



Ordinary Meeting of Council

AGENDA

9.00am Tuesday 8 December 2015

**Council Chamber, Wairoa District Council, Coronation
Square, Wairoa.**

The agenda and associated papers are also available on our website: www.wairoadc.govt.nz

For further information please contact us 06 838 7309 or by email info@wairoadc.govt.nz



Agenda

Chairman: His Worship the Mayor Mr C Little

Councillors: D. Eaglesome-Karekare (Deputy Mayor), M Bird, B Cairns, H Flood, J Harker, M Johansen.

	Pages
Procedural Items	
1. Civic Prayer	
2. Apologies for Absence	
3. Declarations of Conflict of Interest	
4. Chairman's Announcements	
5. Items of Urgent Business not on the Agenda	
6. Public Participation A maximum of 30 minutes has been set aside for members of the public to speak on any item on the agenda. Up to 3 minutes per person is allowed.	
7. Minutes of Previous Meeting <ul style="list-style-type: none">• Extraordinary Meeting – 10 November• 24 November	4-15
8. Monthly Update Report F Power – Chief Executive Officer	16-17
General Items	
9. QRS Director Vacancies F Power – Chief Executive Officer	18
10. Alteration of Prior Resolution on CCTV Implementation F Power – Chief Executive Officer	19-20
11. Briefing Paper - Resource Legislation Amendment Bill Hinetaakoha Viriaere – Policy Planner	21-24

Receipt of Minutes from Committees/Action Sheets

12. Council Action Sheet	25-34
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Public-Excluded Items

12. Resolution to exclude the public	36
This contains information on the general subject matter of confidential items and why they are being conducted without the public present.	
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Minutes of an Extraordinary Meeting of Council

10am Tuesday 10 November 2015 held at the Wairoa War Memorial Hall, Queen Street, Wairoa.

Present: His Worship the Mayor Mr C Little (Chairman)

Councillors: D. Eaglesome-Karekare (Deputy Mayor), M Bird, B Cairns, J Harker, M Johansen.

P Kelly (Maori Standing Committee Representative)
F Power (Chief Executive Officer)
J Baty (Corporate Services Manager)
H Montgomery (Regulatory Manager)
K Tipuna (Communications Strategist)
C McGimpsey (Governance Advisor & Policy Strategist)
Sarah Johansen (District Planner)

Procedural Items

1. Civic Prayer

Mr Kelly (Maori Standing Committee Representative) said the karakia.

2. Apologies for absence

Apologies were received from Councillor Flood

3. Declarations of Conflict of Interest

None

4. Hearing of Freedom Camping Bylaw Submissions

The Regulatory Manager outlined the submission process and the decision that Council was being asked to make.

The following submitters spoke to their submissions:

Eric Sweeting
Peter Nash
Bill Ockey
Gary Mayo
B Dickin and S Solomon
Dave and Marg Fraser
James Imlach

Pauline Tangiora
Pera Edwards
Alice Wairau

Adjourned 11.25am

Reconvened 11.39am

Councillors went through the remaining submissions and identified key points from all submissions to discuss:

- Alexander Park site
- The number of nights people could stay at each site
- The number of campers at each site
- Contained vs non-contained vehicles
- Enforcement/monitoring
- The offer of payment for the installation of a new dump station at Mahia
- Pawa Lane site (site 6)
- Mahanga site
- Disposal of rubbish
- Opoutama site
- Environmental impact on sites
- Historical significance of sites
- Signage at sites
- Fire risk/health & safety

5. Final Decision on Draft Freedom Camping Bylaw 2014

The Regulatory Manager presented the report and highlighted some suggested amendments to the bylaw included in the report.

Councillors discussed the points raised by submitters and went through the bylaw site-by-site to discuss if they needed to be amended.

Councillor Cairns declared an interest as she is the manager of Whakamarino Lodge which is next to Site 13 under schedule 1 in the proposed bylaw.

Resolved:

That:

1. *The report be received.*
2. *The proposed freedom camping bylaw is approved and adopted with the following amendments:*
 - *Minor amendments to numbering, dates and maps be incorporated and to reflect the amendments below.*

- *Schedule 1 amendments:*
 - *Site 8 be extended to prohibit freedom camping northwards of alignment with Rhona Place.*
 - *Site 9 be fully prohibited as recommended.*
 - *Site 13 be fully prohibited*
 - *Oraka reserve be added to the list of prohibited areas except as identified on the agreed map provided that area is no greater than 1000m², if the area is larger than 1000m² a 1000m² area within that agreed space will be identified as acceptable for freedom camping.*
 - *Section 8 amendments*
 - *1)c) They do not light fires (open or in braziers), and b) They stay for a maximum of 3 nights, and c) All rubbish they generate is removed from the site for appropriate disposal.*
 - *Section 9 (1) and (2) are amended to make elected members responsible for granting exemptions.*
 - *Schedule 2 amendments:*
 - *The wording at the beginning of schedule 2 is amended to read:*
Freedom camping may not take place on any land identified in Schedule 1.
In addition, freedom camping may not take place on any other land controlled by the Wairoa District Council unless:
 - 1. It is undertaken in accordance with Section 8 of this bylaw, or*
 - 2. It is within 100m of a public toilet facility listed below and identified on the relevant maps in green, and*
 - 3. They do not light fires (open or in braziers), and*
 - 4. They stay for a maximum of 3 nights.*
- 3. All other Wairoa District Council bylaws relating to freedom camping are rescinded.*

Cairns/Harker

6. Late Item: Delegations – Warrant to Act

Resolved: *That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the item **Delegations – Warrant to Act** be considered given the item had not come to hand at the time of the Agenda compilation and consideration of this matter is required now in order to*

respond within the time frame allowed.

Eaglesome-Karekare/Johansen

The Regulatory Manager presented the report.

Resolved:

That

1. *The report is received.*
2. *The delegations and appointments as scheduled in the Schedule of Delegations be approved with immediate effect*

OFFICER	DELEGATION/AUTHORITY
<ul style="list-style-type: none"> • Animal Control/Bylaw Officer 	<ol style="list-style-type: none"> 1. An “enforcement officer” appointed under Section 177 of the Local Government Act 2002 for the enforcement of bylaws and regulations. 2. “Enforcement Officer” Under Section 38 of the Resource Management Act. 3. A “Dog Control Officer” under Section 11 of the Dog Control Act 1996. 4. A “Pound keeper and Ranger” under Section 8 of the Impounding Act 1955. 5. An “Inspector” under the Animals Protection Act 1968.

Johansen/Harker

There being no further General Business His Worship the Mayor declared the meeting closed.

CLOSED: The meeting closed at **1.57pm.**

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Chair



Minutes of an Ordinary Meeting of Council

9.00am Tuesday 24 November 2015 held in the Council Chamber, Wairoa District Council, Coronation Square, Wairoa.

Present: His Worship the Mayor Mr C Little (Chairman)

Councillors: M Bird (entered at 9.01am), B Cairns (entered at 9.09am), D Eaglesome-Karekare, H Flood (entered at 9.01am), J Harker, M Johansen.

G Symes (Māori Standing Committee Chairman)
P Kelly (Māori Standing Committee Representative)
F Power (Chief Executive Officer)
H Montgomery (Regulatory Manager)
J Cox (Engineering Manager)
J Baty (Corporate Services Manager)
C McGimpsey (Governance Advisor & Policy Strategist)
R Matthews (Transformation Manager)

Procedural Items

1. Civic Prayer

The karakia was given by Maori Standing Committee Chairman Mr Symes.
Councillor Bird entered the meeting at 9.01am

2. Apologies for absence

None.

3. Declarations of Conflict of Interest

None.

4. Chairman's Announcements

None.

5. Items of Urgent Business not on the Agenda

Councillor Flood entered the meeting at 9.01am

The following late items were requested to be put on the agenda:

- Receipt of the Unconfirmed Minutes of the Māori Standing Committee held 13 November 2015
- Commissioner Appointment

6. Public Participation

None.

7. Information Pack

Resolved: *That the November Information Pack be received.*

Eaglesome-Karekare/Harker

8. Confirmation of Minutes of the Previous Meeting

Resolved: *That the minutes of the Ordinary Meeting of Council held on 27 October 2015 be confirmed as a correct record of the proceedings.*

Eaglesome-Karekare /Harker

9. Monthly Update Report

The Chief Executive Officer presented his report.

Councillor Cairns entered the meeting at 9.09am.

Councillors discussed the internship programme and requested regular updates on this.

Resolved: *That:*
1) The report be received.

Eaglesome-Karekare /Harker

10. Representation Review Outcome

The Corporate Services Manager presented his report and explained the objection process.

Resolved: *That Council receive the report.*

Flood/Johansen

11. 2016 Proposed Meeting Schedule

The Governance Advisor & Policy Strategist presented the report.

Councillors requested that the proposed timetable be amended so that Forum started at 2pm.

Councillors requested a forward plan be circulated that highlighted key dates, such as Annual Plan adoption dates etc.

<u>Resolved:</u>	That the schedule of meetings in the report with the amended Forum time be adopted.	<i>Eaglesome-Karekare/Bird</i>
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13. Economic Development Strategy

The Transformation Manager presented the report.

Councillors sought clarity on: the status of the Regional Economic Development Strategy; the range of consultation included to draft the current document; and, the detailed information behind the strategy.

<u>Resolved:</u>	<i>That a workshop on the Draft Economic Development Strategy be included on the next Forum agenda.</i>	<i>Eaglesome-Karekare/Harker</i>
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12. Presentation: Wi Fi

Andrew Hume gave a global overview on what is happening in the Wi Fi space in the district, nationally and internationally.

Toro ?? from Ngati Pahuwera Development Trust gave an update on what they have been considering in this space.

Councillors discussed the information presented and a report with an update on the Wairoa Wi Fi Feasibility Study was requested by councillors.

14. Presentation: SOLGM Overseas Manager Exchange

This item was deferred to Forum in February.

15. Wairoa District Council's Governance Workshop Report

<u>Resolved:</u>	<ul style="list-style-type: none"> • <i>That the notes of the Governance Workshop be received and accepted as an accurate record of the Council discussion.</i> • <i>That Ms McGimpsey and Mr Baty will follow through these changes in consultation with the Chief Executive.</i> • <i>That the Report Template for Agenda Items (open and confidential) go to Council for their approval.</i> • <i>That Council undertake a technological support and training day with elected members in February 2016.</i> 	<i>Flood/Cairns</i>
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16. Council Reporting Templates

The Governance Advisor & Policy Strategist presented the report and clarified that the report templates would be introduced at the February meeting.

Councillors discussed having a review period to assess if there needed to be any further changes.

<u>Resolved:</u>	<p><i>That:</i></p> <ol style="list-style-type: none"> 1. <i>Council adopt the report templates as attached in Appendix A and Appendix B; and</i> 2. <i>There is a review period of 3 months as this is an evolving process and subject to change.</i> <p style="text-align: right;"><i>Bird/Flood</i></p>
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17. Council Action Sheet

Councillors requested additional information on the following items:

- Action 192 – update on the scheduled roundabout work
- Action 345 – update on process now that there is central government legislation on the way to combine urban and rural fire under the national entity
- Action 450 – clarity on the figure quoted in the letter

18. Finance, Audit & Risk Committee

<u>Resolved:</u>	<p><i>That the unconfirmed minutes of the Finance, Audit & Risk Committee meeting held on the 4th November 2015 and the confirmed minutes of the Finance, Audit & Risk Committee meeting held on the 29th July 2015 be received.</i></p> <p style="text-align: right;"><i>Flood/Bird</i></p>
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Late item – Receipt of the Unconfirmed Minutes of the Maori Standing Committee held 13 November 2015

<u>Resolved:</u>	<p><i>That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the item RECEIPT OF THE UNCONFIRMED MINUTES OF THE MAORI STANDING COMMITTEE HELD 13 NOVEMBER 2015 be considered given the item had not come to hand at the time of Agenda compilation and consideration of this matter is required now in order to respond within the time frame allowed.</i></p> <p style="text-align: right;"><i>Eaglesome-Karekare/Flood</i></p>
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Mr Symes presented the minutes.

Councillors discussed the forestry slash issue and the lack of action by the responsible parties.

Councillor Eaglesome-Karekare left the meeting at 11.06am.

Councillors discussed what would be an appropriate next step following the meeting with Hawke's Bay Regional Council after Council.

Councillor Eaglesome-Karekare re-entered the meeting at 11.10am.

Mr Kelly advised that the community at Mahia were getting frustrated with the lack of action by responsible parties.

Resolved: *That the unconfirmed minutes of the Maori Standing Committee meeting held on the 13th November 2015 be received.*

Eaglesome-Karekare/Flood

Late item - Commissioner Appointment

The Regulatory Manager presented her report.

Resolved: *That in accordance with Section 46A (7) of the Local Government Official Information and Meetings Act the item **COMMISSIONER APPOINTMENT** be considered given the item had not come to hand at the time of Agenda compilation and consideration of this matter is required now in order to respond within the time frame allowed.*

Eaglesome-Karekare/Harker

Resolved: *That:*

1. *Council receives the report*
2. *The Wairoa District Council delegates authority to Philip Hindrup as an accredited commissioner in accordance with section 39B of the Resource Management Act to hear RC140035 pursuant to section 34A(1) sitting on his own.*

Harker/Eaglesome-Karekare

19. Resolution to exclude the public

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

1. *Confidential Minutes of Previous Council Meeting*
2. *Confidential Action Sheet*
3. *Receipt of Unconfirmed Finance, Audit & Risk Committee Minutes 4 November 2015*

The general subject of each matter to be considered while the public is excluded; the reasons for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government

Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:	Ground(s) under section 48(1) to the passing of this resolution 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:
Confidential Minutes of Previous Council Meeting	Section 7 (2) (a) protect the privacy of natural persons, including that of deceased natural persons (h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities	(i) where the local authority is named or specified in the Schedule 1 to this Act, under section 6 or section 7 (except section 7(2)(f)(i)) [of the Local Government Official Information and Meetings Act 1987]
Confidential Action Sheet	Section 7 (2) (a) protect the privacy of natural persons, including that of deceased natural persons (h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities	(i) where the local authority is named or specified in the Schedule 1 to this Act, under section 6 or section 7 (except section 7(2)(f)(i)) [of the Local Government Official Information and Meetings Act 1987]
Receipt of Unconfirmed Finance, Audit & Risk Committee Minutes 4 November 2015	Section 7 (2) (c) protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— (i) would be likely to prejudice the supply of	(i) where the local authority is named or specified in the Schedule 1 to this Act, under section 6 or section 7 (except section 7(2)(f)(i)) [of the Local Government Official Information and Meetings Act 1987]

		<p>similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or</p> <p>(ii) would be likely otherwise to damage the public interest; or</p> <p>(f) maintain the effective conduct of public affairs through—</p> <p>(i) the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) applies, in the course of their duty;</p> <p>(h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities</p> <p>(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	
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Eaglesome-Karekare/Cairns

PUBLIC EXCLUDED: 11.25am

RE-ADMITTED: 11.56am

Adjourned: 11.57am

Reconvened: 2.39pm

Councillor Eaglesome-Karekare left the meeting at 2.39pm

LATE ITEM: Discussion of meeting with HBRC

Councillors discussed the meeting with HBRC representatives regarding flood risk, the river mouth, bacteriological monitoring of the river, and forestry slash.

<p><u>Resolved:</u> <i>That:</i></p> <ol style="list-style-type: none">1. <i>The CEs of WDC and HBRC work together on formulating a plan around the river in flooding and normal conditions;</i>2. <i>Council request HBRC add an additional monitoring system on the Wairoa Bridge;</i>3. <i>The CEs of WDC and HBRC work together to clean up beaches and public areas affected by forestry slash and formulate a plan going forward;</i>4. <i>Council considers litigation options in relation to forestry slash; and</i>5. <i>WDC officers seek clarity from HBRC on their commitment to clear debris out of the river for kai gathering.</i> <p style="text-align: right;"><i>Flood/Bird</i></p>
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There being no further General Business His Worship the Mayor declared the meeting closed.

CLOSED: The meeting closed at **2.47pm.**

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Chair

REPORT TO: COUNCIL	
DATE: 08 DECEMBER 2015	
SUBJECT: CEO's MONTHLY REPORT	FILE REF:
AUTHOR: FERGUS POWER, CEO	ATTACHMENTS:
RELATED COMMUNITY OUTCOME: <ul style="list-style-type: none">• A strong, prosperous and thriving economy• A community that values and promotes its culture and heritage• Safe and accessible recreational facilities• Supportive, caring and valued communities• Strong district leadership and valued communities	RELATED COUNCIL ACTIVITY: All

PURPOSE:

To update Councillors on significant matters attended to by the CEO in the past fortnight.

CURRENT SITUATION:

Staff Movements

I am delighted to be able to advise that Chris Hankey has been appointed to the role of Financial Planning Manager, and commences on 05 January 2016.

Chris has held senior accounting roles with the New Zealand Air Force, is a past winner of the Air Force Efficiency Prize, and has considerable experience in financial training. Chris finished his accounting degree in 2013 and joined the New Zealand Institute of Chartered Accountants (now CAANZ) as an Associate Chartered Accountant in 2014. He is intending completing his Chartered Accounting Qualification over the next 2 to 3 years.

Advertising is currently underway for a Business Support Officer, allowing Charlotte McGimpsey (Governance Advisor and Policy Strategist) to concentrate on strategic policy matters (a recommendation arising from the 2014 Functional Review) and the significant workload associated with coordinating and project managing our s17A LGA review of service delivery.

Violet Hammond and Johanne Tew have started in their roles as Casual Bylaw/Animal Control Officers and part of their role will be to assist with the enforcement of the Freedom Camping Bylaw over the busy summer period.

Rocket Lab

On Saturday 28 November 2015, the site of Rocket Lab's rocket launch site (Onenui Station, Mahia Peninsula) was blessed. Attended by a small group of invitees selected by Rocket Lab and the property owners (Onenui Station) – the ceremony marks an exciting new phase of this relationship. Particular note should be taken of the customer-centric and efficient resource consent process, managed by Regulatory Services Manager Helen Montgomery, which led to Rocket Lab re-directing their efforts from Canterbury and returning them to Te Wairoa. Wairoa District Council's efficiency in this regard has attracted national attention, and Helen and her team are to be congratulated for their outstanding service delivery.

HB LASS

Archivist Ross Harrison Snow was appointed Chair of the Records and Information Management Advisory Group at the recent HB LASS Board meeting.

RECOMMENDATION: That:

1. This report be received.

A handwritten signature in black ink, appearing to be 'F Power', written in a cursive style.

F Power
CHIEF EXECUTIVE OFFICER

REPORT TO: COUNCIL	
DATE: 08 DECEMBER 2015	
SUBJECT: QRS DIRECTOR VACANCIES	FILE REF: B04.01
AUTHOR: F Power – Chief Executive Officer	ATTACHMENTS: None
RELATED COMMUNITY OUTCOME: All Community Outcomes	RELATED COUNCIL ACTIVITY: Trading Activities

PURPOSE:

For Council to decide whether to advertise the two upcoming vacancies on the QRS (Wairoa) Ltd Board of Directors or make an appointment following advertisement.

CURRENT SITUATION:

There are two directors whose terms will (respectively) expire 1 January 2016 and 28 February 2016.

Council's policy states that:

"The Council will decide in open Council whether to advertise a particular vacancy or make an appointment without advertisement. When making this decision the Council will consider:

- a. The costs of any advertisement and process*
- b. The availability of qualified candidates.*
- c. The urgency of the appointment (eg a CCO that is without a quorum cannot hold board meetings)."*

With respect to (a) above, while the cost of advertising is born by the Council, the minor cost involved is justified in terms of ensuring good governance;

With respect to (b) above, existing candidates are both available and qualified. However, Council may wish to 'go to the market' and encourage wider expressions of interest in these roles; and

With respect to (c) above, QRS (Wairoa) Ltd advises that historically this has not been an issue, as Directors have continued to attend meetings until they have been repointed by way of extension to the term of their Directorship.

OPTIONS

1. Reappoint one or both of the current directors to their positions for a further year; or
2. Advertise one or both positions.

Advertising the positions will give QRS (Wairoa) Ltd and the Council an opportunity to go out to the wider market and identify what qualified candidates are interested in these roles.

RECOMMENDATIONS: That Council:

- (a) receive the report; and
- (b) proceed to advertise the two QRS (Wairoa) Ltd Director positions referred to above.



Fergus Power
CHIEF EXECUTIVE OFFICER

REPORT TO: WAIROA DISTRICT COUNCIL	
DATE: 8 DECEMBER 2015	
SUBJECT: ALTERATION OF PRIOR RESOLUTION ON CCTV IMPLEMENTATION	FILE REF:
AUTHOR: F Power – Chief Executive Officer	ATTACHMENTS:
RELATED COMMUNITY OUTCOME: <ul style="list-style-type: none"> • A safe and secure community • An environment that is appreciated, protected and sustained for future generations. • Supportive, caring and valued communities. • Safe and accessible recreational facilities. • A community that values and promotes its culture and heritage. 	RELATED COUNCIL ACTIVITY: PARKS AND RESERVES

PURPOSE:

To alter the current resolution of Council on the 28th July in order to allow consideration of the service being provided by a local supplier.

BACKGROUND

On 28 July 2015 Council resolved “*That Council enter into a CCTV camera lease and professional monitoring agreement and implement as appropriate a number of flexible battery-operated infrared cameras to monitor isolated crime spots.*”.

However, subsequently Councillors requested that efforts be made, if practicable, to obtain the service locally. A local business has put forward some quotes but currently they cannot be considered as they will not be in a position to provide professional monitoring as specified in the resolution of 28th July. In order to be able to contract a local service that would not include professional monitoring, the previous resolution needs to be altered.

Gisborne currently operate a CCTV scheme similar to the proposed local option. A Wairoa supplier is able to supply appropriate CCTV surveillance equipment and subcontract connectivity of the equipment to a local subcontractor; however, the monitoring of this equipment is not part of the service. The monitoring services would be managed locally utilising the local police watchhouse, sworn staff and trained volunteers. Maintenance could also be carried out locally with the associated reactive time advantage.

CURRENT SITUATION:

The previous resolution does not allow the Engineering Manager to consider using a local supplier to provide the service as they would not be able to provide ‘professional monitoring’.

OPTIONS:

1. Do not alter the current resolution; or
2. Alter the current resolution so as to allow consideration of the CCTV service being provided by a local supplier with a local monitoring approach.

ASSESSMENT OF OPTIONS:

Both options would meet Council’s requirements for CCTV coverage of the prescribed areas.

Whilst an external provider has the advantage of smart analytics and experienced monitoring staff, Council needs to consider whether the advantages of using a local service (encouraging local assumption of responsibility for the security of our own community) would outweigh an out of town, externally monitored, service.

SIGNIFICANCE & CONSULTATION:

As the CCTV initiative was subject to full public consultation in the Long Term Plan 2015-25, there is no further requirement for public consultation.

FINANCIAL IMPACT

The strategy has been budgeted for in the 2015-25 LTP and will have no further impact on rates.

RECOMMENDATION(S): That:

1. The report be received; and
2. That the resolution of 28 July 2015 relating to CCTV installation in the Wairoa urban area be altered to: *“That Council enter into a CCTV camera lease agreement and implement as appropriate a number of flexible battery-operated infrared cameras to monitor isolated high risk/crime spots, with preference being given to a local option if it can be achieved within budget.”*;



Fergus Power
CHIEF EXECUTIVE OFFICER

REPORT TO: WAIROA DISTRICT COUNCIL	
DATE: 8 DECEMBER 2015	
SUBJECT: BRIEFING PAPER - RESOURCE LEGISLATION AMENDMENT BILL	FILE REF:
AUTHOR: HINETAAKOHA VIRIAERE – POLICY PLANNER	ATTACHMENTS:
RELATED COMMUNITY OUTCOME: <ul style="list-style-type: none"> • A safe and secure community • An environment that is appreciated, protected and sustained for future generations. • Supportive, caring and valued communities. • Safe and accessible recreational facilities. • A community that values and promotes its culture and heritage. 	RELATED COUNCIL ACTIVITY: Resource Consents District Plan Review

PURPOSE

This paper provides a brief overview of the Resource Legislation Amendment Bill that was introduced by the government to Parliament on November 26th and outlines the proposed changes that the Wairoa District Council need to be aware of as they relate to our council resource management functions and duties. The proposed changes include matters that district councils will need to provide for such as changes to the way we process resource consents, approach plan development, plan changes and the district plan review.

PROPOSAL

The Resource Legislation Amendment Bill attempts to overhaul the Resource Management Act (RMA) to support business growth and housing development while also ensuring more effective environmental management.

The 180-page Resource Legislation Amendment Bill comprises 40 changes contained in 235 clauses and eight schedules. The Bill makes changes to the RMA 1991, the Reserves Act 1977, the Public Works Act 1981, the Conservation Act 1987, the Environmental Protection Authority

Act 2011, and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. Changes to Acts include:

- Aligning the notified concession process under the Conservation Act 1987 with notified resource consents under the RMA at key steps.
- Creating an optional joint process of public notification, hearings and decisions for proposals that involve private plan changes and/or resource consents under the RMA and recreation reserve exchanges under the Reserves Act 1977.
- Providing easier and fairer compensation for property owners whose land is required for important infrastructure under the Public Works Act 1981.

The proposals to change sections six (Matters of national importance) and seven (Other matters) of the RMA introduced in August 2013 have been omitted. The only change proceeding is adding the management of significant risks from natural hazards to section six of the RMA.

Significant changes in the Resource Legislation Amendment Bill are:

- Requiring councils to follow national planning templates to improve the consistency and reduce the complexity of plans. This will substantially reduce the volume of planning documents across the country because most provisions will be standardised. The structure and format of plans will be the same across the country.
- Faster and more flexible planning processes. The Bill provides three different tracks by which a council can produce a plan:
 1. The existing track that now has tighter timelines.
 2. A new collaborative planning process based on the Land and Water Forum where different interests are encouraged to work together on finding resource planning solutions.
 3. A streamlined planning process where the council and Government agree on a specially tailored approach to specific local conditions.
- Reduced requirements for consents. The Bill eliminates the need for thousands of minor consents by giving councils discretion to not require them, by introducing a new 10-day fast-track for simple consents and by removing requirements for consents where they are already required under other Acts.
- Stronger national direction around requiring provision for growth like housing, and provision for national regulations to address issues like dairy stock in rivers and other regulations to limit extent of RMA application.

Other proposed changes relevant to resource consent processing:

- Allowing councils to consider certain activities as permitted where the effects are no different than if there wasn't a rule breach and where the effects on any persons are considered no more than minor.

- Specifying clearer rights and responsibilities in consent processes by e.g. limiting opportunistic and inappropriate appeals.
- The reforms refine the notification regime by precluding some applications from public notification and specifying who can be involved in limited notified resource consent applications.
- When it is easy to identify who is directly affected by a plan change, councils will be able to limit notification to only those people who are directly affected.
- Treating boundary activities as permitted where they have been agreed to by the relevant neighbours.
- The Bill enables regulations to be made that require consent authorities to fix the fees for processing certain consent applications, and set a fixed remuneration for hearing panels and a fixed fee for hearings.
- Currently, land may not be subdivided unless the subdivision is expressly allowed by a national environmental standard, district plan rule, or resource consent. The reforms will reverse this presumption, meaning subdivision will be allowed unless it is restricted.

Proposed changes relevant to the district plan review:

- The reforms will require councils to increase consultation with iwi overall and to do this earlier in plan making processes, including inviting iwi to form an Iwi Participation Arrangement. This arrangement will set out how a council will engage and consult with iwi when developing or changing plans, and will include provision for any existing engagement processes set out under specific treaty settlement legislation.
- Removing the requirement for a single amalgamated plan by district or other agreed area and replacing it with electronic delivery of the National Planning Template.
- Amending the standard planning process (Schedule 1) to enable limited notification of plan changes.
- Councils will need to seek the approval of Minister for the Environment to extend the 2 year time limit (from date of notification) in which they are required to make decisions on a proposed plan or plan change.
- Creating the new streamlined planning process will allow councils to apply to the Minister for an alternative planning process for specific issues.

Other changes relevant to district planning include:

- The reforms enable regulations to be made to prescribe how councils undertake monitoring, including what information must be collected what methodologies must be used, and how these would be reported.
- Allowing greater and wider use of electronic and web-based processes for public notices and servicing of documents and providing for making all plans easily accessible and searchable online. It also requires all RMA public notices be in plain language. Only

summaries of public notices and a link to the full notification will be required to be published in newspapers.

- The creation of a new regulation making power that will enable the Minister for the Environment to make specific activities permitted and limit council rules which unreasonably restrict land use for residential use.
- The Environmental Court can require people to participate in alternative dispute resolution activities and judicial conferences first, rather than go straight an Environment Court hearing. The matters that an Environment Court judge and Environment Commissioner sitting alone are able to consider are also being increased to better utilise the Court resources.
- The Bill provides the Environment Court with a new ability to allow councils to acquire land that has been rendered incapable of reasonable use by planning provisions, where those provisions are deemed to have placed an unfair and unreasonable burden on the landowner.

Finally, following on from its introduction last week the next step will be for the Resource Legislation Amendment Bill to have its first reading before it is referred to a select committee who will invite public submissions on the detail of the bill.

For more info regarding all of the changes proposed in the Resource Legislation Amendment Bill see:

Nick Smith (Minister of the Environment and Building and Housing) news release: <http://www.beehive.govt.nz/release/resource-legislation-introduced-parliament>

Q&A: <http://www.beehive.govt.nz/sites/all/files/1.%20Q&A.pdf>

Information booklet on the second phase of Resource Management Act reform: http://www.beehive.govt.nz/sites/all/files/Information_booklet.pdf

Resource Legislation Amendment Bill explanatory note: http://www.beehive.govt.nz/sites/all/files/Resource_Legislation_Amendment_Bill.pdf

RECOMMENDATION: That the report be received.



Hinetaakoha Viriaere
POLICY PLANNER



H Montgomery
REGULATORY MANAGER

ACTIONS FOR THE SPECIAL MEETING OF WAIROA DISTRICT COUNCIL HEARING/DELIBERATIONS LONG-TERM PLAN SUBMISSIONS HELD ON TUESDAY 14 AUGUST 2012

Item	Title	Description	Who	Timeframes	Status
192.	MARINE PARADE – UPGRADE PROPOSALS	That: 1. The report be received. 2. Council defer the construction of new footpaths programme for year 1 (2012-2013) of the LTP 2012-2022 and redirect this funding of \$110,000 to the Marine Parade Gardens Upgrade and that the other components of the beautification project be deferred until further notice.	Engineering Finance	Awaiting VIP input	Remaining budget available for roundabout.

ACTIONS FOR THE SPECIAL MEETING OF WAIROA DISTRICT COUNCIL HELD ON TUESDAY 12 FEBRUARY 2013

Item	Title	Description	Who	Timeframes	Status
220.	WAIKOKOPU RESERVES MANAGEMENT PLAN	Council adopt the Draft Waikokopu Reserve Management Plan for consultation.	Engineering	Immediate	RMP complete, ready for consultation.

ACTIONS FOR THE SPECIAL MEETING OF WAIROA DISTRICT COUNCIL HELD ON THURSDAY 20 JUNE 2013

Item	Title	Description	Who	Timeframes	Status
241.	MAHANGA WATER SUPPLY	That the upgrade of the Mahanga Water Supply be referred to a formal referendum and that the cost of this process be funded from reserves.	Engineering Corporate Services	Immediate	See action 427.

RECOMMENDATIONS FOR THE SPECIAL MEETING OF WAIROA DISTRICT COUNCIL HELD ON THURSDAY 20 JUNE 2013

Item	Title	Description	Who	Who	Timeframes	Status
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Item	Title	Description	Who	Who	Timeframes	Status
247	JOE HEDLEY	Mokotahi Reserve public toilets Tidying and sealing the trailer park at Mokotahi	That this matter be referred to the Reserve Management Plan process. Work with the Fishing Club to draft up an appropriate proposal and investigate funding options.	Engineering	June 2016	RMP has not been updated. Public toilets funding is approved in LTP- Work to be completed pre-Christmas
259	D CAVES	Establishment of a public cemetery for Mahia	That Council continue the process of finding the most appropriate location for a public cemetery at Mahia.	Engineering	June 2016	Continue to search for land. No funding available.

ACTIONS FOR THE ORDINARY MEETING OF WAIROA DISTRICT COUNCIL HELD ON TUESDAY 10 SEPTEMBER 2013

Item	Title	Description	Who	Timeframes	Status
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Item	Title	Description	Who	Timeframes	Status
291.	PSYCHOACTIVE SUBSTANCES	That Council instruct staff to include discussion on location and hours of retailing of psychoactive substances with the community consultation on retailing of alcohol.	Regulatory	Consultation is dependent on the availability of all parties and can take some time but initial consultation should be complete by May 2016. A draft will then be prepared and provided to Council for comment before being put out for public consultation.	Draft prepared. Undergoing internal review. Initial consultation is being undertaken with the relevant statutory bodies.

ACTIONS FOR THE EXTRAORDINARY MEETING OF WAIROA DISTRICT COUNCIL HELD ON THURSDAY 28 NOVEMBER 2013

Item	Title	Description	Who	Timeframes	Status
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Item	Title	Description	Who	Timeframes	Status
310.	LOCAL ALCOHOL & LOCAL APPROVED SUBSTANCES POLICIES	<p>1. Council commence consultation on the formation of a Local Alcohol Policy and a Local Approved Products Policy separately but during the same time frame i.e. two separate surveys; and further</p> <p>2. Council use the surveys attached to this report as the basis of its initial community consultation and direct staff to formulate an online survey taking the best questions from the template survey provided by the Health Promotion Agency and leave the matter of psychoactive substances as a standalone issue.</p>	Regulatory	Consultation is dependent on the availability of all parties and can take some time but initial consultation should be complete by May 2016. A draft will then be prepared and provided to Council for comment before being put out for public consultation.	Drafted and initial consultation being undertaken with relevant statutory bodies.

ACTIONS FOR THE ORDINARY MEETING OF WAIROA DISTRICT COUNCIL HELD ON TUESDAY 10 DECEMBER 2013

Item	Title	Description	Who	Timeframes	Status
317.	LANDFILL UTILISATION	<p>That:</p> <p>1. Council receive the report.</p> <p>2. Council trial the acceptance of up to 1000 tonne per annum of out of district domestic waste through the current system for commercial operators</p> <p>3. Council investigate the options associated with providing a controlled regional waste management service and direct further research as required.</p>	Engineering	Immediate	Out of district waste accepted as per trial. Proposal to accept GDC waste was rejected by GDC. WDC has been included in HB waste futures

Item	Title	Description	Who	Timeframes	Status
					study.

ACTIONS FOR THE ORDINARY MEETING OF WAIROA DISTRICT COUNCIL HELD ON TUESDAY 9 SEPTEMBER 2014

Item	Title	Description	Who	Timeframes	Status
356.	ORGANISATIONAL STRUCTURE OF THE GAIETY THEATRE	That: 1. Council receives the report 2. Council defer a decision relating to option D (the preferred option) until Te Matarae o Te Wairoa Trust (The Wairoa Horizon Trust) confirms its understanding and expectation of the sub-lease arrangement and its commitment to it.	Office of the Chief Executive		Completed

ACTIONS FOR THE ORDINARY MEETING OF WAIROA DISTRICT COUNCIL HELD ON TUESDAY 24 FEBRUARY 2015

Item	Title	Description	Who	Timeframes	Status
404.	DRAFT WAIROA DISTRICT COUNCIL OFFICER DELEGATIONS MANUAL	That: 1. The report be received. 2. Council refer the Draft Wairoa District Council Officer Delegations Manual to the Community Partnership Committee (once formed) for review and reporting to Council, noting that Council Officers will continue to work on the manual in the meantime.	Regulatory	There is no timeframe on this project and given current workload it may be beneficial to have a legal consultant undertake the first review.	Awaiting review by Regulatory Manager or legal consultant.

ACTIONS FOR THE ORDINARY MEETING OF WAIROA DISTRICT COUNCIL HELD ON TUESDAY 23 JUNE 2015

Item	Title	Description	Who	Timeframes	Status

Item	Title	Description	Who	Timeframes	Status
426.	DELIBERATIONS – DRAFT LONG TERM PLAN 2015-25 FIRE APPLIANCES	That Council defer the decision to the 2016/17 Annual Plan. Carry out a thorough appraisal of the current appliances and equipment to ensure the Council meet the needs of our community. \$10,000 for the appraisal to be funded from rates.	Regulatory Finance	Immediate	Contractor engaged to do review. Report expected from contractor in March 2016.
427.	DELIBERATIONS – DRAFT LONG TERM PLAN 2015-25 MAHANGA WATER SUPPLY	That a referendum on decommissioning the supply will be held after the re-organisation poll for affected ratepayers. An information sheet will be sent to affected ratepayers. The budgetary provision remains in the plan, spending of this conditional to the result of the referendum.	Engineering Finance	Immediate	On hold pending further information see action 452
428.	DELIBERATIONS – DRAFT LONG TERM PLAN 2015-25 HAPPY JACKS ROAD PROPOSED WORKS	That this issue is added as an additional question to the Mahanga water supply referendum. A report on the referendum will be presented to Council after the reorganisation poll.	Engineering Finance	Immediate	On hold pending further information see action 452
430.	DELIBERATIONS – DRAFT LONG TERM PLAN 2015-25 ROADING & RATES:	That Council await the outcome of the rates review and a report is presented to Council on the work of the Engineering Manager's forestry special interest group.	Engineering Finance	Immediate	Awaiting outcome of rating review. Last councillor workshop in March 2016.
433.	DELIBERATIONS – DRAFT LONG TERM PLAN 2015-25 INTERNSHIPS	That Council support the existing internship programme. An ongoing benefit-cost analysis will be reported back to Council.	Office of the Chief Executive Finance	Immediate	Benefit-cost analysis scheduled for Council meeting in December 2016.

ACTIONS FOR THE ORDINARY MEETING OF WAIROA DISTRICT COUNCIL HELD ON TUESDAY 28 JULY 2015

Item	Title	Description	Who	Timeframes	Status
443.	CCTV STRATEGY	That Council enter into a CCTV camera lease and professional monitoring agreement and implement as appropriate a number of flexible battery-operated infrared cameras to monitor isolated crime spots.	Engineering	Immediate	Report to Council December 2015

ACTIONS FOR THE ORDINARY MEETING OF WAIROA DISTRICT COUNCIL HELD ON TUESDAY 25 AUGUST 2015

Item	Title	Description	Who	Timeframes	Status
448.	DRAFT POLICY ON ELECTED MEMBERS' ALLOWANCES AND RECOVERY OF EXPENSES	That: 1. Council receives the report. 2. Council adopts the Policy on Elected Members' Allowances and Recovery of Expenses with amendments if necessary and submits to the Remuneration Authority for approval. NB: It is possible that the Remuneration Authority may require amendments.	Corporate Services	Immediate	With Remuneration Authority awaiting approval
450.	DEVELOPMENT OF A JOINT BUSINESS CASE: OPPORTUNITIES FROM INCREASED INVESTMENT IN TE UREWERA ROAD	That Council commit to being part of this collaborative project with Whakatane District Council, NZTA and Tūhoe Te Uru Taumatua and endorse the signing of the draft letter.	Office of the Chief Executive	Letter – complete Meeting with NZTA December 2015	Joint letter sent to NZTA. Meeting with NZTA 16/12

ACTIONS FOR THE ORDINARY MEETING OF WAIROA DISTRICT COUNCIL HELD ON TUESDAY 27 OCTOBER 2015

Item	Title	Description	Who	Timeframes	Status
452.	REFERENDUM – MAHANGA WATER SUPPLY	That the item be deferred to the next meeting of Council.	Engineering	Legal opinion expected prior to February Council meeting	Awaiting a legal opinion

ACTIONS FOR THE EXTRAORDINARY MEETING OF WAIROA DISTRICT COUNCIL HELD ON TUESDAY 10 NOVEMBER 2015

Item	Title	Description	Who	Timeframes	Status
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Item	Title	Description	Who	Timeframes	Status
453.	FINAL DECISION ON DRAFT FREEDOM CAMPING BYLAW 2014	<p>That:</p> <ol style="list-style-type: none"> 1. The report be received. 2. The proposed freedom camping bylaw is approved and adopted with the following amendments: <ul style="list-style-type: none"> • Minor amendments to numbering, dates and maps be incorporated and to reflect the amendments below. • Schedule 1 amendments: <ul style="list-style-type: none"> ○ Site 8 be extended to prohibit freedom camping northwards of alignment with Rhona Place. ○ Site 9 be fully prohibited as recommended. ○ Site 13 be fully prohibited ○ Oraka reserve be added to the list of prohibited areas except as identified on the agreed map provided that area is no greater than 1000m², if the area is larger than 1000m² a 1000m² area within that agreed space will be identified as acceptable for freedom camping. • Section 8 amendments <ul style="list-style-type: none"> ○ 1)c) They do not light fires (open or in braziers), and b) They stay for a maximum of 3 nights, and c) All rubbish they generate is removed from the site for appropriate disposal. 	Regulatory		Completed

Item	Title	Description	Who	Timeframes	Status
		<ul style="list-style-type: none"> • Section 9 (1) and (2) are amended to make elected members responsible for granting exemptions. • Schedule 2 amendments: <ul style="list-style-type: none"> ○ The wording at the beginning of schedule 2 is amended to read: Freedom camping may not take place on any land identified in Schedule 1. In addition, freedom camping may not take place on any other land controlled by the Wairoa District Council unless: <ol style="list-style-type: none"> 1. It is undertaken in accordance with Section 8 of this bylaw, <u>or</u> 2. It is within 100m of a public toilet facility listed below and identified on the relevant maps in green, and 3. They do not light fires (open or in braziers), and 4. They stay for a maximum of 3 nights. 3. All other Wairoa District Council bylaws relating to freedom camping are rescinded. 			

ACTIONS FOR THE ORDINARY MEETING OF WAIROA DISTRICT COUNCIL HELD ON TUESDAY 24 NOVEMBER 2015

Item	Title	Description	Who	Timeframes	Status
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Item	Title	Description	Who	Timeframes	Status
454.	ECONOMIC DEVELOPMENT STRATEGY	That a workshop on the Draft Economic Development Strategy be included on the next Forum agenda.	Office of the Chief Executive	Workshop tentatively scheduled for before March Forum	Initial feedback sought from elected members
455.	WAIROA DISTRICT COUNCIL'S GOVERNANCE WORKSHOP REPORT	<ul style="list-style-type: none"> • That the notes of the Governance Workshop be received and accepted as an accurate record of the Council discussion. • That Ms McGimpsey and Mr Baty will follow through these changes in consultation with the Chief Executive. • That the Report Template for Agenda Items (open and confidential) go to Council for their approval. • That Council undertake a technological support and training day with elected members in February 2016. 	Office of the Chief Executive Corporate Services	To be confirmed at the February meeting	Report templates adopted subject to review period. Technological support and training day to be scheduled.
456.	COUNCIL REPORTING TEMPLATES	<p>That:</p> <ol style="list-style-type: none"> 1. Council adopt the report templates as attached in Appendix A and Appendix B; and 2. There is a review period of 3 months as this is an evolving process and subject to change. 	Office of the Chief Executive	Implementation at February 2016 meeting Review at April 2016 meeting	Staff engagement to commence prior to 22/12/2015

Item	Title	Description	Who	Timeframes	Status
457.	DISCUSSION OF MEETING WITH HBRC	<p>That:</p> <ol style="list-style-type: none"> 1. The CEs of WDC and HBRC work together on formulating a plan around the river in flooding and normal conditions; 2. Council request HBRC add an additional monitoring system on the Wairoa Bridge; 3. The CEs of WDC and HBRC work together to clean up beaches and public areas affected by forestry slash and formulate a plan going forward; 4. Council considers litigation options in relation to forestry slash; and 5. WDC officers seek clarity from HBRC on their commitment to clear debris out of the river for kai gathering. 	Office of the Chief Executive Engineering	To be confirmed	Engineering Department is working with HBRC to initiate a forestry slash clean-up of logs in the Taylors Bay area and map approved dump sites for their disposal

RESOLUTION TO EXCLUDE THE PUBLIC

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

1. Confidential Minutes of Previous Council Meeting
2. Confidential Action Sheet
3. Treaty Settlement Negotiations

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) to the passing of this resolution
Confidential Minutes of Previous Council Meeting	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to: Section 7 (2) (a) protect the privacy of natural persons, including that of deceased natural persons (h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) where the local authority is named or specified in the Schedule 1 to this Act, under section 6 or section 7 (except section 7(2)(f)(i)) [of the Local Government Official Information and Meetings Act 1987]
Confidential Action Sheet	Section 7 (2) (a) protect the privacy of natural persons, including that of deceased natural persons (h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities	(i) where the local authority is named or specified in the Schedule 1 to this Act, under section 6 or section 7 (except section 7(2)(f)(i)) [of the Local Government Official Information and Meetings Act 1987]
Treaty Settlement Negotiations	Section 7 (2) (i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	(i) where the local authority is named or specified in the Schedule 1 to this Act, under section 6 or section 7 (except section 7(2)(f)(i)) [of the Local Government Official Information and Meetings Act 1987]