop their services and work to align	
	standards between libraries	
•	Investigate co-operative initiatives with other Northland libraries	
•	New integrated Community Hub in Dargaville	2024/2031
•	Progress towards a modern library environment in Mangawhai	2024/2001
•	Radio-frequency identification (RFID) project installed in libraries	
•	Continuously work to improve library services to residents and visitors	
•	Support community libraries to improve and develop their services and work to align	
	standards between libraries	
•	Investigate co-operative initiatives with other Northland libraries	

#### **Performance Measures**

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	3 Target	LTP Years 4- 10 Target 2024/2031
Percentage of library users who are very satisfied or satisfied with the district's library services.	85%	85%	85%	85%

# **Changes in Levels of Service**

There will be no changes to the level of service

# Significant Negative effects

Activity	Effect	Mitigation		
Customer Service	We rely on the goodwill of volunteers to	Larger library in Dargaville		
	run our Community libraries in the	Branch library in Mangawhai with paid		
	Kaipara	staff		
Library Buildings	currently not fit for purpose	Larger library in Dargaville		
		Branch library in Mangawhai with paid		
		staff		
Health and Safety	Dargaville library's layout	Possible new building or site to be		
		investigated		

# **Pensioner Housing**

# What we do

We own three pensioner housing villages in Dargaville, Ruawai and Mangawhai. Pensioner housing is targeted for people over the age of 55 who meet certain criteria, including the capability of living independently. The Dargaville Community Development Board manages the Dargaville and Ruawai pensioner housing and a contractor manages the Mangawhai pensioner housing.

# **Contribution to Community Outcomes**

• Vibrant communities: Providing accomodation options for Pensioner

# What we will deliver

Description	When
36 Units in Dargaville and Ruawai will be available to older community members of limited	2021/2031
means.	

# **Performance Measures**

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4- 10 Target 2024/2031
Zero net cost to ratepayers for our pensioner housing services. <i>Measured by</i> : Council annual budget	Zero cost	Zero cost	Zero cost	Zero cost
Pensioner housing annual occupancy rate. <i>Measured by</i> : Quarterly reporting from management agencies.	90%	90%	90%	90%

# **Changes in Levels of Service**

There will be only minor changes to the level of service for the Dargaville and Ruawai units. The changes will involve upgrading the units to meet the Healthy Homes regulations. The provision of housing for elderly in Mangawhai will be transferred to a Community Housing provider.

# **Significant Negative effects**

There are no significant negative effects

# Northern Wairoa War Memorial Hall

### What we do

We own and manage one hall, the Northern Wairoa War Memorial Hall (also called the Dargaville Town Hall).

### **Contribution to Community Outcomes**

• Vibrant communities: Facilities are provided for the community across the District

#### What we will deliver

Description	When
Continue to mitigate mould caused by water ingress to allow for continued use of some parts of the complex.	Ongoing
Investigate options for remediation or demolition/rebuilding of the 1990's extension.	2021/22

#### **Changes in Levels of Service**

There may need to be changes to the level of service if portions of the building can no longer be used safely due to weathertightness defects.

#### **Significant Negative effects**

There are no significant negative effects.

# How are we considering Climate change?

Council is still in the process of understanding how changes to Kaipara's climate will impact the diverse set of activities within Open Spaces and Facilities. Over the next three years, we aim to identify specific climate-related risks and recognise ways we can manage risk and adapt our services.

In some areas, we are already incorporating climate change responses. Climate Smart Community Outcome helps guide our Open Spaces activities and we have identified a need to consider and account for climate change in future planning. Community Development activities support and celebrate community groups in their pursuit of sustainable, environmental health initiatives. Improving cycling and footpath networks via our community plans throughout the District will encourage alternative, low emissions modes of movement.

# Flood Protection and land drainage

# Purpose

We protect people and property from flooding including severe weather events. Responsibilities overlap between Kaipara District Council and Northland Regional Council (NRC) who focus on flood defence. We maintain and operate drainage districts.

# Legislation associated with this service

- Land Drainage Act 1908;
- River Boards Act 1908;
- Soil Conservation and Rivers Control Act 1941;
- Local Government Act 1974;
- Local Government Act 2002;
- Resource Management Act 2002; and
- Local Government (Rating) Act 2002.

# **Risks and Issues**

- We do not know whether current Levels of Service (LoS) meet the minimum standard;
- Climate change presents multiple risks, from rising sea levels to reflecting impacts in future LoS;
- There is a threat that productive land will be lost which will impact on the economic wellbeing of the district;
- Objections from targeted ratepayers who feel they are not realising benefits;
- Dissatisfaction, as not all landowners contribute;
- Landowners hampering access to public drains on private land; and
- Some overlap and confusion on the respective roles of our Council and NRC for land drainage.

# How we fund this Group

- General rates;
- Targeted rates;
- Fees and charges; and
- External Funding.

# What we do

We are conscious that we need to keep climate change in mind as we maintain and develop our flood protection and control activities. Climate change means more flooding from extreme weather events and rises in sea levels, affecting not just coastal areas but also our rivers and other waterways. The results of heavy rains can put people, property, infrastructure and roads at risk. Our assets are designed for the long term, and climate change means we will have to consider how best to manage our needs against costs.

Flood protection and land drainage covers flood control schemes, river alignment control and land drainage. We coordinate land drainage work in 30 drainage districts of various sizes. These include Kaihu Valley and Mangatara Drainage Districts, both of which discharge into the Kaihu River which is administered by NRC. The largest district is the Raupo Drainage District where we provide administrative and technical support.

We maintain the current capacity of the land drainage network with:

- weed spraying;
- drain clearance;
- floodgate and outlet maintenance in all districts;
- floodgate and stopbank maintenance in Raupo; and
- discretionary stopbank maintenance for the remaining districts.

We also provide flood protection through various drainage system stopbanks and floodgates, monitor rivers for tidal and stormwater levels during weather events and warn of potential flooding.

We have a Raupo Drainage Committee, a formal committee of this Council, is in place to perform delegated functions. All flood protection activities outside Raupo are administered by informal community committees supported, where practical, by our Land Drainage Coordinator. Landowners are responsible for maintaining privately-owned stopbanks; and NRC is responsible for catchment management.

### **Contribution to Community Outcomes**

- Climate smart: Adapting infrastructure for stop banks, flood gates and monitoring river level changes
- Healthy environment: Providing flood protection and resilience for areas within the District

#### What we will deliver

De	escription	When
٠	Investigate water storage option - floodgate options in Ruawai (G and K Canals)	2021/2022
•	Model infrastructure requirements for flood susceptible areas to allow LoS under	
	increasing rain intensity and river level. Use this to plan LoS projects for stopbanks, flood	
	gates and other network infrastructure.	
•	Complete asset data for stopbanks in the all Land Drainage Districts. Develop a standard	
	for routine condition assessment of these assets in 100m lengths by the contractor and	
	complete this assessment.	
•	Review catchment definition Mangatara and neighbouring land drainage districts. Refine	
	lot by lot contribution and consult on rates distribution.	
•	Murphy Bower stopbank construction	
•	Asset data collated into Asset Management system (Assetfinda) (three year plus project	
	to include all of the drainage district unless a chunk of money goes towards it)	
•	Increasing support to Land Drainage Districts for increasing pressures of climate change	
٠	Continue investigating flood gate and infrastructure options in all drainage districts.	2022/2023
•	Model infrastructure requirements for flood susceptible areas to allow LoS under	2022,2020
	increasing rain intensity and river level. Use this to plan LoS projects for stopbanks,	
	floodgates and other network infrastructure.	
•	Review catchment definition [LD district ###] and neighbouring land drainage districts.	
	Refine lot by lot contribution and consult on rates distribution.	
•	Review catchment definition [LD District ###] and neighbouring land drainage districts.	2023/2024
	Refine lot by lot contribution and consult on rates distribution.	2020/2021
•	Continue investigating floodgate and infrastructure options in all drainage districts.	
•	Model infrastructure requirements for flood susceptible areas to allow LoS under	
	increasing rain intensity and river level. Use this to plan LoS projects for stopbanks,	
	floodgates and other network infrastructure.	
•	Increasing support to Land Drainage Districts for increasing pressures of climate change	
٠	Review catchment definition [LD District ###] and neighbouring land drainage districts.	2024/2031
	Refine lot by lot contribution and consult on rates distribution.	202 1/2001
•	Continue investigating floodgate and infrastructure options in all drainage districts.	
•	Model infrastructure requirements for flood susceptible areas to allow LoS under	
	increasing rain intensity and river level. Use this to plan LoS projects for stopbanks,	
	floodgates and other network infrastructure.	
•	Increasing support to Land Drainage Districts for increasing pressures of climate change	

De	escription	When
٠	Align investigations, modelling and feasibility activities with climate change adaptive	
	strategies [adaptive pathways planning decisions].	

# **Performance Measures**

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
The number of flood events not contained	0	0	0	0
by the drainage schemes up to a 1:5 year				
flood.				
Service requests for broken, blocked or	< 10 service	< 7 service	< 5 service	< 5 service
failing flood gates	requests per	requests per	requests per	requests per
	year	year	year	year
Service requests for additional cleaning of	< 5 service	< 5 service	< 5 service	< 5 service
drains i.e. missed by the monitoring and	requests per	requests per	requests per	requests per
maintenance programmes.	year	year	year	year
Biannual inspection of our drainage	2 inspections	2 inspections	2 inspections	2 inspections
network to ensure it can contain a 1:5year	per year	per year	per year	per year
flood.				
Targeted maintenance of the stop bank	Minimum yearly	Minimum yearly	Minimum	Minimum yearly
system in the Raupo Drainage District to	inspections and	inspections and	yearly	inspections and
prevent tidal flows from inundating private	targeted	targeted	inspections	targeted
property during high tide and/or when the	maintenance	maintenance	and targeted	maintenance
river is in flood.	completed	completed	maintenance	completed
			completed	

# **Changes in Levels of Service**

There will be no changes to the level of service

Significant Negative effects Identified significant negative effect/issue	Mitigation
Drainage capacity A lack of drainage networks or maintenance on the existing network could result in increased flooding of farming and cropping communities in low-lying land near rivers, streams and canals	Inspections and assessment of network capacity and monitoring of service requests relating to capacity issues. Planning continual improvement.
<b>Climate Change</b> The severity of storm events, including rainfall event intensity is projected to increase. Sea level rise will increase severity of coastal inundation and flooding.	Alignment with climate change adaptive strategies plans and implementation of those strategies.

Significant Negative effects Identified significant negative effect/issue	Mitigation
Level of Service (LOS) versus Feasibility The construction and maintenance costs of infrastructure upgrades to meet a set level of service is beyond the means of the community to afford.	The provision of a set level of land drainage management should be assessed on a case-by-case basis. This will be managed through consultation with communities to determine the most practicable way forward, without negatively impacting on public health and the environment or creating risk to persons or property.
Infrastructure not maintained to the correct standard Base infrastructure maintenance and renewals has been under resources leaving capacity and resilience issues.	A robust maintenance schedule is being developed with the maintenance contractor and asset management improvements are set to allow clarity on ownership and responsibility of core assets.
Future growth The spatial plans have identified the likely growth areas in Kaipara.	To enable future land use changes, the LoS require from land drainage activities will need to be set and appropriate funding allocated.
Public safety Public safety is at the forefront of network operations some assets however have an inherent risk	All risks to the public are elevated with urgency to the maintenance contractor and continual improvement is applied to the built environment. Land drainage utilises an open drain network which has fundamental risks.
Asset data Many aspects of the asset management system still require improvement.	The current asset data still has gaps and inconsistencies. Asset data management is a process of continual improvement and there are multiple improvement projects underway and planned. Accurate asset data is essential information to enable Council to effectively and efficiently plan future works and capital upgrades as well as routine operational monitoring of the network. Data on stopbank condition is especially critical to understand the future burden for upgrade activities.

# How are we considering Climate change?

Sea level rise, increasing coastal hazards, and increasing intensity of rainfall events and flooding will impact Council's flood protection and land drainage activities. While we understand these risks more generally, we are still in the process of identifying urgency and scale of impact.

We will continue to improve our understanding of climate-related risks. We will use this information to inform adaptive pathways planning to help communities decide on adaptation responses.

We need to understand current asset conditions and capacity and continue with improvement projects and ongoing maintenance to make sure we are prepared to enact adaptation responses.

# Stormwater

# Purpose

Stormwater drainage protects our communities, infrastructure and public places from flooding by discharging stormwater and collecting contaminants to minimise adverse effects from rain, runoff and high tides. Stormwater drainage on state highways is managed by NZ Transport Agency (NZTA).

# Legislation associated with this service

- Local Government Act 2002;
- Resource Management Act 1991;
- Civil Defence and Emergency Management Act 2002;
- Land Drainage Act 1908;
- New Zealand Coastal Policy Statement;
- Regional Plan for Northland;
- Regional Water and Soil Plan for Northland;
- Regional Coastal Plan for Northland.

#### **Risks and Issues**

Risk Event	Description
Don't meet LoS expectations due to lack of funding	Inadequate level of funding may result in a failure to deliver the agreed Level(s) of Service and have potential adverse effects on the community, which may lead to environmental and public health damage, as well as significant legal and financial consequences.
Legislative non- compliance	Failure to comply with relevant legislative obligations / breach of legislation, caused by lack of awareness (changes in legislation not identified) lack of funding or lake of resources, resulting in unlawful action, environmental damage exposure to litigation risk, regulatory and/or government sanctions and reputational damage.
Failure to deliver on projects and programmes	Non-delivery on projects and/or programmes due to inadequate project or programme management, lack of resources / project planning or systems / ownership; change of leadership, cost escalation or unrealistic expectations, resulting in deferring of projects, possible community dissatisfaction, reduction in service levels and damage to Council's image and credibility.
Inadequate contract management (network maintenance and operations)	Inadequate contract management, caused by inadequate documentation / selection or availability of contractor / management of contractor, resulting in poor contractors' performance and outputs, interruption to services or reduction to service levels, health and environmental incidents, failure to meet legislative requirements, additional costs and reputational damage.
Inadequate asset management	Inadequate asset management, caused by lack of asset management knowledge, practice and training, lack of staff knowledge and training, lack of resources, inadequate communication of issues and strategic planning, resulting in reduction in service levels, failure to meet LTP commitments, inability to cater for growth, financial consequences and reputational damage.

From Infrastructure Risk Register

# How we fund this Group

- General rates;
- Targeted rates;
- Development contributions;
- Financial contributions;
- Borrowing; and
- Asset sales.

# What we do

We manage five community stormwater drainage schemes for Dargaville, Baylys, Te Kopuru, Kaiwaka and Mangawhai. The level of service for the schemes is only to protect habitable floors from flooding by removing and discharging stormwater. The system collects contaminants in a way that protects our environment and public health; and responds promptly and reasonably to threats of flooding on habitable floors. We maintain the performance of the stormwater drainage systems to the expectations of the community.

Stormwater drainage systems in Whakapirau, Glinks Gully, Kelly's Bay, Pahi, Tinopai, Paparoa, Maungaturoto and Matakohe are mostly incorporated into our roads network. There are several open drain systems that exist throughout the district.

# **Contribution to Community Outcomes**

- Climate smart: Catchment plans and resource consents are managed to mitigate the effects of Climate change
- Vibrant communities: Stormwater is managed to support community and business activities
- Healthy environment: Investment into Infrastructure to minimize environmental effects and run off into our waterways

# What we will deliver

De	scription	When
•	Hydrological models for stormwater networks in Mangawhai, Kaiwaka, Dargaville, Te Kopuru, Baylys, Maungaturoto and Paparoa where LoS or growth design questions need answering Develop a standard for routine condition assessment of stopbank assets in the urban area and begin this assessment Model infrastructure requirements in Dargaville for flood susceptible areas to allow LoS under increasing rain intensity and river levels Create overland flow maps for the whole district. Required for reliable Stormwater Catchment Management Plans (CMP), land use planning and renewals strategy. Incorporate this into public maps system Complete the new CMP for Dargaville and Mangawhai Complete CCTV condition assessments in Kaiwaka, Maungaturoto, Paparoa, Te Kopuru and Baylys so asset conditions can be used in the renewal's strategy Start restoration of Mangawhai stormwater ponds requiring upgrade to meet current standards	2021/2022
•	Complete the CMP for Kaiwaka, Maungaturoto, Paparoa, Te Kopuru and Baylys Continue developing overland flow maps for the whole district. Required for reliable Stormwater Catchment Management Plans (CMP), land use planning and renewals strategy. Incorporate this into public maps system	2022/2023

De	scription	When
•	Continue restoration of Mangawhai stormwater ponds requiring upgrade to meet current standards	
•	Continue collaborative monitoring projects with NRC	
•	Complete the condition assessment of the urban stopbanks	
•	Model infrastructure requirements in Mangawhai for flood susceptible areas to allow funding for LoS	
•	Complete CCTV condition assessments in Whakapirau, Tinopai, Pahi, (Glinks Gully,	
	Kelly's Bay, Ruawai, Pouto and Matakohe as necessary) so asset conditions can be used	
	in the renewal's strategy	
٠	Finalise the Stormwater Bylaw and/or Policy	
•	Continue restoration of Mangawhai stormwater ponds requiring upgrade to meet current standards	2023/2024
•	Complete the CMP for all remaining areas with stormwater infrastructure, not limited to	
	Whakapirau, Tinopai, Pahi, (Glinks Gully, Kellys Bay, Ruawai, Pouto and Matakohe as necessary).	
•	Continue developing overland flow maps for the whole district. Required for reliable	
	Stormwater Catchment Management Plans (CMP), land use planning and renewals strategy. Incorporate this into public maps system	
•	Continue collaborative monitoring projects with NRC	
•	Complete restoration of Mangawhai SW ponds requiring upgrade to meet current standards	2024/2031
•	Continue developing overland flow maps for the whole district. Required for reliable	
	Stormwater Catchment Management Plans (CMP), land use planning and renewals	
	strategy. Incorporate this into public maps system	
•	Rerun hydrological models for specific areas of the stormwater networks LoS or growth	
	design questions need answering	

# **Performance Measures**

What we measure	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
<b>Network System adequacy</b> For each flooding event, using a maximum of 1:50 year (Annual Event Probability 2%), the number of habitable floors affected. (Expressed per 1,000 properties connected to the district's stormwater system.)	<u>&lt;</u> 10	<u>&lt;</u> 10	<u>&lt;</u> 10	<u>&lt;</u> 10
<b>Response time</b> The median response time in an urgent flooding event (defined as an event is where a habitable floor is reasonably at risk of being affected P1), measured from the time that the Council (or subcontractor) receives notification to the time that service personnel reach the site.	≤2 hours for urgent events	≤2 hours for urgent events	≤2 hours for urgent events	≤2 hours for urgent events

What we measure	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
<b>Customer satisfaction</b> The number of CSR received regarding single network issues (however reasonably defined) per year/1,000 properties. This includes all CSR that relate to stormwater infrastructure whether directed to the contractor or individual Council staff member.	<u>&lt;</u> 18	<u>&lt;</u> 18	<u>&lt;</u> 18	<u>&lt;</u> 18
<b>Discharge compliance</b> Abatement notices, infringement notices, enforcement orders, convictions.	0	0	0	0
<b>Positive Environmental Outcomes</b> Water sensitive design, green infrastructure, low carbon design and construction, resilient network	As defined in the Stormwater CMP or Emissions Targets	As defined in the Stormwater CMP or Emissions Targets	As defined in the Stormwater CMP or Emissions Targets	As defined in the Stormwater CMP or Emissions Targets

# **Changes in Levels of Service**

There will be no changes to the level of service - protect habitable floors only

# Negative effects and issues

Identified significant negative effect/issue	Mitigation
Level of Service (LOS) versus Feasibility The construction and maintenance costs of infrastructure upgrades to meet level of service is beyond the means of the community to afford. Targeted rates for small communities do not enable good network management.	This will be managed through consultation with communities to determine the most practicable way forward, without negatively impacting on public health and the environment or creating risk to persons or property.
<b>Contamination of Urban Watercourses</b> Urban stormwater runoff has the potential to adversely impact the receiving environment stakeholders and users.	The engineering standard provides minimum standards for stormwater infrastructure. Updates will include best practice for Water Sensitive Design and treatment. Continue to improve understanding of coastal/estuarine outfalls and the effects on the environment and incorporate best practice into catchment management plans.
<b>Contamination of Rural Watercourses</b> Rural stormwater runoff is likely to have a different contaminant profile than that from the urban areas. Depending on land use rural runoff potentially has elevated levels of nitrogen and	The engineering standard provides general guidance for the management of rural stormwater runoff. The section primarily relates to quantity control of runoff, although there is a recommendation that appropriate water quality treatment options be considered in conjunction with attenuation. The Engineering Standards will be updated

Identified significant negative effect/issue	Mitigation
phosphates than urban stormwater, due to fertiliser usage and animal husbandry.	to reflect best practice in Water Sensitive Design and treatment.
<b>Climate Change</b> Increasingly climate change effects, particularly increased intensity of rainfall events and sea level rise will challenge the resilience and capacity of the network.	Investigation of potential negative effects and solutions that relate to the District. Increased focus on Water Sensitive Design and green infrastructure will play a big part in these solutions. Focus on flood protection devices in low-lying areas of Dargaville and Mangawhai is critical.
<b>Flooding Direct Impact</b> Urban catchments create a greater amount of impervious coverage (such as roads, roofs and paved areas) than would be seen in the natural environment. Runoff is generated quicker from paved areas and can result in overland flow paths and localised flooding, which can damage property and increase the risk to life.	The Engineering Standards allow for protection of the receiving environment from potential erosion and flooding. The attenuation of runoff allows for flooding to be controlled locally, within the specific device. Online tools are being developed to enable better planning around problem areas such as overland flow paths.
Network Resilience and Capacity not supported by a holistic design Historical focus on grey infrastructure has not gained the district the potential advantages of water sensitive design	In the long term, continuing this philosophy will negatively impact on the capacity for aquifers to recharge and the catchments to be resilient under increasing hydrologically challenging times. There is now a focus on green infrastructure and water sensitive design.
<b>Stormwater Infiltration</b> Studies of the stormwater network in Dargaville and Mangawhai have found stormwater leaking into the wastewater system	Aging infrastructure, particularly in Dargaville, is due to long term under investment. Continue with renewal plans and condition investigations.
Infrastructure not maintained to the correct standard Base infrastructure maintenance and renewals has been under resources leaving capacity and resilience issues. Green infrastructure devices have been poorly catalogued and maintained.	A robust maintenance schedule is being developed with the maintenance contractor and asset management improvements are set to allow clarity on ownership and responsibility of core assets and green infrastructure assets.
<b>Future growth</b> The spatial plans have identified the likely growth areas in Kaipara. Fast growth without good infrastructure planning has in some cases such as Mangawhai left deficit in funding and LoS provision.	Formal, reticulated stormwater systems and funding will be required in the future for small townships so LoS can be maintained with growth. Because five schemes have targeted stormwater rates, funding for works beyond these schemes is currently very small and an overall funding model should be agreed on to engage community growth.
<b>Public safety</b> Public safety is at the forefront of network operations some assets however have an inherent risk	All risks to the public are elevated with urgency to the maintenance contractor and continual improvement is applied to the built environment.

Identified significant negative effect/issue	Mitigation
	Generally Council policy is to not pipe open drains (and not allow private piping of open drains) unless there a strong evidence to for a positive safety gain.
Asset data Many aspects of the asset management system still require improvement.	Asset data management is a process of continual improvement and there are multiple improvement projects underway and planned. There are still many roading assets not represented in the Waters database though, and some assets have incorrect ownership tags. These will require asset cleansing surveys.

# How are we considering Climate change?

In planning these activities, Council has considered climate change projections for sea level rise, increased flooding and coastal inundation and erosion, and increased severity of storms and intensity of rainfall events including increased intensity in short-duration rainfall events. We understand that Kaipara's changing climate poses a variety of risks to Council's stormwater activities. We understand that a lot of our stormwater assets are exposed and at risk. We also anticipate that discharge allowances will decrease, impacting levels of service and increasing cost to provide expected services.

Stormwater assets play a vital role in enabling the built environment. We will continue to improve our understanding of risk by analysing regional hydrodynamic modelling and expanding our flow modelling and analysis where possible.

As we gather more information on climate-related risks, we will begin to explore possible adaptation responses. Where feasible, we will incorporate adaptation decisions into new projects and pursue sustainable, emissions-efficient designs and project management process.

# Transportation

# Purpose

The transportation group of activities aims is to link our great places, keep our communities connected, safe and active, and to contribute to the sustainability and growth of the local economy. Our transport network is vital for connecting our communities and provides for safe access to the places that make visiting and living in the Kaipara an enjoyable experience

# Legislation associated with this service

- Local Government Act 2002,
- Local Government (Rating) Act 2002,
- NZTA funding criteria.
- Government Policy Statement (GPS)

# Risks and Issues (Problems affecting our transport network)

**Sealed Roads –** Larger renewal programmes to address historic backlogs, inappropriate allocation of in-house costs and maintenance contract fixed costs in Kaipara are resulting in our sealed roads having some of the highest costs per kilometre in our peer group.

**Drainage** – Ad hoc historic maintenance of drainage systems has increased the susceptibility of our pavements to water ingress and premature failure. It also increases the likelihood of flooding and slips during heavy rain events.

**Resilience -** Poor geology, a subtropical climate and poor drainage systems make our roads susceptible to slips and flooding during heavy rain events, resulting in road closures that often affect critical routes. This is only expected to get worse over time due to the effects of climate change.

**Unsealed Roads –** Use of out of specification GAP aggregates on our unsealed roads is resulting in:

- adverse health impacts to residents due to dust
- high levels of community dissatisfaction due to poor road condition and
- high maintenance costs.

**Structures –** Lack of historic maintenance and renewals of structures in KDC is resulting in a large number of structures prematurely reaching the end of their life which is adversely affecting freight access and increasing demands for expensive bridge replacement.

**Growth and Alternative Transport** - Rapid growth and lack of suitable alternative transport modes are causing congestion in Mangawhai during peak holiday periods. Lack of alternative transport modes in many communities restricts access to places of employment, education and social opportunities which is leading to severance, safety issues and higher levels of social deprivation.

**Safety –** Northland has a narrow, winding and unforgiving rural road network which combined with poor driver behaviour has resulted in the region being a high Community at Risk for death and serious injury (DSI) crashes and the rate of DSI crashes is trending upward for all three councils. KDC also have higher Collective Risks than their peer group.

#### How we fund this

- General rates;
- Targeted rates;
- Grants, subsidies and other funding sources;
- Development contributions;
- Financial contributions;
- Borrowing; and,
- Asset sales.

# **Roading and footpaths**

# What we do

Transport supports economic transactions, growth and development, social cohesion, health and the daytoday running of our communities. It is one of the most important functions we provide. We are the roadcontrolling authority for our district, and we are responsible for planning, creating, operation, maintaining and rehabilitating all roads (except state highways) in a financially responsible manner.

Total Urban Assets Unit of Each Rural Measure Pavement (tl) km 454.7 Sealed Surface Network km 108.1 346.6 Unsealed Road Network 1,119.4 km 13.1 1,106.3 Surface (carpark) km Pavement (carpark) km \_ Bridges metres Bridges (m) each 249 4,078 226 15 Major culverts <mark>99</mark> 1,043 3 99 each Retaining walls each <mark>472</mark> 14,979 50 422 Drainage metres 127,426 Minor culverts (m) each 12,167 1,439 10,728 Other drainage each 2,241 1,785 456 9,382 1,845,690 186,022 1,659,668 Surface water channels (m) metres **Traffic Services** metres Streetlight Poles each 429 415.00 14.00 41.00 Streetlight Brackets each 1185 1,144.00 Streetlight Lights 1185 1,144.00 41.00 each 9,001 Signs each 2,261 6,637 Railings (m) metres 1,139 23,273 2,288 20,985 **Traffic Signals** other traffic controls (tbc) Footpaths metres

Kaipara Districts Councils network is (This will be infographics)

	Footpaths (m)	metres	<mark>957</mark>	93,219	88,666	4,281
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We undertake the following: (Infographic the below on the page)

- Routine roadside drainage maintenance,
- Mowing and vegetation control,
- Footpath maintenance,
- Information and Regulatory Signage,
- Road Marking,
- Streetlights,
- Street Cleaning,
- Safety Barriers and Guide Fences,
- Pedestrian Crossings and Island Separations,
- Walkways, Shared Paths and Cycleways, and
- Emergency Work from Initial Response to Reinstatement.

We also assist the NZ Transport Agency (NZTA) to manage areas of the transport network through our townships along the State Highways where the speed limit is less than 70km/h.

We are a member of the Northland Transportation Alliance (NTA) that provides the professional services to Council for the Transport Network through a shared services business unit based in Whangarei. The NTA members include Far North District Council (FNDC), Whangarei District Council (WDC), Northland Regional Council (NRC).

Other responsibilities for Council include:

- Road safety promotion and education,
- Advocate for NZTA and other Central Government funding to support key Transport Infrastructure Projects in Kaipara district,
- Ensure all new works meet Councils Engineering Standards,
- Liaise with NZTA regarding the State Highway Network throughout Kaipara district,
- Member of Northland Lifelines Group,
- Member of Regional Transport Committee,
- Member of Regional Freight Group, and
- Member of Regional Stock Truck Effluent Dumping working party.

# **Contribution to Community Outcomes**

- Climate smart: Future Infrastructure design will need to adapt to the effects of Climate change
- Vibrant communities: Street design and landscaping contributes to a vibrant community
- Prosperous economy: Safe and well maintained roads ensures easy travel and access around the District
- A Trusted Council: Provide safe and connected walkways, cycleways and vehicle access

#### What we will deliver

Description	When
speed limit reviews, local area road traffic improvements and prioritised road safety initiatives and an education programme	2021/2022
<ul> <li>Implement the network resilience strategy which includes a significant programme of slip repairs and drainage improvements across the district to</li> </ul>	

-		,,
•	mitigate the effects of climate change and significant weather events that cause communities to be severed from essential services. Complete the delivery of the Provincial Growth Fund (PGF) unsealed roads package Secure funding and deliver the network cycleway programme Implement township improvement programmes Complete the LED infill lighting programme Implement the footpath programme to improve pedestrian safety and connectivity throughout the district Undertake the bridge replacement and upgrade programme	
•	Continue District wide road safety improvements, including school zones, speed limit reviews, local area road traffic improvements and prioritised road safety initiatives and an education programme Continue the network resilience strategy which includes a significant programme of slip repairs and drainage improvements across the district to mitigate the effects of climate change and significant weather events that cause communities to be severed from essential services. Secure funding and continue to deliver the network cycleway programme Continue township improvement programmes Continue the footpath programme to improve pedestrian safety and connectivity throughout the district Continue the bridge replacement and upgrade programme	2022/2023
•	Continue District wide road safety improvements, including school zones, speed limit reviews, local area road traffic improvements and prioritised road safety initiatives and an education programme Continue the network resilience strategy which includes a significant programme of slip repairs and drainage improvements across the district to mitigate the effects of climate change and significant weather events that cause communities to be severed from essential services. Secure funding and continue to deliver the network cycleway programme Continue township improvement programmes Continue the footpath programme to improve pedestrian safety and connectivity throughout the district Continue the bridge replacement and upgrade programme	2023/2024
•	Continue District wide road safety improvements, including school zones, speed limit reviews, local area road traffic improvements and prioritised road safety initiatives and an education programme Continue the network resilience strategy which includes a significant programme of slip repairs and drainage improvements across the district to mitigate the effects of climate change and significant weather events that cause communities to be severed from essential services. Secure funding and continue to deliver the network cycleway programme Continue township improvement programmes Continue the footpath programme to improve pedestrian safety and connectivity throughout the district Continue the bridge replacement and upgrade programme	2024/2031

# **Performance Measures**

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
The change from the previous financial year in the number of fatalities and serious injury crashes on the local road network, expressed as a number	<= 0	<= 0	<= 0	<= 0
The average quality of ride on a sealed local road network, measured by smooth travel exposure	=>90	=>90	=>90	=>90
The percentage of the sealed local road network that is resurfaced	=>8%	=>8%	=>7%	=>7%
The maintenance of the roads meets the Council level of service targets as specified in our roading maintenance contracts	=>85%	=>85%	=>85%	=>85%
The percentage of the sealed local road network that is rehabilitated	>=0.6%	>=0.6%	>=0.5%	>=0.6%
The percentage of customer service requests relating to roads and footpaths to which the territorial authority responds within the time frame specified in the LTP	=>95%	=>95%	=>95%	=>95%
The percentage of footpaths within a territorial authority district that fall within the level of service or service standard for the condition of footpaths that is set out in the territorial authority's relevant documentation (such as its annual plan, activity management plan, asset management plan, annual works programme or LTP)	=>90% in fair or better condition	=>90% in fair or better condition	=>90% in fair or better condition	=>90% in fair or better condition
Extend the footpath and cycleway network as planned	TBA	TBA	TBA	ТВА
Execution of capital works programme - maximum uptake, within 3 year period, of the approved NZTA budget, provided Council can also fund the local share	=>95%	=>95%	=>95%	=>95%

# **Changes in Levels of Service**

The levels of service have all being standardised throughout Northland which should give the community consistent service wherever they are in the Region.

# Significant Negative effects

Activity	Effect	Mitigation
Road Safety	High number of fatal and serious crashes. Northland has a narrow, winding and unforgiving rural road network which combined with poor driver behaviour has resulted in the region being a high Community at Risk for death and serious injury (DSI) crashes and the rate of DSI crashes is trending upward for all three councils. KDC also has higher Collective Risks than their peer group.	Behavioural campaign and black spots / identified safety issues improvements. Kaipara specific targeted campaigns at specific crash issues and programme of safety improvements as known locations to prevent or reduce serious injury.
Resilience	Poor geology, a subtropical climate and poor drainage systems make our roads susceptible to slips and flooding during heavy rain events, resulting in road closures that often affect critical routes.	Adaptive Pathways to establish appropriate community and infrastructure response to climate change events. Develop adaptive plans for vulnerable and coastal communities that indicate a future strategy and funding allocation for proactively dealing with climate related events.
		Proactive maintenance and renewals of vulnerable roading assets such as aging bridges and coastal roads to create more resilience and reliable connection to the wider network.
Structures	Aging bridge stock, a high number of wooden structures in poor to very poor condition and 27 bridges restricted from HPMV and 50MAX reduce the networks capacity to provide appropriate Levels of Service to all road users	Replace/renew bridges and structures through a systematic programmed approach which aims to tackle enough of the transport network assets to spread the cost over 30 years

# How are we considering Climate change?

Climate Smart Community Outcome help guide Council's transportation activities. We are identifying climaterelated risks to our transportation network and are investigating ways to increase resilience and sustainability and promote positive environmental outcomes. As we better understand how changes to Kaipara's climate will impact transportation, we will continue to identify adaptation and mitigation opportunities. Some activities include aligning with Adaptive Pathways, increasing energy efficiency, and supporting low-emissions, sustainable transport options.

# **Waste Minimisation**

# Purpose

We deliver refuse collection and disposal service that meets our statutory obligations and community needs. We ensure that this service is affordable, hygienic and environmentally sustainable, contributing to our wellbeing, and protecting and enhancing our natural assets and open spaces.

# Legislation associated with this service

- Local Government Act 2002
- Waste Minimisation Act 2008
- Resource Management Act 1991
- Hazardous Substances and New Organisms Act 1996
- Litter Act 1979
- Health Act 1956
- Climate Change Response Act 2002.

#### **Risks and Issues**

#### **Operational Solid Waste Facilities**

- Environmental contamination occurs through events beyond the control of Council
- Operator fails to meet contractual obligations.
- Central government legislation drives up disposal costs this relates to Waste Minimisation levy's
- Illegal Dumping of Rubbish due to decrease in service level (e.g. missed collections, costs of disposal, distance to travel)
- Public and Contractor Health Contractors and members of the public are not exposed to Health risks
- Public and Contractor Safety accidents causing injury and damage to Kaipara Residents, visitors or property

#### **Closed Landfills**

- Illegal substances deposited without Council knowledge
- Leachate contamination from groundwater
- Adjacent landowner issues
- Not meeting Resource consents conditions
- Unknown historic illegal landfills on council land
- Impact of Climate Change Unknown cost to protect Closed landfills in coastal areas

# Other Business Risks

- KDC may have to implement central government initiatives that are currently being investigated. Central
  government proposed future changes are expected over the next 1 3 years, it is not known how these
  will affect our current levels of service, budgets and already planned projects These include but are not
  limited to:
  - o Increasing the disposal levy
  - Standardising kerbside refuse and recycling (both how we collect and what we collect)
  - introduction of Container Deposit Schemes and
  - Compulsory Product Stewardship of some products.
- Environmental contamination occurs through events beyond the control of Council
- Inadequate condition/performance assessments lack of reliable data for renewals/replacements and valuations
- General Maintenance, Operation and Collection Contract Management unsatisfactory resulting in unnecessary or excessive costs and/or insufficient output or quality. Poor Contractor performance

• Loss of information, caused by staff turnover or illness

### How we fund this Group

- General rates;
- Fees and charges;
- Financial contributions;
- Borrowing;
- Asset sales; and
- Lump sum contributions.
- Waste Minimisation Grant

# **Refuse and Recycling**

# What we do

The decisions we make on managing solid waste directly affect our communities and our environment. We focus on delivering a seamless, affordable and hygienic rubbish collection service balanced against environmental goals of waste minimisation and reducing waste to landfill as described in our Waste Management and Minimisation Plan 2017.

We provide two transfer stations for general waste and recycling disposal; weekly kerbside recycling in key urban areas from Mangawhai to Dargaville; transfer stations at Hakaru and Dargaville; recycling drop-offs at our two transfer stations and litterbins in key areas throughout the Kaipara district.

We manage leachate pollution from historic landfills to protect environmental quality; and closed landfill activities comply with the legislation. We also clear illegally dumped rubbish and remove abandoned vehicles.

# **Contribution to Community Outcomes**

- Climate smart: Provide recycling and plan waste minimisation options when future planning
- Vibrant communities: Promote a clean enviroment across the District
- Healthy environment: Recycling is encouraged

# What we will deliver

Description	When
• Expand the Council Solid Waste Team to enable more focus on waste minimisation and	2021/2022
improvements to the activity	
Assets registered in Assetfinder, includes closed landfills and litterbins and locations	
Installation of compaction solar powered bins in various locations, coastal and some	
urban	
Provision of waste minimisation, sustainable and circular economy education to	
communities and business, through Council website/publicity and external groups funded	
by Council	
Installation of weigh bridge at Dargaville Transfer Station	
Closed Landfill Assessments for Climate Change Readiness (only closed landfills in	2022/2023
coastal areas)	2022,2020
Implement changes set by Central Government, these could include container deposit	
schemes, kerbside collection standardisation of refuse and recycling, both products	
collected and how we collect them.	
Obtain consents, purchase land, commission design for new resort centre, tender	
contract.	
• Investigate and install sound proofing options at Dargaville and Hakaru Transfer Stations	

De	Description		
٠	Develop and implement composting facility		
•	Begin work on closed landfill remediation as identified in assessments.	2023/2024	
•	Build new resort/processing plant with incinerator	2020/2021	
•	Potential reutilisation of some key closed landfill sites i.e. develop a dog park at the	2024/2031	
	Kaiwaka site in partnership with Parks Team	202 1/2001	
•	Negotiation for potential buy back or Hakaru Landfill or site upgrade		
•	Continue closed landfill remediation works		

# **Performance Measures**

LTP Year 1 Target 2021/2022	LTP Year 2 Target	LTP Year 3 Target	LTP Years 4-10
•	-	Target	Target
2021/2022	0000/0000		Target
	2022/2023	2023/2024	2024/2031
70%	70%	75%	75%
et benchmark	Less than	Less than	Less than
	previous	previous	previous
et benchmark	Greater than	Greater than	Greater than
	previous	previous	previous
NIL	NIL	NIL	NIL
	et benchmark	et benchmark Less than previous et benchmark Greater than previous	et benchmark Less than previous previous et benchmark Greater than previous previous

# **Changes in Levels of Service**

To increase the levels of recycling, it is proposed (subject to Consultation) to introduce recycling bins which will be funded through a targeted rate.

A composting facility will be provided to reduce volumes of land fill.

It is noted that central government is looking at initiatives that may be added throughout the period of this LTP to increase to levels of service especially with regards to recycling.

# Significant Negative Effects

Activity	Effect	Mitigation
Solid Waste Activity	<b>Kerbside Collections</b> : Loose kerbside recycling materials and broken solid waste bags may become windblown litter and odorous if not collected promptly.	This is managed through contract specification with regards to kerbside collection and bylaws around when refuse and recycling should be placed out for collection.
	Transfer Station and Recyclable Facilities: Excessive recyclable and	This is managed through contract specification and regular inspections

Activity	Effect	Mitigation
	general refuse materials may become windblown litter.	by Council staff to ensure sites are tidy. Additional storage and fencing will be considered if this becomes an issue.
	<b>Closed Landfills</b> : Closed landfills can be targets for illegal dumping (fly tipping) which can become odorous and untidy. Also, potential for odour issues arising from landfill gases escaping into the atmosphere.	Closed landfills are inspected quarterly for fly tipping and gas odours.
	<b>Public Litterbins</b> : Capacity problems can cause bins to become over full (in holiday seasons) and overflowing litter is blown around the area	Council regularly reviews bin capacity and suitability with contractors – this is largely managed by contractors; additional collections are completed over the seasonal periods where required.
Discharges of pollutants to water and land. (Environmental	<b>Transfer Stations:</b> There is a possibility of stormwater contamination on site if materials are not managed well.	This is managed via separation of leachate and stormwater management systems and regular inspections of the separate systems.
effects)	<b>Closed Landfills</b> : If closed landfills are not capped off and vegetated correctly, they may release additional solid waste or leachate to the environment.	Closed landfills are Consented under the Northland Regional Council there are strict monitoring conditions on leachate discharge.
Discharge or migration of landfill gas (environmental and economic effects)	<b>Closed Landfills</b> : Potentially explosive/flammable landfill gases may have a noxious odour and could damage soil health and vegetation, there is also concerns around the emissions of greenhouse gases.	Council monitors closed landfills as per resource consent conditions which includes monitoring for evidence of landfill gas, Northland Regional Council also monitor.
Disruption of service (social and economic effects)	Kerbside and Litterbin Collections: Disruption to kerbside solid waste services can cause a public health effect if wastes are not collected in a timely manner.	This is managed by the contractor – Council can utilise a sub-contractor if refuse contractor does not meet contract conditions.
	<b>Transfer Stations:</b> Failure to open these sites can prevent businesses operating and create public health risks with the storage of waste on properties.	Waste can be stored at residences or business for short periods of time. In the event of a long-term closure waste, both kerbside and general waste can be transported directly to Puwera Landfill south of Whangarei.
Unaffordable or uneconomic cost of services (social and economic effects)	<b>Recycling:</b> The loss of viable markets for recovered materials can have a negative effect on the economic viability of recycling	This is managed by Council contractors. Council provides drop off locations for recycling through the two Transfer Stations and a recycling

Activity	Effect	Mitigation
		kerbside collection in the main urban areas, the contractor is responsible for all marketing. This is a user pays service with no rate payer funding.
	<b>Self-Haul Waste</b> : Disposal costs are governed by conditions outside of council control. Gate and other disposal charges are influenced by these.	All refuse disposal is user pays and managed by the refuse contractors, any rise in costs by contractor has to be justified and approved by Council.
	<b>Kerbside Collection</b> : This is also influenced by conditions outside of Council control.	As for above disposal is user pays and managed by refuse contractors.
	<b>Transfer Stations</b> : Gate charges are directly influenced by the cost of disposal at landfill.	Transfer station disposal costs are user pays, and any increases in gate charges need to be approved by Council. Transfer Station disposal activities are user pay basis, Council provides a small budget for property and asset maintenance.
	Public Litter bin Collections: Issues caused by illegal dumping of household rubbish and capacity issues over seasonal periods	This is managed by Council contractors and a free service to the public. Capacity is increase over seasonal periods and bins monitored.
	<b>Closed Landfills</b> : Central government legislation governs how we manage closed landfills; any changes could result in additional cost.	This is beyond Council control and any changes need to be managed and prioritised. Regular inspections are completed to ensure closed landfills are up to the current standards.
Illegal dumping: (environmental, economic and social effects)	Any reports of dumping are dealt with promptly and if offenders identified they are prosecuted.	When dumping is reported Council manages the clean up as soon as practicably possible, offenders are prosecuted where evidence is found.

# How are we considering Climate change?

Climate Smart Community Outcome helps guide Council's waste minimisation activities. We are still in the process of understanding the kinds of risks climate change poses to Council's waste minimisation services. Over the next three years we will identify climate-related risks to our closed landfills and aim to identify these closed landfills' contributions to GHG emissions. We aim to reduce the District's overall emissions by reducing the amount of solid waste that goes to landfill. We are developing an improved system to treat and discharge leachate. We will also support groups and businesses towards waste reduction and circular economy practices, including facilitation of increased composting opportunities.

# Water Supply

# Purpose

A reliable and high-quality water supply to Kaipara district's reticulated areas is essential for communities and local economic development.

Public water supplies ensure communities receive water at the cost of production. Our water supply activities also protect and enhance our natural assets and open spaces.

### Legislation associated with this service

- Local Government Act 2002
- The Health (Drinking Water) Amendment Act 2007
- Drinking-water Standards for New Zealand 2000 and 2005
- Resource Management Act 1991.

#### **Risks and Issues**

- Dargaville water supply has drought risks and the security of supply for Dargaville is challenging during dry years.
- Supplying raw water to customers for pastoral uses is a risk, and if incorrectly used as drinking water without appropriate treatment, it may result in public health issues.
- The renewals programme is still based on affordability and condition assessments. Our water supply
  assets are generally in poor shape with older schemes which are nearing the end of their effective lives
  and need renewal. Renewal costs will be high and must be done in a planned and affordable manner.
  Some small communities serviced by old schemes and the small Mangawhai scheme may find the
  renewals required unaffordable, and
- Asset knowledge (mainly pipes) is mixed and we risk unforeseen asset failure.

#### How we fund this Group

- Targeted rates
- Fees and charges
- Development contributions
- Financial contributions
- Borrowing
- Asset sales, and
- Lump sum contributions.

#### What we do

We operate five community water supply schemes for Dargaville (including Baylys), Glinks Gully, Ruawai, Maungaturoto and Mangawhai (mostly supplying the Mangawhai Heads Holiday Park and the Woods Street commercial precinct) giving them a sustainable drinking water supply.

We own and maintain the whole water supply network for the five schemes. We treat raw water to produce quality and quantities of drinking water to drinking water standards (potable); and distribute treated water to the point of supply to customers to meet specific flow, pressure and quality standards. This includes water for emergency firefighting services for Dargaville's urban area.

We also undertake

customer services

- water billing
- asset management
- planning
- treatment plant operations and maintenance
- network operations and maintenance
- capital and refurbishment programme; and
- consent monitoring and compliance.

# **Contribution to Community Outcomes**

- Climate smart: Consider water conservation and water security when future planning
- Healthy environment: Providing clean water supply to our communities

#### What we will deliver

De	Description		
•	Feasibility study for connection to Dargaville water storage	2021/2022	
•	Variation to Kaihu Water take consent to obtain permission from NRC to take at		
	lower levels		
•	Design infrastructure for conveyance (water storage)	2022/2023	
٠	Continue with design for conveyance	2023/2024	
•	Construct water storage	2024/2031	
•	Maungaturoto Water Storage Options and Capacity Upgrades		

#### **Performance Measures**

	LTP Year 1	LTP Year 2	LTP Year 3	LTP Years 4-10
	Target	Target	Target	Target
	2021/2022	2022/2023	2023/2024	2024/2031
The extent to which Council's	Dargaville,	Dargaville,	Dargaville,	Dargaville,
drinking water supply complies	Maungaturoto,	Maungaturoto,	Maungaturoto,	Maungaturoto,
with part 4 of the NZDWS	Ruawai, Glinks	Ruawai, Glinks	Ruawai, Glinks	Ruawai, Glinks
(bacteria compliance criteria) -	Gully and	Gully and	Gully and	Gully and
Mandatory	Mangawhai	Mangawhai	Mangawhai	Mangawhai
	All schemes must			All schemes must
	be compliant	be compliant	be compliant	be compliant
The extent to which Council's	Dargaville,	Dargaville,	Dargaville,	Dargaville,
drinking water supply complies	Maungaturoto,	Maungaturoto,	Maungaturoto,	Maungaturoto,
with part 5 of the NZDWS	Ruawai, Glinks	Ruawai, Glinks	Ruawai, Glinks	Ruawai, Glinks
(protozoal compliance criteria)	Gully and	Gully and	Gully and	Gully and
- Mandatory	Mangawhai	Mangawhai	Mangawhai	Mangawhai
	All schemes must	All schemes must	All schemes must	All schemes must
	be compliant	be compliant	be compliant	be compliant

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
The percentage of real water loss from our networked reticulation system (average for total network of all schemes) <sup>1</sup> .	≤28%	≤28%	≤27%	≤26%
Median response time for attendance for urgent callouts; from the time the local authority receives notification to the time that service personnel reach the site.	≤2 hours	≤2 hours	≤2 hours	≤2 hours
Median response time for resolution of urgent callouts; from the time the local authority receives notification to the time that service personnel confirm resolution of the fault or interruption.	≤48 hours	≤48 hours	≤48 hours	≤48 hours
Median response time for attendance for nonurgent callouts; from the time the local authority receives notification to the time that service personnel reach the site.	≤3 hours	≤3 hours	≤3 hours	≤3 hours
Median response time for resolution of nonurgent callouts; from the time the local authority receives notification to the time that service personnel confirm resolution of the fault or interruption.	≤3 days	≤3 days	≤3 days	≤3 days
Total number of complaints about drinking water quality e.g. clarity, odour, taste, pressure or flow and continuity of supply. Expressed per 1,000 water connections.	≤40	≤39	≤38	≤37
Total number of complaints received by Council about Council's response to any of these	≤40	≤39	≤38	≤37

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
issues. Expressed per 1,000				
water connections.				
Water take consents:	100% compliance	100% compliance	100% compliance	100% compliance
	with Northland	with Northland	with Northland	with Northland
	Regional Council	Regional Council	Regional Council	Regional Council
	consents.	consents.	consents.	consents.
The average consumption of	Dargaville 275	Dargaville 275	Dargaville 275	Dargaville 275
drinking water per day per	Maungaturoto 340	Maungaturoto 340	Maungaturoto 340	Maungaturoto 340
resident within Kaipara district.	Ruawai 130	Ruawai 130	Ruawai 130	Ruawai 130
Average calculated by the	Glinks Gully 52	Glinks Gully 52	Glinks Gully 52	Glinks Gully 52
billed metered consumption	Mangawhai* 230	Mangawhai* 230	Mangawhai* 230	Mangawhai* 230
(m <sup>3</sup> ) x 1,000 divided by the	*Mangawhai	*Mangawhai	*Mangawhai	*Mangawhai
number of connections x 365	calculation to take	calculation to take	calculation to take	calculation to take
x 2.5 (occupancy rate).	into account the	into account the	into account the	into account the
	campground	campground	campground	campground
Major capital projects are	Achieved	Achieved	Achieved	Achieved
completed within budget.				

<sup>1</sup>Real water loss is calculated by subtracting the meter readings and 'other components' from the total water supplied to the networked reticulation system.

#### **Changes in Levels of Service**

There will be no changes to the level of service

#### **Significant Negative effects**

Activity	Effect	Mitigation
Drinking Water	Non-compliance can occur at the water treatment plant (WTP) or within the water network. We have stringent monitoring and testing regimes to control and supply the community with compliant drinking water.	<ul> <li>We mitigate potential negative effects through a mix of asset management planning activities, including:</li> <li>asset development work</li> <li>monitoring and testing</li> <li>demand management initiatives and</li> <li>public education, including water conservation programmes.</li> </ul>
Water system	Water treatment system failure could affect dialysis patients.	Our contractors have a list of dialysis patients and notify them immediately of any outages, supplying water if needed. We mitigate potential negative effects through a mix of asset management planning activities, including: • asset development work • monitoring and testing

Activity	Effect	Mitigation
		<ul> <li>demand management initiatives and</li> <li>public education, including water conservation programmes.</li> </ul>
Pipes	Breaks in the lines are unpredictable and difficult to detect in wet weather. However, any rapid reservoir depletion is a trigger for network investigation. Our Water Asset Management Plan describes our water assets and the practices used to manage them which helps to reduce possible negative effects and risks	<ul> <li>We mitigate potential negative effects through a mix of asset management planning activities, including:</li> <li>asset development work</li> <li>monitoring and testing</li> <li>demand management initiatives and</li> <li>public education, including water conservation programmes.</li> </ul>

#### How are we considering Climate change?

A Climate Smart Community Outcome guides Water Supply activities. Council has identified climate change projections and potential impacts and implications for Kaipara's water supply. We understand that increasing drought conditions and lower mean flow levels pose risks to water supply activities. While demand for potable water will remain and likely increase, access to water will decrease. Water supply activities face changes to water quality, reduced water quality and flows and increasing pressures on water take consents.

We will continue to identify impacts and potential negative effects. We will seek adaptive planning and designs in our asset developments and upgrades. Where feasible, we will pursue opportunities for sustainable, low emissions design and project management. We will continue to seek options for water storage, water conservation and maintaining water quality. We also will ensure our asset management plans (AMPs) reflect the critical nature of conserving water supply and adapt to changes in access and availability.

## Wastewater

#### Purpose

Protection of the public and environmental health, through treatment of wastewater in selected areas.

#### Legislation associated with this service

- Local Government Act 2002
- The Health (Drinking Water) Amendment Act 2007
- Drinking-water Standards for New Zealand 2000 and 2005
- Resource Management Act 1991.

#### **Risks and Issues**

- Failure of a scheme due to the age of the assets, and the inaccessibility for inspections (pipes are underground so are difficult to find and inspect adequately)
- Affordability, the cost to repair and provide service with aging pipes coupled with small communities served by a scheme can push the expenses (and rates) out of reach for communities
- If the trend toward higher environmental standards for discharge consents (treated wastewater released into harbours or rivers) continues, it may become unreasonable to expect communities to front the costs of upgrading equipment or services to meet the standards
- The Mangawhai Community Wastewater Scheme (MCWWS) requires implementation of the improvements plan to provide the right capacity
- This Infrastructure Strategy assumes a continuation of land-based disposal options through increased efficiency and alternative disposal options and
- The exact capacity of the five other wastewater schemes is unknown until specific capacity analyses (modelling) are undertaken.

#### How we fund this Group

- Targeted rates
- Development contributions
- User fees and charges
- Borrowing
- Asset sales and
- General rate.

#### What we do

We collect, treat and dispose of wastewater through sustainable, cost effective and environmentally friendly methods. We own and operate wastewater schemes for Glinks Gully, Te Kopuru, Dargaville, Maungaturoto, Kaiwaka and Mangawhai; and undertakes asset management, planning, operation and maintenance of the wastewater schemes, capital and refurbishment programmes and consent monitoring and compliance, along with responsibility of professional and physical works undertaken on the network.

#### **Contribution to Community Outcomes**

- Climate change: Manage our wastewater to minimise negative effects of climate change
- Vibrant communities: Manage our service to ensure communities and business are supported
- Healthy environment: Manager wastewater standards with discharge having no detrimental effects on the environment

#### What we will deliver

Description	When
Investigating the disposal system for MCWWS	2021/2022
Undertake wastewater modelling for the district	
Investigation and documentation of asset conditions	
Continue the extension of the MCWWS reticulation and disposal system	
Complete the balance tank for the MCWWS	
Investigate alternative usages for sludge from MCWWS	
Work programme implemented for disposal system MCWWS	2022/2023
Continue wastewater modelling for the district	2022,2020
Work programme designed for asset replacement or renewal	
Determine feasible option for sludge usage MCWWS	
Construct disposal system for MCWWS	2023/2024
Commence development for recyclable use of sludge from MCWWS	2020/2021
Construct disposal system for MCWWS	2024/2031
Develop a recyclable use of sludge from MCWWS	202 1/2001
Upgrade the Dargaville Wastewater Treatment Plant	

#### **Performance Measures**

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
The number of dry weather sewage overflows from Council's <i>sewerage systems,</i> <i>expressed</i> per 1,000 sewerage connections to that sewerage system. The resource consent provides for severe weather events and power failure exceptions.	≤1	≤1	≤1	≤1
Where Council attends to sewage overflows resulting from a blockage or other fault in the territorial authority's sewerage system, the following median response times apply: Attendance time: from the time that the territorial authority receives notification to the time that service personnel reach the site. (Department of Internal Affairs measure)	≤2 hours	≤2 hours	≤2 hours	≤2 hours
Where Council attends to sewage overflows resulting from a blockage or other fault in the territorial authority's sewerage system, the following median response times apply: Resolution time: from the time that the territorial authority receives notification to the time that service personnel confirm resolution of the blockage or other fault.	≤48 hours	≤48 hours	≤48 hours	≤48 hours

	LTP Year 1 Target 2021/2022	LTP Year 2 Target 2022/2023	LTP Year 3 Target 2023/2024	LTP Years 4-10 Target 2024/2031
The total number of complaints received by Council about sewage odour. Expressed per 1,000 sewerage connections.	≤10	≤10	≤10	≤10
The total number of complaints received by Council about sewerage system faults e.g. blockages, breaks. Expressed per 1,000 sewerage connections. (Department of Internal Affairs measure)	≤27	≤27	≤27	≤27
The total number of complaints received by Council about Council's response to issues with its sewerage system. Expressed per 1,000 sewerage connections. ( <i>Department of</i> <i>Internal Affairs measure</i> )	≤50	≤48	≤46	≤44
The number of abatement notices, infringement notices, enforcement orders and convictions received by Council in relation to its resource consents for discharge from its sewerage systems.	0	0	0	0
Major capital projects are completed within budget.	Achieved	Achieved	Achieved	Achieved

#### Changes in Levels of Service

There will be no changes to the level of service

#### **Significant Negative effects**

Activity	Effect	Mitigation
Environmental Health	In case of failure or significant breakage, there could be contamination of public waterways which may have large environmental or personal health issues.	Remote monitoring and alarms are in place for operators to react quickly to contain any spillages. For pump stations, use of sucker trucks. For pipe breakages, quick responses, and containment of spillage before it gets to waterways
Renewals	The rising cost of ongoing maintenance or pipe renewal may become economically unrealistic.	Use competitive bidding as afar as possible and create price and quality tension for better results.

Wastewater plants	Failure of a wastewater treatment plant (WTP) in	Ongoing clo	se
	meeting the resource consent may result in	monitoring	of
	Northland Regional Council (NRC) issuing an	performance and acti	ng
	infringement notice.	quickly to rectify.	

## How are we considering Climate change?

Kaipara's changing climate will impact on wastewater activities. Increasing average temperatures and changes to rainfall patterns will increase pressure on treatment plant and on the wastewater network. Sea level rise and increasing risk from coastal hazards will also impact Council's low-lying assets in the wastewater network. These changes will increase the risk of flooding and overflow due to increased inflow and infiltration. Discharge allowances are likely to decrease. We understand these risks will impact on current expected levels of services and costs to provide expected services, and that we will need to be adaptive and strategic to meet expected levels of services.

We also understand we have a responsibility to manage these risks and protect the natural environment and communities. We will continue to explore adaptation opportunities in our wastewater activities, including seeking out ways to manage inflows and infiltration during heavy rainfall. We also will continue to consider climate change impacts as we make management decisions for our wastewater activities. Considerations in planning and design include carrying out, where feasible, climate scenario analysis and risk analysis for major projects or operational works.



## **Communication and Consultation Update**

Meeting:Council BriefingDate of meeting:09 December 2020Reporting officer:Ben Hope, Senior Communications Advisor

## Purpose/Ngā whāinga

To update the results of the pre-engagement survey, clarify the engagement events planned for March 2021, and to provide a draft consultation document for feedback.

### Discussion/Ngā kōrerorero

#### **Pre-engagement survey**

The pre-engagement survey is another informal tool to gain insight and the thoughts of community in conjunction with the community events.

The survey looked to gain people's thoughts on the established key areas currently under discussion for the Long-Term Plan (LTP).

We had 451 responses, from across the rural, lifestyle and residential areas of Kaipara, with a significant portion of respondents coming from the main townships of Kaipara.

General observations can be made about;

- Infrastructure being the focus of spending in the immediate future,
- External funding should be explored where possible to minimise costs,
- 49% of respondents believe it's fair for people to pay the same amount for connections to council networks.

The rest of the graphs highlighting the overall responses can be found in Attachment A.

Activity managers are now working with the information to inform the LTP.

#### **Engagement Events**

Currently, webinars are planned for the first two weeks of March 2021, hosted by an elected member, joined by staff to present the thinking and information provided around the key LTP topics of;

- Roading,
- Water harmonisation,
- Waste minimisation, and,
- Dargaville Civic Precinct.

These events would be run as a staff and elected member led Q&A, streamed to social media and You Tube, and would be publicised so we can gather questions from the community to answer on the night.

These events will be supported by four drop-in style events with an educational focus, taking place the week of 15 March 2021. The planned locations are Te Kopuru, Dargaville, Paparoa and Mangawhai, with some of them possibly market based.

The engagement events will be supplemented by a promotional campaign using social media, our website, radio and traditional media.

#### **Consultation Document draft**

**Attachment B** is a draft consultation document for refining and publication in March 2021. As previously stated, the Consultation Document (CD) provides an effective basis for public participation in local authority decision-making processes relating to the content of an LTP.



It shouldn't just be a summary LTP, but should describe the key issues proposed, the choices on offer and the implications for the community.

The CD is also subject to audit, to meet legislative requirements and ensure it presents the community with clear, relevant and accurate options.

Information relating to the proposed impacts is to be discussed at the December LTP briefing, and will then be incorporated into the financial implications for the Consultation Document and Audit.

Feedback required from this briefing:

- A title for the Consultation Document
- Direction on areas that needed adding to in the Consultation Document
- Direction on clarity of questions

#### Next steps/E whaiake nei

- The draft CD will be audited by Council auditors in January 2021
- The draft version of the CD will be presented to the February LTP briefing before adoption at the February Council meeting
- An updated engagement plan will also be provided to the February LTP briefing.

#### Attachments/Ngā tapiritanga

A	Graphs from LTP pre-engagement survey
В	Draft consultation document wording (excl. finances)

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## The past to present / Te wā o mua ki ēnei rā

Kaipara has changed. Since our last Long-Term Plan (LTP) we have established a new, democratically elected, Council and delivered significant projects for our community. We have grown in size, reputation and confidence which is shown in the significant Provincial Growth Fund (PGF) investments we have attracted to the district in the last two years. Our small Council has the same challenges as many other mid-sized councils and some additional challenges resulting from a previous lack of investment in infrastructure.

#### Vision

In 2019 Council adopted a new vision to set the tone for Kaipara District Council moving forward "Growing a better Kaipara". This builds the holistic wellbeing of our district; our social, economic, cultural and environmental wellbeing that will enable our district and our communities to thrive.

Kaipara is an attractive place where more and more people want to establish their homes. A key part of our vision is to enable growth in a way that is sustainable, and retain what's special about our two harbours, two coasts and everything in between.

{Insert Graphic}

# Our Future and a path forward / Te tirohanga me te ara whakamua

Our district has moved on from its chequered past. Although the memory of what happened may still be fresh for some of you, we can report that Kaipara District Council has been steadily building its reputation within Northland and nationally as one that punches well above its size.

We are attracting support from government, and a capable team of staff who have the necessary skills to deliver on our work programme. The benefit of offering great work in a beautiful district!

Although those times are well and truly behind us, we still carry a legacy from that extended period when there was little investment in infrastructure. However, we cannot address many years of underinvestment all at once.

For the next three years we're proposing to focus on getting the basics right. We want to commit to investing in maintenance and infrastructure so we can rely on our services without risk of failure.

You've told us roading is a priority. Already we have invested in establishing best practice standards for maintaining our unsealed roads. This will enable us to maintain roads more quickly, at lower cost and to a higher, more reliable standard than previously. We will get back on track, regularly maintaining priority roads.

Next we want to tackle some of the big challenges that feel like they are on the horizon, but could be closer than we anticipate. Climate change, water resilience and waste minimisation are all critical issues that need to be addressed. The sooner we can make progress on these issues, the better prepared we will be to face the future.

All of this builds on our investments of the last three years, creating safe, clean spaces to support sustainable growth.

And finally, the big question is who should pay for this? Every service carries a cost and many individuals and businesses in our community have been affected by COVID-19. We are exploring with you how we should balance user pays with the public good of, and care for, the community. Should communities pay the full cost of the services they receive, placing higher burdens on small communities, or should the cost be shared by all who receive a comparable service? We look forward to your feedback.

Our plan for the next 10 years is to;

- Delivering the planned work on unsealed network, bridges and footpaths,
- Maintain and renew all other current aging infrastructure,

- Continue to find / seek additional sources of income enabling us to keep rates affordable through grants and dividends, partnerships,
- Where possible, spread the impacts of financial decisions

Climate change is the biggest environmental challenge and one of the most significant issues we face today. Kaipara is already feeling the effects of a changing climate. We have experienced cyclones and heavy rainfall, flooding, coastal inundation and erosion, and seasonal rainfall changes and drought. Extreme weather events and natural hazards impact our homes, villages and towns, our amenities and infrastructure, our work and our primary industries, our health and wellbeing, and the nature, land and water that surrounds us. These impacts are projected to become more severe and more frequent as the climate continues to change and as sea levels rise.

Here are the main changes and their impacts and implications.

#### {Infographics here}

Through the Long Term Plan 2021-2031 we seek to become a Climate Smart District. This means setting the foundation for communities to adapt and thrive in a changing climate. We are seeking your input on how Council can best build this foundation over the next ten years. Page X reviews a proposed climate change work programme and outlines different options to develop Council's climate change response.

Our plan for the next 10 years is to;

- Delivering the planned work on unsealed network, bridges and footpaths,
- Maintain and renew all other current aging infrastructure,
- Continue to find / seek additional sources of income enabling us to keep rates affordable through grants and dividends, partnerships,
- Where possible, spread the impacts of financial decisions

## The Money / Te Pūtea

#### Rates/Income

We're proposing to cap increases on our income from rates at X% for each year of the plan.

The graph shows our increase in revenue from rates over the last five years. We forecast we'll need to increase our revenue from rates by 6.37% to deliver the first year of our plan, and increase every year after.

Our strategy --- {Sue to fill}

A 6.37% increase in rates revenue doesn't mean everyone will receive a 6.37% increase on their rates bill. An increase in rates may affect properties differently, depending on their location and changes in land value. For example, a property where the increase in land value is higher than the average for the district may pay more in rates than others where the increase in land value is lower.

So, the increase you receive will depend on the rates and services your property is charged for, the type, and value of your property, and the recent revaluation that was done in2020. There are also Regional Council rates included on your invoice.

{Insert What makes up rates graphic}

The following decisions are areas we'd like to focus on but include financial implications for rates increases. Each package includes the impact it would have on your rates bill for next year.

• See page XX for more info on Rates and sample property impacts

For more information on this see our draft Financial Strategy at kaipara.govt.nz/ltp

{Include more info on QV and property revaluation and it's impacts once that has been decided} Revenue and Financing policy changes

{Words to come from Paul/Sue}

#### Debt

All council's set debt limits, which caps total borrowing. The limit is benchmarked by comparing the total debt to total income.

{Debt limits graph}

In the graph here you can see the projected debt tracking over the next 10 years, and it's ratio to the debt limit. As you can see, we plan to remain well within our limits, being prudent is important so we have capacity for a emergencies a or a rainy day.

{Debt Graph over 10 years}

{Comparative debt graph – other councils}

## Key Decisions / Ngā Whakatau

## Waste minimisation

Two years ago we sought feedback from the community about the way we collect rubbish and recycling and found there is appetite for a change.

We're looking at ways we can make recycling easier across the District. Every household would get a crate for recycling, that would be collected kerbside in urban areas (for rural users there'd be a collection point) and we are proposing a targeted rate across all rating units. Kaipara ratepayers would also be able to take recycling to Kaipara transfer stations without additional charge.

Providing bins for recycling has proven impacts in reducing the amount of household waste that goes into the blue general waste bags, as having a more regular collection of recyclables makes it easier and more accessible for people to recycle.

There is a wider global issue around recycling, and how we deal with our waste. Central government is looking at creating a set of standards for every Council to follow around what materials must be collected, there are also changes proposed to the total tonnage cost of rubbish to landfill.

The proposed targeted rate would be a yearly cost of \$XX.XX, which will include two supplied crates, one for glass and one for other recycling.

#### How should Council continue to manage its waste collection?

- 1. Funded by a targeted rate across the Kaipara District (Preferred). A weekly collection of userpays bags for normal household waste and a single council-provided recycling bin (picture included for size comparison), free recycling service at transfer station.
- 2. Status Quo, user pays for bags (both recycling and waste), and charges at the transfer station for recycling.

OPTION	IMPACT ON RATES	IMPACT ON DEBT	IMPACT ON LEVELS OF SERVICE	OTHER IMPACTS
OPTION ONE	\$141.XX			
OPTION TWO				

#### {Key Documents Icon}

For more information on this visit kaipara.govt.nz/ltp

CD Draft 031120

- Infrastructure strategy
- Waste Minimisation Plan

#### Water rates equalisation

The Council provides drinking and wastewater systems to parts of the district. We're proposing to equalise the costs of operating water supply and waste water across those who are connected to the networks (by rights, this would also affect the capable to connect fees charged to those users within connection of various networks across Kaipara). This would allow for a more even share of expenses and benefits and reduce 12 targeted rates to two.

{Infographic

There are XX connection to the 6 water supply networks of Kaipara.

There are XX connections to the 6 wastewater networks of Kaipara.}

Currently, the users connected to the service, or capable of being connected to them, are liable for operating and maintenance costs, which can result on a significant rates burden for a small number of people. For example, if a pump needs to be replaced in Glinks Gully, then the 26 people who pay those water rates would be charged the full cost of replacement.

What we're proposing is a single fixed cost for anybody connected to, or capable of being connected to, our council supplied network for drinking water or wastewater. Everyone gets the same service, and they turn on the taps and treated water comes out. Paying the same connected yearly rate (which pays for the plant and overhead costs) and paying a uniform supply amount (based on how much water you use as a household) keeps the service level the same across those connected to the networks.

There will be some financial impacts to align everyone. Smaller networks will have a larger cost jump, but will enjoy greater benefit when renewals and maintenance are costed across the wider pool of people. This proposal spreads the increase of these initial changes for the smaller networks over a three-year period.

The alternative option is to entirely ringfence every network. Ringfencing would put all connected users of a network, either water supply or waste, being financially responsible for the work needed to maintain the system.

The users connected would have to front any costs needed to bring a system up to standard to meet it's consents or for any materials that need to be repaired or replaced.

While the council would manage the plant, all associated costs, both from the overheads of the system and the metered supply costs of water, would be paid for by the users. This means, in some years, expenses could jump, depending on what needs to be repaired and replaced or what work is needed to meet the standards.

#### Water Supply

#### How Should Council charge for water supply to networked houses?

- 1. Option One (Preferred) All connected users across the district pay an equal amount.
- Option Two Ring fence every network, where connected users pay the full cost of all operating expenses for that specific scheme.

OPTION	IMPACT ON RATES	IMPACT ON DEBT	IMPACT ON LEVELS OF SERVICE	OTHER IMPACTS
OPTION ONE				
OPTION TWO				

#### Wastewater

Having clean rivers and waterways is part of the attraction of Kaipara. Maintaining our waterways benefits all our communities. As part of the public good we propose to include X% of the cost of wastewater into the general rate. In addition, those that are connected to the wastewater network would pay an additional x% to cover their costs of enhanced service.

For those who are capable to connect to a service, e.g. 30m within a wastewater or water supply network, the current council policy sets a charge of 75% of the fixed fee is payable. Harmonising the charged would make the capable to connect fee equal across the district.

#### How should users of Council's wastewater system be charged?

- 1. Option One (Preferred) All connected users across the district, or users capable of being connected, pay an equal amount
- Option Two Ring fence every network, where connected users pay the full cost of all operating expenses for that specific scheme.

OPTION	IMPACT ON RATES	IMPACT ON DEBT	IMPACT ON LEVELS OF SERVICE	OTHER IMPACTS
OPTION ONE				
OPTION TWO				

#### Should X% of the wastewater charge be shared by the community as whole?

- 1. Option One (Preferred) Yes, Wastewater should be partially funded by the general rate
- 2. Option Two No, there should be no wastewater in the general rate

OPTION	IMPACT ON RATES	IMPACT ON DEBT	IMPACT ON LEVELS OF SERVICE	OTHER IMPACTS
OPTION ONE				
OPTION TWO				

{Key Documents Icon}

For more information on this visit kaipara.govt.nz/ltp

• Infrastructure strategy

#### Water security

We want to ensure our future generations have access drinking water even during drought. To do this we are looking at partnering with the Tai Tokerau Water Trust project planned for Kaipara.

This proposal involves connecting to the raw water supply from a water storage dam created by the Tai Tokerau Water Trust. The Council would build and connect a small scale water treatment plant near Te Kopuru, and connect the treated water to the existing water network across Dargaville and Baylys Beach. Connecting this supply would cost \$2m.

Ability to access a supplementary water source during the summer drought months would help to keep Dargaville residents and business supplied with water. It wouldn't end the restrictions but would allow us to stretch the time we have between levels.

There is also a public good element to this plan. Dargaville services a broad range of people in the District with larger style shops and businesses. Providing secure water supply and treatment is attractive for business and provides opportunities that would otherwise not be available. Sharing the costs of maintaining these networks keeps businesses operating and makes it attractive for new places to open.

For water carriers, Dargaville could continue to provide water for servicing our rural areas where other water options become increasingly unavailable. Due to the demand on water, Auckland and Whangarei have set a direction that to keep their water supplies secure, they may refuse out of district water carriers from collecting from their supplies. This will affect Kaipara residents should a drought like 2019/2020 come again.

#### Should users of Council's water supply system pay for a connection to the Tai Tokerau Water Storage solution, and the development of a water treatment plant in Te Kopuru?

- 1. Option One (Preferred) Yes.
- 2. Option Two No.

OPTION	IMPACT ON RATES	IMPACT ON DEBT	IMPACT ON LEVELS OF SERVICE	OTHER IMPACTS
OPTION ONE				
OPTION TWO				

#### {Key Documents Icon}

For more information on this visit kaipara.govt.nz/ltp

Infrastructure strategy

#### Climate change

As Council, we are committed to doing what we can to understand, respond to and planning for climate change within our financial and legal limits. We are committed to understanding, reducing and addressing risks and to taking advantage of opportunities to adapt and increase resilience. This is our adaptation response. We are also committed to measuring and reducing our emissions footprint and reporting on our mitigation response.

To ensure Council meets its climate change responsibilities, we propose a series of climate change works. This work will enable Council to understand impacts on a local level and to provide strong leadership to address these impacts. It will develop over the next three to five years and includes:

- **Climate Smart Policy:** Setting clear direction and standards on how we identify, understand and consider climate change throughout Council.
- **Climate Action Plan/s:** Real actions across Council to address climate change and support community. Created with Mana Whenua partners, communities and district wide stakeholders
- **Regional Adaptation Strategy:** Facilitate decisions on adaptation with communities, stakeholders, Mana Whenua and businesses and work together to increase resilience and our ability to adapt to change.
- **Communications Platform:** Improved communications around climate change projections, impacts, risk and response.

There are three different options for this climate change work, and we need to hear from you. How strong the Council's climate change response should be.

Currently in the plan is a **Baseline** that meets our legislative requirements with a single Climate Action Plan, a Climate Smart Policy, and by facilitating adaptation decision-making with two prioritised localities in the district (locations will be determined in 2021), the costs of this are set out at \$1.5m over 10 years. This work is meets our statutory responsibilities and is the minimum we are required to do.

#### Should Council increase its financial contribution to climate adaptation?

- Yes, increase to Option One Climate Smart –Stronger action on adaptation, mitigation and sustainability with communities by developing three action plans instead of one. \$1.8m over 10 years
- Yes, increase funding to Option Two Climate Smart Plus Strongest action on adaptation by expanding the adaptation decision-making process across the district to three locations instead of two (locations will be determined in 2021). Increased staff dedicated to climate change planning and action. \$3m over 10 years.
- 3. No, stay with the **Baseline** amount currently included in the budgets.

OPTION	IMPACT ON RATES	IMPACT ON DEBT	IMPACT ON LEVELS OF SERVICE	OTHER IMPACTS
OPTION ONE			Substantial increase in mitigation and adaptation planning and response services. Will help Council respond to and plan for climate change with our roads, water supply, wastewater, stormwater and flood protection and drainage services.	
OPTION TWO			Substantial increase in mitigation and adaptation planning and response services. Will help Council respond to and plan for climate change with our roads, water supply, wastewater, stormwater and flood protection and drainage services.	
OPTION THREE			Substantial increase in mitigation and adaptation planning and response services. Will help Council respond to and plan for climate change with our roads, water supply, wastewater, stormwater and flood protection and drainage services.	

{Key Documents Icon}

The table below shows the possible financial impacts based on property value resulting from to Climate Change.

For more information on this visit kaipara.govt.nz/ltp

#### Dargaville Civic Precinct

There are four Council-operated buildings within the Dargaville Town centre: the main Council building, the Municipal Chambers, the War Memorial Hall, and the Dargaville Library. The condition of these buildings ranges from decent to poor. Regardless of the condition of the buildings themselves, it has become evident that some of their uses have outgrown the building capacity. For example, while the library is in good condition, it is in urgent need of space for expansion.

For clarity, the key moves of the Dargaville Civic precinct are

- Onus on protecting the Municipal building
- Short term location for library required

#### Under the preferred option;

- 42 Hokianga Road would be demolished once Council staff have moved to the Kaipara Service Centre (at 32 Hokianga Road, owned by NRC), the resulting area is turned into green space (temporary park) with the land retained for some future use.
- 2. 37 Hokianga Road 1990's leaky addition will also be demolished and the necessary repairs/ reinstatement made to the two older buildings (War Memorial Hall & Municipal).
- Council will consult with the Community about forming a trust to construct a new building adjacent to the War Memorial Hall and Municipal Building to house the Library and a community Hub. This facility will be multi-use and therefore also be suitable for holding Council meetings/ceremonies.



#### Regional Economic Development CCO

One of Council's strategic priorities is to enable the sustainable economic development of the District.

A proposed option we are considering is to invest in our regional economic development agency, Northland Inc. This will inject renewed energy and resource into the economic development of the district in order that appropriate initiatives are taken forward.

The Kaipara District has an opportunity to provide funds to the Investment and Growth Reserve (IGR). This reserve is used to fund Northland Inc's operations and supports wider regional economic development. Currently, Northland Regional Council is the 100% shareholder of Northland Inc (a Council-controlled organisation (CCO)).

Under this proposal, Northland Inc will become a regional Council-controlled organisation jointly owned by Northland Regional Council, Kaipara District Council and the Far North District Council. Whangārei District Council will be able to join the initiative later if they choose.

The benefits of the proposal are better representation and improved access to expertise and resources to support the sustainable development of the region's economy.

Northland's Inc's regional mandate will be reinforced when discussing matters that affect us all, especially with central government.

There are some costs involved and our contributions to the Investment and Growth Reserve will be \$XXXX in year 2021/22, the first year of the Long Term Plan 2021-31. This will increase to \$XXXX in year two, \$XXX in year three, and incrementally increase to \$XXXX in year 2026/27.

There are benefits to the proposed joint CCO;

- Working together improves Northland Inc's work across the whole region, such as having representation and joint resourcing arrangements in each district.
- Efficiently deliver services across Northland Inc and councils, and improve engagement with Māori/iwi organisations, for economic development.
- Increase the amount of money we can use to support projects and businesses.
- Reinforce Northland Inc's regional mandate when discussing matters that affect us all, especially with central government.
- Ensure all councils have a say in strategic priorities.

Disadvantages include some costs are involved in switching to this new model along with new increased costs on some participating councils (e.g. committee involvement and servicing, possible resourcing).

#### Should Council increase its financial contribution to become part owner of the joint CCO?

- 1. Yes, become a shareholder in Northland Inc and contribute to the wider Investment and Growth Reserve Fund.
- 2. No, do not become a shareholder in Northland Inc but continue to fund Northland Inc for projects/initiatives on a case by case basis.

OPTION	IMPACT ON RATES	IMPACT ON DEBT	IMPACT ON LEVELS OF SERVICE	OTHER IMPACTS
OPTION ONE				
OPTION TWO				

#### Closed Circuit Television (CCTV)

As part of it's role, Council looks to support community led action. The Dargaville Community Development Board (DCDB) approached Council asking for us to act as a conduit for the collection of a targeted rate to pay for the ongoing costs and expansion and maintenance to the close circuit television network in Dargaville and expanding to Ruawai.

The DCDB has proposed a targeted rate of \$10 per rating unit per annum for the Dargaville, West Coast/Central wards and for 529 units of the Otamatea ward around Ruawai/Tokatoka.

The Ruawai local business association has asked that Ruawai be included in this project.

The DCDB advise that this project will improve safety and reduce crime in Dargaville and Ruawai. It will also improve business confidence and provide social and emotional benefits to the wider community. Having a secure funding source will reduce reliance on grant funding (that won't pay for operational expenses) and provide longevity to the current network in place for Dargaville. If this proposal is supported by the community, the funding collected will be provided to the DCDB to install the cameras and deliver the service.

OPTION	IMPACT ON RATES	IMPACT ON DEBT	IMPACT ON LEVELS OF SERVICE	OTHER IMPACTS
OPTION ONE				
OPTION TWO				

## Targeted Rates

## Mangawhai Community Plan

{Sue to update}

OPTION	IMPACT ON RATES	IMPACT ON DEBT	IMPACT ON LEVELS OF SERVICE	OTHER IMPACTS
OPTION ONE				
OPTION TWO				

## Where are we spending? / Ka whakapau pūtea tātou ki hea?

{Insert graphic from Infrastructure Strategy}

#### The below will be summaries of Activity Profiles

**Community Activities** 

District Leadership, Finance and Internal Services

Flood protection and Control works

Planning and Regulatory management

Roads and Footpaths

Solid Waste

Stormwater

Wastewater

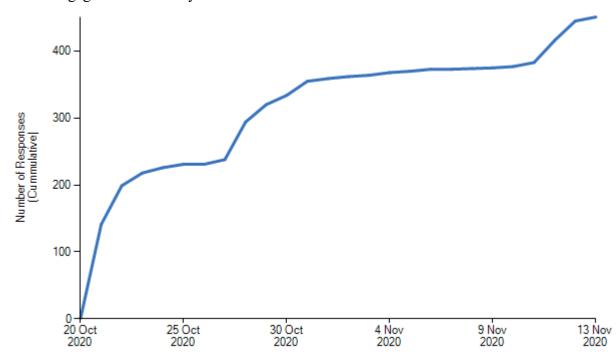
Water Supply

What will it all cost? / He aha ngā utu? 10-year expenditure Revenue sources 10 years What does it mean for you and your rates? Sample properties

## Auditor opinion / Whakaaro a te Kaiarotake

## UbiQuity

• Epppedentsate survey over time



<b>Total Responses</b>	451
Average time to complete	About 9 minutes
First Response	Tue 20 October 2020, 9:51 AM
Last Response	Fri 13 November 2020, 3:41 PM

## **Shared to Social**

## **LTP Pre-Engagement**

#### 0 People clicked to view the shared content

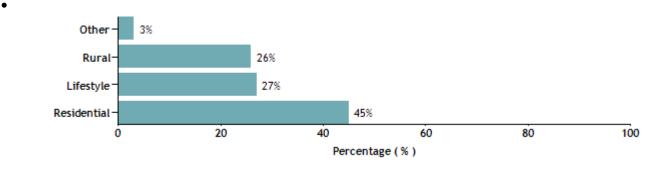
0 from Facebook, 0 from Twitter, 0 from LinkedIn

#### 0 People who viewed the content then completed the Survey

0% of content views

• To start off with, could we get a few details from you -

Question 1A Would you say you're a residential, rural or lifestyle property?

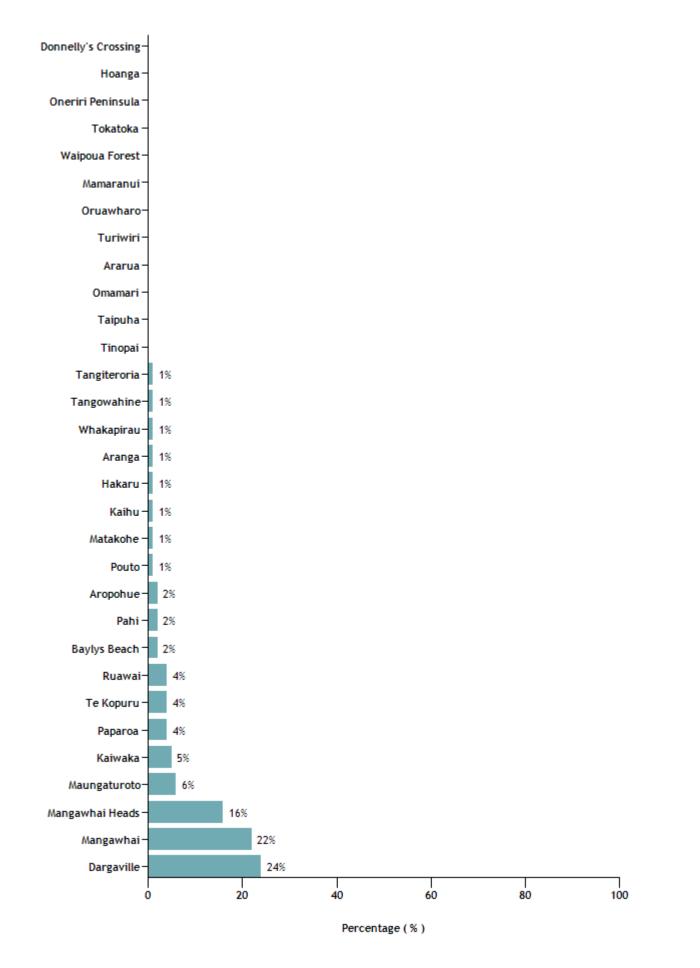


Number of responses to this question 445 (99%)

**Total number of responses for this survey** 451

AnswerCount %Residential20045Rural11426Lifestyle11927Other123

Question 1B Nearest Township



442 (98%)

20	)			
	Number of response	ses to th	is question	442
	Total number of re	sponses	s for this survey	451
	Answer	Count	%	
	Aranga	4	1	
	Ararua	2	0	
	Aropohue	7	2	
	<b>Baylys Beach</b>	11	2	
	Dargaville	107	24	
	Hakaru	4	1	
	Kaihu	4	1	
	Kaiwaka	23	5	
	Mamaranui	1	0	
	Mangawhai	96	22	
	Mangawhai Heads	70	16	
	Matakohe	4	1	
	Maungaturoto	28	6	
	Omamari	2	0	
	Oruawharo	1	0	
	Pahi	7	2	
	Paparoa	19	4	
	Pouto	4	1	
	Ruawai	16	4	
	Taipuha	2	0	
	Tangiteroria	3	1	
	Tangowahine	3	1	
	Te Kopuru	18	4	
	Tinopai	2	0	
	Turiwiri	1	0	
	Whakapirau	3	1	

# • Infrastructure

Our Three Waters network (water supply to houses on the networks, the treatment and disposal of wastewater, and stormwater management) needs investment, as various pipes, pumps and treatment plants are starting to deteriorate. In some cases, they're beyond their useful life.

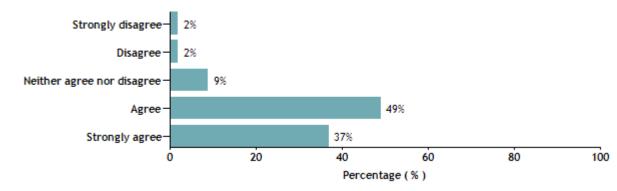
Our large road network, sealed and unsealed, also requires work. It is part subsidised by NZTA but things like footpaths and cycleways are not. We also look at growth areas and how projects around State Highway 1, both in Whangarei and Auckland, can impact Kaipara.

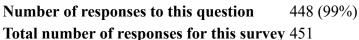
Infrastructure also includes flood protection and land drainage, waste minimisation and reserves and open spaces e.g. parks, playgrounds.

Infrastructure repair and replacement goals, and what they cost are noted in our Infrastructure Strategy. That outlines the work we're doing over the next 30 years. Your response to the following questions will help direct our strategy.

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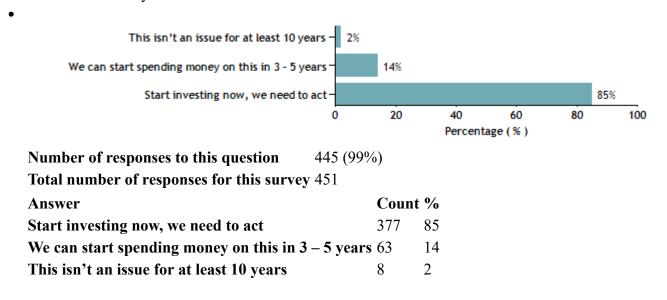
Question 1C Council should focus it's spending on infrastructure on maintenance and renewals



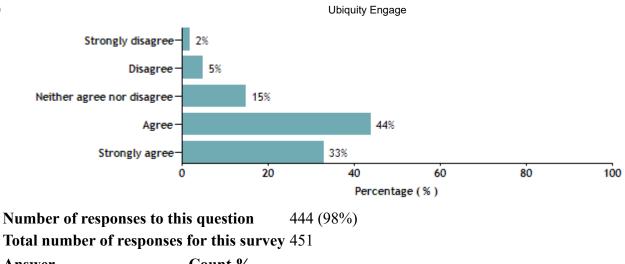


Answer	Count	%
Strongly disagree	11	2
Disagree	10	2
Neither agree nor disagree	41	9
Agree	220	49
Strongly agree	166	37

Question ID Infrastructure is needed to support growth. Council should prioritise infrastructure work (e.g. roading, water network extensions, etc) that assist with the predicted growth in Kaipara over the next 10 years.

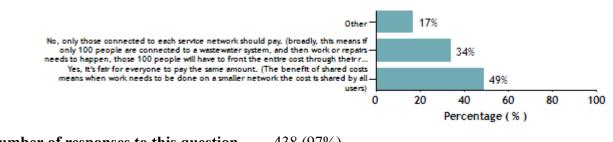


QuestionWhere possible, council should look to use external funding and partnerships to minimise1Ecosts to ratepayers.



Answer	Count	%
Strongly disagree	11	2
Disagree	22	5
Neither agree nor disagree	67	15
Agree	197	44
Strongly agree	147	33

Question If you're connected to a council network, e.g. water supply or wastewater, everyone should pay 1F the same amount for the same service

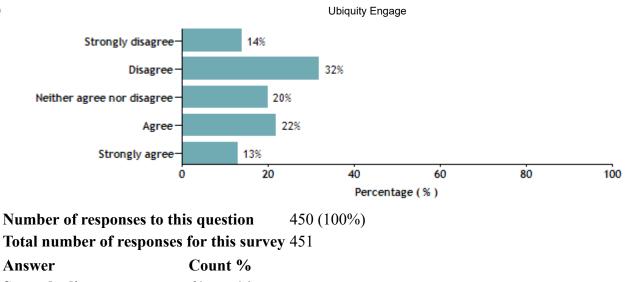


Number of responses to this question 438 (97%)

Total number	• of responses	for this	survey 451
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Answer	Coun	t %
Yes, it's fair for everyone to pay the same amount. (The benefit of shared costs means when work needs to be done on a smaller network the cost is shared by all users)	216	49
No, only those connected to each service network should pay. (broadly, this means if only 100 people are connected to a wastewater system, and then work or repairs needs to happen, those 100 people will have to front the entire cost through their rates)	147	34
Other	75	17

Question Council needs to have a networked water supply for all of its townships in the next 30 years (for 1G those townships not currently connected via network but running on tank supply)?



	Coun	. / .
Strongly disagree	61	14
Disagree	143	32
Neither agree nor disagree	e 90	20
Agree	99	22
Strongly agree	57	13

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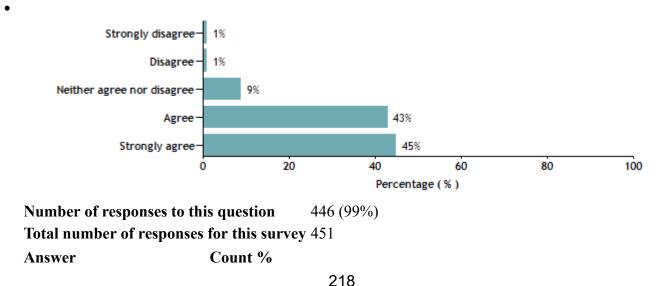
# • Waste and recycling

We've made some progress towards minimising waste over the past 5 years, but we are still sending tonnes of waste to landfill each year.

We have a problem with the plastics that we can no longer recycle, as the international market has dried up.

It's been established that a user pays system for waste, household rubbish etc, forces people to take ownership of how much rubbish they are creating, and how much impact they can have on the environment

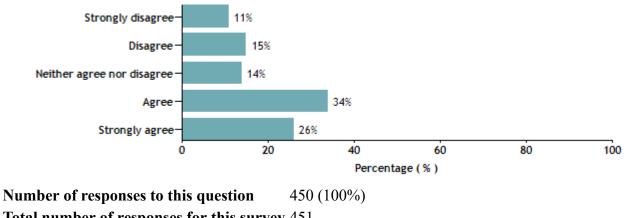
Question 2A People should reduce the amount of waste they make.



Ubiquity Engage

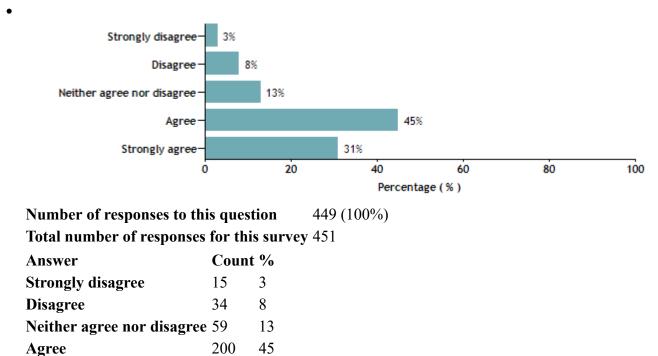
Answer	Count	%
Strongly disagree	4	1
Disagree	5	1
Neither agree nor disagree	41	9
Agree	194	43
Strongly agree	202	45

Question 2B I would be prepared to pay (through my rates) for a district wide kerbside recycling bin.



Answer	Count	%
Strongly disagree	49	11
Disagree	69	15
Neither agree nor disagree	62	14
Agree	154	34
Strongly agree	116	26

Question 2C Council should offer green waste composting options.



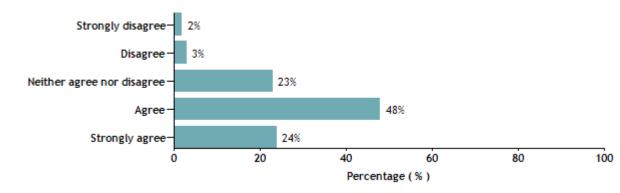
219 https://engage.ubiquity.co.nz/surveys/printable/report/NZit9MUHvkqStAjYjI2zlw

**Strongly agree** 

141

31

Question 2D The central Kaipara area would benefit from a local transfer sation.



Number of responses to this question62 (14%)Total number of responses for this survey451

Answer	Count	%
Strongly disagree	1	2
Disagree	2	3
Neither agree nor disagree	14	23
Agree	30	48
Strongly agree	15	24

- •
- •

# Climate Change

Climate change response is a growing issue for Council. We are committed to increasing our action on climate change. This includes managing or avoiding the negative effects of a changing climate and making the most of beneficial opportunities.

Council's proposed climate change work programme includes:

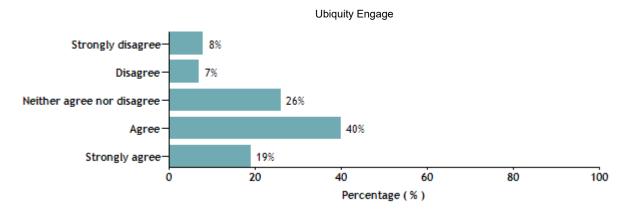
- Climate Smart Policy - Official guidelines on how Council understands and considers climate change in all areas of our work.

- Climate Action Plan/s - Real actions across Council work to address climate change. Created with Mana Whenua partners, communities and district-wide stakeholders.

- Regional Adaptation Strategy - A shared regional approach to assist communities in understanding what climate change means for their people and places. A shared regional process for helping communities make decisions on how best to change with a changing climate.

• Thinking about the area where you live -

Question 3A I personally can do something about climate change.

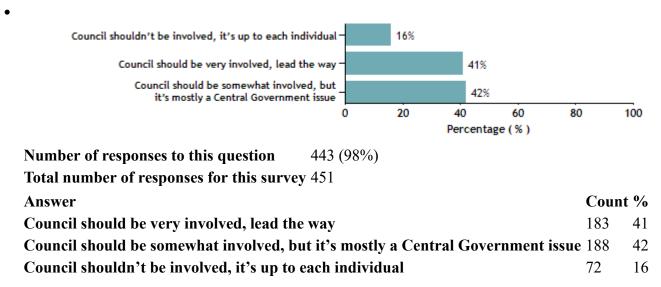


Number of responses to this question 443 (98%)

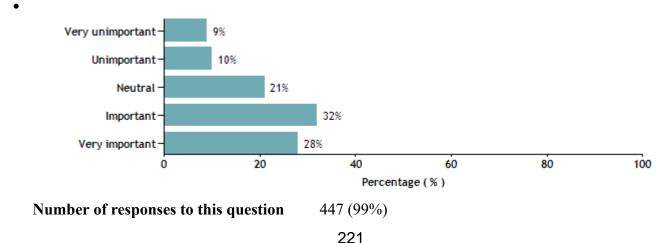
Total number of responses f	for this survey 451
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Answer	Count	%
Strongly disagree	37	8
Disagree	32	7
Neither agree nor disagree	113	26
Agree	178	40
Strongly agree	83	19

Question 3B How involved should Council be in addressing climate change?



Question How important is it to you that Council facilitates and manages climate responses (e.g. reducing 3C Council's footprint, helping communities decide on best responses).



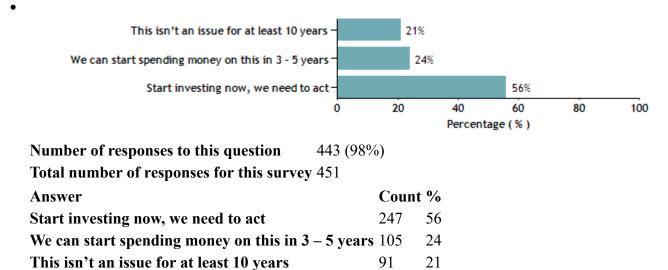
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Ubiquity Engage

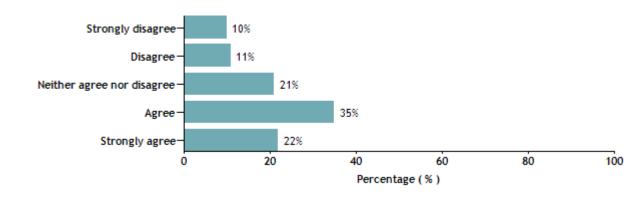
Total number of responses for this survey 45	;1
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Answer	Cour	nt %
Very unimportant	t 40	9
Unimportant	46	10
Neutral	93	21
Important	145	32
Very important	123	28

Question 3D How fast should council invest in responding to climate change?



Question Council should prioritise supporting community initiatives in its climate change response (i.e. 3E training, grants or funding to business).



Number of responses to this question 448 (99%)

Total number of responses for this survey 451

Answer	Count	%
Strongly disagree	46	10
Disagree	51	11
Neither agree nor disagree	95	21
Agree	159	35
Strongly agree	97	22



# **Rates Postponement and Remission Policy Review**

Meeting:Council BriefingDate of meeting:2 December 2020Reporting officer:Christine Toms, Revenue Manager

# Purpose/Ngā whāinga

This report addresses questions that were raised at the Council briefing on 14 October 2020 and provides Elected members with the amended rates remission policies to be considered before being adopted for consultation. A proposed new policy to support economic development is also presented here for feedback.

# Context/Horopaki

The Local Government Act 2002 (LGA) provides that a Council <u>must</u> adopt a policy on the postponement and remission of rates on Māori freehold land, and that a Council <u>may</u> adopt a rates remission policy and/or a rates postponement policy.

Adopted policies must be reviewed at least once every 6 years, using a consultation process that gives effect to the requirements of section 82 LGA. The existing Policies are attached.

Kaipara District Council policies were last reviewed in November 2017 and these were adopted alongside the Long Term Plan in 2018.

# Discussion/Ngā korerorero

# Māori Freehold Land Rates Postponement and Remission Policy

Council indicated at the October briefing that it is appropriate to review this policy after Parliament complete their review of the amended Rating of Whenua Māori Amendment Bill.

With the recent changes to the organisational structure it is timely to amend any reference to the General Manager Finance to that of General Manager Sustainable Growth and Investment.

# **Existing Rates Postponement and Remission Policy**

This Policy received minor changes during the last review in 2017. With the recent changes to the organisational structure it is timely to amend any reference to the General Manager Finance to that of General Manager Sustainable Growth and Investment.

Given that the policies are generally working well, Council indicated at the October briefing that only a minor review of the existing policies is appropriate. To that end a few wording changes that don't impact the fundamental principles of the policies, but that assist with clarity and administration have been made. These changes can be seen in the document in Appendix A.

## **Possible Additional Rates Postponement and Remission Policies**

Council requested further investigation into two possible additional policies:

## Significant Natural Areas (SNAs).

Research has determined that 19% of the Kaipara district is covered by SNAs. Council understands that rates remission shifts the burden of rates from one category of rating unit to another. If a policy to remit rates on SNAs were to be implemented 19% of general rates would be re-distributed across the remainder of the district.

Additional internal administration costs and increased costs from Council's Valuation Service Provider (QV) would be incurred if a postponement or remission policy were to be introduced. The increased costs are because each rating unit with partial SNA coverage would be



separately valued and assessed as a separate part of the rating unit – in accordance with Section 45 (3) of the Local Government (Rating) Act 2002. This would enable any rates postponement or remission to apply only to the protected portion of the rating unit. These values are required to be manually maintained when our district is revalued, which will result in additional charges to Council on an ongoing basis. Initially, additional internal resource would be required to enable a full analysis to determine the effect that a policy would have on both the individual rating unit and the district as a whole. Following this analysis, a policy could be drafted, which would be consulted on using a consultation process that gives effect to the requirements of section 82 LGA. This could pave the way for possible implementation in year two or three of the LTP?

Examples of the possible rates relief for individual properties will be presented at the Council Briefing so that Elected Members can provide guidance as to whether staff should take the further steps required to proceed with the implementation of this policy.

Remission Policy to Encourage Economic Development

Community Outcome: 'Vibrant Communities'. Council requested further information around a possible rates remission policy that would provide relief to encourage economic development in areas of the district that currently see little or no growth.

Rates remission or postponement policies that promote Economic Development are rare. Stratford District Council has a rates remission policy to encourage economic development and this has been used to inform a policy for Kaipara District Council.

Appendix B contains a draft of a possible policy for discussion and feedback.

# Next steps/E whaiake nei

After discussion any further amendments will be made and the Rates Postponement and Remission Policies are to be adopted for consultation at the next Council meeting.

# Attachments/Ngā tapiritanga

	Title
А	Amended Rates Postponement and Remission Policy
В	Rates Postponement and Remission Policy

	Title of Policy	Rates Postponement and Remission Policy		
KAIPARA DISTRICT	Sponsor	General Manager FinanceSustainable Growth and Investment	Authorised/Adopted by	Council
	Written By	Revenue Manager	Date Adopted	14 November 2017
	Type of Policy	Rating	Review Date	14 November 2020
	File Reference	2306.20		

#### **1** Rates Postponement and Remission Policy

#### 1.1 Overview and Background

Section 102(3) of the Local Government Act 2002 provides that a Council may adopt a rates remission policy and/or a rates postponement policy. The two policies have been combined into a single Rates Postponement and Remission Policy.

The objective of this scheme is to:

- provide financial assistance and support to ratepayers
- address rating anomalies
- · address matters related to wastewater charges
- cover other objectives.

The Council must consult on a draft policy or amendment in a manner that gives effect to section 82 of the Local Government Act 2002 to adopt and amend this Policy.

The Council's Rates Postponement and Remission Policy is set out in four parts, each containing a number of schemes.

#### Part One - Financial Assistance and Support

- Rates Postponement for Financial Hardship
- Rates Remission for Financial Hardship
- Rates Remission of Penalties Only.

#### Part Two - Addressing Anomalies

- Rates Remission of Multiple Uniform Annual General Charges and other Uniform Charges on Rating Units
- Rates Remission for Community, Sporting and Other Organisations
- · Rates Postponement or Remission for Miscellaneous Purposes.

#### Part Three - Addressing Matters Related to Wastewater Charges

Rates Remission for School Sewerage Charges

#### Part Four - Other Schemes

· Water Supply Rates Remission for Excessive Water Rates due to a Fault.

Page 1 of 10

GC:yh



#### 1.2 Full details of each rates remission and postponement scheme

#### Part One - Financial Assistance and Support Schemes

#### Rates Postponement for Financial Hardship

#### Objective

The objective of this scheme is to assist ratepayers experiencing financial hardship which affects their ability to pay rates.

#### Criteria

The ratepayer must meet the following criteria to be considered for rates postponement for hardship:

- 1 The ratepayer must be the current owner of the rating unit and owned the property for at least five years.
- 2 The rating unit must be used solely by the ratepayer as his/her residence.
- 3 No person entered on the Council's rating information database as the "ratepayer" must own any other rating units or investment properties (whether in the District, in New Zealand or overseas) or have significant interests or ownership of a businesses or shares.
- 4 The current financial situation of the ratepayer must be such that he/she is unlikely to have sufficient funds left over, after the payment of rates, for normal health care, proper provision for maintenance of his/her home and chattels at an adequate standard, as well as making provision for normal day-to-day living expenses.
- 5 The ratepayer (or authorised agent) must make an application to Council on the prescribed form (copies can be obtained from the Council Offices, at either Dargaville or Mangawhai, or on Council's website <a href="https://www.kaipara.govt.nz">www.kaipara.govt.nz</a> ).

#### Conditions

The Council will consider, on a case-by-case basis, all applications received that meet the above criteria.

- For the rates to be postponed, written confirmation of the ratepayer's financial situation must be provided from the ratepayer's budget advisor. Additionally, Council reserves the full right to have the question of hardship addressed by any outside agency with relevant expertise e.g. budget advisors or the like.
- 2 For the rates to be postponed, the Council will require a statutory declaration:

1346912796...Rates Postponement and Remission Policy tracked changes - Dec

- a) that the ratepayer does not own any other property or have significant interest in a business or shares; and
- b) containing the value of the ratepayer's property insurance and the value of encumbrances against the property, including mortgages and loans.
- 3 For the rates to be postponed, the Council will require the ratepayer to first make acceptable arrangements for payment of future rates, for example by setting up a system for regular payments.

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- 4 The Council will add a postponement fee each year to the postponed rates. The fee will cover the period from when the rates were originally due to the date that they are paid. This fee will not exceed the Council's administrative and financial costs of the postponement.
- 5 The postponement will apply from the beginning of the rating year in which the application is made, although the Council may consider backdating to before the rating year in which the application is made depending on the circumstances.
- 6 Any postponed rates will be postponed until:
  - a) the death of the ratepayer(s); or
  - b) the ratepayer/s cease/s to be the owner or occupier of the Rating Unit; or
  - c) the ratepayer/s cease/s to use the property solely as his/her residence; or
  - d) the postponed rates are 80% of the available equity in the property; or
  - e) a date specified by Council.
- 7 All or part of the postponed rates may be paid at any time. The applicant may also elect to postpone the payment of a lesser sum than that which they would be entitled to have postponed pursuant to this scheme.
- 8 Postponed rates will be registered as a statutory land charge on the rating unit title. This means that the Council will have first call on the proceeds of any revenue from the sale or lease of the rating unit.

#### Delegation of decision-making

Decisions relating to the postponement of rates will be made by the General Manager Finance Sustainable Growth and Investment or Chief Executive.

#### Rates Remission for Financial Hardship

#### Objective

The objective of this Policy is to assist ratepayers experiencing extreme financial hardship which affects their ability to pay rates.

#### Criteria

The ratepayer must meet the following criteria to be considered for a rates remission for financial hardship:

- a) The ratepayer must be the current owner of the rating unit and owned the property for at least five years.
- b) The rating unit must be used solely by the ratepayer as his/her residence.

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- c) No person entered on the Council's rating information database as the "ratepayer" must own any other rating units or investment properties (whether in the District, in New Zealand or overseas) or have significant interests or ownership of a businesses or shares.
- d) The current financial situation of the ratepayer must be such that s/he is unlikely to have sufficient funds left over, after the payment of rates, for normal health care, proper provision

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for maintenance of his/her home and chattels at an adequate standard, as well as making provision for normal day-to-day living expenses.

e) The ratepayer (or authorised agent) must make an application to Council on the prescribed form (copies can be obtained from the Council Offices, at either Dargaville or Mangawhai, or on Council's website <u>www.kaipara.govt.nz</u>).

#### Conditions

The Council will consider, on a case by case basis, all applications that meet the above criteria.

- a) For the rates to be remitted, the ratepayer's financial situation must be such that the ratepayer is eligible for, and has applied for, the Government rates rebate scheme. Additionally, Council reserves the full right to have the question of hardship addressed by any outside agency with relevant expertise e.g. budget advisors or the like.
- b) For the rates to be remitted, the Council will require a statutory declaration that the ratepayer does not own any other property or have significant interest in a business or shares.
- c) The remission will apply from the beginning of the rating year in which the application is made, although the Council may consider backdating to before the rating year in which the application is made depending on the circumstances.

#### **Delegation of decision-making**

Decisions relating to the remission of rates for financial hardship will be made by the General Manager Finance-Sustainable Growth and Investment or Chief Executive.

#### Rates Remission of Penalties Only

#### Objective

The objective of this scheme is to enable the Council to act fairly and reasonably in relation to penalties applied when rates have not been received by the due date.

#### Criteria

- 1 Where the ratepayer meets the payment conditions agreed with the Council to resolve a-rates arrears, the Council can remit any part of the penalties already incurred-or yet to be incurred.
- 2 The penalties incurred on the first instalment of each financial year will be remitted if the ratepayer pays the total amount of rates due for the year, excluding the penalty on the first instalment, but including any arrears owing at the beginning of the financial year, by the second instalment due date.
- 3 There are extenuating circumstances.
- 4 The ratepayer has paid after the penalty date, but has not received a rates penalty remission under this scheme within the past two years.

#### Conditions

1 If the ratepayer stops paying rates then the Council is able to reinstate the penalties.

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21 The remission will apply from the beginning of the rating period in which the application is approved and may not necessarily be backdated to prior years.

#### Treatment of Penalties on Small Overdue Balances

When a small balance is overdue which is uneconomical to collect, the Revenue Manager, the General Manager Finance-Sustainable Growth and Investment, or the Chief Executive may write-off the balance in line with other Council procedures. Penalties will not be applied in these circumstances.

#### Delegation of decision-making

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Decisions relating to the remission of rates penalties will be made as follows:

- for meeting condition/criterion 1 (enters payment conditions to resolve rate arrears) General Manager Finance-Sustainable Growth and Investment or Chief Executive
- for meeting condition/criterion 2 (pays outstanding rates by instalment 2) Revenue Manager,
   General Manager Finance Sustainable Growth and Investment or Chief Executive
- for meeting condition/criterion 3 (extenuating circumstances) General Manager Finance Sustainable Growth and Investment or Chief Executive
- for meeting condition/criterion 4 (late payment but first in two years) Revenue Manager, General Manager <u>Finance-Sustainable Growth and Investment</u> or Chief Executive
- for meeting condition/criterion 6 (backdating remission to prior years) General Manager <u>Finance Sustainable Growth and Investment</u> or Chief Executive.

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#### Part Two - Addressing Anomalies

### Rates Remission of Uniform Annual General Charges and other Uniform Charges on Rating Units

#### Objective

To enable Council to act fairly and equitably with respect to the imposition of uniform charges on to two or more separate rating units that are contiguous, and used jointly for a single residential or farming use but do not currently meet section 20 of the Local Government (Rating) Act 2002.

#### Conditions and Criteria

- 1 The Council may remit multiple sets of Uniform Annual General Charges and relevant targeted rates set as a fixed amount per rating unit or Separately Used or Inhabited Part of Rating Unit (SUIP) in the following circumstances:
  - Where a ratepayer owns and resides on two separate residential rating units that are contiguous and used jointly as a single residential property;
  - b) Where a farming operation consists of a number of separate Certificates of Title or rating units that are contiguous, the occupier of all rating units is the same and operated jointly as a single farm, but is owned by a number of separate owners. In some cases the rating units may have different property categories.
- 2 Properties that have been subdivided for sale are not eligible for remission of Annual General Charges and relevant targeted rates.
- 3 Targeted rates set as a fixed amount for a service actually provided or made available to each separate part of the rating unit, such as water and wastewater rates, shall not be eligible for remission.
- <u>4</u> Owners wishing to claim a remission under this scheme may be required to make a written application or declaration using the appropriate application form and to supply such evidence as may be requested to verify that a remission should be granted under this scheme.
- 45 Applications must be received prior to the commencement of the rating year (1 July 30 June). Successful applications received during a rating year will be applicable from the commencement of the following year. No applications will be backdated.

#### Delegation of decision-making

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Decisions relating to the remission of rates will be made by the Revenue Manager, General Manager <u>Finance-Sustainable Growth and Investment</u> or Chief Executive.

#### Rates Remission for Community, Sporting and Other Organisations

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#### Objective

To enable Council to act fairly and equitably with respect to the imposition of rates on land used or occupied by societies or association of persons for organisations that have a strong community

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focus, but do not currently meet the 100% and 50% non-rateable criteria under Schedule 1 of the Local Government (Rating) Act 2002.

#### Criteria

- 1 Council may remit all or part of rates to land that is being used or occupied under the following circumstances:
  - a) Land owned or used by a society or association of persons, whether incorporated or not, for the purposes of a public hall, library, museum or other similar institution.
  - b) Land owned or used by a society or association of persons, whether incorporated or not, for games or sports other than galloping races, harness races and greyhound races, and does not meet the 50% non-rateable definition as a club licence under the Sale and Supply of Alcohol Act 2012 is for the time being in force.
  - c) Land owned or used by a society or association or persons, whether incorporated or not, the object or principal object of which is to conduct crèches or to conserve the health or well-being of the community or to tend the sick or injured.
  - d) Land owned or used by a society or associations of persons, whether incorporated or not for sporting, recreation, or community purposes that does not meet the 100% and 50% non-rateable criteria under Schedule 1 of the Local Government (Rating) Act 2002.
- 2 In all cases, land that is used for the private pecuniary profit of any members of the society or association shall not be eligible for a rates remission.

#### Conditions

1 The rates remission for the following uses is:

Land use	Remission
Public halls, libraries, museums	100%
Sports Clubs	50%
Other community groups	50%

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2 The remission of rates does not extend to rates set for water supply, wastewater services and (if applicable) refuse services.

23 Applications must be received prior to the commencement of the rating year (1 July – 30 June). Successful applications received during a rating year will be applicable from the commencement of the following year. No applications will be backdated.

#### Delegation of decision-making

Decisions relating to the remission of rates will be made by the Revenue Manager, General Manager Finance Sustainable Growth and Investment or Chief Executive. Formatted: Font: Italic

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#### Rates Postponement or Remission for Miscellaneous Purposes

#### Objective

The objective of this scheme is to enable the Council to postpone or remit rates and/or penalties on rates in circumstances that are not specifically covered by other schemes in the Rates Postponement and Remission Policy, but where the Council considers it appropriate to do so.

#### Criteria

- 1 The Council may postpone or remit rates and/or penalties on rates on a rating unit where it considers it just and equitable to do so because:
  - There are special circumstances in relation to the rating unit, or the incidence of the rates (or a particular rate) assessed for the rating unit, which mean that the unit's rates are disproportionate to those assessed for comparable rating units;
  - b) The circumstances of the rating unit or the ratepayer are comparable to those where a postponement or remission may be granted under the Council's other rates postponement or remission schemes, but are not actually covered by any of those schemes;
  - c) There are exceptional circumstances that the Council believes that it is equitable to postpone or remit the rates and/or penalties on rates.

#### Conditions

- 1 Where the Council and the ratepayer have agreed to postpone rates and/or penalties on rates:
  - a) Applications must be received in writing by Council from the ratepayer.
  - b) Applicants may elect to postpone a lesser amount than the maximum they would be entitled to under the scheme.
  - c) Postponed rates will be registered as a Statutory Land Charge on the Certificate of Title.
  - d) Council will add a postponement fee to the postponed rates for the period between the due date and the date the rates are paid. This fee is to cover Council's administrative and financial costs and may vary from year to year.
  - e) Any postponement is valid for the year in which the application was made.
  - f) Ratepayers will be encouraged to obtain financial and/or legal advice about the rates postponement from an appropriate independent person.
- 2 The Council has the final discretion to decide whether to grant a rates postponement or rates and/or penalties on rates remission under this scheme.
- 23 Applications must be received prior to the commencement of the rating year (1 July 30 June). Successful applications received during a rating year will be applicable from the commencement of the following year. No applications will be backdated.

#### Delegation of decision-making

Decisions relating to the remission of rates and/or penalties on rates will be made by the Chief Page 8 of 10 2304.03

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#### Part Three - Addressing Matters Related to Wastewater Charges

#### Rates Remission for School Sewerage Charges

#### Objective

To maintain the intent in providing relief and assistance to educational establishments that are subject to multiple pan charges for wastewater services as defined in the since repealed Rating Powers (Special Provision for Certain Rates for Educational Establishments) Amendment Act 2001.

#### **Conditions and Criteria**

- 1 This part of the scheme will apply only to educational establishments as defined in the repealed Rating Powers (Special Provision for Certain Rates for Educational Establishments) Amendment Act 2001. The scheme does not apply to any schoolhouse, or any part of a school used for residential purposes.
- 2 The calculated number of pans of any educational establishment in any one year subject to the relevant wastewater targeted rate will be the lesser of:
  - a) The actual number of toilet pans in the establishment, or
  - b) The notional number of toilet pans in the establishment. The notional number is calculated as one pan per 20 pupils/staff. A part thereof a notional pan will attract no charge.
- 3 The charging regime to apply to these educational establishments will be the same as for commercial ratepayers with multiple pans. That is a fixed amount per rating unit of the education establishment will apply for the first two pans, with the third or more pans attracting a charge for each pan at 50% of the corresponding fixed amount.

#### Delegation of decision-making

Decisions relating to the remission of rates will be made by the Revenue Manager, General Manager <u>Finance-Sustainable Growth and Investment</u> or Chief Executive.

#### **Part Four - Other schemes**

#### Water Supply Rates Remission for Excessive Water Rates due to a Fault

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#### Objective

The objective of this scheme is to provide relief to ratepayers who have excessive water rates due to a fault (leak) in the internal reticulation serving their rating unit.

#### **Conditions and Criteria**

- 1 Definitions:
  - a) Remission means the partial or total write-off of water rates owed to the Council;
  - b) The boundary between the Council maintained water system and the privately Page 9 of 10

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maintained water system is taken as being the water meter.

- 2 Council may remit the whole or part of water rates where the application meets the following criteria:
  - A remission will only be considered where immediate action to repair or minimise water loss is taken on notification. Any remission will only apply up to the date the ratepayer became aware of or was notified of the leak.
  - b) A remission will not normally be granted where the leak is the result of poor workmanship or incorrect installation.
  - All applicants are requested to submit their application in writing, using an 'Excess Water Charges Remission Application Form'.
  - Details of the location and the repairs to the reticulation be submitted for verification (e.g. receipt or supplier's invoice) and information supplied showing due diligence in the repair of the leak.
  - e) Any remission under this scheme is a "one-off' and any further remissions for subsequent leaks on the same reticulation supply line may only be granted if the full reticulation system is replaced. Where there are special circumstances which prevent this any remission will only be given at the discretion of the General Manager FinanceSustainable Growth and Investment.

#### Delegation of decision-making

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Unless otherwise specified, decisions relating to the remission of rates will be made by the Revenue Manager, General Manager Finance-Sustainable Growth and Investment or Chief Executive.

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## **Part Four – Other Schemes**

### Rates Remission to Promote Business Development

### Objective

The objective of this scheme is to promote business development in targeted areas of Kaipara District in support of the Kaipara District Councils Community Outcome of Vibrant Communities.

### Criteria

- 1. The Council may remit all or part of rates to land in targeted areas of the District.
- 2. Targeted rates set as a fixed amount for a service provided, or made available to the rating unit, such as water and wastewater rates, shall not be eligible for remission.
- 3. To be eligible for rates remission the property must be commercial or industrial and located in one of the following areas:
  - a. Te Kopuru
  - b. Dargaville
  - c. Mangaturoto
  - d. Paparoa
  - e. Kaiwaka
- 4. The land must be used for a new development, or undergoing redevelopment by way of constructing, erecting or altering buildings, fixed plant and machinery or other works intended to be used solely or principally for industrial, commercial or administrative purposes where the cost of such development is more than \$500,000 (excluding GST) as assessed under the Building Act.
- 5. Developments for industrial, commercial or administrative purposes which the Council wishes to foster are in the following sectors:
  - Primary production and processing
  - Manufacturing
  - Health services
  - Retailing
  - Administrative services, including those provided to Government and private sector agencies.
- 6. Rates remission will be for the period of the development and up to three rating years thereafter.

### Conditions

The Council will consider, on a case-by-case basis, all applications received that meet the above criteria.

- 1. For the rates to be remitted the application must demonstrate that it will be to the economic advantage of Kaipara District. Economic advantage will be deemed to occur if the development will result in:
  - Employment growth of more than 10 people, or employment retention (of more than 10 people) in Kaipara District; and/or
  - Significant downstream new business for other Kaipara District manufacturers or suppliers of goods and services.
- 2. Rates remission will cease in the event of a property selling.
- Council may impose conditions on the remission of rates and may cancel any remission in the event of non-compliance by the applicant. In those circumstances, Council may require payment of full rates in respect of any year in which rates have been remitted.
- 4. When considering applications Council will consider the following matters:
  - Whether and to what extent, the development will, when completed, be to the economic advantage of the Kaipara District, including the creation of significant employment opportunities. The creation of jobs will be a strong factor in favour of granting rates remission, but the retention of existing jobs and the potential for job creation will also be positive factors.
  - Whether and to what extent the granting of remission will be of material benefit to the development.
  - The level of development contributions collected.
  - Such other matters as Council may, from time to time, consider relevant.
- Applications must be received prior to the commencement of the rating year (1 July 30 June). Successful applications received during a rating year will be applicable from the commencement of the following year. No applications will be backdated.

## Delegation of decision- making

Decisions relating to the postponement of rates will be made by the General Manager Sustainable Growth and Investment or Chief Executive.