



# **AGENDA**

## **Council Meeting**

**I hereby give notice that a Meeting of the Kapiti Coast District Council will be held on:**

**Date: Thursday, 30 January 2020**

**Time: 9.30am**

**Location: Council Chamber  
Ground Floor, 175 Rimu Road  
Paraparaumu**

**Wayne Maxwell  
Chief Executive**

**Kapiti Coast District Council**

**Notice is hereby given that a meeting of the Kapiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 30 January 2020, 9.30am.**

**Council Members**

Mayor K Gurunathan	Chair
Deputy Mayor Janet Holborow	Deputy
Cr Angela Buswell	Member
Cr James Cootes	Member
Cr Jackie Elliott	Member
Cr Gwynn Compton	Member
Cr Jocelyn Prvanov	Member
Cr Martin Halliday	Member
Cr Sophie Handford	Member
Cr Robert McCann	Member
Cr Bernie Randall	Member

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**1 WELCOME****2 COUNCIL BLESSING**

“As we deliberate on the issues before us, we trust that we will reflect positively on the communities we serve. Let us all seek to be effective and just, so that with courage, vision and energy, we provide positive leadership in a spirit of harmony and compassion.”

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro, e pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hapori e mahi nei mātou. Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, ā, mā te māia, te tiro whakamua me te hihiri ka taea te arahi i roto i te kotahitanga me te aroha.

**3 APOLOGIES****4 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

Notification from Elected Members of:

4.1 – any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting, and

4.2 – any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

**5 PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA****6 MEMBERS' BUSINESS**

- (a) Public Speaking Time Responses
- (b) Leave of Absence
- (c) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

**7 MAYOR'S REPORT**

Nil

## 8 REPORTS

### 8.1 SUBMISSION TO THE DEPARTMENT OF INTERNAL AFFAIRS ON THE FIRE AND EMERGENCY NEW ZEALAND FUNDING REVIEW

**Author:** Brandy Griffin, Principal Advisor Research & Policy

**Authoriser:** Hamish McGillivray, Manager Research & Policy

#### PURPOSE OF REPORT

- 1 This report requests Council approval of the draft submission to the Department of Internal Affairs' Fire and Emergency New Zealand Funding Review (attached as Appendix 1 to this report).

#### DELEGATION

- 2 Council has the authority to consider this matter.

#### BACKGROUND

- 3 Fire and Emergency New Zealand (FENZ) was established via the Fire and Emergency New Zealand Act 2017, as an amalgamation of the former rural and urban fire authorities.
- 4 FENZ is the national body for all fire and emergency services in New Zealand. It provides fire and emergency services 24 hours a day, seven days a week, from 652 fire stations across New Zealand, and responds to incidents through a mixed model that includes 1,800 career fire fighters in concentrated urban areas, partnerships with other agencies, and 11,800 volunteers across New Zealand.
- 5 FENZ is mainly funded through a levy on insurance for commercial property, residential property, and motor vehicles. The Government has commissioned the Department of Internal Affairs (DIA) to undertake a review to consider whether there are more suitable funding regimes.
- 6 The review of the FENZ funding regime will be carried out in two phases. Phase One (March 2019 to February 2020) will collect high-level information on various funding models; while Phase Two (March 2020 onwards) will further assess specific options in order to select a preferred funding model.
- 7 In December 2019, the DIA released the *Fire and Emergency New Zealand Funding Review: Consultation document* (attached as Appendix 2 to this report). This consultation document is part of Phase One, and submissions are due by 5 February 2020.

#### ISSUES AND OPTIONS

##### Issues with the current funding regime

- 8 For the 2020/21 financial year, the estimated primary expenditure for FENZ will be \$617 million (p11). During this same time period, 52.3% of FENZ's anticipated income will be sourced from commercial levies, 33.4% from residential levies, and 8.1% from motor vehicle levies. The remaining 6.5% will be sourced from Government contributions and other revenue (additional government contributions and interest income).
- 9 As the consultation document notes, there are a number of benefits to the existing funding model (p7). Those benefits include:
  - 9.1 The current system is established and works well to fund FENZ;
  - 9.2 People understand and are used to working with the current system;
  - 9.3 Moving to a new system would involve some costs and risks, and a degree of uncertainty;

- 9.4 Insurance levels are relatively stable year to year, although they can change over time; and
- 9.5 Insurance, where available, generally reflects value (albeit this is not considered the case for properties in the Wellington Region due to the higher perceived risks to natural disasters following the 2016 Kaikoura earthquake).
- 10 There are, however, some limitations to the current system (p7). For example:
  - 10.1 Property owners who do not insure still benefit from FENZ's services, thereby "free-riding" on those who do insure;
  - 10.2 Levels of insurance are market-driven and can change over time, and do not necessarily match the benefit that FENZ's services provide;
  - 10.3 Charging a levy on insurance increases the overall cost of insurance, which may stop some people from getting insurance;
  - 10.4 Levy systems can be complex to administer for insurers;
  - 10.5 The complexity of insurance contracts can result in similar properties paying different amounts; and
  - 10.6 The commercial sensitivity of insurance contracts can prevent information about some of these limitations being shared with the Government, which can make it hard to know how significant these problems are based on the information available.
- 11 The Fire and Emergency New Zealand Act 2017 included some changes to the insurance-based levy regime to update and modernise it. These changes will not go into effect until 2024, but even then, they will only be in place until a preferred funding regime is adopted (p8).
- 12 Many international fire and emergency services have moved away from an insurance-based model. For example, Queensland, South Australia, Western Australia, and Victoria have moved to a property-value based model, with levies collected via local councils. Meanwhile, Northern Territory funds its fire service entirely from Commonwealth funds.
- 13 The key question the Government is asking in this phase of the review is, how best to split the cost of funding FENZ between those who would benefit (e.g. businesses and households, urban, rural and remote communities, and motorists), given the different level of benefit they receive from FENZ (p12).
- 14 It is important to note that the following are out of scope for this review:
  - 14.1 FENZ expenditure;
  - 14.2 FENZ operations;
  - 14.3 Legislative settings not related to funding FENZ;
  - 14.4 Funding arrangements for other emergency services; and
  - 14.5 Funding FENZ predominantly through general taxation (p6).

### **Considerations of other funding models**

- 15 The Fire and Emergency Act 2017 sets out the following funding principles:
  - 15.1 A stable source;
  - 15.2 Universal, so that costs are shared among all who benefit;
  - 15.3 Equitable, so that the costs are commensurate with benefit;
  - 15.4 Predictable; and
  - 15.5 Flexible.

- 16 The consultation document asks submitters to consider (i) whether there are any other principles that need to be considered, and (ii) which principles are the most important and why.
- 17 The consultation document also seeks to summarise the benefits that businesses, households and motorists derive from FENZ, and consider the funding options that might be most appropriate for each group.
- 18 In a sub-section entitled 'other potential sources of funding', the document suggests that one option might be for local authorities to provide support in order to reflect the wider benefits to local communities (p15).
- 19 Lastly, the consultation document considers collection mechanisms. The document suggests that, should a property-based approach be preferred, the levy could be collected via local authorities.

### **Council's draft submission**

- 20 Council argues that affordability should be a key principle used to evaluate the various funding regime options. In addition, Council strongly believes that the main source of funding should be from general taxation, a funding model that should and can be very simple and, presumably, could be implemented and initiated at low cost by the Inland Revenue Department.
- 21 Council does not support a funding model based on property value and/or property use as this does not satisfy all of the proposed funding principles and Council does not support an additional arrangement whereby Council would be required to collect FENZ funding from its ratepayers.

### **Considerations**

#### **Policy considerations**

- 22 There are no policy considerations arising from this submission.

#### **Legal considerations**

- 23 There are no legal considerations arising from this submission.

#### **Financial considerations**

- 24 There are no financial considerations arising from this submission.

#### **Tāngata whenua considerations**

- 25 Tāngata whenua have not been involved in the development of this submission.

#### **Strategic considerations**

- 26 The wise management of public resources and sustainable funding of Council services is a long term goal of *Toitū Kāpiti*. Therefore, it is important that Council advocate for a funding regime that will have a favourable impact on Council resources and funding.

### **SIGNIFICANCE AND ENGAGEMENT**

#### **Significance policy**

- 27 In accordance with Council's Significance and Engagement Policy, this submission on Phase One of the review does not have any strategic or financial implications, does not have any implications for mana whenua's relationship with land and water, and there are no legislative requirements to submit. Therefore, this matter has a low degree of significance under Council's Significance and Engagement Policy.

**Consultation already undertaken**

28 No public consultation was undertaken for the development of this submission.

**Engagement planning**

29 An engagement plan is not required for this submission.

**Publicity**

30 Following the Council's approval, the final submission will be uploaded to the 'Submissions we have made' section of the Council website.

**RECOMMENDATIONS**

31 That Council receives and approves the draft submission to the Department of Internal Affairs' Fire and Emergency New Zealand Funding Review, as attached as Appendix 1 to this report.

**APPENDICES**

1. Draft submission to Fire and Emergency New Zealand Funding Review [↓](#) 
2. Fire and Emergency New Zealand Funding Review: Consultation document [↓](#) 

30 January 2020

Fire Funding Review  
Department of Internal Affairs  
PO Box 805  
Wellington 6140

Email: [firefundingreview@dia.govt.nz](mailto:firefundingreview@dia.govt.nz)

### **FIRE AND EMERGENCY NEW ZEALAND FUNDING REVIEW**

1. Kāpiti Coast District Council supports the Government's commitment to selecting a preferred funding model for Fire and Emergency, and appreciates the opportunity to submit on the Fire and Emergency New Zealand Funding Review.
2. Fire and Emergency provides a crucial set of services to New Zealand, and it is important that ample time is given for this review. With this in mind, Council considers that the timeframe for the Phase One consultation is inadequate. The consultation document was released in late November, and the submissions close on 5 February. While a two-and-a-half-month consultation period would normally be sufficient, the timeframe for this consultation is unsympathetic to the Christmas, New Year, and Summer holidays. Over this time period, staff across most organisations are on leave for sizeable periods of time, which means that many organisations have not had sufficient time to adequately review and respond to the consultation document. This is problematic for services as crucial as those provided by Fire and Emergency New Zealand.
3. It is also important that a full range of funding options be considered. For this reason, Council considers that 'funding Fire and Emergency predominantly through general taxation' should be included in the scope of this review (p6). Council contends that general taxation funding is one of the only options that meets all of the principles set out in Chapter 4 of the Consultation document. This is discussed further below.

#### **What principles should be used to assess the options?**

- Are there other principles the Government should consider?
  - Which principles are the most important to you and why?
4. Council agrees that the preferred funding regime should be universal, equitable, stable, predictable and flexible; however, Council notes that the consultation document repeatedly refers to the importance of a 'fair and affordable' model, but the principle of affordability is not carried through.
  5. As an example, the document states:

The Government wants to ensure Fire and Emergency can continue to deliver the fire and emergency services that New Zealanders need and expect. To do this, Fire and Emergency must have a stable and secure funding model. At the

same time, the costs associated with this need to be shared in a way that is *fair and affordable* for households and businesses (page 7, emphasis added); and

In looking for better ways to fund Fire and Emergency, the Government is aware of the need to consider the costs in moving to a new system, both in terms of how it is set up and administered, and in how *affordable* the new model is for everyone (page 8, emphasis added).

6. Council contends that affordability should be added as an important principle for assessing options, and argues that affordability is one of the most important principles because the stability and predictability of the funding regime will be undermined if New Zealanders simply cannot afford to pay, regardless of the preferred funding model.

#### **Businesses and households**

- Do you agree with the summary of benefits to businesses and households?
  - Which option do you prefer and why?
  - What are the likely issues or challenges with implementing these options?
  - Is there another option or options the Government should consider?
7. Council agrees with the summary of benefits to businesses and households (page 13), but has a number of concerns regarding the three options proposed.
  8. Insurance-based approach - While the consultation document identifies a number of limitations to the existing insurance-based approach (page 7), Council would like to offer two additional limitations. First, an insurance-based approach can have a perverse effect in that it can incentivise some homeowners to underinsure their homes. Second, an insurance-based approach will not be able to collect levies from properties that are uninsurable, and this is becoming increasingly common for properties at risk to natural hazards.<sup>1</sup> In particular, we are aware of many Body Corporates in Wellington City either reducing their insurance cover or not re-insuring due to the high cost of insurance for properties in Wellington City.
  9. The discussion document states that the insurance-based approach is not universal because only 85 to 87% of property is insured (page 13). If the number of insurable properties continues to decline further, then the insurance-based approach will not only continue to fail the universality principle, but also fail the stability and equitability principles. So too will the affordability principle (suggested above) fail should the status quo funding model be retained.
  10. Property-based approach & property and use-based approach - As the discussion document states, a number of jurisdictions overseas are shifting towards a property-based approach or a property and use-based approach.
  11. While there are clearly some benefits to a property-based approach or a property and use-based approach, there are also three limitations we would like to raise.

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<sup>1</sup> For example, in an April 2019 report by *Radio New Zealand*, climate economist Belinda Storey stated that insurers are well aware of the risk posed by coastal hazards, and are already signalling those risks by increasing premiums or retreating from insurance altogether. See: Mulligan, Jesse. "Oceans advance, insurers retreat." *Afternoons with Jesse Mulligan*, 30 April 2019. Retrieved from <https://www.rnz.co.nz/national/programmes/afternoons/audio/2018692923/coastline-concern-insurance-costs>.

12. Firstly, on the surface a property-based approach might appear to be more universal, equitable, and stable than an insurance-based approach; however, a property-based approach is unlikely to pass the affordability test because many property owners will experience this as an additional cost, and this will be especially unaffordable if they are currently underinsured or uninsured due to the high cost of insurance.
13. Secondly, on a more practical level, if the allocation of cost is required to be based on property use, it may be more difficult for all councils to maintain accurate information because property use may not be a factor in setting their current rates.
14. Thirdly, because the most likely collection mechanism would be for local authorities to collect this charge as a rate, local authorities would be held accountable for what is likely to be perceived by the property owners as “unaffordable rates increases” and/or “little to no value for money”. As LGNZ note in their submission, collection by local authorities “diminishes public accountability and scrutiny as business and householders are unlikely to distinguish the relative share of their property taxes going to their council from FENZ. Any concerns people have about the level of property taxes will inevitably be raised with the local authority, not FENZ”.
15. An alternative option, simply funding from general taxation (by way of a fixed charge per household, for example) would best meet all of the funding principles. Council urges the Department of Internal Affairs to remove this exclusion from the scope of this review, and consider this as a funding option.

#### **Motorists**

- Do you agree with the summary of benefits to motorists?
  - Which option do you prefer and why?
  - What are the likely issues or challenges with implementing these options?
  - Is there another option or options the Government should consider?
16. Council agrees with the summary of benefits to motorists (page 14). In regards, to the proposed options, Council questions whether the vehicle licencing-based approach is equitable as the consultation document suggests (page 14). Clearly there are non-vehicle owners who benefit from Fire and Emergency’s transport-related services, even if the percentage is small.<sup>2</sup> This means that the vehicle-licensing based approach, in particular, would place a slightly disproportionate share of costs on vehicle owners. For this reason, Council maintains that an alternative option of simply funding from general taxation would best meet all of the funding principles.

#### **17. Other potential sources of funding**

- What do you like or dislike about these options?
  - What are the likely issues or challenges with implementing these options?
  - Is there another option or options the Government should consider?
18. Council has made clear in this submission that it strongly believes that the main source of funding should be from general taxation, a funding model that should and can be very simple and, presumably, could be implemented and initiated at low cost by the Inland Revenue Department. This should be in addition to Crown direct

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<sup>2</sup> The LGNZ submission refers to this as “generic public benefit”.

contributions and/or Fire and Emergency charging for some services (e.g. nuisance charges for repetitive false call-outs).

19. The Council does not support local authority contributions because this would need to be rates funded, again bringing back the arguments already discussed in paragraph 12 above.<sup>3</sup>
20. In addition, since the Fire and Emergency New Zealand Act 2017 absorbed rural fire authorities into Fire and Emergency, local authorities no longer have a direct role in fire and emergency services, which weakens the argument for local authority contributions.

#### **Collection mechanisms**

- Which option do you think is the most suitable and why?
  - What do you like and/or dislike about the different collection mechanism options?
21. Once again, Council maintains that Fire and Emergency should be primarily funded from general taxation via the Inland Revenue Department.

#### **Conclusion**

22. Council supports Government's commitment to reviewing and selecting a principle based funding model for Fire and Emergency services.
23. Moreover, because there are wide benefits for local communities from FENZ, this review provides an opportunity for local and central government collaboration so Council would be keen to discuss this submission directly with the Department of Internal Affairs at a mutually convenient time.
24. Thank you once again for the opportunity to submit on this review.

Yours sincerely

K (Guru) Gurunathan  
**MAYOR**

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<sup>3</sup> Kapiti Coast District Council discussed the issues of rates affordability and council debt limits at length in our submissions to the Productivity Commission's Local Government Funding and Financing Inquiry. Those two submissions can be found online at [https://www.kapiticoast.govt.nz/media/36433/kcdc-submission-on-lg-funding-and-financing\\_26-sept.pdf](https://www.kapiticoast.govt.nz/media/36433/kcdc-submission-on-lg-funding-and-financing_26-sept.pdf), and <https://www.kapiticoast.govt.nz/media/29909/190315-submission-to-productivity-commission-on-local-government-funding.pdf>.



**Te Tari Taiwhenua**  
**Internal Affairs**

New Zealand Government

# Fire and Emergency New Zealand Funding Review

## Consultation document



Fire and Emergency New Zealand Funding Review – Consultation document

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## Message from Hon Tracey Martin

### Minister of Internal Affairs



Fire and Emergency New Zealand is a relatively new organisation, being an amalgamation of the former rural and urban fire authorities and the national body for all fire and emergency services in New Zealand. Since it was established in 2017, New Zealanders have started to see the benefits of a unified fire and emergency service.

The coordination involved in the Tasman wildfire, which saw Fire and Emergency deploy firefighters and equipment from the length and breadth of the country, is a good example of the strength of the new organisation.

When I became Minister in 2017, Fire and Emergency was less than six months old and in the process of preparing to set a new levy under the provisions in the Fire and Emergency New Zealand Act 2017. It was apparent to me that there were some issues with the new levy model and that some property owners were facing substantial possibly unfair levy increases.

In initiating a review of the funding model for Fire and Emergency, while its current funding is set and level of reserves are strong we have an opportunity to take a clean-slate approach to funding this new organisation rather than simply stick with the model we've had historically.

The services that Fire and Emergency provides are essential to the ongoing safety of New Zealanders. That is why it is important for the Government to ensure that the organisation has a stable and secure source of funding both in the short and long term. At the same time, we want to ensure that the funding regime reflects costs, benefits and peoples' ability to pay.

The purpose of this review is to see if there are more suitable options for funding Fire and Emergency than the current levy on property insurance. We are taking a fresh look at the options and talking to a wide range of people and organisations to ensure we understand both the benefits and challenges in any potential funding model. We want to hear what you think about the best way to fund our fire and emergency services.

A handwritten signature in black ink, appearing to be 'T Martin', written in a cursive style.

**Hon Tracey Martin**  
Minister of Internal Affairs

## Executive Summary

Fire and Emergency New Zealand provides fire and emergency services 24 hours a day, seven days a week, from 652 fire stations across New Zealand. Fire and Emergency responds to incidents through a mixed model that includes 1800 career fire fighters concentrated in urban areas, 11,800 volunteers all over New Zealand, and through partnerships with other agencies.

Fire and Emergency is mainly funded through a levy on commercial and residential property, and motor vehicle insurance. Internationally, there is a growing trend to move away from insurance-based funding models for fire and emergency services. This is likely due to the inherent limitations of insurance-based approaches.

The Government is reviewing how Fire and Emergency is funded to consider better ways to fund such an important organisation so that it can remain responsive and fit for purpose in future. The Government is interested in:

- your views on ways to fund Fire and Emergency;
- understanding the value New Zealanders receive from Fire and Emergency; and
- how to best share Fire and Emergency's costs between those who benefit.

The first phase of the review is about collecting information. This feedback will be used to develop a preferred approach for Cabinet consideration. Any changes will take time to implement. We will be consulting again in phase two of the review on the impacts on businesses and households. We want to ensure the system is fair and affordable for everyone.

This review is only considering the funding options for Fire and Emergency. It is not considering wider changes to the Fire and Emergency Act, Fire and Emergency's structure, nor funding options for other emergency services such as ambulance services. Fire and Emergency's existing funding arrangements will remain in place during the review.

# Chapter 1: Background and scope of review

## We want to hear from you

The Government is reviewing the way Fire and Emergency New Zealand is funded. We want to find out whether there are more suitable options than the current approach, which is based on a levy paid on insurance contracts.

## Background

The Fire and Emergency Act came into force in July 2017. It established Fire and Emergency from the amalgamation of the former New Zealand Fire Service Commission, the National Rural Fire Authority, twelve enlarged rural fire districts and 26 territorial rural fire authorities.

Fire and Emergency is almost entirely funded by a transitional levy on property insurance. The transitional levy continues much of the levy regime that funded the New Zealand Fire Service Commission under the Fire Service Act 1975, with an increased levy rate to fund the transition to a unified organisation, and to reflect Fire and Emergency's new functions. Under the Fire and Emergency New Zealand Act as it currently stands, the current regime will apply until 1 July 2024.

### A levy is:

A charge imposed on a group of individuals or organisations (e.g. an industry) as a proxy for the individuals or individual organisations who directly receive or would benefit from the good, service or regulation.

An updated and modernised insurance-based levy regime is authorised under the Fire and Emergency Act and will come into effect on 1 July 2024 if no other action is taken. While the funding regime was reviewed as part of the reforms that led to this new regime, the only options considered at that time were variations on the existing insurance-based model.

## Purpose of review

The purpose of the review is to identify whether more suitable options exist for funding Fire and Emergency than an insurance-based levy. The Government has

commissioned the Department of Internal Affairs (DIA) to undertake the review under the direction of the Minister of Internal Affairs. The Government's objective is to ensure that Fire and Emergency can continue to deliver the fire and emergency services that New Zealanders need and expect into the future.

The review is working within the existing principles set out in the Fire and Emergency Act. These principles state that Fire and Emergency's funding should be Stable, Universal, Equitable, Predictable and Flexible. There is more information in Chapter Three on how these principles will guide our thinking on future fit for purpose funding models.

## Broader review timeline

The review of Fire and Emergency's funding regime is proceeding in two phases.

- **Phase One (March 2019 – February 2020):**  
This phase looks at the high-level ways to fund Fire and Emergency and seeks views from the public and stakeholders.
- **Phase Two (March 2020 onwards):**  
The Government will select the preferred funding model for Fire and Emergency.

Phase Two will include assessing the options and analysing feedback, and further consultation on the details of any new model. There will also be further consultation on the levy rate and how it should be applied before any changes to the levy occur.

### What this consultation is not about

We are seeking views on approaches to fund Fire and Emergency at this stage, not the level of funding itself. The following is outside the scope of the review:

- Fire and Emergency's expenditure;
- Fire and Emergency's operations;
- legislative settings not related to funding Fire and Emergency;
- funding arrangements for other emergency services; and
- funding Fire and Emergency predominantly through general taxation.

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### How to respond to this consultation

Anyone can make a submission. You do not need to respond to all our consultation questions. Feel free to limit your responses to those topics of most relevance or interest to you.

**Submissions can be emailed to:**  
**[firefundingreview@dia.govt.nz](mailto:firefundingreview@dia.govt.nz)**

**Alternatively, submissions can be posted to**  
**Fire Funding Review**  
**Department of Internal Affairs**  
**PO Box 805**  
**Wellington 6140**

The review team will be conducting a series of open meetings, and meetings with targeted stakeholder groups, on this discussion document.

See our website for more information:  
**[www.dia.govt.nz/firefundingreview](http://www.dia.govt.nz/firefundingreview)**

**The closing date for submissions is**  
**Wednesday 5 February 2020.**

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### Use and release of information

The information provided in submissions will be used to inform DIA's policy development process, and will inform advice to the Minister of Internal Affairs on progressing changes to the Fire and Emergency funding model. DIA intends to upload PDF copies of submissions received to its website at [www.dia.govt.nz](http://www.dia.govt.nz).

DIA will consider you to have consented to uploading by making a submission, unless you clearly specify otherwise in your submission.

If your submission contains any information that is confidential, or you otherwise wish us not to publish, please:

- indicate this on the front of the submission, with any confidential information clearly marked within the text; and
- provide a separate version excluding the relevant information for publication on our website.

Submissions remain subject to request under the Official Information Act 1982. Please set out clearly in the cover letter or e-mail accompanying your submission if you have any objection to the release of any information in the submission, and in particular, which parts you consider should be withheld, together with the reasons for withholding the information. DIA will take such objections into account and will consult with submitters when responding to requests under the Official Information Act 1982.

### Private information

The Privacy Act 1993 establishes certain principles with respect to the collection, use and disclosure of information about individuals by various agencies, including DIA. Any personal information you supply to DIA in the course of making a submission will only be used for the purpose of assisting in the development of policy advice in relation to the Fire and Emergency funding model review. Please clearly indicate in the cover letter or e-mail accompanying your submission if you do not wish your name, or any other personal information, to be included in any summary of submissions that DIA may publish.

## Chapter 2: Why is the funding model being reviewed?

The Government wants to ensure Fire and Emergency can continue to deliver the fire and emergency services that New Zealanders need and expect. To do this, Fire and Emergency must have a stable and secure funding model. At the same time, the costs associated with this need to be shared in a way that is fair and affordable for households and businesses.

Given the limitations with insurance-based models and the recent amalgamation of services to create a single agency in Fire and Emergency, there is an opportunity to consider how to fund fire and emergency services in New Zealand. This could align New Zealand with other overseas jurisdictions that have moved away from an insurance-based approach.

### Benefits of insurance-based system

There are a number of benefits to our insurance-based system:

- the system is established and works well to fund Fire and Emergency;
- people understand and are used to working with the current system;
- moving to a new system would involve some costs and risks, and a degree of uncertainty;
- insurance levels are relatively stable year to year, but can change over time; and
- insurance, where available, generally reflects value.

### The current insurance-based funding model has limitations

Any insurance-based levy system will have limitations:

- property owners who do not insure still benefit from Fire and Emergency's services, 'freeriding' on those who do insure;
- levels of insurance are market-driven and can change over time, and do not necessarily match

- the benefit that Fire and Emergency's services provide;
- charging a levy on insurance increases the overall cost of insurance, which may stop some people from getting insurance;
- levy systems can be complex to administer for insurers;
- the complexity of insurance contracts can result in similar properties paying different amounts; and
- the commercial sensitivity of insurance contracts can prevent information about some of these limitations being shared with the Government. This can make it hard to know how significant these problems are based on the information available.

### Many international jurisdictions have moved away from using an insurance-based model to fund fire services

Several Australian states have fire services that were initially formed and funded through an insurance-based levy like New Zealand's fire services.

Queensland, South Australia, Western Australia, and Victoria have moved away from an insurance-based model to a property-value based model. These states collect the levy through local councils. Some of these states include variable charges in their levy calculations – these can be based on location, size, or use of the property. These models include an allowance for the value of building contents that is calculated on the value of the property.

New South Wales and Tasmania both have an insurance-based model; New South Wales has previously considered moving to a property-based model but deferred the transition due to implementation issues, and Tasmania is considering a move to a property-based model. Northern Territory funds its fire service entirely from Commonwealth funds.

South Australia and Tasmania are the only Australian states that collect a fire levy on motor vehicles – South Australia collects a rate of levy dependent on the value of the vehicle as part of the vehicle licensing fee, and Tasmania collects a flat fee as part of vehicle licensing.

Some American states have composite models that fund fire services through a combination of charges. For example, districts in Washington State and Florida fund their fire services through a property tax, a Fire Benefit Charge (a service-benefit charge on properties based on size and use rather than value), fees and permits, and some government funding.

The options in this discussion document are similar to funding models used overseas. However, fire services in overseas jurisdictions may have different functions and responsibilities.

More detailed information on funding regimes in other jurisdictions is attached at **Appendix A**.

### **The current transitional funding model was never intended to be long term**

The legislative changes in the 2017 Fire and Emergency Act included changes to the insurance-based levy regime to update and modernise it. These proposed changes have not yet taken effect and a transitional funding model is operating until 2024. This transitional model is not intended to fund Fire and Emergency in the long term, and the updated approach in the Fire and Emergency Act only considered new ways to fund Fire and Emergency under an insurance-based levy.

The proposed new levy regime under the Fire and Emergency Act, although more equitable than the levy system that came before it, still contains the inherent limitations of an insurance-based model. In addition, initial work done on the impact of moving to this model indicated that there could be substantial increases for some property holders and businesses.

For example, those that insure older buildings currently pay a levy calculated on the indemnity value (i.e. the present day or market value) of the building, rather than the sum insured or replacement value in the insurance policy which is typically higher. Under the Fire and Emergency Act 2017, it was proposed that the levy would be calculated on the sum insured not the indemnity

value. So, for some owners of older buildings (large and small) the annual levy paid may increase significantly under the proposed new approach. Policyholders with "split perils" policies<sup>1</sup> would be affected in a similar way by the proposed changes from charging the levy based on fire cover to sum insured. This could affect their profitability or could result in a decision to reduce their insurance cover.

In looking for better ways to fund Fire and Emergency, the Government is aware of the need to consider the costs in moving to a new system, both in terms of how it is set up and administered, and in how affordable the new model is for everyone.

1. Some policyholders, generally those with large buildings or property portfolios, insure for a lower sum against fire damage, than for other risks such as earth quake or severe weather. This arrangement is known as a 'split perils' policy.

## Chapter 3: What is Fire and Emergency and what does it do?

### What Fire and Emergency does

Fire and Emergency New Zealand protects lives, limits injuries, and protects property, land and the environment. It also works with communities to reduce the likelihood of unwanted fires and consequences from emergencies. Fire and Emergency is connected to all communities throughout New Zealand to undertake prevention and response work. It must be ready for any emergency or incident, so it can respond quickly and effectively.

New Zealand’s integrated approach to emergency management can be described by the four areas of activity, known as the ‘4 Rs’; Risk reduction, Readiness, Response, and Recovery.



### Risk Reduction

An increasing focus of Fire and Emergency is to prevent fire and incidents involving hazardous substances from occurring in the first place. Fire and Emergency personnel work with New Zealanders, businesses and communities on awareness, education and adopting safer practices.

The number of fires in buildings has decreased over time. This is due to a combination of more fire-resistant building materials, changes to building codes brought about by partner agencies, and fire education by Fire and Emergency and its partner agencies.

## Tasman wildfires

One of New Zealand’s largest wildfires in the last 50 years broke out in Pigeon Valley in the Tasman area on Tuesday, 5 February 2019. Twenty-three helicopters, two fixed-wing aircraft and more than 150 firefighters fought the blaze at its peak. Fire and Emergency brought firefighters, trucks and equipment from the length and breadth of the country.

Fire and Emergency worked closely with others including the Ministry of Civil Defence and Emergency Management, the New Zealand Defence Force, New Zealand Police, the Ministry for Primary Industries and local government with more than 50 people planning and managing the operation.

Firefighters from a range of backgrounds worked together to protect homes and stop the spread of the fire, using skills and tactics honed on overseas deployments. With accommodation in short supply, Fire and Emergency’s Urban Search and Rescue teams constructed a camp providing tents, cots and washing facilities for up to 100 people per night.

Fire and Emergency needs to maintain the capacity to respond across New Zealand while attending large-scale incidents like this one. The ability of Fire and Emergency to surge its capacity to meet any situation that may arise is essential to the safety of New Zealanders.

## Hazardous substance incident closes State Highway One



A large truck and trailer carrying a range of hazardous substances hit a bank and rolled onto its side at Pukerua Bay, North of Wellington, in the early hours of Friday 19 October 2018. The incident blocked State Highway One in both directions. State Highway One was closed until around 9pm causing considerable disruption to commuter traffic and commercial road users.

The nature of the incident meant the safety of firefighters, other responders and the public had to be given priority. Fire and Emergency NZ personnel from Porirua, Plimmerton, and Johnsonville and the Hazardous Materials Command Unit from Wellington attended the incident.

Working with Mainfreight, Responsible Care NZ, NZ Police, Wellington Free Ambulance, Porirua City Council, the Environment Protection Authority, a tow salvage company and crane operators, the incident was brought to a safe conclusion with no injuries reported.

### Readiness

Fire and Emergency needs to be ready to respond when and where an emergency may occur. Fire and Emergency must have distributed services spread throughout the country to ensure it is ready to respond. Fire and Emergency also assesses major risks in an area and makes plans to protect people and key assets.

Being ready means being able to quickly increase its capacity to respond when large or multiple incidents occur. This ensures both an adequate response to the incident, and cover for the rest of New Zealand during the same time.

### Response

Fire and Emergency responds to incidents through a mixed model that includes 1800 career fire fighters concentrated in urban areas, 11,800 volunteers all over New Zealand, and through partnerships with other agencies.

These partnerships include NZ Police, ambulance services, civil defence and other emergency services, Department of Conservation and the NZ Defence Force. Fire and Emergency also works with the private sector including rural and forestry sectors, industry brigades and other fire related businesses.

Firefighters spend increasing amounts of time on non-fire emergencies such as natural disasters, medical call outs, floods, spills of hazardous substances and motor vehicle incidents.

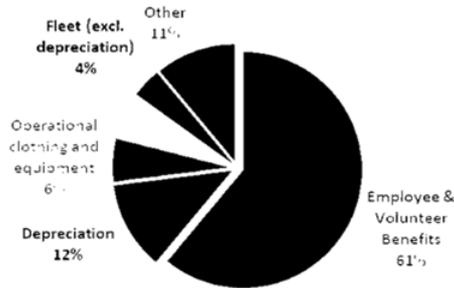
### Recovery

Fire and Emergency supports New Zealanders following emergencies in partnership with other agencies. This includes providing support to victims and communities immediately after an incident and helping to get them back to 'business as usual'.

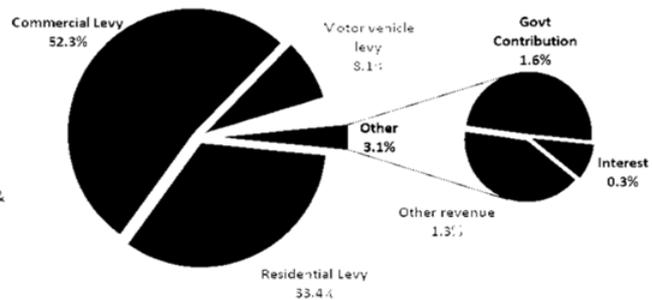
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# A snapshot of Fire and Emergency NZ

Fire and Emergency NZ’s primary expenditure (total \$617m)\*



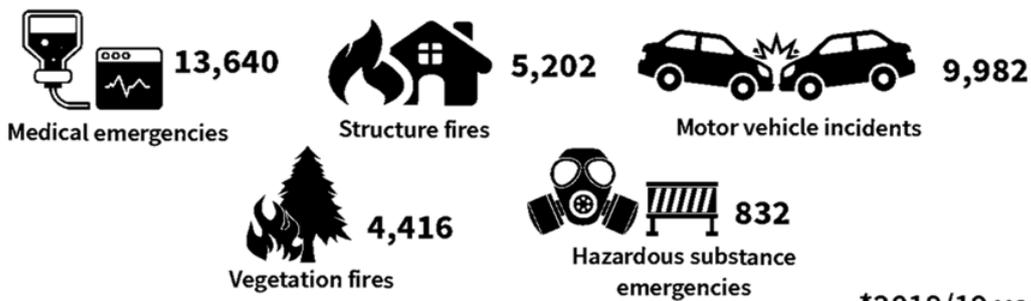
Fire and Emergency NZ’s primary funding sources (total \$624m)\*



\*2020/21 year

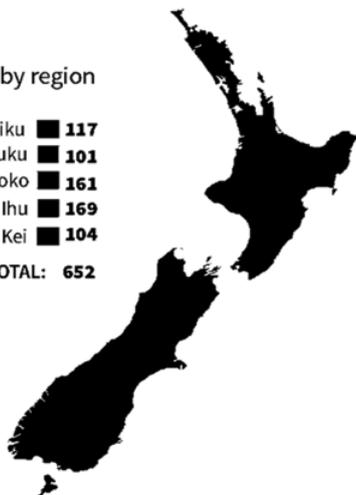
## Fire and Emergency’s responses

Total incidents attended: **79,921\*** including...

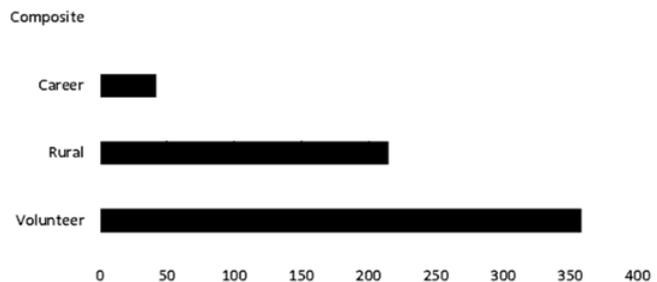


\*2018/19 year

Fire stations by region



Fire stations by type



## Chapter 4: Options for feedback

The key question the Government is seeking to answer is:

How to best split the cost of funding Fire and Emergency between those who would benefit (e.g. businesses and households, urban, rural and remote communities, and motorists), given the different level of benefit they receive from Fire and Emergency?

### What principles will be used to assess the options?

The funding principles set out in the Fire and Emergency Act 2017<sup>2</sup> have been retained for the review. These are:

- (a) a **stable** source of funding to support Fire and Emergency in the performance of functions and duties and exercise of powers under this Act:
- (b) **universal**, so that Fire and Emergency's costs are generally shared among all who benefit from the potential to use Fire and Emergency's services:
- (c) **equitable**, so that policyholders should generally pay a levy at a level commensurate with their use of, or benefit from the potential to use, Fire and Emergency's services and with the risks associated with the activities that policyholders carry out (but without strict apportionment according to use, benefit, or risk having to be observed):
- (d) **predictable**, so that policyholders and levy payers are able to predict the amounts that they will need to pay and Fire and Emergency is able to predict how much levy income it will receive:
- (e) **flexible**, so that the levy can adapt to—
  - (i) changes in the use, benefit, or risk associated with those who benefit from the potential to use Fire and Emergency's services; and
  - (ii) variations in Fire and Emergency's costs; and
  - (iii) changes to the expectations of the Crown and the strategic needs of Fire and Emergency.

2. See section 80 - <http://legislation.govt.nz/act/public/2017/0017/latest/DLM6712701.html?src=qs>

## QUESTIONS:

1. Are there other principles the Government should consider?
2. Which of the principles is/are the most important to you, and why?

Initial options have been chosen to address the issues with an insurance-based approach, based on the principles of the Fire and Emergency Act:

- **Universal** – insurance coverage is market based and is not universal;
- **Equitable** – there is a potential mismatch between insurance cover and the benefit from Fire and Emergency's services; and
- **Stable** – insurance coverage can change over time.

**Predictability** and **Flexibility** can generally be built into any funding model. They will be important considerations in later phases of the review when looking at the design of the preferred approach.

No one option needs to be the sole basis for funding Fire and Emergency. It may be best to fund it based on a mixed option approach, to reflect the benefit that different sectors of New Zealand receive from Fire and Emergency's services. Caps and exemptions for certain kinds of property are an option available to limit the impact of the levy in some circumstances.

Most New Zealanders are not involved in an incident in any given year. This does not mean they do not benefit from Fire and Emergency's network coverage and readiness. Fire and Emergency's services also have a wider benefit to communities and the environment. Consistent with the **universal** principle, funding for Fire and Emergency should reflect both the indirect and direct benefits and these costs should be shared as broadly as possible.

To reflect the possibility of a mixed option approach, options have been split out for businesses and households, and motorists. We have also included some options around other potential sources of funding including Crown or local government funding.

**Businesses and households**

**Businesses and households benefit from Fire and Emergency:**

- responding to incidents with fire prevention or suppression, or incidents involving hazardous substances;
- risk reduction and fire safety work through reduced risk of incident; and
- readiness as Fire and Emergency’s network and capacity allow it to respond in a timely way across New Zealand.

**Options for businesses and households:**

- **Insurance-based approach** – a levy charged on the value of property insured (including both building and contents). This is the status quo.
- **Property based approach** – a charge based on property data held by local authorities, such as value or size.

- **Property and use-based approach** – a charge based on property data held by local authorities, such as value or size, alongside considering how the property is used (e.g. the contents of buildings).

**QUESTIONS:**

3. Do you agree with the summary of benefits to businesses and households?

4. Which option do you prefer and why?

5. What are the likely issues or challenges with implementing these options?

6. Is there another option or options the Government should consider?

Option	Universal	Stable	Equitable
Insurance (status quo)	 About 85 to 87% of property is insured	 Insurance levels are relatively stable year to year, but can change over time	 Insurance, where available, generally reflects value (but also appetite for risk)
Property based	 Almost 100% for buildings, but unclear on contents	 Property numbers are slowly increasing	 (when combined with a cap on residential households)
Property and use	 Almost 100% of buildings and contents	 Property numbers are slowly increasing	 (when combined with a cap on residential households) Adjustments for usage can allow for greater equity

**Motorists**

**Motorist benefits from Fire and Emergency:**

- responding to incidents to rescue people trapped because of transport or other accidents and getting traffic moving again;
- protecting the safety of persons and property endangered by transport incidents including those involving hazardous substances; and
- readiness as Fire and Emergency is often first on the scene at motor vehicle incidents to aid those involved.

**Options for motorists:**

- **Insurance-based approach** – a levy charged on the value of vehicle insurance. This is the status quo.
- **Vehicle licencing-based approach** – a charge collected alongside the annual motor vehicle licencing fee.

- **Transfer from land transport revenue** – transferring funds from the land transport revenue which is funded by taxes on petrol, Road User Charges and motor vehicle licencing and registration fees. The land transport revenue already provides some funding for road safety but does not provide funding to Fire and Emergency.

**How do the options compare?**

**QUESTIONS:**

7. Do you agree with the summary of benefits to motorists?
8. Which option do you prefer and why?
9. What are the likely issues or challenges with implementing these options?
10. Is there another option or options the Government should consider?

Option	Universal	Stable	Equitable
Insurance (status quo)	 About 93% of motorists	 Insurance levels are relatively stable	 (when combined with a cap per vehicle)
Licencing	 Over 98% of vehicle registrations are renewed annually	  Vehicle numbers are slowly increasing	 (when combined with a cap per vehicle)
Land transport revenue	  Indirectly almost 100% of motorists	 There are competing priorities on land transport revenue	 Cannot cap contribution via land transport revenue. Land transport revenue is already fully committed to funding transport projects

**Other potential sources of funding**

**Other/wider benefits from Fire and Emergency:**

- responding to incidents and getting traffic moving again or communities back to “business as usual”;
- responding to large-scale incidents typically provides a wider benefit than to directly affected properties;
- medical responses reduce risk for individuals and communities from harm; and
- fire permits and evacuation plans help reduce risk to individuals and the environment.

**Other potential sources of funding:**

- **Crown direct contribution** – the Crown currently contributes \$10 million per year to support Fire and Emergency’s non-fire related work. This amount is periodically reviewed.
- **Local authority contribution** – local authorities could provide some support to reflect Fire and Emergency’s wider benefits for local communities. This could be an in-kind contribution (e.g. collecting the levy on Fire and Emergency’s behalf or providing the data if a property based approach is preferred).
- **Fire and Emergency charging for some services** – Fire and Emergency does not charge for assisting with evacuation plans. For discrete services like this, Fire and Emergency could charge a fee to reflect the direct benefit from its services. Nuisance charges for events such as repetitive false call-outs could also be considered.

**How do the options compare?**

These options would potentially be secondary sources of funding to recognise the wider benefit Fire and Emergency provides.

**QUESTIONS:**

11. What do you like or dislike about these options?

12. What are the likely issues or challenges with implementing these options?

13. Is there another option or options the Government should consider?

**Collection mechanisms for levy**

Depending on which option or options make up the preferred approach, there are options for collecting Fire and Emergency funding.

Under an insurance-based approach, insurers would continue to collect the levy on Fire and Emergency’s behalf. The costs of setting up and administering the current system are passed on to consumers through their insurance contracts.

If vehicle licencing is preferred for motorists, then the logical collection agent would be the New Zealand Transport Agency.

If funding moved to a property based approach, the levy could be collected by local authorities alongside rates or via a purpose built central collection agency (e.g. Fire and Emergency could be responsible for collecting its own funding) using local authority information.

There would be costs for Fire and Emergency and the collection agent associated with moving to a new funding model. These would include set up costs and ongoing administrative costs. There may also be costs or issues associated with the ownership and upkeep of property data.

**QUESTIONS:**

14. Which option do you think is the most suitable and why?

15. What do you like and/or dislike about the different collection mechanism options?

Fire and Emergency New Zealand Funding Review – Consultation document

## Consultation approach

The review team will be conducting a series of open meetings, and meetings with targeted stakeholder groups, on this discussion document.

See our website for more information:  
[www.dia.govt.nz/firefundingreview](http://www.dia.govt.nz/firefundingreview)

Fire and Emergency New Zealand Funding Review – Consultation document

Fire and Emergency New Zealand Funding Review – Consultation document

## Appendix A: Funding models in overseas jurisdictions

**Northern Territory:** Fire and emergency services are funded directly from the State consolidated fund.

Fire and Emergency structures	Motor vehicles	Fixed charges	Variable charge factors	Exemptions or discounts
Northern Territory Police, Fire and Emergency services.	No charge	No charge	No charge	N/A

**South Australia:** Largely funded through the Emergency Services Levy (ESL) which is collected by local government.

Fire and Emergency structures	Motor vehicles	Fixed charges	Variable charge factors	Exemptions or discounts
Sector operates under the guidance of the South Australia Fire and Emergency Services (SAFECOM) Board. Agencies are the Country Fire Service, the Metropolitan Fire Service and State Emergency Service.	Levy paid with vehicle registration. Rate of levy depends on value of the vehicle.	Fixed charge (\$50 in 2016/17) charged equally on all properties with exceptions for community use (\$20) and those in Regional Area 3 (\$0)	Based on: <ul style="list-style-type: none"> <li>• <b>Capital Value</b> - value of the property as determined by the Valuer-General.</li> <li>• <b>Area Factor</b> - Four areas given an area factor based on level of emergency service provision. Metro areas have highest factor of 1 and rural the lowest of 0.1.</li> <li>• <b>Land-use factor</b> - properties are divided into 7 land-use categories and given a land-use factor. Commercial and industrial properties have higher factors than residential or special community use</li> <li>• <b>Prescribed levy factor</b> - Set annually by the SA govt and charged equally over all properties.</li> </ul>	Concessions available for pensioners and people receiving some Centrelink payments. These are made by a reduction to the prescribed levy factor and/or a concession of up to \$46.

Fire and Emergency New Zealand Funding Review – Consultation document

**Australian Capital Territory:** Fire and Emergency Services Levy (FESL) collected by local government funds around 90%, user charges fund around 8% and the remainder comes from other revenue.

Fire and Emergency structures	Motor vehicles	Fixed charges	Variable charge factors	Exemptions or discounts
FESL funds ACT Fire and Rescue, State Emergency Services, and Ambulance Services.	No charge	Residential and rural properties are charged a fixed levy (\$336 in 2018).	FESL for commercial properties is calculated on: <ul style="list-style-type: none"> <li><b>Average Unimproved Value (AUV)</b> of the property, and a <b>marginal rating factor</b> which relates to the position of the properties AUV within 3 bands (\$1-\$300k, \$300k-\$2m, \$2m+).</li> </ul>	Pensioners eligible for a rates rebate will receive a rebate on the levy capped at \$98.

**Western Australia:** Largely funded through the Emergency Services Levy (ESL) which is collected by local government. Around 10% of funding from government.

Fire and Emergency structures	Motor vehicles	Fixed charges	Variable charge factors	Exemptions or discounts
Department of Fire and Emergency Services is a govt department headed by a Commissioner. The levy funds the: Career Fire and Rescue Service, Volunteer Fire and Rescue Service, Local govt bush fire brigades, Volunteer State Emergency Service units, Volunteer Marine Rescue Service, Volunteer Fire and Emergency Service units.	No charge.	People who live in a location categorised as Pastoral/rural areas or mining tenants pay a fixed rate of \$71 and no variable charges.	Variable charge based on: <ul style="list-style-type: none"> <li><b>Location</b> - 6 areas with rates set according to services available to them, with properties with more services available to them paying a higher rate.</li> <li><b>Gross rental value (GRV)</b> - as calculated by the Valuer General at Landgate, this is an accepted measure for calculating what a property is worth and generally an indication of the owner's capacity to pay.</li> </ul>	Minimum and maximum thresholds set for all property types and areas to ensure the charge does not go beyond what is reasonable and fair. Pensioner and senior rebates are also available.

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**Queensland:** Emergency Management Levy (EML) collected by local government funds around 75%, with the remainder made from government contributions, direct user charges, and grants.

Fire and Emergency structures	Motor vehicles	Fixed charges	Variable charge factors	Exemptions or discounts
Queensland Fire and Emergency Services (QFES) is the primary provider of fire and emergency services. The Rural Fire Service is the volunteer arm of the QFES operating in areas where there is no urban fire service coverage.	No charge	Some rural districts are charged an annual 'rural fire levy' (between \$12-\$60) as well as the EML to contribute to small volunteer fire services in certain districts.	Variable charge based on: <ul style="list-style-type: none"> <li><b>Levy Class</b> - five classes where properties are categorised based on the kind of fire services provided in their area. Classes with greater fire service provision are charged more.</li> <li><b>Levy group</b> - properties are classed into 16 levy groups based on the use of the property. Each of these 16 groups has an EML rate for each levy class. Group 1 is largely vacant land, Group 2 is largely single residences, and Groups 3-16 are commercial properties increasing in size and risk factors.</li> </ul>	Some property types in Levy Class E (located in rural areas) are not included in the EML, e.g. cemetery, library. A 20% discount is available for pensioners and repatriation health card owners.

**New South Wales:** Around 75% funded through a levy on property insurance collected by insurers, 10% from increased stamp duty revenue from insurance levy and the remainder from local and state government.

Fire and Emergency structures	Motor vehicles	Fixed charges	Variable charge factors	Exemptions or discounts
Fire and Rescue NSW, NSW Rural Fire Service and NSW State Emergency Service.	No charge.			2009/10 data suggested 5% of home owners don't have building insurance and 36% of households did not take out contents insurance. There is an Insurance Monitor appointed to hold insurance companies to account.

## Fire and Emergency New Zealand Funding Review – Consultation document

**Tasmania:** Around 45% funded through a Fire Service Contribution (FSC) collected by local government, 20% from Insurance Fire Levy collected by insurance companies, 9% from Motor Vehicle Levy, and the remainder from contributions from State and Federal government and revenue received from the State Fire Commission (through user charges and provision of training services).

Fire and Emergency structures	Motor vehicles	Fixed charges	Variable charge factors	Exemptions or discounts
State Fire Commission responsible for the Tasmania Fire Service, and funds the State Emergency Service.	Flat fee collected as part of registration fee. \$17 per vehicle in 2017/18	Residential and rural properties are charged a fixed levy (\$336 in 2018).	<p>FSC is based on:</p> <ul style="list-style-type: none"> <li>• <b>Land Rating</b> which represents the type of fire service the area receives, and</li> <li>• <b>Assessed value of the property.</b></li> </ul> <p>Insurance Fire Levy: Only applies to businesses, not households. The rate of the levy depends on the nature of the business.</p>	<p>There is a minimum levy which is adjusted with the CPI (\$39 in 2017/18). Pensioners and health card holders receive discounts on their FSC. The FSC does not apply to a broad range of land including that owned by local council, the Crown, most Government Business Enterprises or to Commonwealth land, to which a fire protection services agreement applies. The Motor Vehicle Levy doesn't apply to caravans, horse floats, motorcycles or trailers.</p>

Fire and Emergency New Zealand Funding Review – Consultation document

**Washington State:** Funding ratios vary by district, but for example, one district received about 48.5% of funding from a Fire Benefit Charge (FBC), 42.5% from property tax, 1.5% from transport fees, 5.5% from government contracts and the remainder from permits, fees and other revenue.

Fire and Emergency structures	Motor vehicles	Fixed charges	Variable charge factors	Exemptions or discounts
Regional Fire Authorities operate in districts/ counties.	No charge	No charge	Fire Benefit Charge = property size x 18 x category factor x response factor x discount x hazard factor. <ul style="list-style-type: none"> <li>• <b>Property size</b> is the square footage of each property.</li> <li>• <b>Category factor</b> - properties generally categorised into one of four (residential, mobile homes, apartments and commercial).</li> <li>• <b>Response factor</b> - the 'cost per gallon' of providing fire services.</li> <li>• <b>Discounts</b> - reductions for the elderly; properties with sprinklers; alarms and other factors.</li> <li>• <b>Hazard factor</b> (only included in a couple of districts) - the degree of risk caused by the use, processing, or storage of hazard materials within a building. The hazard factor reflects the need for larger and/ or more specialised response forces.</li> </ul>	Properties owned by religious organisations used for religious services are exempt from the FBC. Other common exemptions are public schools (because they already pay a per student stipend for fire services), federal property, and entities who contract with the fire service. All districts have discounts for the elderly and certified sprinkler systems. Some districts also provide discounts for properties with monitored fire-alarm systems and discounts for auxillary structures like barns or storage sheds used in agricultural operations.

Fire and Emergency New Zealand Funding Review – Consultation document

**Florida:** Varies, but Districts that use assessments usually fund 30-50% of their budget through them, with the remainder coming from property tax.

Fire and Emergency structures	Motor vehicles	Fixed charges	Variable charge factors	Exemptions or discounts
District brigades.	No charge		Assessment example: Gainesville - 'Factored Fire Protection Units' (FFPU) are used as a proxy for fire-fighting resources required to provide fire protection to a particular building. Fire assessment charges are based on its number of FFPU. FFPU are calculated using a property's <b>hazard classification</b> , its <b>total square footage</b> and <b>historical demand for fire services</b> .	There is an elderly discount and a low-income discount available. There is also a 10% discount available for properties with approved automatic sprinklers.

**Denmark:** 2/3s of Danish municipalities are covered by a private Multinational organisation 'Falck'. Falck contracts with the local government of each municipality, charging annually for full coverage of a district (regardless of the number of incidents). The remainder are funded by local government.

Fire and Emergency structures	Motor vehicles	Fixed charges	Variable charge factors	Exemptions or discounts
Falck operates internationally, operating across four business areas: Emergency, Assistance, Healthcare and Safety Services. Fire services fall within 'Emergency', but Denmark is the only jurisdiction where they provide public firefighting brigades (elsewhere they provide industrial fire brigades).	No charge	No charge	No charge	N/A



**Te Tari Taiwhenua  
Internal Affairs**

New Zealand Government



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## 8.2 COUNCIL SUBMISSION TO MINISTRY FOR THE ENVIRONMENT CONSULTATION ON "REDUCING WASTE: A MORE EFFECTIVE LANDFILL LEVY".

**Author:** Nienke Itjeshorst, Sustainability & Resilience Manager

**Authoriser:** Sean Mallon, Group Manager Infrastructure Services

### PURPOSE OF REPORT

- 1 This report seeks approval of the Council submission on the proposed changes to the Landfill Levy notified by the Ministry for the Environment in November 2019.

### DELEGATION

- 2 Council has the authority to make a Council submission to a proposal put forward by Central Government.

### BACKGROUND

- 3 On 27 November 2019 the Ministry for the Environment released the document "Reducing waste: A more effective landfill levy" for public consultation, which closes on 3 February 2020.
- 4 In 2009 a \$10 levy to each tonne to landfill was introduced under the Waste Minimisation Act 2008. The levy currently applies to municipal landfills and transfer stations that accept all types of waste. The disposal facility operators pay the levy to the Ministry and have – in general – passed this cost on to their customers through disposal fees.
- 5 The levy was introduced to encourage New Zealanders to start taking responsibility for the waste they produce and to find more effective and efficient ways to reduce, reuse, recycle and reprocess waste. It also creates funding opportunities for waste minimisation initiatives.
- 6 Half of the levy revenue is passed on to territorial authorities to spend on promoting or achieving the waste minimisation activities set out in their Waste Management and Minimisation Plans. The remaining levy revenue is put into the Waste Minimisation Fund which is a national contestable fund for waste minimisation activities in New Zealand.
- 7 The Minister is required to review the effectiveness of the levy at least every three years. Reviews were carried out in 2011, 2014 and 2017 (interim review). The recommendations from these reviews are captured in the proposal for a more effective landfill levy
- 8 Despite the purpose of the levy, since its introduction in 2009 the amount of waste disposed of at levied municipal landfills across NZ has increased from 2.5 million tonnes to over 3.6 million tonnes in 2019.
- 9 Only a small portion of New Zealand's waste is currently reused or recycled, because
  - it has become much more difficult to send waste overseas for recycling with recent restrictions on importing waste for recycling, and dramatic price falls for materials for recycling in international market
  - there is limited infrastructure in New Zealand for recycling and re-using waste
  - many products are not designed to be reused or recycled and
  - it's often much cheaper and easier to dispose of materials to landfill than to reuse them.
- 10 A workprogramme at the Ministry for the Environment is underway, with improving the effectiveness of the landfill levy being a key part of this workprogramme.

- 11 The current levy of \$10 per tonne is low by international standards and it only applies to municipal landfills, which take around 45% of the waste disposed of in New Zealand, excluding waste disposed of into cleanfills.
- 12 A number of organisations, including the Territorial Authorities' Officers Forum within WasteMINZ (a waste sector representative group) and Local Government NZ have recommended an increase and expansion of the levy.

LGNZ passed a remit in 2018 calling for the Government to expand the waste levy and progressively raise the levy rate in order to reduce total waste to landfills. LGNZ also adopted a waste manifesto in 2018, which cites research on a range of scenarios for increasing the levy over time that concluded that a rate of \$140 per tonne would bring the most benefits.

## DISCUSSION

- 13 The consultation document gives an overview of the current waste situation ('New Zealand has a problem with waste'), emphasises that there is a need for change, that more can be done to reduce waste and that the levy is seen as a significant catalyst for change.
- 14 The consultation document seeks feedback on proposals to:
- Increase the levy for municipal landfills (landfills that take all types of waste including household waste)
  - Apply the new levy to all types of landfill except cleanfills (accepting only virgin excavated natural materials) and farm dumps
  - Apply the levy at different rates for different landfill types, to reflect different environmental and social costs of disposal, and different opportunities for recovery of different materials.
- 15 The proposal also seeks feedback on
- the development of a Waste Levy Investment Plan
  - improved data collection (including regulations)
  - what changes Council would like to see considered if the Waste Minimisation Act 2008 was reviewed in the future
  - cost estimates expected for collecting, storing and reporting proposed increased data and challenges expected
  - the main costs and benefits for Council of the proposals.
- 16 The full proposal can be accessed via this link  
<https://www.mfe.govt.nz/publications/waste/reducing-waste-more-effective-landfill-levy-consultation-document>
- 17 The summary document of the proposal provided by the Ministry is attached to this report as **Appendix 1**.
- 18 The proposal seeks feedback in the form of 16 questions that have been captured in an electronic submission form, which is the Ministry's preferred way to receive submissions. The draft submission has been set up using the form and is attached as **Appendix 2** to this report.
- 19 In summary the Council submission states that Council under
- Question 1: Agrees that the current situation of increasing waste to landfill needs to change and that Council believes that urgent action is needed

- Question 2: Agrees that the introduction of the levy has not resulted in a decrease of waste to landfill or an increase of diverted materials
- Question 3: Agrees that the landfill levy needs to be progressively increased to higher rates in the future and beyond 2023
- Question 4: Supports expanding the levy to more landfills including industrial monofills, non-hazardous construction and demolition landfills and contaminated soils and inert materials landfills
- Questions 5 and 6 : Agrees that (compliant) farm dumps should be excluded from the levy but does not agree that cleanfills should be excluded as this will incentivise disposal of inappropriate materials at these sites
- Question 7: Prefers the rate of \$60 per tonne (and not \$50) for municipal landfills
- Question 8: Agrees that the highest levy should be for municipal landfills and a lower levy for other types of landfills. Council does not believe there should be a lower levy for specified by-products of recycling-operations as waste is waste regardless of the source. Council also believes a \$5 levy should be applied to all Cleanfill sites
- Question 9: Supports the 'increase then expand' phasing but suggests a variation to the proposal that would be more effective than the proposed options (refer to Appendix 2, question 9).

*The 14% increase referred to in the submission relates to a national average landfill fee of \$75 per tonne which means that an initial \$10 increase results in a 14% expected increase of gate fees. In Kāpiti, the current gate fee at the Otaihangā Resource Recovery Facility is \$191.20, which means a 5% fee increase if the increase was passed on to the customer at the gate by the operators. For average domestic kerbside collections the impact would be approximately \$3 per annum. This is based on the average 6kgs of household waste produced per household per week.*

- Questions 10 and 11: Supports better management and collection of data from levied operators.
- Question 12 : Believes that an effective and fit for purpose Levy Investment Plan is critical if Aotearoa/New Zealand is to achieve sustainable waste minimisation and transition to a circular economy. The Waste Minimisation Fund should be better targeted to create onshore resource recovery capability and projects that support Territorial Local Authorities (TLA's). Council doesn't see a need for the Levy Investment Plan to 'inform' TLA's how to spend their share of the levy money as there is a democratic decision-making process in place through the development of Waste Management and Minimisation Plans. Council requests that the Minister recognises the essential role TLA's play in waste minimisation practices and services and requests that TLA's are invited to participate in partnership with the Ministry in the development of the Levy Investment Plan and
- Question 13: Believes that the Waste Minimisation Act 2008 (the Act) in itself is generally fit for purpose because it provides opportunity for effective waste minimisation subject to the political will to use the instruments provided in the Act to drive waste minimisation. A future review should consider increased Local Government representation on the Waste Advisory Board because of the essential role TLA's play in the delivery of waste minimisation and services. Another matter that should be reviewed is the definition of waste used in the Act which excludes diverted materials, as this has led to Council being unable to licence collectors of diverted materials and obtain data from these collectors. That is an example of where the Act itself through its definitions does not support one of the purposes of the Act which is to enable data gathering through licensing.
- Questions 14 and 15: Agrees that having accurate data is crucial for effective planning and identifying gaps and opportunities. Council thinks that using data to

measure the success of waste minimisation projects and strategies should be approached with caution and there is no direct link between changed behaviour and data collected at the disposal end. Those data do not account for reduction or reuse. More detail is needed on the reasons for collecting data and setting more requirements and this will have to be weighed against the costs associated with implementing more data collection processes

- Question 16: With regard to the main costs and benefits of the proposal believes that more costs will be incurred in the form of increased staff time for data collection, reporting and delivering more education and promotion. Council also expects increased staff time and expenditure as a result of an increase of illegal dumping as the higher levy leads to increased collection and transfer station fees.

Council notes that to pro-actively enforce compliance, TLA's need to be sufficiently resourced and supported by legislation. Enforcement based on the Litter Act is currently difficult as there is a high threshold for the evidence required to issue an infringement, and the cost of chasing fines often outweighs the fine itself. It's necessary to review the Litter Act in line with the introduction of the expanded waste levy for that reason.

- The benefits of the proposal that Council envisages are the establishment of onshore processing capacity, additional levy funding received by TLA's that enable TLA's to introduce new, or expand existing waste diversion facilities, an improved cost/benefit ratio of waste diversion activities such as timber recovery and concrete crushing, greater clarity around landfill categories and appropriate use of landfills and enhanced data will enable better decision making.

## CONSIDERATIONS

### Policy considerations

- 20 The intended outcome of the proposal to increase and expand the current waste levy to ultimately decrease waste going to landfills aligns with Council's long-term goals as set out in the 2017 Waste Management and Minimisation Plan (WMMP).

### Legal considerations

- 21 There are no legal considerations.

### Financial considerations

- 22 Apart from an expected increase in illegal dumping of waste and associated enforcement costs (which is discussed in the submission), Council needs to be aware that an increased waste levy is likely to impact negatively on Council's operational budgets. The budgets that cover disposal of waste to landfill from Council services will have to be increased as waste collectors and operators of waste facilities increase their fees. If the Minister is able to make a decision in the timeframe that has been proposed (before 1 July 2020), this may mean that increases may start to impact on these budgets during the 2020/21 financial year. The budgets that will be affected are the budgets for disposal of biosolids to landfill (estimated \$17,000 increase) and other infrastructure budgets like for public litter bin collections, illegal dumping and road sumps and street cleaning (estimated total increase for these budgets \$8300). The total potential increase for operational budgets with a disposal to landfill component is \$25,249.

**Tāngata whenua considerations**

- 23 The time frame associated with the submission process has not allowed for meaningful engagement with our Iwi partners on this issue. However the Waste Taskforce, which included Iwi representation, intended to submit their own independent submission to the Waste Levy Consultation process in support of an increased and expanded levy regime.

**Strategic considerations**

- 24 Increasing the waste levy for disposal to landfill is intended to provide a better incentive for reusing, recycling and composting instead of landfilling and increase levy revenue to invest in options to reprocess diverted materials onshore, ultimately leading to less waste to landfills.

This is in line with Council's 2017 WWMP goal of reducing waste to landfill by 30% by 2026. It also contributes to Council's 10 year outcome in the Toitū Kāpiti Long Term Plan of 'an effective response to climate change' as it will reduce emissions produced by the landfilling of waste.

**SIGNIFICANCE AND ENGAGEMENT****Significance policy**

- 25 This matter has a low level of significance under Council's Significance and Engagement Policy.

**Consultation already undertaken**

- 26 No consultation has been undertaken.

**Engagement planning**

- 27 No further engagement on the submission has been planned.

**Publicity**

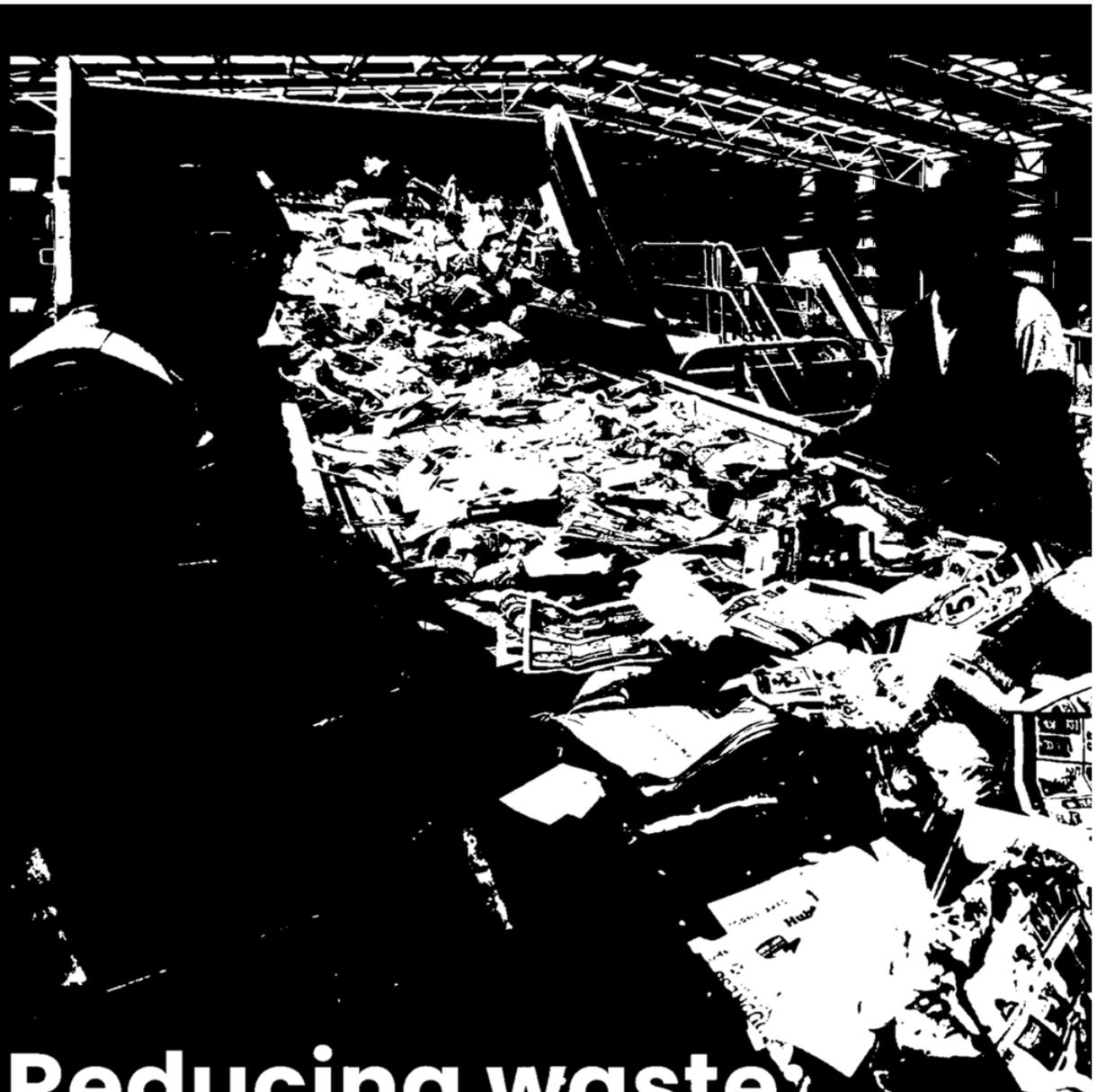
- 28 No publicity is proposed.

**RECOMMENDATIONS**

- 29 That the Council approves that the submission as presented in Appendix 2 of this report is adopted as a submission of Council to the Ministry for the Environment on the consultation document "*Reducing waste: a more effective landfill levy*"

**APPENDICES**

1. Summary of the consultation document Reducing waste: a more effective landfill levy [↓](#) 
2. Draft submission on consultation document Reducing waste a more effective landfill levy [↓](#) 



# Reducing waste: a more effective landfill levy

Summary document



New Zealand Government

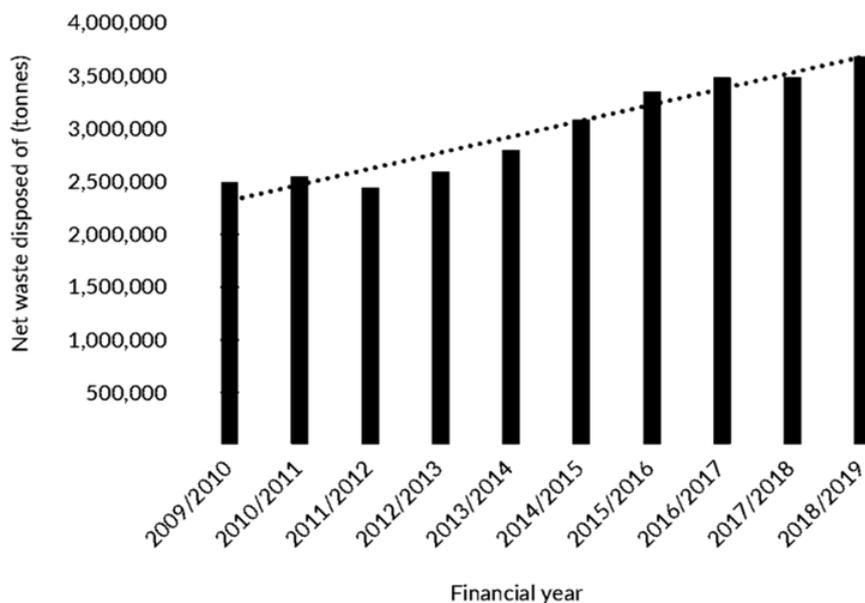
New Zealand has a waste problem. We lag behind other countries in our reuse and recycling rates, and are disposing of more and more waste into landfill. We have one of the highest rates of per capita waste production in the developed world.

We have limited infrastructure (such as recycling facilities) for processing waste materials within New Zealand. We used to send products like plastics and paper overseas for recycling but other countries are increasingly placing restrictions on the waste they will accept.

We have limited data on waste and recycling. This makes it difficult to identify opportunities to reduce waste and measure how well we are doing at reducing waste.

New Zealanders have recognised our waste problem and its effects on the environment, and want to see improvements. Local government has called for change. A 2018 Ministry for the Environment survey showed we rank waste as one of the three most important challenges facing our country in the next 20 years.

**Amount of waste disposed of at levied landfills in New Zealand**



Note: This graph shows waste disposed of at landfills subject to the levy (currently class 1 landfills that receive household waste and other waste types). Not all landfills in New Zealand are subject to the levy, with the country's total waste tonnage likely to be more than double than what is shown in the graph.

Much more could be done to reduce waste and reverse recent trends. We need to provide the right infrastructure, services and incentives so sending waste to landfill is no longer the cheapest and easiest option.

We have the opportunity to change how we do things and the Waste Disposal Levy ('landfill levy') is an important tool to help us:

- ▶ create an economic disincentive to producing and disposing of waste
- ▶ raise revenue to invest in waste minimisation, including local infrastructure for materials reprocessing
- ▶ make alternatives like reuse and recycling more competitive (as landfilling becomes more expensive).

We already have a landfill levy but it's too low and applies to too few landfills to be working well.

**The Government is proposing to increase the landfill levy and apply it to more types of waste.**

The levy is currently \$10 per tonne of waste which is low by international standards. The levy is only charged at landfills that take household waste, accounting for around only 40% of total waste sent to landfill.

Strong calls to increase the levy and expand its coverage have come from local government. The Tax Working Group, the Organisation for Economic Co-operation and Development (OECD), and the New Zealand Productivity Commission have also made similar calls.

Increasing the levy will better reflect the full environmental, social and economic costs of waste disposal and encourage materials to be reused and recycled rather than sent to landfill. This will help make our economy more efficient and help create jobs.

The Government is also proposing to collect better data about waste.

#### **Proposed changes to levy rate and coverage**

##### **Increase the levy for landfills that take household waste**

- ▶ We propose increasing the levy rate in stages from the existing \$10 per tonne to \$50 or \$60 per tonne by 2023.

##### **Apply the levy to more landfills**

- ▶ We propose applying the levy to all landfills, except cleanfills or farm dumps.
- ▶ This includes landfills taking construction and demolition waste, industrial waste, and those that take largely inert materials like rubble and soils. For these landfill types, the levy would be either \$10 or \$20 per tonne of waste disposed.

The proposed changes would be phased in so businesses, councils and the Government have time to get ready for them. The table opposite shows four options for levy rates and phasing.

#### **Proposals for improved waste data**

Proposals to improve the data collected and provided to government include:

- ▶ establishing a central record of landfills, cleanfills and transfer stations
- ▶ collecting data on materials disposed of at landfills, cleanfills and transfer stations; including overall waste quantities, the amount of material diverted away from landfill, and the source of materials landfilled and diverted
- ▶ requiring councils to report how they spend levy revenue they receive, and their performance in achieving waste minimisation.

<b>Proposed options: levy rate and coverage</b>				
<b>Landfill types</b>	<b>A (Increase then expand)</b>	<b>B (Expand and increase)</b>	<b>C (Expand then increase)</b>	<b>D (Expand then higher increase)</b>
Municipal landfills (class 1)	\$20 1 July 2020 \$30 1 July 2021 \$50 1 July 2022	\$20 1 July 2021 \$30 1 July 2022 \$50 1 July 2023	\$30 1 July 2022 \$50 1 July 2023	\$30 1 July 2022 \$60 1 July 2023
Industrial monofills (class 1)  and  Construction and demolition fills (class 2)	\$20 1 July 2021	\$20 1 July 2021	\$10 1 July 2021  \$20 1 July 2023	\$10 1 July 2021  \$20 1 July 2022
Contaminated soils and inert materials (managed and controlled fill sites; class 3 and 4)	\$10 1 July 2023	\$10 1 July 2023	\$10 1 July 2023	\$10 1 July 2023

All figures are GST exclusive

A low-waste future for New Zealand is one where less waste is produced and where significantly more materials are reused and recycled rather than going to landfill. It requires targeted investment, including to develop large-scale resource recovery infrastructure. New Zealand needs to deal with its own waste rather than relying on sending it overseas.

Investment is needed at every stage of a product's lifecycle, from more thoughtful product design that considers how products will be disposed of at the end of their lives, to comprehensive and accessible recycling services for a wide range of waste. Investment might include:

- ▶ increased on-shore processing and manufacturing capacity for plastics, paper and glass
- ▶ investment in improving the quality of our recycling commodities (such as better systems for collecting and sorting materials)
- ▶ investment in new services such as kerbside collection of organic materials like food and green waste.

There is already a broad waste reduction programme underway. This includes the design of a modern Container Return Scheme, the recent ban on single-use plastic shopping bags and developing regulated product stewardship schemes. Work is also in progress to improve New Zealand's resource recovery and recycling sector in response to international restrictions on exporting waste.

Improving the effectiveness of the landfill levy is a major part of this wider work programme.

The Government's proposals to increase the levy and expand its coverage would significantly grow levy revenue from approximately \$30 million currently to around \$220–\$250 million per annum by 2023. We intend to develop an investment plan to ensure this levy revenue is spent where it can be most effective.

The direct costs of an expanded and increased levy will be borne by landfill operators, who are likely to pass these costs on to customers. Landfill operators are likely to adjust their pricing and practices in different ways.

In general, the impact on individual households or businesses is likely to be at the low end of the scale, while larger producers of waste may be more exposed to any cost increases.

Below are two **examples** of how costs may change under a new levy regime.

**1. Domestic rubbish bag**

**NOW**  
at \$10/tonne levy  
1 bag = 6.5 cent levy

**PROPOSED**  
at \$60/tonne levy  
1 bag = 39 cent levy

Councils may pass on cost increases by raising the cost of a domestic rubbish bag.

Using the above example, a rubbish bag that currently retails for \$2.50 (GST included) could retail for \$2.83 under the maximum proposed rate of a \$60/tonne levy regime.

This example assumes that the council passes the higher levy cost directly to the purchaser; that the levy rate reaches \$60 per tonne, which is the maximum rate proposed; and that an average-sized rubbish bag weighs 6.5kg.

**2. Waste from a house build and demolition**



The landfill levy could increase the levy-related costs of disposing waste from the average **house build** from less than \$10 at present to between \$70 and \$75.

Currently, the levy-related cost of disposing waste from a **house demolition** is estimated to be around \$25. This could rise to between \$280 and \$300 under the proposed levy rates (with opportunities to minimise or avoid these costs if more construction materials are recovered).

Assumptions behind these construction and demolition examples are described in the 'Impacts of proposals' section of the consultation document (accessible at [www.mfe.govt.nz/consultations/landfill-levy](http://www.mfe.govt.nz/consultations/landfill-levy)).



The Government is interested in your views about the proposals summarised in this document.

To read about the proposals in more detail, download the consultation document from our website at: [www.mfe.govt.nz/consultations/landfill-levy](http://www.mfe.govt.nz/consultations/landfill-levy).

Submissions close at **5pm on Monday 3 February 2020.**

You can make a submission in two ways:

1. Use our online submission tool, available at: [www.mfe.govt.nz/consultations/landfill-levy](http://www.mfe.govt.nz/consultations/landfill-levy). This is our preferred way to receive submissions.
2. Write your own submission by answering the questions in the consultation document.

Post your submission to:  
 Landfill Levy Consultation  
 Ministry for the Environment  
 PO Box 10362  
 Wellington 6143.

Email your submission (as a PDF or Word document) to:  
[LandfillLevyConsultation@mfe.govt.nz](mailto:LandfillLevyConsultation@mfe.govt.nz)

Direct any queries to:  
[LandfillLevyConsultation@mfe.govt.nz](mailto:LandfillLevyConsultation@mfe.govt.nz)



Public consultation on levy and data proposals

Final policy decisions made

Regulations made and notified (ie, published in the *Gazette*)

Landfill levy changes proposed to take effect (actual dates depend on final policy decisions)

Waste data improvements proposed to take effect

By this date, all new levy rates are proposed to be in place



**Making Aotearoa New Zealand**  
 the most liveable place in the world  
Aotearoa - he whenua māia kua māi te tangata

Published by the Ministry for the Environment  
 November 2019

INFO 920

**Submission of Kāpiti Coast District Council  
on the  
Proposed Changes to the Solid Waste Levy notified  
November 2019**

**1. Question 1 – “Do you agree the current situation of increasing amounts of waste going to landfill needs to change?”**

Yes, Kāpiti Coast District Council believes that urgent action is required to address the increasing amounts of waste going to landfill in Aotearoa/New Zealand and to transition from the current Linear Economy (take, make, dispose) to a Circular Economy model of material re-use and recovery.

**2. Question 2 – “Do you have any comments on the preliminary Review of the effectiveness of the waste disposal levy outlined in appendix A”**

Council agrees with the assessment in Table 7 of Appendix A that since the last review of the levy the amount of waste disposed of in New Zealand has not decreased and that the amount of waste reused, recycled, or recovered in New Zealand has not increased.

**3. Question 3 – “Do you think the landfill levy needs to be progressively increased to higher rates in the future (beyond 2023)?”**

Yes, Council believes the current levy rate of \$10 per tonne and the application of the levy only to waste accepted at Municipal Solid Waste (Class 1) Landfill has resulted in:

- Minimal financial incentive on customers to commit to reduction or diversion of waste.
- Insufficient funding at Local Government level to create and support effective waste minimisation.

Council supports the proposed levy increases through to 2023 and supports additional levy increases beyond 2023. Kāpiti Coast District Council believes that clear levy increase signals beyond 2023 will provide certainty and drive investment in effective waste reduction and resource recovery.

Council is acutely aware that increased funding from the Waste Levy to Territorial Local Authorities will be necessary to support sustainable local and regional waste diversion actions and initiatives.

At the same time Council is aware that significant investment may be required at a national level to create capacity for effective recovery of specific resources and the Waste Levy funds is an appropriate mechanism for seed funding such investment as the country transitions to the Circular Economy model.

Council believes that the proposed Levy Investment Plan to guide government investment decisions on the WMF must balance the potentially conflicting demand of national infrastructure investment and funding of effective local and regional waste diversion.

For this reason, and given Territorial Local Authorities experience as the principal enablers of the Waste Minimisation Act to date, the Council wishes to ensure TLA representatives are involved in the development of the Levy Investment Plan.

**4. Question 4 – “Do you support expanding the landfill levy to more landfills, including:**

**i. “waste disposed of at industrial monofills (class 1)**

Yes

**ii. “non-hazardous construction, demolition waste (eg, rubble, concrete, plasterboard, timber) (class 2)**

Yes

**iii. “contaminated soils and inert materials (class 3 and 4) (whether requiring restrictions on future use of site or not)?”**

Yes

Council is aware that the current practice of applying the levy only to Class 1 MSW landfills has resulted in significant and inappropriate diversion of waste to construction and demolition sites.

**5. Question 5 – “Do you think that some activities, sites, or types of waste should be excluded from the landfill levy, including:**

**i. “cleanfills (class 5)**

No, as discussed in our response to Q.6

**ii. “farm dumps**

Yes, as discussed in our response to Q.6

**iii. “any others (eg, any exceptional circumstances)? If so, please specify.”**

No, cleanfills (i) and any other (iii) should NOT be excluded. See notes under question 6 below.

Farm Dumps - Council supports the inclusion of Farm Dumps in the Landfill Classification included in the consultation document and supports compliant Farm Dumps being excluded from the levy. See further comments under question 6.

**6. Question 6 – “Do you have any views on how sites that are not intended to be subject to a levy should be defined (eg, remediation sites, subdivision works)?”**

Cleanfill (Class 5) – The exclusion of Cleanfill sites creates two specific challenges to the waste levy application:

- Virgin excavated natural materials are in themselves a “resource” with potential for reuse (e.g. Peat, topsoil, clay, rock, soils).
- The exclusion of cleanfill sites will incentivise inappropriate disposal of other “borderline” materials at these sites.

Council proposes the application of a \$5 per tonne levy to these sites.

Farm Dumps: Council is concerned that any reference to “permitted activity in council plans” in further defining Farm Dumps may introduce ambiguity. Council proposes that for the purpose of the levy classification “Waste that should be accepted at these sites” (Table 3.) the criteria for Farm Dumps should be the same as Controlled Fill (Class 4).

Any Others - Council notes the intent on page 29 of the consultation document that the levy not be applied to cover:

- Site remediation (e.g. filling in a quarry after it ceases operation)
- Movement of soil during subdivision (e.g. creation of engineered contours as part of site development)

Council supports the intent that the levy not be applied to the volume neutral movement of soil during subdivision or infrastructure development such as new road projects. Council does not believe such practices fall under the definitions of landfill and should therefore not be included.

Council is concerned that “Site Remediation” may provide an opportunity for avoidance of appropriate levies. In particular, the remediation of quarry sites (quarry sites have been commonly used as landfill sites) using waste which would otherwise be classified as suitable for Class 4 landfills and attract a levy.

Council is also aware that closed landfill sites require ongoing remediation such as the re-contouring of capping, topsoil and grassing.

Council supports a clear definition of Site Remediation to inform the levy regulations and agrees that one determining factor may be the payment (including offsetting of costs) to dispose of material at the site should such payment exceed the cost of the remediation works.

**7. Question 7 – “Do you prefer the proposed rate for municipal (class 1) landfills of:**

- \$50 per tonne*
- \$60 per tonne*
- other (please specify, eg, should the rate be higher or lower?)”*

ii. Council prefers the proposed rate of \$60 per tonne.

**8. Question 8 – “Do you think that the levy rate should be the same for all waste types? If not:**

- “should the levy be highest for municipal landfills (class 1)?*

Yes

- “should the levy be lower for industrial monofills (class 1) than municipal*

*landfills (class 1)?*

Yes

iii. *“should the levy be lower for construction and demolition sites (class 2) than municipal landfills (class 1)?*

Yes

iv. *“should the levy be lowest for contaminated soils and other inert materials (class 3 and 4)?*

Yes

v. *“ should a lower levy apply for specified by-products of recycling operations?”*

No, Council believes that waste is waste regardless of the source.

Council believes that question 8 may better be posed as “Do you think that the levy rate be the same for all Landfill types” with the acceptance criteria for each landfill defining the appropriate levy.

Further to the above and as discussed in our response to Question 6, Council believes a further levy of \$5 be applied to Cleanfill sites.

**9. Question 9 – “Do you support phasing in of changes to the levy, and if so, which option do you prefer – increase then expand (option A); expand and increase (option B); expand then increase (option C); expand then higher increase (option D); or none of the above?”**

Council supports the “increase then expand” phasing however suggests that the following table would be more effective than the proposed options:

Landfill type	Increase then expand
Municipal landfills (class 1)	\$20 1 July 2020 \$30 1 July 2021 \$40 1 July 2022 \$60 1 July 2023
Industrial monofills (class 1)	\$20 1 July 2022, \$25 July 2023
Construction and demolition fills (class 2)	
Contaminated soils and inert materials (managed and controlled fill sites; class 3 & 4)	\$10 1 July 2022, \$15 July 2023
Cleanfill (class 5)	\$5 1 July 2022, \$7 July 2023

Council believes the above phasing provides the following benefits:

An increase to Municipal landfills in 2020 is appropriate given the collection and reporting processes are already in place.

The increase to other landfill sites may better be introduced in 2022 (rather than earlier) to allow the following:

- Provide time for the data collection methodologies (e.g. weighbridge, volumetric measure at entry or periodic fill survey and density conversion)

development of reporting systems, and establishment of an effective and fully resourced compliance body.

- Provide time for operators of these landfills to establish appropriate waste diversion activities to support the intent of the levy
- Given that the application of a \$20 levy to an existing construction and demolition landfill may result in an immediate increase in disposal fees of up to 200% (compared to a net 14% increase for waste to municipal landfills with a move from \$10 to \$20) delaying the introduction of levies will allow developers and contractors time to explore other waste diversion activities.

The inclusion of a \$5 levy for cleanfill in the table has been discussed earlier in this submission.

**10. Question 10 – “Do you think any changes are required to the existing ways of measuring waste quantities in the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009?”**

Council supports better measurement and collection of data. Council notes that changes to customer requirements, weighbridge requirements, and data collection, verification and analysis, will take time and funding to enable.

**11. Question 11 – “Do you think any changes are required to the definitions in the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009?”**

No

**12. Question 12 - “What do you think about the levy investment plan?”**

Council believes that an effective, fit for purpose levy investment plan is critical if Aotearoa/New Zealand is to achieve sustainable waste minimisation and transition to a Circular Economy.

In this respect council is concerned that while the broad principles of the investment plan and the identification of priority areas are included in the consultation document we are effectively being asked to consult on something that has yet to be developed sufficiently to enable robust analysis.

A levy investment plan is necessary to ensure that the Waste Minimisation Fund is better targeted to create onshore resource recovery capability and projects that support TLA initiatives and services. Current contestable Waste Minimisation Fund spending has not resulted in any major waste minimisation activity or infrastructure that’s has had significant benefits for New Zealand and this does need to be addressed.

Council strongly supports that the main focus of the investment plan is on government levy spend through the Waste Minimisation Fund. Council doesn’t see a need for the investment plan to ‘inform’ TLA’s how to spend their share of the levy. As stated in the document, under the Act TLA’s have to develop a WMMP where they include how their levy share will be spent. This is a democratic decision making process that’s already in place and that is suitable to enable local and regional services, actions and initiatives desired by communities to which local and regional authorities are accountable.

Council requests that the Minister recognises the essential role that TLA's play in waste minimisation practices and services (as listed below) and requests that TLA's are invited to participate in partnership with the Ministry in the development of the Levy Investment Plan. TLA representation may be via Local Government NZ and the TLA Officers Forum of the Waste Management Institute of New Zealand.

In support of this proposal Council notes the essential role of TLA's in the delivery of Waste Minimisation:

- Local Waste Management and Minimisation Plans (as required by the WMA 2008)
- Establishment of Solid Waste Bylaws to guide and regulate waste minimisation practices in their district/s
- Provision of Waste Minimisation education, engagement and promotion in the absence of the provision of these services at a national level
- Provision of residential recycling services via kerbside collection, recycling stations and diversion facilities at transfer stations and green waste composting operations
- Supporting and promoting other waste minimisation activities beyond TLA's operational involvement such as diversion of Construction & Demolition wastes.
- Investment of ratepayer funds, additional to funds received via the WMF, in waste minimisation activities.

With regard to the "priority areas for investment" stated in the consultation document Council generally supports these priorities but does not support addressing 'legacy' waste disposal practices. Councils' concerns here are that the WMA's primary role is to establish and support effective waste minimisation in Aotearoa/New Zealand.

Any diversion from this goal to address or fund legacy issues e.g. landfills at risk from Climate Change, would distract from the primary goal of the Act which should remain forward looking and focussed on minimisation.

Council acknowledges the importance of the Levy Investment Plan with regard to supporting the establishment of onshore waste materials (re)processing capacity and other initiatives to enable transition to a Circular economy model.

At the same time TLA's will be involved in the provision of maintaining and expanding local infrastructure and services to ensure provision of recovered feedstock for reprocessing. Council is concerned that there is potential for the Levy Investment Plan to compromise local minimisation actions should the plan not achieve an appropriate balance between enhanced processing capability and the enhanced local facilities and services which will support these.

Council further notes that the administration and enforcement of the expanded waste levy will require significant additional Ministry resources. Resourcing of the Ministry (and the funding of resourcing via the WMF) in order to achieve effective compliance will be essential.

In the past, the fund has returned 50% of the WMF to TLA's. Given the need to invest in onshore (re)processing and to support effective compliance with the expanded levy, Council acknowledges that this percentage may no longer be appropriate.

In summary, Council believes that the Levy Investment Plan is critical to the success of achieving effective waste management and that genuine collaboration through partnership with the Ministry and Local Government in developing the Plan will be required.

**13. Question 13 – “If the Waste Minimisation Act 2008 were to be reviewed in the future, what are the changes you would like a review to consider?”**

Council believes that the Act itself is generally fit for purpose in that it provides opportunity for effective waste minimisation subject to the political will to use the instruments provided in the Act to drive waste minimisation.

Council believes that a future review should consider increased Local Government representation on the Waste Advisory Board for the same reasons as those listed in our response to Question 12 above.

Another matter that should be reconsidered is the definition of waste that is used in the Act, more specifically the exclusion of diverted materials that are not being disposed or discarded. As a result of this definition Council has not been able to licence collectors of diverted materials that operate in our District, losing the opportunity to obtain data from these collectors on diverted materials through the licence. This is an example of where the Act itself does not support the purpose as set out in section 56 (3) (b) (data gathering) and in general does not support one of the main drivers of this levy proposal which is to improve waste data.

Should the Waste Minimisation Act be reviewed in the future Council would welcome an opportunity to provide feedback and submissions into a future consultation process.

**14. Question 14 – “Do you agree that waste data needs to be improved?”**

Yes

**15. Question 15 – “If the waste data proposals outlined are likely to apply to you or your organisation, can you estimate any costs you would expect to incur to collect, store and report such information? What challenges might you face in complying with the proposed reporting requirements for waste data?”**

Council agrees that having accurate waste data is crucial to inform effective planning for waste minimisation initiatives. It will help identify gaps and opportunities in waste minimisation activities and support more robust investment decision making.

Using waste data (disposal and collection data) to measure the “success of waste minimisation projects and strategies” should be approached with caution though as in practice (and as part of the levy reporting to the Minister) it has proven to be almost impossible to establish a viable link between ‘success’ and the data that are available to measure that success. Data collected at the disposal end do not provide any objective proof that participants/residents have changed their behaviour as a result of education, simply because it doesn’t measure what they have done to reduce and reuse their waste in the first instance. Only recycling and end disposal are measurable through waste disposal facilities and there is an array of factors that influences whether there is an increase or a decrease of ‘waste per capita’, of which education is only a very small portion. Whether behaviour change has been established on a household or business scale can only be measured by way of surveys, which is not practical for many reasons.

Council feels that more detail is needed on the reasons for collecting the data, how (specifically commercially sensitive data and geographic source data) will be collected and what for the data are going to be used. This applies to data being

provided by operators and collectors as well as for data reporting delivered to the Minister by TLA's. Council has been submitting data reports since 2010 but is unaware that this has ever been used to inform policy or investment decisions.

A requirement for more data on composition and geographic source data will inevitably require further staff resourcing. While Council supports the proposal to improve waste data, there is a need to define what level of detail will provide valuable insights to the Ministry, and weigh this benefit against the costs associated with implementing more regulated data collection processes.

At this stage and given the actual data collection scope has yet to be finalised we are unable to respond to the cost section of this question with any accuracy.

Overall challenges for data improvement will be dependent on the nature of the processes developed to support the data gathering (e.g. interfaces with landfill/transfer station data collection systems) and the practicality of the scope (e.g. accurate determination of geographic waste sources may pose challenges).

**16. Question 16 – “What are the main costs and benefits for you of the proposals to increase the levy rate for municipal landfills, expand the levy to additional sites and improve waste data?”**

Costs – Council believes that the following costs will be incurred by Council:

- Increased staff time in data collection and reporting
- Increased staff time in education, information and promotion in support of the increased diversion of recoverable materials
- Increased staff time and expenditure in responding to illegal dumping subsequent to the expansion of the levy to cover landfills other than the current MSW sites
- Potentially significant adjustments to existing collection practices and infrastructure to align with the requirements of proposed new collection and processing guidelines necessary to support expanded onshore reprocessing.
- Potential capital investment (potentially in public/private partnership) in establishing new resource recovery initiatives

With regard to compliance and enforcement (bullet point 3 above) Council would like to add that as acknowledged in the document, it's likely that expansion of the levy will lead to increased illegal dumping. To proactively enforce compliance, TLA's need to be sufficiently resourced and supported by legislation. Under the Litter Act 1979, TLA's are the primary regulators within their territorial boundaries for illegal dumping activities. It's very difficult to enforce the provisions of the Litter Act as it currently stands, as there is a high threshold for the evidence required to issue an infringement, and the cost of chasing fines often outweighs the fine itself. On this basis, it is necessary to review the Litter Act *in line with* the introduction of the expanded waste levy to enable more effective enforcement.

Furthermore, with limited resources Council always has to consider enforcement priorities, of which illegal dumping is just one. Regular monitoring will also be necessary. While the proposal suggests that enforcement activities can be funded through Council's levy share (by listing Bylaws in their WMMPs), a bylaw for enforcement of illegal dumping would be established under the Litter Act, not the Waste Management Act 2008 (WMA) to which the fund relates. The document lists the Christchurch bylaw that established a licensing regime for cleanfills and as such licence conditions as set under that bylaw can be enforced under that bylaw. Christchurch's Waste Management Bylaw 2009 regulates illegal dumping and in the

enforcement section the bylaw refers to the Litter Act. Council considers this a poorly used example in the proposal and wants the Minister to clarify what (legal and monetary) provision will be made for the increased requirement for monitoring and enforcement of illegal dumping.

Benefits – Council envisages the following benefits:

- The establishment of onshore reprocessing capacity will provide greater certainty and clarity for councils in determining which products may be recovered at best cost and guide investment and promotion decisions.
- Additional levy funding received by councils (assuming this is sufficient) will enable councils to introduce new, or expand existing, waste diversion facilities (potentially in public/private partnership)
- The expansion of the levy will result in an improved cost/benefit of waste diversion activities such as concrete crushing and recovery of waste timbers and reusable soils
- Greater clarity around landfill categories and levy reporting requirements may reduce the current inappropriate practice of diversion of MSW to non-levied landfills
- Enhanced data will enable better decision making

**8.3 GOVERNANCE STATEMENT 2019-2022 TRIENNIUM**

**Author:** Leyanne Belcher, Democracy Services Manager

**Authoriser:** Janice McDougall, Group Manager

**PURPOSE OF REPORT**

- 1 The Council is presented with an updated Local Government Statement for adoption in accordance with the requirements of Section 40(1) of the Local Government Act 2002.

**DELEGATION**

- 2 Only Council may consider this matter.

**BACKGROUND**

- 3 A Local Governance Statement is a collection of information about the processes through which the Council engages with its community, how the Council makes decisions, and how the community can influence those decisions.
- 4 The first Governance Statement was adopted by Council in 2003. Since then there have been a number of amendments to reflect changes in the Governance structure and the most recent version is from 26 January 2017.

**ISSUES AND OPTIONS****Issues**

- 5 Council needs to adopt and make publicly available an updated Governance Statement before 8 April 2020 in order to comply with the provisions of the Local Government Act 2002.

**CONSIDERATIONS****Policy considerations**

- 6 There are no policy considerations.

**Legal considerations**

- 7 There are no legal considerations.

**Financial considerations**

- 8 There are no financial considerations.

**Tāngata whenua considerations**

- 9 Governance statements must include information on policies for liaising with, and memoranda or agreements with, Māori.

**SIGNIFICANCE AND ENGAGEMENT****Significance policy**

- 10 As this is a document mandated by statute it has a low level of significance under the Council's Significance and Engagement policy.

**Engagement planning**

- 11 An engagement plan is not needed to implement this decision.

**Publicity**

- 12 Once adopted the Statement will be made publicly available on the Council website.

**RECOMMENDATIONS**

- 13 That in accordance with Section 40(1) of the Local Government Act 2002, the Council adopts and makes publicly available the Governance Statement for the 2019-2022 Triennium as at Appendix 1 of this report.
- 14 That the Council authorises the Chief Executive to make administrative update to the Governance Statement as necessary throughout the Triennium in respect of any subsequent changes in circumstances or amendments the council might make to the individual policies contained or referenced in the Governance Statement.

**APPENDICES**

1. Governance Statement 2019 - 2022 [↓](#) 



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KAPITI COAST DISTRICT COUNCIL  
**Governance Statement January 2020**

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## 1 WHAT IS A LOCAL GOVERNANCE STATEMENT?

### What is the Purpose of the Local Governance Statement?

A local governance statement is a collection of information about the processes through which the Council engages with its community, how the Council makes decisions, and how citizens can influence those processes.

### What Information Does the Statement Contain?

To meet the purpose, this Local Governance Statement includes the following broad categories of information or identifies for citizens where this information can be found: governance structures and processes, functions, responsibilities, and activities of the Kāpiti Coast District Council, electoral arrangements, the way Elected Members make decisions and relate to each other and to the management of the Kāpiti Coast District Council, key policies of the Kāpiti Coast District Council, including a significance and engagement policy.

### The Legal Requirement for Council to have a Local Governance Statement

Section 40(1) of the Local Government Act 2002 (LGA 2002) states:

- “(1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on—*
- (a) the functions, responsibilities, and activities of the local authority; and*
  - (b) any local legislation that confers powers on the local authority; and*
  - (ba) the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under section 158 or 159; and*
  - (c) the electoral system and the opportunity to change it; and*
  - (d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and*
  - (e) members’ roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and*
  - (f) governance structures and processes, membership, and delegations; and*
  - (g) meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders); and*
  - (h) consultation policies, and*
  - (i) policies for liaising with, and memoranda or agreements with, Māori; and*
  - (j) management structure and the relationship between management and elected members; and*
  - (ja) the remuneration and employment policy, if adopted; and*
  - (k) equal employment opportunities policy; and*
  - (l) key approved planning and policy documents and the process for their development and review; and*
  - (m) systems for public access to it and its elected members; and*
  - (n) processes for requests for official information.*
- (2) A local authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.*
- (3) A local authority must update its governance statement as it considers appropriate.”*

## 2. THE FUNCTIONS, RESPONSIBILITIES AND ACTIVITIES OF THE KĀPITI COAST DISTRICT COUNCIL

The Council's Long Term Plan, adopted on 28 June 2018 provides information about the Council's work programme for the next 20 years to 2038 with a focus on the first three years. The work programme has been organised into four clusters:

- Infrastructure
- Community Services
- Planning and Regulatory Services
- Governance and Tāngata Whenua

In each cluster, there are a number of specific services and activities and for each one there is further information on what we do, why we do it and the challenges we face, key pieces of work, how we will pay for them, and how we will measure the effectiveness of what we do.

### INFRASTRUCTURE

#### Water

##### *Whakahaere Wai*

- provision of water supply services to the community. The operation and management of four water supply schemes at Waikanae, Paraparaumu/Raumati, Paekākāriki, Te Horo/Hautere and Ōtaki providing sources and treatment to meet the Drinking Water Standards for New Zealand, and managing the distribution systems;
- these schemes contain a mix of assets including: water intake structures, ground water bores, water treatment plants, pump stations, bulk water supply mains, storage reservoirs, water distribution mains, service pipes and fittings; and
- advice and policy development on water use and conservation.

#### Access and Transport

##### *Putanga me te Ikiiki*

- operation and maintenance of the transport network;
- replacement of assets to ensure long-term sustainability;
- improvement of existing assets to maintain serviceability;
- creation of new assets to cater for demand and growth;
- planning and investigation in relation to transport activities;
- promotion of active travel modes and public transport;
- safety of road users;
- liaison with stakeholders;
- enforcement of traffic and transport regulations, standards and bylaws;
- provision of engineering input to the assessment of resource and planning application for new development; and
- development and implementation of Council's transport strategy.

#### Coastal Management

##### *Whakahaere Takutai*

- maintenance of Council (public) owned seawalls;
- beach protection projects such as dune reshaping and planting;
- beach patrols;
- signage; and
- monitoring.

**Wastewater Management*****Whakahaere Wai Para***

- the provision of wastewater services to the community. Provision and management of three wastewater schemes at Waikanae, Paraparaumu/Raumati, and Ōtaki protecting public health and the natural environment; and
- these schemes contain a mix of assets including: service connections, reticulation pipes and manholes, pumping stations, storage tanks and ponds and wastewater treatment plants.

**Stormwater Management*****Whakahaere Wai Āwhā***

- the safe and efficient collection, transportation, treatment and disposal of stormwater runoff in urban areas. This includes management of streams, watercourses and a physical stormwater pipe network; and
- a requirement that all developments be hydraulically neutral to ensure that peak flows do not increase downstream and that ponding levels are not increased upstream.

**Solid Waste*****Para Ūtonga***

- provision of effective and efficient waste management, as required by the Waste Minimisation Act 2008, including waste minimisation;
- licenses for waste collectors and operators in Kāpiti;
- monitoring of compliance with license and bylaw requirements;
- monitoring the provision of resource recovery facilities in Otaihanga and Ōtaki, including asset management;
- provision of a greenwaste and recycling drop off centre in Waikanae;
- management of the (part closed) Otaihanga landfill;
- collaboration with Greater Wellington Regional Council to ensure the landfill operation and after closure development meets current and future environmental requirements;
- implementation of Kāpiti's actions and contribution to the implementation of regional actions of the Wellington Region Waste Management and Minimisation Plan; and
- initiation, development, support and delivery of waste minimisation activities; Zero Waste Education in schools, Waste Levy funding of waste minimisation projects, and waste audits.

**COMMUNITY SERVICES****(including Civil Defence Emergency Management (CDEM))****Economic Development Projects*****Whakawhanake Umanga***

In December 2014 Council adopted a new Economic Development Strategy. The Strategy was developed by an Economic Development Working Party made up of district, business and Council representatives.

The Strategy has four key focus areas:

- Open for Business Council;
- Building Capability;
- Positioning Kāpiti; and
- Leadership.

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A refresh of the Economic Development Strategy commenced in late 2018, with the refreshed strategy to be presented to Council in early 2020. The refreshed strategy has been developed with key partners and stakeholders and builds off the previous strategy adopted by Council for the district.

Proposed strategic pillars of the refreshed strategy are

- Positioning Kāpiti / Whakapapa
- Open for opportunity / Kaitiakitanga
- Growing skills and capability / Whanau
- Strengthening partnership and leadership / Kotahitanga
- Supporting key sectors

Included within the refreshed strategy will be an updated Action Plan and Implementation Plan which will include actions to be delivered by Council and other partners.

### **Community Facilities and Community Support (Property, Supporting Social Welfare) *Whakaurunga Hapori***

The facilities managed under this Activity include:

- community halls;
- libraries;
- public toilets;
- administration buildings;
- depots;
- housing for older persons;
- rental housing;
- leased buildings;
- cemeteries;
- swimming pools;
- provision of biodiversity advice and support, and policy development;
- implementation of greenhouse gas reduction initiatives, energy-saving projects and policy development;
- implementation of waste minimisation initiatives;
- provision of limited funding to assist community services, youth and community development; resources to work with government agencies and community organisations to ensure the District has the resources and services it needs to support social wellbeing; and
- facilitation of community input into Council decision-making by supporting partner groups - the Kāpiti Coast Youth Council, the Kapiti Coast Older Persons' Council and the Kapiti Accessibility Advisory Group.

### **Parks and Open Space**

#### ***Ngā Papa Rēhia me ngā Wāhi Maho Māhorahora***

- parks - including destination parks and neighbourhood parks;
- reserves and monitored ecological and restoration sites including bush reserves and coastal esplanades;
- sports grounds;
- playgrounds;
- trees and amenity plantings;
- built assets - pavilions, toilets, furniture, etc;
- amenity lagoons and water features in parks and open space;

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- implementation of the Cycleways, Walkways and Bridleways Strategy; and
- administration of incentive programmes for lands owners with ecological sites on their properties.

**Recreation and Leisure (including Libraries and Aquatics)*****Ngā Wharepukapuka, Ngā Toi me ngā Whare Tāonga***

- access to a district wide library service with four public libraries in Ōtaki, Waikanae, Paraparaumu and Paekākāriki;
- the library website providing continuous access to library administration services and online resources;
- community programmes, events and activities for children, teens and adults in all public libraries;
- collaboration with the SMART regional libraries consortium that increases the collection size available to Kāpiti residents;
- support for history and heritage through local history communications (collections and archives of books, documents and photographs), and through relationships with iwi, historical societies, genealogy groups and museums;
- celebration and preservation of tāngata whenua history and heritage through the Māori Land Court Minutes, Matahiāpo and Mātahi collections, Matariki and Waitangi Day celebrations, and other activities;
- maintenance and on-going development of the Kāpiti Heritage Trail;
- networking with and promotion of the eight museums district wide, and support and promotion of museum and heritage events;
- contribution of funding to the Otaki Museum, Kapiti Coast Museum and Paekākāriki Station Museum;
- implementation of the Council's Strategy for Supporting the Arts (2012);
- partnership with Mahara Gallery, the District's public gallery, and provision of operational funding and on-going support;
- networking with the arts community, promotion of artists, art projects and events including support for the annual Kāpiti Arts Trail;
- funding for local art projects through Creative Communities Scheme;
- implementation of the Council's Public Art Policy (2013) which supports the acquisition of public art for the District.

**PLANNING AND REGULATORY****Districtwide Planning*****Ngā kaupapa takiwa***

- urban management strategies, such as the districtwide Development Management Strategy which will be reviewed in the current triennium and Local Community Outcome Statements resulting from front-end visioning and analysis in different communities (most communities completed 2005-2011). These documents inform formal District Plan processes;
- maintenance and review of the District Plan including plan changes (public or private);
- sustainable design guidance for engineering and infrastructure development, such as Subdivision and Development Principles and Requirements, various design guides, and engineering input into subdivision consents;
- analysis and recommendations on policy approaches relating to climate change and other natural hazards;
- design and planning advice to external stakeholders (for example, developers and landowners) and to other Activity areas (for example, for Town Centre upgrades and significant infrastructure projects);
- design and construction of Town Centre upgrades;

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- advocacy on urban planning and growth management issues (for example, submissions on central government Resource Management Act 1991 legislation and policy statements on regional plans and policies); and
- strategic land purchase.

**Regulatory Services**  
**Ratonga whakaritenga****Building**

There are two sets of statutory functions required under the Building Act 2004.

As a Building Consent Authority:

- the processing of building consent applications and the issuing of building consents; and
- the inspection of building projects during construction and issue Code Compliance Certificates at completion.

As a Territorial Authority:

- the undertaking of building Warrant of Fitness audits;
- response to public enquiries;
- investigation of complaints;
- investigation of reported illegal building work and dangerous and insanitary buildings;
- identification of earthquake prone buildings;
- the processing of applications for alterations to compliance schedules, Certificates of Public Use, and Certificate of Acceptance; and
- the processing of Land Information and Project Information Memoranda.

**Resource Consents and Compliance**

- processing of applications for resource consents for land use, and subdivision and Notices of Requirement designations;
- District Plan, resource consent and Resource Management Act monitoring;
- processing of various statutory certificates as set out within the Resource Management Act 1991;
- provision of professional advice and information to customers; and
- processing of Land Information and Project Information Memoranda.

**Environmental protection**

- environmental health and alcohol licensing;
- noise control (Resource Management Act 1991);
- licensing and inspection of food premises (Food Act 2014);
- infectious diseases (Health Act 1956);
- insanitary buildings (Building Act 2004);
- abatement of nuisance and cleansing notices (Health Act 1956);
- hazardous substances investigation and enforcement in residences and on public land (Hazardous Substances and New Organisms Act 1996);
- alcohol licensing and inspection (Sale and Supply of Alcohol Act 2012);
- control the growth and placement of gambling venues and machines (Gambling Act 2003, Racing Act 2003, Class 4 Gambling Policy 2019, and TAB Venue Gambling Policy 2019);
- compliance monitoring;
- inspection of swimming pools (Building Act 2004);
- trade waste licensing and inspection (Trade Waste Bylaw 2019);
- freedom camping (Freedom Camping Act 2011);

## APPENDIX 1

- animal control (Dog Control Act 1996, Impounding Act 1955, Dog Control Bylaw 2019, Dog Control Policy 2019);
- parking infringements and stationary vehicle offences (Land Transport Act 1998, Traffic Bylaw 2010);
- emergency management and incident response (Hazardous Substances and New Organisms Act 1996);
- general bylaws investigation and enforcement; and
- emergency management (Civil Defence and Emergency Management Act 2002).

**Governance and Tāngata Whenua*****Kāwanatanga me te Tāngata Whenua***

- management of all Council and Committee processes both formal and informal;
- maintenance of a legally coherent and workable governance structure;
- delivery of statutory documents and processes under associated legislation, for example, Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 and the Local Electoral Act 2001;
- management of electoral processes including (as required under legislation): representation reviews, local body elections, and referenda;
- development and delivery of an elected member induction and professional development programme;
- elected member remuneration and expenses in accordance with Remuneration Authority determinations;
- continuous improvement in managing the democratic framework processes, including the uptake of new technology;
- encouraging community awareness of and participation in decision-making processes through a civics education programme;
- administering community grants programmes and a range of civic events; and
- governance support for the Council's iwi partnership body.

**3. LEGISLATION**

In 2019 the Local Government Act 2002 was amended. The amendments included changes to clause 10, the purpose of local government:

**10 The purpose of local government is -**

- (1) (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 well-being of communities in the present and for the future.

**4. THE ELECTORAL SYSTEM AND THE OPPORTUNITY TO CHANGE IT****The Electoral System**

Kāpiti Coast District Council resolved in August 2002 to change its voting system to the Single Transferable Vote (STV) system for the 2004 elections. This is the system that was also used for the 2007, 2010, 2013, 2016 and 2019 local body elections.

Using this system, electors rank candidates in order of preference. Successful candidates must receive a quota (share of votes) of the votes cast. When there are enough candidates with a quota to fill all the seats, they are the winners. The quota needed for a

candidate to be elected is determined by the number of seats and the numbers of votes cast are achieved by redistributing votes. In the first round of counting the candidates with the highest and lowest number of votes are identified. The lowest-polling candidates are then excluded.

### **The Opportunity to Change the Council's Voting System**

Under the Local Electoral Act 2001, there are three ways in which the Council's voting system can be changed. The Council can resolve to change the system to be used for the next two elections, the Council can conduct a binding poll or electors can demand a binding poll (in which case, five per cent or more of the registered electors need to sign a petition demanding that a poll be held). Once changed, an electoral system must be used for at least the next two triennial (three yearly) Council elections.

## **5. REPRESENTATION ARRANGEMENTS**

The Kāpiti Coast District Council consists of a Mayor, who is Chairperson of the Council, and ten Councillors.

### **Wards**

The Kāpiti Coast District is divided into four wards for electoral purposes. Five of the ten Councillors represent the entire District and five of them represent these four wards:

- Ōtaki, Waikanae, Paekākāriki-Raumati Wards - one Councillor in each; and
- two Councillors in the Paraparaumu Ward.

### **Community Boards**

The Kāpiti Coast District has four Community Boards. The composition of each is as follows:

- Ōtaki Community Board – four members elected by the community plus the Ōtaki Ward Councillor appointed by Council;
- Paraparaumu/Raumati Community Board - four members elected by the community plus the two Paraparaumu Ward Councillors appointed by Council;
- Paekākāriki Community Board – four members elected by the community plus the Paekākāriki-Raumati Ward Councillor appointed by Council; and
- Waikanae Community Board – four members elected by the community plus the Waikanae Ward Councillor appointed by Council.

### **Māori Wards**

The Local Electoral Act 2001 gives the Council the ability to establish separate wards for Māori electors. The decision to create a separate Māori ward may be made by:

- a resolution of Council;
  - a Council initiating a poll on the matter;
- or
- the community may demand a poll. A petition of five percent (or more) of electors can require the Council to conduct a poll.

In June 2017 the Council resolved to maintain the status quo following the recommendation from Te Whakaminenga o Kāpiti for Council not to consider the establishment of a Māori Ward for electoral purposes and to revisit the question in the next Triennium. Consideration of this issue is one of two preliminary decisions leading into a formal review of representation arrangements as required by the Local Electoral Act 2001 (the other decision is about the choice of electoral system).

Council has confirmed for the 2019-2022 Triennium governance structure would include the appointment a Māori representative on its major Standing Committee (the Strategy and Operations Committee). This decision was made in accordance with Clause 31, Schedule 7 of the Local Government Act 2002 which allows Council to appoint non-elected members to a committee if the person has the skills, attributes or knowledge to assist the work of the Committee.

#### **Review of Representation Arrangements**

The Council is required to review its representation arrangements at least once every six years. This review must include the following:

- the number of Elected Members (between six and 30 including the Mayor);
- whether the Elected Members (other than the Mayor) shall be elected by the entire District, or continue to be elected by their Ward (or a mix of both systems);
- the boundaries and names of those wards and the number of members that will represent each ward (if election by wards is preferred); and
- whether to have Community Boards and if so how many, their boundaries and membership and whether to subdivide a community for electoral purposes.

A representation review must be publicly notified by the council no later than 31 August 2021, the year before the 2022 local body elections.

Any member of the public can make a written submission on a proposed representation review. The council considers all submissions and may change its proposals as a result. If a person who made a submission is not satisfied with the council's amended proposal they can appeal against it.

If a council receives any objection it must refer the whole representation review to the Local Government Commission. It must do this no later than 15 January in the year of the election.

The Commission has a quasi-judicial role to determine the best representation arrangements for that local authority. It takes into account the original council decisions, the submissions, appeals and objections. It must issue its decision no later than 11 April of the election year.

A Commission decision can be appealed to the High Court on a point of law.

## **6. MEMBERS' ROLES AND CONDUCT**

### **Role of Elected Members**

The Mayor and the Councillors of the Kāpiti Coast District Council have the following roles:

- setting the policy direction of Council;
- monitoring the performance of Council;
- representing the interests of the District (on election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the District); and
- employing the Chief Executive (under the Local Government Act the local authority employs the Chief Executive, who in turn employs all other staff on its behalf).

**Role of the Mayor**

The Mayor is elected by the District as a whole and as one of the Elected Members shares the same responsibilities as other members of the Council. In addition the Mayor has the following roles:

- presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in the Council's Standing Orders);
- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of the Council; and
- providing leadership and feedback to other Elected Members on teamwork and chairing committees.

The Local Government Act 2002 was amended in 2012 to provide the Mayor with additional powers: to appoint the deputy mayor, to establish committees and appoint chairs to them; to appoint himself or herself as the chair of a committee, and to provide leadership in the development of the Long Term Plan, the Annual Plan, policies and budgets. Nothing in the amendment prevents the Council from exercising its powers under clauses 18, 30 and 31 of Schedule 7 of the Act.

**Role of the Deputy Mayor**

The Deputy Mayor may be appointed by the Mayor. The Deputy Mayor exercises the same roles as other Elected Members. In addition, if the Mayor is absent or incapacitated, or if the office of Mayor is vacant, then the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers of the Mayor (as summarised above). The Deputy Mayor may be appointed by the Mayor and may be removed from office by resolution of the Council.

**Role of the Committee Chairperson**

The Council or the Mayor may create one or more committees of the Council. The Mayor may appoint committee chairpersons or they may be appointed by the Council using the processes prescribed in clause 25 of Schedule 7 of the Act. A committee chairperson is responsible for presiding over meetings of the committee, ensuring that the committee acts within the powers delegated by the Council, and as set out in the Council's Governance Structure. A committee chairperson may be removed from office by resolution of the Council.

**Elected Members legislation regarding conduct**

Elected Members have specific obligations under the following legislation:

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the Chief Executive (clause 36) and to abide by the current code of conduct (clause 15) and standing orders (clause 27); Under Schedule 7 of the Local Government Act 2002, if a member is convicted of an offence that carries a term of two or more years of imprisonment the member will lose office
- the Local Authorities (Members' Interests) Act 1968 which regulates the conduct of Elected Members in situations where there is, or could be, a pecuniary interest (either direct or indirect);
- the Secret Commissions Act 1910 which prohibits Elected Members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way;

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- the Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit;
- the Financial Markets Conduct Act 2013 promotes informed participation in the financial markets. It places Elected Members in the same position as company directors; they may be personally liable if investment documents such as a prospectus contained untrue statements;
- the Public Records Act 2005 provides a framework to keep central and local government organisations accountable by ensuring records are full and accurate, well maintained and accessible.
- the Health and Safety at Work Act 2015 imposes duties on the Council and Councillors in respect of health and safety.

### Code of Conduct

All Elected Members are required to adhere to a Code of Conduct. Adopting such a code is a requirement of the Local Government Act 2002 (Schedule 7, clause 15(i)). Council voted to adopt its current Code of Conduct on 12 December 2013 and the Code is available on the Council website or by contacting the Democracy Services Team. Once it is adopted such a code may only be amended by a 75 per cent or more vote of the Council. The existing Code of Conduct remains in place until such time as it is replaced.

The Code sets out the Council's understanding and expectations of how the Mayor and Councillors will relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by or is in the possession of Elected Members, and contains details of the sanctions that the Council may impose if an individual breaches the code.

## 7. GOVERNANCE STRUCTURES AND PROCESSES, MEMBERSHIP AND DELEGATIONS

The Council comprises a Mayor and 10 elected Councillors from the four Wards of the Kāpiti Coast District. They are:

### Mayor of Kāpiti Coast District:

K Gurunathan

### Councillors:

#### Ōtaki Ward

James Cootes

#### Waikanae Ward

Jocelyn Prvanov

#### Paraparaumu Ward

Bernie Randall, Martin Halliday

#### Paekākāriki-Raumati Ward

Sophie Handford

#### Districtwide

Janet Holborow, Angela Buswell, Rob McCann, Gwynn Compton, and Jackie Elliott

After the October 2019 election the Mayor chose to exercise his powers under section 41A of the Local Government Act 2002, which enabled him to establish committees and their terms of reference, and appoint Chairs to them. The Council then appointed the Deputy Chairs, and approved delegations for the Committees. The Council also approved delegations for the four Community Boards.

To assist the Council to discharge its duties it has one Standing Committees which meets up to twice monthly, and five Subcommittees with each committee having its own terms of reference and certain powers delegated to it by the Council. These seven Committees are:

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<b>Committee/Subcommittee</b>	<b>Chair</b>	<b>Deputy Chair</b>
Strategy and Operations Committee	Cr James Cootes	Cr Gwynn Compton
Audit and Risk subcommittee	Bryan Jackson	Cr Angela Buswell
Chief Executive Performance and Employment Subcommittee	Mayor K Gurunathan	Cr Janet Holborow
Appeals Hearing Subcommittee	Mayor K Gurunathan	Cr Jocelyn Prvanov
Grants Allocation Subcommittee	Cr Jackie Elliott	Cr Bernie Randall
Campe Estate Subcommittee	Mayor K Gurunathan	

The four Community Boards are:

<b>Community Board</b>	<b>Chair</b>	<b>Deputy Chair</b>
Ōtaki	Christine Papps	Marilyn Stevens
Waikanae	James Westbury	Jill Griggs
Paraparaumu-Raumati	Kathy Spiers	Guy Burns
Paekākāriki	Holly Ewens	Tina Pope

A new set of delegations was adopted by Council in November 2019 (the document is available on the Council website). The framework recognises the provisions of Section 32 of the Local Government Act 2002 and reflects the following principles of delegation:

- delegated authorities should focus on specific work streams or in respect of Community Boards on local matters;
- local decisions are best made closest to local people and by local people in response to local needs;
- wherever possible committees of Council should refer matters of local significance to the respective Community Board(s); and
- Community Boards should exercise the delegations to the fullest extent.

Unless otherwise delegated, Committees and Community Boards in exercising their delegated authorities must operate within the constraints imposed by the Council's Long Term Plan/Annual Plan, and any existing Council policy.

The Council also has membership on a number of joint committees:

- Wellington Regional Strategy Joint Committee;
- Regional Transport Joint Committee;
- Wellington Region Waste Management and Minimisation Joint Committee;

## 8. MEETING PROCESSES

The legal requirements for Council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All Council and Committee meetings are open to the public unless there is reason to exclude the public. The LGOIMA contains a list of the circumstances where Councils may consider items with the public excluded. (These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive

information and, the maintenance of public health, safety and order).

Meeting agendas are public documents (although parts may be withheld if the above circumstances apply), and will be made available to the public two days before each meeting. Hard copies are available to peruse at District Libraries and in Service Centres, and are also available on the Council website.

The Mayor or Committee Chair is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of the Council who does not comply with Standing Orders (a set of procedures for conducting meetings).

The Council adopted on 7 November 2019 a revised set of Standing Orders largely based on the version developed for the local government sector by Local Government New Zealand. A copy is available on the Council website.

Minutes of meetings must be kept and made publicly available, subject to the provisions of the Local Government Official Information and Meetings Act 1987. The Council, its Standing Committees and Community Boards generally meet every six weeks. At least 14 days' notice of the time and place of the meeting must be given. Extraordinary meetings can generally be called with three working days' notice. Council and Committee meetings normally commence at 9.30 am. Community Board meetings are scheduled on Tuesday evenings. The meetings are advertised in the local news media and via the Council website: [www.kapiticoast.govt.nz](http://www.kapiticoast.govt.nz).

During meetings of the Council, Committees or Community Boards, all Council participants must follow Standing Orders unless Standing Orders are suspended by a vote of 75 per cent (or more) of the members present.

## **9. POLICIES FOR LIAISING WITH, AND MEMORANDA OR AGREEMENTS WITH MĀORI**

On 9 February 1994 the Kāpiti Coast District Council entered into a Memorandum of Partnership with Ati Āwa ki Whakarongotai Inc, Te Rūnanga o Raukawa Inc and Te Rūnanga o Toa Rangatira Inc. Since then the Memorandum of Partnership has been reviewed and re-signed in March 2008, June 2012, 6 February 2015 and 5 December 2017. The current document will be reviewed early in this triennium as required by one of its provisions. (Copies are available from the Democracy Services Team or the Iwi Relationships Manager.)

In observing the functions and duties as prescribed in legislation the Council will uphold the following principles:

- to actively promote the sustainable management of the District's natural and physical resources and those taonga of significance to the Tāngata Whenua, in a way that recognises the cultural and spiritual relationship of the Tāngata Whenua with the natural world;
- to develop an effective partnership with the Tāngata Whenua in the management of the District's natural and physical resources by the exercise of the utmost good faith, co-operation, flexibility and responsiveness in their dealings with each other;
- to promote active participation of the Tāngata Whenua in the preparation implementation and review of resource management policies and plans;
- to have particular regard to the rights of the Tāngata Whenua in the management and development of resources by recognising and providing for kaitiakitanga; and

- to recognise the Rangatiratanga right of the Tāngata Whenua as guaranteed in Article II of the Treaty of Waitangi, to retain responsibility and control of the management and allocation of their resources.

In September 2010 Council also signed a Memorandum of Understanding with Te Āti Awa ki Whakarongotai confirming a commitment by the Council and iwi to work in partnership on water and management of water for the district.

### **Consultation**

#### **Policy/Tikanga**

The Tāngata Whenua of this District are independent tribes which each maintain their own mana and tikanga. For any issue requiring consultation the parties will agree whether the consultation should take place collectively or separately. The Council will ensure they will communicate with hapū constituents on all relevant matters. When Council works on specific issues with a particular rohe it will work with both rūnanga and hapū within those areas.

#### **Principles of Consultation**

On issues requiring consultation Council will:

- provide sufficient information to the Tāngata Whenua so that they can make informed decisions;
- provide reasonable time for both the participation of the Tāngata Whenua and the consideration of the advice given; and
- give genuine consideration of that advice, including a willingness to change if that is the result of the consultation.

To encourage sharing at a formal level, both the Tāngata Whenua and the Council are committed to meeting on a regular basis (usually six weekly), to discuss issues of mutual importance, indicate areas of concern and revise procedures as necessary. There is provision for additional meetings to be held at the request of either the Tāngata Whenua or the Council.

The Council and Tāngata Whenua acknowledge there is the potential for Mātā Waka groups to emerge within the Kāpiti Coast. (Mātā Waka refer to tribal members that live outside their traditional rohe or area.) Tāngata Whenua extends invitations to Mātā Waka to attend meetings with Te Whakaminenga o Kāpiti to discuss matters of concern to all Māori within the District.

## **10. THE MANAGEMENT STRUCTURE AND THE RELATIONSHIP BETWEEN MANAGEMENT AND ELECTED MEMBERS**

### **Division of Responsibility between the Council and Management:**

A key to the efficient running of any Council is that there is a clear division between the role of Elected Members and that of management. The Local Government Act 2002 sets out a series of governance policies that support the principles of local government. This Local Governance Statement clarifies the governance and the management responsibilities, the governance role and expected conduct of Elected Members, describes the effective, open and transparent processes used by the Council, ensures separation of regulatory and non-regulatory responsibilities and explains the good employer requirements. A management structure diagram is at the end of this document and on the Council website.

Local Governance Statements provide the community with information on the decision-making processes the Council follows and how the community can influence these processes. While many of the Council's functions have been delegated, the overall responsibility for ensuring effective systems of internal control are set up and followed ultimately rests with the Council. Internal control includes the policies, systems and procedures established to provide measurable assurance that specific objectives will be achieved.

#### **11. EQUAL EMPLOYMENT OPPORTUNITIES POLICY**

The following Equal Opportunities Policy was adopted on 30 September 2004 and updated in April 2009. The policy currently states:

- the Kāpiti Coast District Council is committed to implementing Equal Employment Opportunities (EEO). In accordance with the Local Government Act 2002 Section 40 (1) (k) the organisations EEO Policy is included in the Kāpiti Coast District Council Governance Statement; and
- the Kāpiti Coast District Council values diversity amongst staff and encourages the fullest use of staff talents and strengths. It will work towards the achievement of a workplace environment which provides opportunities for employment needs and staff aspirations to be identified and addressed accordingly.

Throughout Council, Elected Members and staff will continue to work towards:

- identifying and eliminating discriminatory practices within our organisation;
- identifying and adopting policies and procedures which enhance EEO in the workplace;
- providing support for employees through EEO networks which will assist managers to identify and eliminate policies and practices that work against equality in the workplace; and
- providing equal opportunities in all aspects of employment including recruitment, selection, training and career development.

No employee or applicant shall gain any advantage or suffer any disadvantage by reason of their race, colour, ethnic or national origin, marital, family or employment status, disability, religious, or ethical beliefs or political opinions or by reason of their age, sex or sexual orientation as stated in Part II of the Human Rights Act 1993.

Discrimination and/or harassment will not be tolerated within our organisation, either by employees, volunteers, customers, or contractors/service providers.

This policy shall apply to all applicants for vacancies, volunteers, contractors/service providers, and all employees of Kāpiti Coast District Council.

#### **12. KEY APPROVED PLANNING AND POLICY DOCUMENTS AND THE PROCESS FOR THEIR DEVELOPMENT AND REVIEW**

##### **Long Term Plan (LTP)**

The Local Government Act 2002 requires the Council to develop a Long Term Plan (LTP) in consultation with the community. The LTP is required to cover a minimum of ten years from the date of its publication. However, the Kāpiti Coast District Council has determined that its LTP will cover 20 years to provide clarity on implications and consequences of decisions including levels of debt and risk in a way that illustrates the implications for the community for the following twenty years. The LTP will be reviewed and updated every

three years following a further consultation process. In the first year of an LTP, the financial and service level information in the LTP, is by law, the Annual Plan. In the following two years, the Council will publish an Annual Plan. Each Annual Plan will describe the work programme to deliver that year's part of the LTP. No significant changes can be made through just the Annual Plan process, unless there is an amendment to the LTP. Any amendment and the Annual Plan can be consulted on and adopted concurrently.

Amendments to the Local Government Act 2002 now require the Council to consult with the community on the proposed content of the LTP by way of a Consultation Document (CD), with the draft components of the draft LTP available to the community.

Following the completion of consultation on the CD, Council finalised and adopted a new LTP on 28 June 2018.

The current LTP is available on the Council website or at Service Centres.

#### **Revenue and Financing Policy**

The policy sets out how the Council will fund its activities. This policy will be reviewed as part of the LTP processes in accordance with the Local Government Act 2002. This policy sets out the principles for determining how the Council's operating and capital spending will be funded – in other words, where the money to progress the agreed work programme will come from. In particular, it considers who benefits most from an activity and therefore who should contribute to funding it.

#### **Significance and Engagement Policy**

Changes to the Local Government Act 2002 required Council to adopt a Significance and Engagement policy by December 2014. Council adopted its policy in November 2014. The policy enables the Council and the community to identify the degree of significance attached to particular issues, proposals, assets and decisions. Under this policy, items are given a rating from a low to high degree of significance. In applying the policy Council will make it clear to communities how and when they can expect to be engaged in decisions about different issues. The policy also means that Council will be informed from the beginning of a decision-making process about the extent and form of any public engagement that is expected before a particular decision is made. The new policy includes special provisions for consultation on changes to the ownership or control of water assets – where both a referendum and a special consultative procedure are required.

When Council adopted the Significance and Engagement Policy in 2014 it determined that it would consult with the community as part of the consultation process associated with the 2015-2035 LTP and would consider amendments to the policy, based on the outcome of that consultation. The LTP (including the new policy) was adopted on 25 June 2015. The policy was reviewed during the development of the 2018-38 LTP, and was deemed to be fit for purpose with no revisions required.

#### **Treasury Management Policy**

The purpose of this policy is to outline approved policies and procedures in respect of all treasury activities to be undertaken by the Council.

#### **Development Contributions Policy**

Development Contributions are required from new developments (e.g. a new house or subdivision) in the form of money or land or both (at the Council's discretion) for capital expenditure required as a result of growth. They are used for roading, water supply and wastewater treatment facilities and reticulation, stormwater management and community infrastructure.

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Changes to the Development Contributions Policy and associated fee schedule were approved by the Kāpiti Coast District Council as part of the 2018-38 Long Term Plan (LTP). The revisions have been based on the capital expenditure programme, revised population and employment forecasts, and policy changes. The Policy and fee schedule will be revised as part of the next LTP.

### The District Plan

The purpose of the District Plan is to assist the Council to carry out its functions in order to achieve the purposes of the Resource Management Act. The District Plan is the principal means by which the Council seeks to ensure the sustainable management of the natural and physical resources of the district.

We are currently operating under two District Plans. At this time both the Operative District Plan (ODP) and the Proposed District Plan (PDP) Appeals version 2018 have legal effect. The ODP will continue to have legal effect where any corresponding objectives, policies and provisions in the PDP have been appealed. As appeals are resolved, the ODP provisions will fall away and the PDP will be relied on.

For more information on the District Plan see the Council website:  
<https://www.kapiticoast.govt.nz/your-council/planning/district-plan1/>

### Kāpiti Coast District Council Bylaws

Under Part 8 of the Local Government Act 2002 Councils are empowered to create and apply bylaws in their areas. A local authority must review its bylaws no later than 5 years after the date on which the bylaw was made, and then no later than 10 years after it was last reviewed. Following is a list of the Council bylaws:

Title	Original Bylaw	Description	Date made	Last review date
<b>Control of Alcohol in Public Places 2018</b>	Liquor Control in Public Places 2004	This bylaw seeks to enhance the safety of the public and allow their responsible enjoyment of public places in the District. This will be achieved by providing alcohol free zones in public places to reduce the incidence of alcohol-related harm.	Adopted 2004	Adopted on 6 December 2018
<b>Trade Waste Bylaw 2019</b>	Trade Waste Bylaw 2000	Regulates the discharge of Trade Waste to a Sewage System operated by the Council.	Adopted in July 2000	Adopted on 24 January 2019
<b>Dog Control Bylaw 2019</b>	Dog Control Bylaw 1997 (replaced Part 4 of the General Bylaw 1991)	To promote better care and control of dogs by supporting objectives of the Kāpiti Coast District Council Dog Control Policy & complying with national legislation, in	Adopted 8 December 1997	Adopted on 14 March 2019

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		particular S20 of the Dog Control Act 1996 & Impounding Act 1955.		
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<b>Title</b>	<b>Original Bylaw</b>	<b>Description</b>	<b>Date made</b>	<b>Last review date</b>
<b>Beach Bylaw 2009</b>	Beach Bylaw 2000	To manage human activities on the beach and protect the beach environment in accordance with the overarching objective defined in the Kāpiti Coast District Council Coastal Strategy 2006.	Adopted May 2000	Adopted on 28 May 2009
<b>Cemeteries Bylaw 2016</b>	Cemeteries Bylaw 2010	To enable the Council to control and set standards for the operation of cemeteries within the Kāpiti Coast District under the Council's ownership or control.	Adopted on 28 January 2010	Adopted on 29 September 2016
<b>Solid Waste Bylaw 2010</b>	Solid Waste Bylaw 2010 (replaced Parts 8 and 9 of the General Bylaw 1991)	To monitor and regulate the collection, transportation, disposal and management of waste and to encourage the reduction of waste (both in the generation and disposal of waste). Specific requirements are placed on occupiers and collections and there is a system of licensing for operators. The bylaw also provides for the promotion of Council's waste minimisation and waste reduction objectives and assists in the implementation of Council's Waste Management Plan.	Adopted on 22 April 2010	N/A
<b>Public Places Bylaw 2017</b>	Public Places Bylaw 2010 (replaced Part 3 of the General Bylaw 1991)	To maintain standards of public health & safety, protect the public from nuisance, minimise potential for offensive behaviour and manage various types of land	15 July 2010	Adopted on 29 June 2017

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		under Council control.		
<b>Title</b>	<b>Original Bylaw</b>	<b>Description</b>	<b>Date made</b>	<b>Last review date</b>
<b>Keeping of Animals, Poultry and Bees Bylaw 2010</b>	Keeping of Animals, Poultry and Bees Bylaw 2010 (replaced Parts 4 and 5 of the General Bylaw 1991)	Manages the keeping of animals, bees and poultry throughout the Kāpiti Coast District to ensure they do not create nuisance or become a threat to public health and safety.	Adopted on 3 June 2010	N/A
<b>Traffic Bylaw 2010</b>	Traffic Bylaw 2000	Sets the requirements for parking and control of vehicular or other traffic on any road, public car park, reserve or any other public place owned or controlled by the Kāpiti Coast District Council.	Adopted on 14 December 2000	Adopted on 24 June 2010
<b>Water Supply Bylaw 2013</b>	Water Supply Bylaw 2010	To help ensure safe and sufficient potable water supplies are delivered throughout the Kāpiti Coast District.	Adopted on 24 June 2010	Adopted on 29 August 2013
<b>Speed Limit Bylaw 2015</b>	Speed Limit Bylaw 2005	Allows the Council to set speed limits by resolutions, on all roads under its ownership or control and in certain designated locations specified in the bylaw.	Adopted June 2005	Adopted on 15 October 2015
<b>Title</b>	<b>Original Bylaw</b>	<b>Description</b>	<b>Date made</b>	<b>Last review date</b>
<b>General Bylaw 2010</b>	General Bylaw 1991	This Bylaw contains the generic administrative provisions common to all Council Bylaws (unless specifically stated otherwise in those bylaws), and covers topics such as licenses, fees, dispensations, breaches, penalties and offences	22 August 1991	28 January 2010

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**13. ACCESS TO COUNCIL SERVICES AND ELECTED MEMBERS**

<b>Customer Services Office</b>	<u>Physical Address</u> 175 Rimu Road Paraparaumu 5032	<u>Postal Address</u> Private Bag 60 601 Paraparaumu 5254
<b>All enquiries</b>	Phone (Toll Free)	04 296 4700 0800 486 486
	Fax	04 296 4830
	Email	<a href="mailto:kapiti.council@kapiticoast.govt.nz">kapiti.council@kapiticoast.govt.nz</a>
	Website	<a href="http://www.kapiticoast.govt.nz">www.kapiticoast.govt.nz</a>
<b>Waikanae Service Centre</b> Mahara Place, Waikanae	Phone Fax	04 296 4761 04 293 4820
<b>Ōtaki Service Centre</b> 81-83 Main Street, Ōtaki	Phone Fax	06 364 9317 06 364 9303
<b>Public Libraries</b>	<u>Paraparaumu Library</u> 9 Iver Trask Place, Paraparaumu 5032	04 296 4700
	<u>Waikanae Library</u> Mahara Place, Waikanae 5036	04 296 4700
	<u>Ōtaki Library</u> Main Street, Ōtaki 5512	04 296 4700
	<u>Paekākāriki Library</u> 14 Wellington Road, Paekākāriki 5034	04 296 4700
<b>Visitor Information Centres</b>	Paraparaumu Waikanae	04 298 8195 04 296 4768
<b>Swimming Pools</b>	Coastlands Aquatic Centre Waikanae Ōtaki	04 296 4746 04 296 4789 06 364 5542
<b>Emergencies</b>	0800 486 486 or 04 296 4700	
<b>Airport Noise Complaints</b>	04 918 3434	

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**After Hours Numbers**

All Emergencies (including Flooding, Water Supply, Sewerage, Animal Control, Noise Control, Beach Patrol, Civil Defence) **0800 486 486**.

**Who to contact if you have an enquiry**

Contact the Council's main office by phoning 04 296 4700 (or toll free 0800 486 486), or by writing to Kāpiti Coast District Council, Private Bag 60 601, Paraparaumu 5254. Emails can be sent to [kapiti.council@kapiticoast.govt.nz](mailto:kapiti.council@kapiticoast.govt.nz). They will then be forwarded to appropriate staff for action.

**14. ELECTED MEMBERS CONTACT DETAILS 2019-2022**

<b>Elected Member</b>	<b>Basis of election</b>	<b>Phone</b>	<b>Email Address</b>
K Gurunathan	<i>Mayor</i>	027 205 3600	<a href="mailto:k.gurunathan@kapiticoast.govt.nz">k.gurunathan@kapiticoast.govt.nz</a>
Janet Holborow	Districtwide <i>Deputy Mayor</i>	027 2961 628	<a href="mailto:janet.holborow@kapiticoast.govt.nz">janet.holborow@kapiticoast.govt.nz</a>
Angela Buswell	Districtwide	021 316 845	<a href="mailto:Angela.buswell@kapiticoast.govt.nz">Angela.buswell@kapiticoast.govt.nz</a>
Gwynn Compton	Districtwide	027 917 3571	<a href="mailto:gwynn.compton@kapiticoast.govt.nz">gwynn.compton@kapiticoast.govt.nz</a>
James Cootes	Ōtaki Ward	027 457 2346	<a href="mailto:James.cootes@kapiticoast.govt.nz">James.cootes@kapiticoast.govt.nz</a>
Jackie Elliott	Districtwide	021 045 2762	<a href="mailto:jackie.elliott@kapiticoast.govt.nz">jackie.elliott@kapiticoast.govt.nz</a>
Martin Halliday	Paraparaumu Ward	021 599 648	<a href="mailto:martin.halliday@kapiticoast.govt.nz">martin.halliday@kapiticoast.govt.nz</a>
Sophie Handford	Paekākāriki-Raumati Ward	021 0894 7590	<a href="mailto:sophie.handford@kapiticoast.govt.nz">sophie.handford@kapiticoast.govt.nz</a>
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Jocelyn Prvanov	Waikanae Ward	021 111 0825	<a href="mailto:jocelyn.prvanov@kapiticoast.govt.nz">jocelyn.prvanov@kapiticoast.govt.nz</a>
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The Councillor appointed back to the Board is Cr James Cootes

## WAIKANAE COMMUNITY BOARD

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The Councillor appointed to the Board is Cr Jocelyn Prvanov

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Jonny Best	027 480 0201	<a href="mailto:jonny.best@kapiti.govt.nz">jonny.best@kapiti.govt.nz</a>
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The Councillors appointed back to the Board are **Cr Martin Halliday** and  
**Cr Bernie Randall**

**PAEKĀKĀRIKI COMMUNITY BOARD**

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The Councillor appointed back to the Board is **Cr Sophie Handford**

## 15. PROCESSES FOR REQUESTS FOR OFFICIAL INFORMATION

Requests for official information directed to the Council fall under the Local Government Official Information and Meetings Act 1987 (LGOIMA) or the Privacy Act 1993.

LGOIMA covers requests that are made about or around another person, issue or event. Key purposes of LGOIMA are to progressively increase the availability of information and to promote accountability and transparency.

The Privacy Act allows individuals to request access to information Council holds regarding that individual and to request corrections to personal information.

### Requesting Information

A person may request official information from the Council. It is not necessary to state that a request is being made under LGOIMA. However, due particularity must be given when requesting information and therefore a request must be specific about the information that is being sought.

Requests can be made verbally, however it is preferable to ensure accuracy, that requests are made in writing. Assistance will be given to requesters, when required, to aid in the process.

Email: [informationrequest@kapiticoast.govt.nz](mailto:informationrequest@kapiticoast.govt.nz)

Phone: (04) 296 4700

Postal: 175 Rimu Road, Private Bag 60601 Paraparaumu 5254

### Responses from Council

Requests for information will be processed according to LGOIMA and the Privacy Act ('the Acts').

The Acts specify time restrictions for transferring to another agency, for deciding whether to grant the request and for providing responses. A response will be given as soon as practicable and within 20 working days, unless an extension is required.

Once a request is made the Council must supply the information unless a reason for withholding it exists under the Acts.

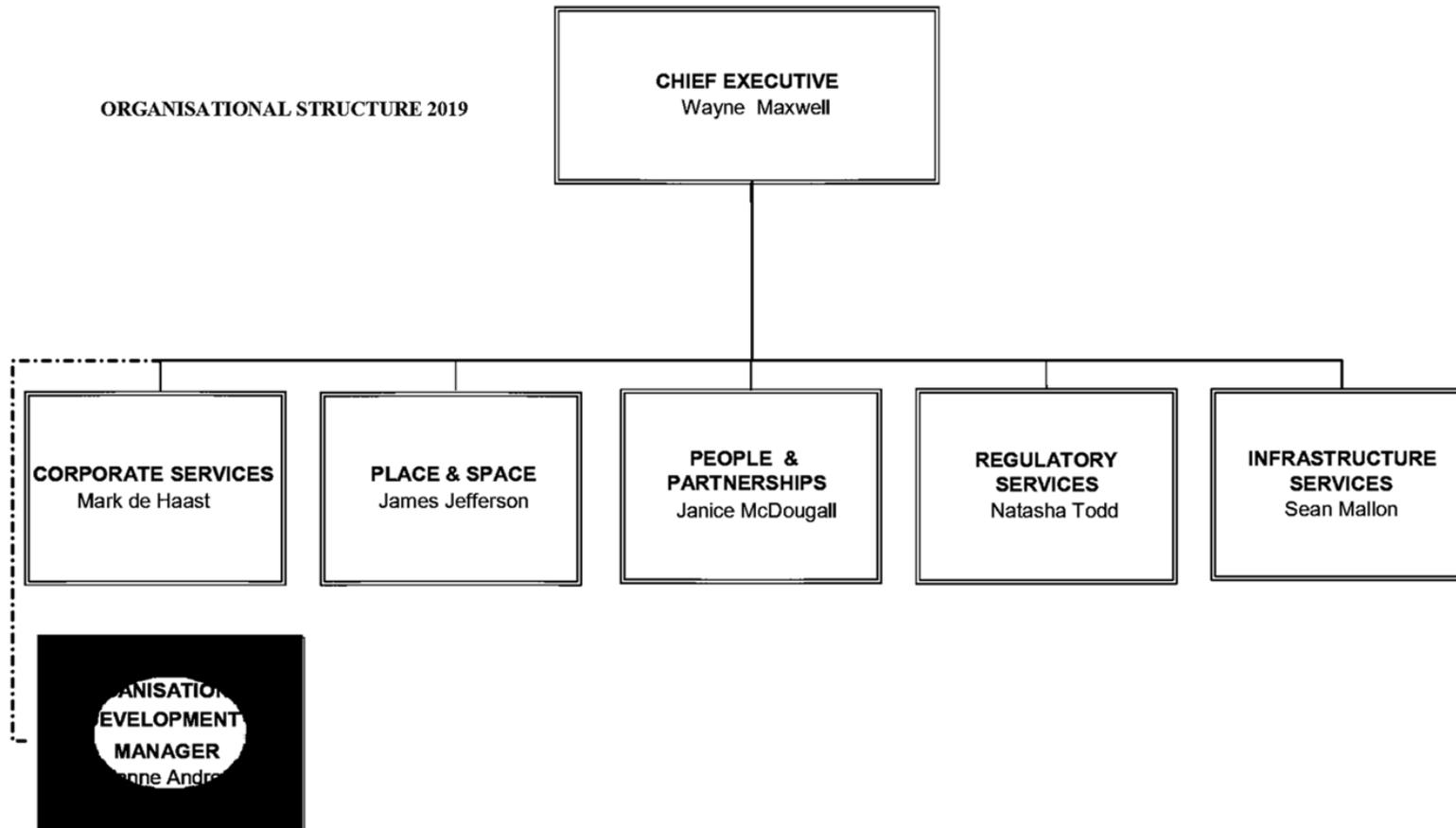
### Costs

Council may charge for the supply of official information. The requester will be notified if a charge is to be applied and given the option to refine the request if possible. Council will not proceed with collating the information until the requester has confirmed in writing that the charges are accepted. Charges are set in the LTP and are amended if required through the Annual Plan process. Official information requests pertaining to personal information incur no charges.

APPENDIX 1

APPENDIX 1

ORGANISATIONAL STRUCTURE 2019



**8.4 RMA ISSUES AND OPTIONS DRAFT SUBMISSION JANUARY 2020**

**Author:** Jason Holland, District Planning Manager

**Authoriser:** Natasha Tod, Group Manager

**PURPOSE OF REPORT**

- 1 To seek Council approval of the draft submission on the *Issues and Options Paper for Transforming the Resource Management System*, which is attached as Appendix 1 to this report.

**DELEGATION**

- 2 Council has the authority to consider this matter.

**BACKGROUND**

- 3 On 13 November 2019, the Resource Management Review Panel released the *Issues and Options Paper for Transforming the Resource Management System* (Issues and Options Paper). The Issues and Options Paper is attached as Appendix 2.
- 4 The Resource Management Review Panel<sup>4</sup> has been established by the Government to undertake a comprehensive review of the Resource Management Act (RMA) and other significant legislation comprising the resource management system.
- 5 The RMA was introduced in 1991 and has been the subject of ongoing change and adjustment since. In recent years, more frequent questions have been asked on its ability of the RMA to meet the current needs to support urban growth and to protect the environment. This sits alongside long-running issues around the costs and timeframes for processes under the RMA.
- 6 The government is undertaking a comprehensive review of the resource management system with an aim “to improve environmental outcomes and enable better and timely urban and other development within environmental limits”.
- 7 The review will hopefully help resolve debate on key issues, including the possibility of separating statutory provision for land use planning from environmental protection. It will consider a wide range of options, including whether important principles in the Resource Management Act 1991 should be in a separate piece of legislation and apply more broadly across the resource management system.
- 8 The scope of the review includes looking at the RMA and how it interfaces with the:
  - Local Government Act 2002
  - Land Transport Management Act 2003
  - Climate Change Response Act
- 9 The scope also includes spatial planning, which has the potential to support more strategic decisions about resources and infrastructure over longer timeframes.
- 10 While institutional reform is not a driver of the review, the review will consider which entities are best placed to perform resource management functions in making its recommendations.
- 11 The Resource Management Review Panel has been established by the government to lead the review and has asked for comments on the issues and option paper no later than Monday 3 February 2020. The Panel is chaired by QC Tony Randerson.
- 12 The panel will provide a report to the Environment Minister with its recommendations on reforming the RMA. This will include detailed policy proposals and indicative drafting of

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<sup>4</sup>Panel members details can be viewed at <https://www.mfe.govt.nz/rmreview>

legalisation for key provisions. It is due in June 2020. The Government plans to consult on the proposals once finalised.

### Issues and Options Paper

- 13 The Issues and Options paper identifies 14 issues to be addressed in the reform process and offers possible ways in which they might be addressed. It also poses a series of questions for interested parties to consider and respond to. In our submission we have commented on 8 issues which we believe are most relevant to our Council.
- 14 In particular, the paper looks at what changes are proposed to fix the system to ensure we have liveable urban and rural areas, that Māori have an effective role in the resource management system, that we improve our deteriorating freshwater quality and biodiversity, and that we respond to the effects of climate change.
- 15 The proposals are indicative of the range of possibilities. For example, whether the RMA's core purpose of sustainable management should change or if legislation dealing with urban development and environmental management should be separated.

### ISSUES / DISCUSSION

#### Legislative Architecture

- 16 The Issues and Options paper asks whether there should be separate legislation dealing with environmental management and land use planning for development, or whether the current integrated approach is preferable.
- 17 Council's submission supports the current integrated approach, although has reservations about its effectiveness on balance, given the declining state of the environment on a number of measures. It suggests greater clarity is needed *within* the RMA framework about how tensions in balancing growth and environmental concerns ought to be managed.

#### Purpose and Principles

- 18 The Issues and Options paper asks what changes should be made to Part 2 (Purpose and Principles) of the RMA.
- 19 Council's submission supports the addition of a positive obligation to maintain and enhance the environment, and the addition of matters relating to climate change within Part 2. The submission also suggests that a clearer distinction of priorities within Part 2 would enable consistent implementation between Councils.

#### Māori Participation

- 20 The Issues and Options paper asks if changes should be made to the RMA regarding the recognition of the Treaty of Waitangi, Māori interests, and Māori engagement.
- 21 Council's submission suggests that iwi as mana whenua hold significant expertise, and barriers preventing iwi from contributing this expertise should be removed. Barriers to meaningful iwi engagement and participation are identified.

#### Strategic Integration across the Resource Management System

- 22 The Issues and Options paper asks how better strategic integration across the Resource Management System could be achieved, including the possibilities for spatial planning.
- 23 Council's submission agrees that, with appropriate integration into the RMA, spatial planning provides possibilities for better consideration of economic, environmental, social, cultural and wellbeing matters across the RMA system and relevant elements of the Land Transport Management Act and Local Government Act.

#### Addressing Climate Change and Natural Hazards

- 24 The Issues and Options paper asks whether the RMA should be used to address climate change mitigation, and if so, what changes and integration are required to achieve this.

- 25 Council's submission suggests that greater national direction, funding and support as well as specific legal mechanisms around climate change and natural hazard mitigation would achieve better outcomes and help reduce the risk of legal challenge against councils as they try to implement measures to address climate change through their plans and other tools. This will also help ensure local conversations were more targeted.

### **National Direction**

- 26 The Issues and Options paper asks what role should mandatory national direction have.
- 27 Council's submission suggests that local governments need national direction tools (and other support) to provide assistance for contentious or critical issues, particularly around climate change and natural hazard management, as such contention can result in drawn out and expensive plan change processes which may not ultimately be successful.

### **Policy and Planning Framework**

- 28 The Issues and Options paper asks how planning processes can be improved, to better the content of plans, increase certainty, and achieve efficient and effective outcomes with adequate public participation.
- 29 Council's submission recommends that the ability for local government to front-load community engagement in exchange for limited appeal rights would result in a more timely and cost-efficient plan making process which retains adequate public participation. Council has also made several technical recommendations.

### **Consents / Approvals**

- 30 The Issues and Options paper asks how the consenting process could be improved to deliver more efficient and effective outcomes while preserving appropriate public participation.
- 31 Council's submission has a number of suggestions in response, and holds the following positions:
- The simplification of activity status categories is not necessary.
  - The direct referral system is beneficial and should be retained.
  - Flexibility in information requirements for consenting is necessary where appropriate, but this is already applied in practice.
  - Greater certainty around notification requirements is beneficial.
  - The publishing of all resource consent decisions and applications would not provide a net benefit to the public.
  - Online processing would not improve processing times significantly and would result in increased costs.
  - The designation process should be reviewed and streamlined.

### **System Monitoring and Oversight**

- 32 The Issues and Options paper asks what changes are needed to improve the monitoring and oversight of the Resource Management System.
- 33 Council's submission suggests a streamlined, simplified and consistent system would enable better reporting to the Ministry for the Environment (MfE) as the systems Council currently use do not have the functionality required to provide MfE with the necessary information in an efficient manner.

### **Compliance, Monitoring and Enforcement (CME)**

- 34 The Issues and Options paper asks what changes are needed to improve efficiency, effectiveness, and oversight of CME.

- 35 Council's submission has raised concern over the current cost-recovery system for CME, and believes that the current governance structure creates issues around the independence of councils as both a regulator and decision maker.

## CONSIDERATIONS

### Policy considerations

- 36 The proposed shape and form of a future resource management system are still to emerge. More detailed proposals are expected from government's Resource Management Review Panel for consultation later this year (in June 2020). The impact of potential changes is significant, particularly as it effects District Plan and resource consent processes. Analysis of the links and impacts of changes will be identified once proposals are known.

### Legal considerations

- 37 There are no legal considerations for this submission.

### Financial considerations

- 38 There are no financial considerations for this submission, but future changes to the resource management system will have financial impacts on Council. Understanding the nature and scale of these will be able to be better articulated once detailed proposals are provided by government for consultation.

### Tāngata whenua considerations

- 39 We have not engaged with iwi on this submission given the timeframe provided to Council in which to analyse and prepare a response. We also note that the Resource Management Review Panel have also engaged directly with iwi in preparing the issues and option paper, and that iwi are able to provide their own submissions.

### Strategic considerations

- 40 *Toitū Kāpiti* reflects aspirations for a vibrant and thriving Kāpiti, with strong and safe communities that are connected to our natural environment. Therefore, it is important that Council advocate for outcomes that will have a favourable impact on the District.

## SIGNIFICANCE AND ENGAGEMENT

- 41 Under the Council's Significance and Engagement Policy, this submission on the Resource Management review has a low degree of significance. It does not have any strategic or financial implications, there are no implications for the District strategy at this stage, and there are no legislative requirements to submit. Mana whenua have the ability to submit directly with their views on how the proposal may impact on their relationship with land and water.

### Consultation already undertaken

- 42 No public consultation was undertaken for the development of this submission.
- 43 Council staff sought comment from the New Zealand Planning Institute, Resource Management Law Association, Local Government New Zealand, and the Regional Planning Managers Group around the Issues and Options Paper. No other organisation was able to provide a submission or comment for comparison at the time of writing.

### Engagement planning

- 44 An engagement plan is not required for this submission.

**Publicity**

- 45 This submission will be uploaded to the 'Submissions we have made' section of the Council website.

**RECOMMENDATIONS**

That Council approve the draft submission on the *Issues and Options Paper for Transforming the Resource Management System*, which is attached as Appendix 1 to this report.

**APPENDICES**

1. RMA Issues and Options Draft Submission January 2020 [↓](#) 
2. Transforming the resource management system: OPPORTUNITIES FOR CHANGE. Issues and Options Paper [↓](#) 

**DRAFT SUBMISSION**

Thank you for the opportunity to submit on *Transforming the resource management system: opportunities for change - Issues and options paper*. We appreciate the opportunity this paper creates to have a conversation about the future of the resource management system in New Zealand. Our comments, detailed below, are relatively high level, as the timing and timeframes for consultation have been particularly challenging.

We look forward to continuing to engage in the reform discussions as the project continues.

**Issue: 1 Legislative architecture**

It is Council's view that changing the legislative framework – particularly separating out growth and environmental legislation – is unlikely to have a substantial positive impact on the functioning of the RMA system. The problems local government is facing with the current resource management system are not the result of the way in which the legislative framework is configured – it is the result of a lack of integration within that framework, and a lack of clarity about how the various trade-offs in balancing growth and environmental concerns ought to be managed.

The current RM system has not achieved functional integration across the various acts that interact with the RMA under the current structure. The current separation of land transport planning legislation from the rest of the planning framework (with its own planning and funding processes) has proved difficult to integrate together in practice. Integration with the LGA has not fared much better, with Councils completing long term plans under the LGA that are out of alignment with planning processes under the RMA and NPS-UDC. This lack of alignment creates inefficiency and uncertainty for councils and their communities. That being the case, there is limited reason to believe that this pursuit of integration will be more successful through the creation of a more fractured system. Councils are very concerned they will be left with the increasingly complex and unsolvable puzzle of trying to achieve balance across conflicting directives. This leads to more complex, costly and litigious planning and consenting processes.

We acknowledge that the RMA has struggled to adequately deal with the competing interests of growth and environmental protection within a single piece of legislation. However, we would argue this is more of a function of a complex system lacking in clear direction than a failing of a framework dominated by a single piece of legislation. This system is dominated by an unclear set of priorities/principles, which are often competing with each other and lack a framework/clear direction to assist decisions-makers in navigating the unavoidable trade-offs between them. It is also a function of a complex system which, in requiring evidence-based decisions, has a bias towards those who can afford the experts to build their technical case and use their understanding of how the system works to their advantage.

In order to support dividing the RMA into specific growth- and environment-focussed legislation, Councils would need more clarity on the interface between the pieces of legislation and on the way in which it will be split up.

**Issue: 2 Purpose and Principles of the RMA**

Council supports the addition of a positive obligation to maintain and enhance the environment and the strengthening of Part 2 to more explicitly require environmental limits and/or targets to be set (although this may be best done through an NES/NPS). Including a separate statement of principle for urban environments may be useful if single legislation is to be retained.

Consistent implementation of the RMA by councils would also be greatly assisted by a clearer distinction of priority of matters within sections 6 and 7, particularly how conflicts are to be weighed up. We also strongly support new concepts being included in Part 2 to address climate change.

### **Issue: 3 Maori Participation**

Iwi as mana whenua hold significant expertise and knowledge and barriers to their being able to contribute this should be removed. We support the removal of barriers to the uptake of JMA's and transfer of powers. More clarity would be helpful in identifying when iwi are an affected party, as would a stronger direction for applicants to consult with iwi prior to applying for consent. This would help reduce delays which can occur in resource consent processes when iwi have not been appropriately consulted or involved by applicant's early on.

Other barriers to improving meaningful iwi engagement in the present RM system include:

- a lack of resourcing of iwi entities
- significant demands for iwi input and involvement on a broad range of matters from multiple councils and other entities
- the 20-day statutory processing timeframe for non-notified resource consent applications, which puts considerable burden on iwi to provide input including raising any concerns about a consent application with the local council.

### **Issue: 4 Strategic integration across the resource management system**

As mentioned above, finding a way to better integrate the various pieces of legislation within the broad planning framework is an important way of creating an efficient and planning system with certainty for its users. Spatial planning is one of the tools that can assist in that integration by articulating the broad outcomes being sought by the community and transposing those into a spatial form.

Spatial planning would encompass consideration of economic, environmental, social and cultural wellbeing. It would also need a long-term time horizon, and a focus on integration of environmental protection, land and natural resource use and infrastructure decision-making, including funding and financing. It could provide an opportunity for Māori to participate in strategic decision-making about resource management issues.

However, in its present form, spatial planning (to the extent it is undertaken) creates an additional layer within the planning framework to be interpreted through regional and district level documents. This is largely due to it not being mandated in the RMA. A better option could be to align and integrate spatial planning into the standard planning framework – potentially replacing parts of the current Regional Policy Statement/Regional Plan/District Plan. This would also require that spatial plans be legally binding. Coordination at the regional level is likely to be beneficial due to the scale of some infrastructure projects, although this would further complicate plan integration.

A legally binding spatial plan integrated into the planning framework should align and include relevant elements of LTMA and LGA. This should include aligning the frequency and timeframes of underlying planning and investment documents. It should also consider how private developers contribute to the provisions of infrastructure to support the outcomes of the spatial plan. Given the strong links between infrastructure planning and spatial planning, it is recommended that this be refreshed at a cycle which aligns with Long Term Plan cycles (i.e 3, 6 or 9 years).

**Issue: 5      Addressing climate change and natural hazards**

Council is broadly in favour of the recommended options for adaptation outlined on page 32. However, in our view there is overreliance by Government on the ETS as an effective tool for reducing emissions – more needs to be done.

Council is also concerned that using regionally coordinated spatial planning to identify a future adaptation response may result in a clunky and very layered approach. It would in effect be another layer sitting between the National Adaptation plan and adaptation responses at the District/TA level. It would be beneficial to look at options to streamline actions being taken under the direction of the National Adaptation Plan, for example should the NAP (or parts of it) be given the equivalent status of an NPS under the RMA?

Climate change is an urgent and pressing problem, not a ‘future problem’. Councils are already dealing with the impacts of climate change as they respond to increased flooding and inundation events and the problems these create for our communities and infrastructure. Past attempts to address projected climate change impacts on the coast have resulted in significant litigation, potentially affecting the appetite of councils to tackle climate change adaptation through regulatory means. This can result in more emphasis being placed on reactively dealing with the aftermath of increasingly frequent and intense weather and storm events. This is not helped by the imbalance in availability of government funding/support to assist in the response to natural events which have been exacerbated by climate change. There is no government funding available for building communities’ understanding of the regional/local risks or support for Councils to make and fund decisions that create a more resilient community over time. Proactively preparing for the impacts of climate change on our communities over time will require an environment where there is confidence in making decisions on some very tough issues, such as when and whether managed retreat should be a viable option.

Greater direction is required from Central Government to support local government to respond to effects of climate change and for this to occur in a consistent way across the country. It is still a relatively new and evolving area for local government and more directive policy, as well as funding and capacity-building support, is required from central government. Greater national direction on best practice and standards with regards to climate change and adaptation methodologies and science would help reduce the risk of legal challenge as councils try to implement measures to address climate change through their plans. Greater national direction would also ensure local conversations are targeted to how (or by when) the national direction should be achieved, not whether it should be achieved at all - avoiding unnecessary delays and costs. A contestable science and engagement fund could also be used to assist those Council whose communities are ready for climate change adaptation conversations, but are unable to fund a community process which follows the MfE guidance.

Some specific amendments to RMA processes that would help councils implement climate change mitigation measures include:

- make it easier to adopt prohibited activity status for certain developments along the coast and in other areas with high natural hazard risks.
- create a clear legal mechanism and mandate providing for managed retreat – this does not currently exist (wide and uncertain interpretation of: S.10(4)(a) appears to allow Regional Council to do so through changing regional plan rules, however this is only now being tested).

- clearly establish responsibility between regional and local councils for managing climate change. This lack of clarity causes ambiguity, time delays and has financial impacts.
- align the RMA with the Climate Change Response Act 2002 (including purpose) to enable a planning regime that can effectively help New Zealand achieve the mitigation and adaptation goals of the CCRA, including moving climate change considerations from section 7 to section 6 and adding it into the sections 30 and 31 roles and responsibilities for councils.
- consider an alternative planning process to schedule 1 for climate change and natural hazard issues to allow greater speed of plan-making in this area and reduce scope for expensive and time consuming appeal processes.
- a risk assessment framework for natural hazards should be established as an NES. This should include risks caused and/or exacerbated by climate change. This would allow councils to take a nationally consistent risk-based approach to climate adaptation.

**Issue: 6 National direction**

There is a clear need for central government to be able to either insert targeted content into plans, or to set expectations that communities will resolve particular issues through their planning documents. However, the implementation of the RMA has seen first an absence of adequate national direction, and then a proliferation of national direction that has at times been too blunt and has resulted in a one-size-fits-all approach that may not be appropriate for all communities. We appreciate that it is a difficult balance to get right.

There has been a tendency to prioritise and produce national direction tools (especially national policy statements) as a way of getting local government to assist in the implementation of the government's policy agenda (focused on what central government needs from local government). While that is appropriate, local government also needs national direction tools to focus on the areas where we are struggling to resolve contentious issues in the community. Climate change and natural hazard management are two good examples. The Schedule 1 plan making process, with full public consultation and appeal rights, means that plan changes that are needed to protect our communities are able to be held up by small factions concerned about their own interests (e.g., fears over the impact of hazard lines may have on their property values) over the needs of the community at large. This can lead to drawn out and expensive plan changes that may not ultimately be successful and a proliferation of other litigation. Having national direction focusing on appropriate methodologies would be helpful, in that it would both prevent appeals on the methodology and science underpinning plan changes and would also allow communities instead to focus on the details of their approach to managing these issues. These should be developed closely with local government working groups.

Making better use of provisions allowing local government to adjust or deviate from the national direction instruments where appropriate (i.e. the ability to make rules more or less stringent than the NES stipulates) and providing greater ability to deviate from national direction where appropriate would be helpful. It would allow communities to tailor provisions to best suit their needs while still achieving the overall outcomes sought by the national direction.

**Issue: 7 Policy and planning framework**

*Schedule 1 Process – Consultation and Appeal Rights*

Ensuring meaningful public engagement occurs at the right time is important for streamlining planning processes, as giving the public multiple opportunities to re-litigate their concerns creates drawn out and costly plan making processes. We would support a streamlined 'single-stage' plan-making process. Our second generation plan was first publically notified in 2012, decisions were notified in 2017 and this year we are expecting to resolve the remaining appeals so the plan can be made operative – some 8 years after first notification.

We therefore recommend allowing councils to front-load engagement in exchange for limited appeal rights (restricted to points of law only). This would avoid re-litigating issues through appeals while still ensuring adequate public consultation. Concern about participation could also be balanced by expanding the parties who receive a draft plan for comment beyond iwi authorities.

Similarly, removing the ability for parties to seek s.85 directions and lodge appeals with respect to plan provisions which give effect to national direction would be helpful, as national direction instruments are consulted on at the national level and shouldn't be re-litigated during their incorporation into planning documents.

#### *Plan oversight*

Creating additional plan oversight is likely to add additional steps to the Schedule 1 process and could make plan making slower. However, if this was to be combined with a reduction in appeal rights as discussed above, then additional up-front scrutiny of plans could help offset the reduction in appeal rights.

There is some concern as to what criteria the Minister or Ministry would use to 'approve' or make recommendations for changes to plans prior to notification and/or finalisation and how long that might take. It would be additional steps in the process and may result in additional delays with unclear benefit, and which seem at odds with what the goal of streamlining plan-making processes. It is also concerning from a local democracy perspective. If there is genuine concern about local decision-making on plans, then the suggestion in para 105 of the Issues and Options paper would be a preferred approach.

Given the overall shortage of planners across the country, moving a number of planners into review type roles could have an overall negative consequence for councils who are already struggling to attract and retain experienced policy planners.

#### *Other Process Improvement Suggestions*

- Extending the types of amendments that can be made to plans and proposed plans under Schedule 1 clauses 16(2) and 20A would enable councils to make a wider range of minor and technical amendments to their plans without incurring a full schedule 1 plan making process, improving overall plan quality and reducing costs.
- Removing the ability to apply for a certificate of compliance under section 139 if an activity could not be done lawfully without a resource consent under a draft plan.
- Give rules immediate legal effect from notification, or at least extend the list of matters referred to in section 86B(3) to include important issues such as hazards, urban development and climate change.

#### **Issue: 8     Consents/approvals**

##### *Simplify categories*

We don't consider that it is necessary to simplify activity status categories under the RMA. This issue is that often plans are drafted in a way that is not making effective use of the categories available.

We see a benefit in retaining the direct referral system. Often smaller TAs do not have the resourcing or experience within the team to process large complex applications, let alone nationally significant proposals. Complex applications would often go to planning consultants, so retaining direct referral provides a further option to TAs, even though it is unlikely to speed up the process (as these are complex applications that take a significant amount of time to consider).

#### *Reduce complexity for minor consents*

We agree that the RMA should be flexible in what information needs to be submitted for minor consents, which are often submitted by building designers or owners themselves. It should be made clearer that the level of information in an AEE should correspond with the scale and significance of an activity, and this should be done in a way which avoids subsequent arguments about what is sufficient.

For even seemingly minor applications the policies of the plan should inform the aspects of the environment which are important to consider in an AEE. Allowing too much discretion could undermine this approach and reduce the effectiveness of the overarching objectives and policies of the plan.

#### *More certainty around notification*

We support more certainty around when notification should be required and simplified provisions around this. Notification appears to function well in the Victorian (Australian) planning system and provides developers, neighbours and the processing planner more certainty around when people could be affected. The UK also uses a system where there are no written approvals associated with making consent applications. This system leaves it up to the Council to serve notice on affected parties, consider submissions and determine the application. Appeal rights of affected parties are limited to points of law only. This system avoids the current challenges associated with affected party approval being 'bought' by applicants, or resulting in significant delays while applicants attempt to obtain affected party approval.

The current notification system has a number of inefficiencies and uncertainties:

- notification can be very subjective and different planners may come up with different results
- the appeal mechanism (judicial review) is very costly, and if you are a neighbour in reality if you are not considered affected you are cut out of the planning process, and Councils spend a lot of resourcing on justifying to lay people why they were not considered affected.

#### *More transparency*

Many councils publish a list of consent applications received and decisions issued on their website. Once a resource consent application is lodged, this becomes public information and members of the public can request copies of applications and decisions if they are interested. However, our experience is that it is rare for the public to request copies of the application and decision. When they are requested it is usually by neighbours of residential developments. It is our view that the additional resourcing required to publish all decisions and applications would outweigh the benefits of the public having immediate access to this information.

#### *Online processing*

Online processing will not reduce the cost of processing an application. The majority of the cost in processing is staff time in requesting further information, assessing the application, and issuing a decision. Online submissions of applications and tracking will not negate the need for a robust assessment and further information required. It may speed up the time it takes to lodge the application and be entered into Council's system, but it is unlikely to reduce the processing times significantly. There will be potentially significant costs associated with the development and maintenance of an appropriate IT facility to provide this service. This will very difficult for small councils to afford the initial outlay and would result in increased costs being passed on to applicants.

### *Designations*

Designations can be complex and for many councils are a rare occurrence. We would recommend:

- simplifying the multi-stage process (notice of requirement, outline plan etc.)
- extending the five-year default timeframe for designations, as it is out of alignment with the long-term strategic function they are intended to perform (or the district plan review cycle)
- clarifying information requirements for notice of requirement applications so that consent authorities are clear on the level of information required for notice of requirement applications and outline plan applications.

### *Other consenting issues*

- The information required for Councils to be satisfied of compliance/existing use rights and then issue Certificates of Compliance and Existing Use Rights certificates is unnecessarily high.
- The wording of section 181(3)(b) is inconsistent with that used in section 95E with respect to identifying affected parties, which can cause confusion during the designation alteration process.
- There is no ability for a territorial local authority or a requiring authority to stop the clock under section 176A. This can cause problems if more information is needed by a council to determine whether or not to request any changes to an outline plan, or in instances where the requiring authority wishes to place an outline plan on hold. Therefore, it would be useful if it was possible to place outline plans on hold and to request further information.

### **Issue: 11 System monitoring and oversight**

Councils need a streamlined and simplified monitoring system through the development and use of consistent systems that enable data to be easily captured through daily services to relate back to council outcomes. This is a substantive and specialised function that overlays over and above the design and use of systems to serve their priority intent/purpose.

The NMS system is unwieldy and time consuming to input into for Councils. The systems that councils use (such as MagiQ) do not have the full functionality that would allow all of the information that MFE requires to be easily inputted and extracted each year. Upgrades to systems and new systems to provide the functionality required to monitor all the information MFE requires can be costly. The data available focuses on the timeliness over assessment of the quality of decisions and outcomes.

### **Issue: 12 Compliance, monitoring and enforcement (CME)**

The independence of the regulator is a key part of any regulated system, however despite the guidance in the LGA, the line between regulator and governance can, in practice, be blurred. We

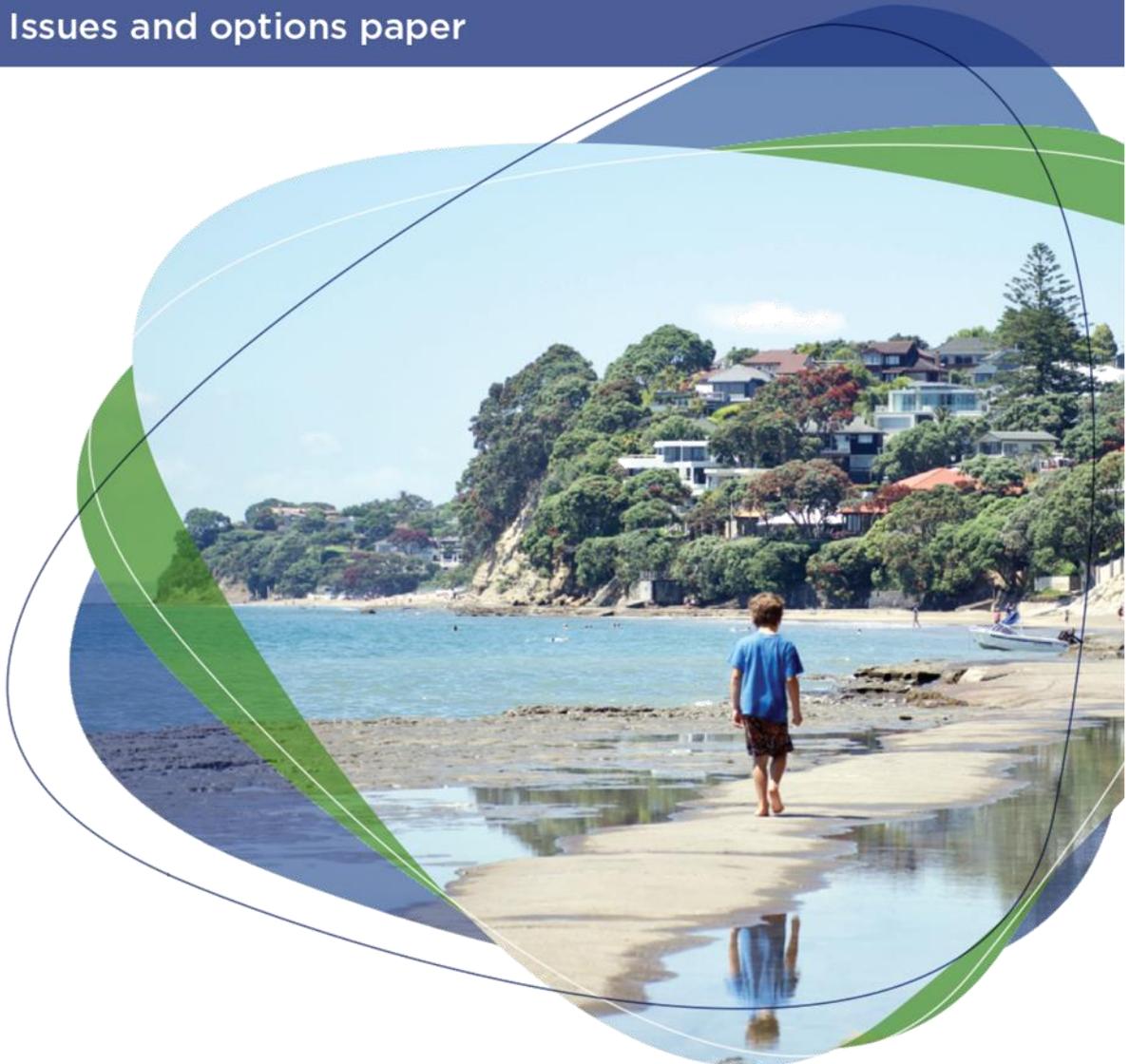
note it is common in the NZ regulatory landscape for independent boards to create clearer separation between governance and regulatory functions within government (e.g. Worksafe). One possible solution could be for the EPA to have overarching responsibility for the delivery and oversight of CME functions under the RMA in NZ.

Cost-recovery under the RMA has a negative impact on CME under the RMA. The charge out rates established for cost-recovery of CME activities are high nation-wide, which can result in disproportionately high compliance costs for otherwise minor compliance matters, creating negative public sentiment towards CME under the RMA. One option could be to establish a permitted activity CME fund to cover the monitoring required for activities that don't require consent. This would allow better enforcement of permitted activity standards without direct cost recovery creating a financial burden on the user.

Transforming the  
resource management system:

# OPPORTUNITIES FOR CHANGE

Issues and options paper



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## Kupu Whakataki

Korihi ake ngā manu  
Tākiri mai i te ata  
Ka ao, ka ao, ka awatea  
Tihei mauri ora  
Tēnā koutou katoa

I am pleased to present this issues and options paper for the comprehensive review of the resource management system.

Much has changed in Aotearoa New Zealand in the period of nearly 30 years since the Resource Management Act was introduced in 1991. Serious challenges have emerged in our ability to respond quickly to urban development pressures and to house our people in liveable communities. And we are facing a significant new threat in dealing with climate change. The natural environment has also suffered with deteriorating freshwater quality in our streams and rivers and diminishing biodiversity amongst many concerns.

Our understanding of the implications of our unique relationship between the Crown and Māori through the Treaty of Waitangi has developed with many settlements of Treaty claims being achieved. But much remains to be done to ensure that the principle of partnership inherent in the Treaty moves towards an everyday reality.

Successive governments have amended the Resource Management Act many times since its enactment and ad hoc measures have been adopted in an attempt to address the issues we are now confronting. The time is ripe to undertake a comprehensive review of the Resource Management Act and other significant legislation comprising the resource management system.

The Resource Management Review Panel has been established to undertake that task. The overall aim is to improve environmental outcomes and enable better and timely development in urban areas and elsewhere within environmental limits. It is an exciting and ambitious assignment and an opportunity to undertake a thorough examination of the resource management system. This may well result in recommendations for far-reaching reform designed to achieve our ultimate goal of enabling all New Zealanders to thrive in a healthy environment both now and for generations to come.

The Review Panel has already begun to engage with stakeholders, iwi/Māori and members of the public in preparing this paper. This engagement will continue over the coming months as we work to develop a preferred approach to reform.



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This paper identifies the main issues to be addressed in the reform process and offers possible ways in which they might be addressed. It also poses a series of questions for interested parties to consider and respond to. We have endeavoured to adopt a neutral approach to the issues raised and are very much open to any constructive suggestions for reform.

We invite comments on this paper no later than Monday 3 February 2020.

Hon Tony Randerson QC

**Chair, Resource Management Review Panel**



Dean Kimpton, Raewyn Peart MNZM, Hon Tony Randerson QC, Rachel Brooking,  
Kevin Prime ONZM, Amelia Linzey

**Resource Management Review Panel**

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## Ka Mua, Ka Muri

1. The Government has given us the significant task of undertaking a comprehensive review of the resource management system. This is an opportunity to design a system that delivers better outcomes for the environment, people and the economy.
2. The Resource Management Act 1991 (RMA) revolutionised land use planning and environmental management in New Zealand. It was a product of rising environmental awareness in New Zealand and abroad, and recognised the need to integrate an array of separate legislation addressing land use, water, air and soil, among other things. It forged a new legislative response to Te Tiriti o Waitangi/the Treaty of Waitangi (the Treaty). It was also part of a move towards wider deregulation of the New Zealand economy, and adopted an 'effects-based' approach that sought to narrow the role of planning in the interest of economic efficiency.
3. Much has changed since the early 1990s when the RMA was introduced. As the risks of climate change and environmental decline have become more immediate, new thinking has emerged about how to address the challenge of environmental sustainability. This emphasises the need to recognise the complex interactions between economic, social and environmental systems, the need to plan for unexpected events and environmental tipping points, and the need to work within clear environmental limits.
4. As a country, we have made progress addressing historic grievances through Treaty Settlements, and begun to better recognise te ao Māori in wider law and society. Treaty settlements have, in certain cases, established new approaches and shared governance and decision making regarding natural resources. There are now 70 pieces of settlement, collective redress or hapū/iwi specific legislation with 76 groups (comprising a mix range of iwi, hapū and various collectives). It is timely to consider how the resource management system responds to this new landscape.
5. Finally, there is increased focus on working towards long-term cross-sector outcomes to address both issues of intergenerational equity and wellbeing. An important part of this is ensuring the resource management system delivers necessary development capacity for housing and enables urban land markets to operate effectively within environmental limits.
6. To be successful, we need to design a resource management system that responds to our distinct environmental, social and cultural context. This includes New Zealand's physical characteristics and unique biodiversity, the Treaty and the relationship between iwi/Māori and the Crown, and the significant ways we all value and connect with the environment.
7. We approach this review of New Zealand's resource management system with these footsteps from our past in view.

*To be successful, we need to design a resource management system that responds to our distinct environmental, social and cultural context*

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## A. Te Horopaki o te Arotakenga

### The opportunity for reform of the resource management system

8. The government has agreed to undertake a comprehensive review of the resource management system. The review aims “to improve environmental outcomes and enable better and timely urban and other development within environmental limits”. The Cabinet papers setting out the scope and process for the review and the terms of reference for the panel are available on the Ministry for the Environment website: [www.mfe.govt.nz](http://www.mfe.govt.nz).
9. As per the terms of reference, the review has a dual focus: improving outcomes for the natural environment and improving urban and other development outcomes. The underlying causes of poor outcomes are wide ranging: the legislation, the ways it has been implemented and how the institutions are arranged. In seeking to improve these outcomes, the review will need to ensure provisions for central and local government decision-making, iwi/Māori and broader public involvement are fit for purpose.
10. The review is expected to resolve debate on key issues, including the possibility of separating statutory provision for land use planning from environmental protection of air, water, soil

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and biodiversity. It will consider a wide range of options, including whether important principles in the Resource Management Act 1991 (RMA) should be in a separate piece of legislation and apply more broadly across the resource management system. It will begin enabling a new role for spatial planning.

*This review is intended to reset the policy framework across the resource management system as a whole.*

11. This review will focus primarily on the RMA itself, but also includes the interface of the RMA with the Local Government Act 2002 (LGA), the Land Transport Management Act 2003 (LTMA) and the Climate Change Response Act 2002 (CCRA). It will also consider the potential impact of and alignment of proposals for reform with other relevant legislation (including but not limited to the Building Act 2004, Fisheries Act 1996 and Conservation Act 1987).
12. Institutional reform is not a driver of the review. However, in making recommendations, the review will consider which entities are best placed to perform resource management functions.

## Other work underway in government

13. The Government has a broad programme of reform underway to improve the resource management system and address climate change, freshwater quality, housing, infrastructure and other priorities.
14. This review is intended to reset the policy framework across the resource management system as a whole. It will develop a new framework that will align with existing work and may supersede it where appropriate.

## Purpose of this issues and options paper

15. This paper starts a conversation about issues to be considered and addressed by the review and some initial thoughts on possible options. It seeks comments from stakeholders and iwi/Māori to inform the development of the panel's proposals for reform.
16. The Review Panel will continue to engage with stakeholders and iwi/Māori over the course of the review. It will also work with expert reference groups on certain important topics of interest: the natural and rural environment, urban and built environment and te ao Māori.
17. The primary review deliverable is a final report due with the Minister for the Environment at the end of May 2020. There will be further engagement with stakeholders, iwi/Māori and the public on the development of the Government's proposals for reform following the release of the final report, as shown in the timeline that follows.

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18. Much work on reform of the resource management system has been carried out in recent years. Cabinet has asked the Review Panel to consider this work as part of its review.<sup>1</sup> This paper draws on this previous work where relevant.
19. This paper identifies a number of possible options for reform. It is neutral with regard to the options discussed. These should be thought of as indicative of the sorts of reform measures that are being considered, rather than the full range of possible options or fully developed proposals. Preferred options will be developed over the coming months.
20. The paper includes a series of questions at the end of each section. These questions are then summarised in section c at the end of the document.
21. Comments on this paper are welcomed no later than Monday 3 February 2020.

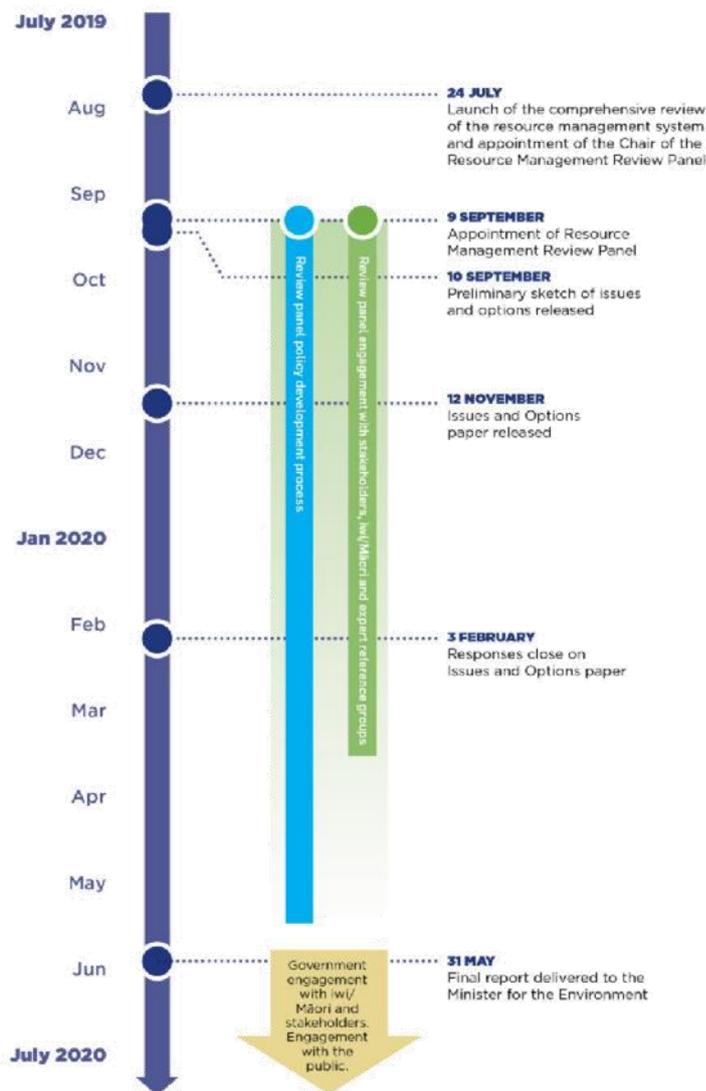
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<sup>1</sup> This includes the New Zealand Productivity Commission's 2017 Better Urban Planning report, the OECD's 2017 Environmental Performance Review, reports by the Waitangi Tribunal, Kahui Wai Māori and Local Government New Zealand. It also includes previous work by the Ministry for the Environment and work by stakeholders, in particular the Resource Reform New Zealand coalition: Infrastructure New Zealand, Business New Zealand, Property Council New Zealand, Employers and Manufacturers Association (Northern) and Environmental Defence Society.

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## Resource Management Review Panel process

### Timeline



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## Challenges facing the resource management system

### New Zealand's natural environment is under significant pressure

22. New Zealand's natural environment is unique and special. Not only does it provide us with a place to live, learn, work and socialise, it is part of our identity.
23. Our environment is under significant pressure<sup>2</sup>:
  - **Climate change:** Climate change is occurring at an unprecedented rate. In New Zealand, the impacts of climate change (increasing sea levels, droughts, floods, fires) are already affecting where people live and how we use our environment.
  - **Biodiversity:** Our native plants, animals, and ecosystems are under threat. Almost 4,000 of our native species are threatened with or at risk of extinction. In our marine environment, 90% of seabirds, 80% of shorebirds, and 26% of indigenous marine mammals are classified as threatened with or at risk of extinction.
  - **Wider environmental decline:** Changes to the vegetation on our land are degrading the soil and water. We are continuing to see significant loss of native vegetation and wetlands and the reduction of benefits they provide (eg, flood and erosion control, water quality, carbon storage). Our heavy reliance on surface and groundwater for drinking, domestic, and industrial uses, and irrigation is threatening the habitat of our freshwater species, increasing the concentration of pollutants and ultimately affecting our ability to use it. The way we use our land is also putting pressure on our coastal marine area with sediment and plastics impacting marine habitats and species.
24. Degradation of our natural environment is reducing ecosystem resilience to system shocks that can radically alter the flow of ecosystem services, affecting associated livelihoods and the wellbeing of communities.

### Urban areas are struggling to keep pace with population growth

25. New Zealand is becoming increasingly urbanised. Between 2008 and 2018 our population increased by 14.7%. Ninety-nine per cent of population growth is in urban areas. Growth is expected to continue, with the highest rates in Tauranga, Auckland, and Hamilton.<sup>3</sup>

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<sup>2</sup> See Ministry for the Environment & Stats NZ, *New Zealand's Environmental Reporting Series: Environment Aotearoa* 2019, Wellington, 2019. Available from [www.mfe.govt.nz](http://www.mfe.govt.nz) and [www.stats.govt.nz](http://www.stats.govt.nz).

<sup>3</sup> See New Zealand Productivity Commission, *Better urban planning: Final report*, 2017.

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26. People are drawn to cities because they offer the benefits of more job choices, social and cultural interaction, and higher quality, more diverse amenities and services. However, our cities are under pressure with rising urban land prices and some of the highest housing costs relative to income in the developed world. Poorly managed urban growth has also led to increasing homelessness, worsening traffic congestion, increased environmental pollution, lack of transport choice and flattening productivity growth.
27. The social impact of ever increasing housing costs has been significant, in particular for the most vulnerable New Zealanders. For example, work by the Ministry of Social Development shows that housing costs for low income New Zealanders have doubled as a proportion of their income since the 1980s, leading to increased income inequality.<sup>4</sup> There has also been falling rates of homeownership and increased household debt.<sup>5</sup> According to the Reserve Bank, New Zealand's level of household debt is one of the most significant risks to our financial stability.<sup>6</sup>
28. There have been many drivers for this but some councils, particularly in high growth areas, are struggling to provide sufficient development capacity for housing in regulatory plans and supply enough infrastructure to support urban growth.

*The system needs to deliver necessary development capacity for housing and enable urban land markets to operate effectively within environmental limits.*

## Rapid changes in rural land use have increased pressure on ecosystems

29. In addition to the pressure in urban areas, rapid changes in rural land use have increased stress on ecosystems. Between 2002 and 2016 there was a 42% increase in the proportion of farmland used for dairy, and a decrease in the area in sheep and beef. There was also continued intensification of land use and a shift to higher stocking rates.<sup>7</sup>
30. In farming areas, water pollution affects almost all rivers and many aquifers – affecting the mauri of the water, human health and our ability to swim and enjoy our water for recreation. Land-based industries are critical to New Zealand's current and future prosperity, and to addressing global challenges like food supply, biodiversity loss and climate change.

<sup>4</sup> Ministry of Social Development, *Household incomes in New Zealand: Trends in indicators of inequality and hardship, 1982 to 2017*, Wellington, 2018.

<sup>5</sup> Johnson, Alan, Philippa Howden-Chapman and Shamubeel Eaqub, *A Stocktake of Stocktake New Zealand's Housing*, 2018.

<sup>6</sup> Reserve Bank of New Zealand, *Financial Stability Report*, May 2019.

<sup>7</sup> Ministry for the Environment & Stats NZ, *Our Land*, 2018.

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A transition is needed to achieve sustainable land use, and ensure cumulative environmental effects are sustainable across generations.

## Reasons why the system has not responded effectively

### Lack of clear environmental protections

31. While a major improvement on the previous system, the RMA has not sufficiently protected the natural environment. The purpose of the RMA set the ambitious objective of sustainable management of natural and physical resources. However, it suffered from a lack of clarity about how it should be applied – taking over two decades for the courts to settle through the King Salmon case.<sup>8</sup> As a consequence of this lack of clarity, as well as insufficient provision of national direction and implementation challenges in local government, clear environmental limits were not set in plans. Lack of clear environmental protections has made management of cumulative environmental effects particularly challenging.

*While a major improvement on the previous system, the RMA has not sufficiently protected the natural environment.*

### Lack of recognition of the benefits of urban development

32. It is well established that the RMA has not achieved good outcomes for our urban areas or built environment. A shortage of housing in New Zealand, and the perception that RMA processes are overly cumbersome and provide insufficient certainty for major infrastructure, has seen a long series of official inquiries that have identified shortcomings in the performance of the RMA.<sup>9</sup>
33. Some argue that insufficient recognition in the purpose and principles of the RMA of the positive benefits of housing, infrastructure and other development has hampered planning for development. The lack of content about these issues left decision-makers with little guidance on how to plan for development in urban and other areas. Infrastructure funding constraints have encouraged rationing of available land for development in an effort to manage infrastructure cost burdens.

<sup>8</sup> Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited [2014] NZSC 38.

<sup>9</sup> Examples include the Minister for the Environment's Urban Technical Advisory Group in 2010 and the Productivity Commission's Better Urban Planning inquiry in 2017.

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## A focus on managing the effects of resource use rather than planning to achieve outcomes

34. The RMA has been criticised for having too narrow a focus on managing the negative effects of resource use, rather than providing direction on desired environmental and development outcomes or goals.<sup>10</sup> The RMA is a framework law that enables rather than directs. It does not explicitly set out outcomes to be achieved, other than the high level goal of sustainable management. Some argue that this has made forward planning difficult. The RMA's focus on environmental effects can also mean the positive benefits of development and a long-term perspective are under-emphasised, despite these being core aspects of "sustainable management".

*Decisions made through the resource management system have favoured existing users and uses.*

## A bias towards the status quo

35. Decisions made through the resource management system have favoured existing users and uses, and as a result have inadequately provided for future generations, as well as poorer communities and iwi/Māori. Problems that have exacerbated this bias include:
- an emphasis of the RMA on avoiding or remedying adverse effects
  - the protection of use rights, for example in relation to land use planning and the right to take water
  - processes (eg, legal appeals) that favour the well-resourced
  - the application of 'permitted baselines' in resource consent processes.
36. Furthermore, until recently there has been insufficient recognition of the importance of proactive and strategic planning in the system. Over the last decade, some councils have developed strategic plans and joint spatial plans for their regions, districts and communities to help fill this gap.<sup>11</sup> Central government has encouraged this form of planning by requiring Auckland to prepare a spatial plan, future development strategies through the National Policy Statement for Urban Development Capacity, and spatial planning partnerships under the Urban Growth Agenda. However, the lack of legal weight and disconnection with RMA plans means that the full benefits of strategic planning are not being realised throughout the system.

<sup>10</sup> For example, see Environmental Defence Society, *Reform of the Resource Management System: Synthesis report*, 2018.

<sup>11</sup> Many of these plans are done on a voluntary basis under councils' general powers in the LGA.

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## Lack of effective integration across the resource management system

37. The RMA set out to achieve integrated management of natural and physical resources. It drew together statutory decision making frameworks for management of land, freshwater, soil, air, noise and the coastal marine area, among other things. Despite this, some argue that New Zealand's resource management remains insufficiently integrated.<sup>12</sup>
38. Plans and decision-making under the RMA, LGA and LTMA all affect one another, but there is poor alignment between land use and infrastructure plans, processes (including public participation) and funding. This results in inefficiencies, delays and additional costs. Furthermore, multiple plans and processes can make it difficult for the public and iwi/Māori to participate effectively. In addition, the resource management system has been weak at managing effects across domains, such as the land and the sea, and cumulative environmental effects.

## Excessive complexity, uncertainty and cost across the resource management system

39. Overall, the resource management system is unnecessarily complex. This complexity is a product both of the RMA itself, and its interface with requirements across the LGA, LTMA, the Building Act 2004, and wider legislation.
40. Considerable variation across the country creates uncertainty for resource users. Processes are complex, litigious, and costly, and frequently disproportionate to the decision being sought or the risk or impact of the proposal. Matters that should be addressed in plans are left to the resource consenting process to resolve, generating unnecessary uncertainty. There have been successive legislative amendments targeting aspects of the RMA, and a proliferation of new arrangements to work around it, such as the proposed Kāinga Ora Homes and Communities planning powers, and Special Housing Areas. While the amendments sought to address deficiencies in the system, these workarounds have resulted in further misalignment between legislation.

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<sup>12</sup> For example, see Infrastructure New Zealand, *Integrated Governance, Planning and Delivery: A proposal for local government and planning law reform in New Zealand*, 2015.

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## Lack of adequate national direction

41. Many commentators argue that the main problem with the RMA has simply been a lack of national direction.<sup>13</sup> Under the RMA it was envisaged that central government would set national environmental bottom lines and policies through national policy statements (NPS) and national environmental standards (NES). However, for many years these powers were not exercised. Caroline Miller has described this as a failure of the government “to participate in the co-operative mandate that the RMA created”.<sup>14</sup> It has been argued that the absence of national guidelines and policies has left local authorities and the Environment Court “to take bite-sized pieces rather than adopt a high level vision”.<sup>15</sup>
42. While national direction was slow to be developed for many years, since 2013 there has been a considerable increase in the number of national direction instruments. National Planning Standards were also gazetted in April 2019, and will set the structure of plans, and some content, including definitions.
43. Notwithstanding this increase in national instruments, taken as a whole the suite of national direction is not yet cohesive. A lack of strategic direction across the national direction programme has flow-on effects for council implementation and the management of interactions between instruments. This in turn compromises the ability of individual instruments to have their intended impact.

*The planning system has struggled to respond to challenges as they have arrived – in particular the housing crisis, intensification of rural land use and risk of climate change.*

## Insufficient recognition of the Treaty and lack of support for Māori participation

44. The Treaty is an important part of New Zealand’s unique constitutional arrangements. Better recognising the Treaty in resource management decision-making was a driver behind the introduction of the RMA. The Minister for the Environment at the time of the resource management policy development process, Sir Geoffrey Palmer, noted “the new law will be both practical and just. The principles of the Treaty form an important component for the decisions made in this review. The new Resource Management Planning Act will provide for

<sup>13</sup> Others have argued that even where there has been national direction or even standards, the rate at which councils have implemented these directives has been slow and inconsistent.

<sup>14</sup> Miller, C., *Implementing Sustainability: The New Zealand Experience*, Oxon: Routledge, 2011.

<sup>15</sup> Schofield, R., *Alternative perspectives: The future for planning in New Zealand - A discussion for the profession*, commissioned by the New Zealand Planning Institute, Auckland, 2007.

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more involvement of iwi authorities in resource management, and for the protection of Māori cultural and spiritual values associated with the environment”.<sup>16</sup> The RMA contains several provisions that are specific to Māori, including in its purpose and principles, and its consultation requirements. At the time of the passing of the RMA, many Māori were optimistic that they would have a larger and more meaningful role in resource management issues.

45. In some areas, Māori participation in the resource management system has improved over the past two decades. The number of councils engaged with Māori, such as through formal consultation, relationship agreements and iwi management plans has increased. However, since 1991, no RMA functions have been transferred to iwi authorities under section 33 of the RMA. Nor have any iwi authorities been approved as a Heritage Protection Authority under section 188. There has been limited use of provisions for joint management arrangements under section 36B. Both capability and capacity issues within councils and iwi authorities and legislative barriers have limited use of these provisions.<sup>17</sup>
46. The Honourable Justice Joe Williams has argued that outside the Treaty settlement process, the RMA is the most sophisticated attempt in New Zealand law to bring together both western and Māori concepts in the way envisaged by the Treaty. However, he also points out that the RMA is “not pulling its weight”. Treaty settlements have been more successful in providing for Māori to become partners in decision-making about resources. According to Justice Williams, this is “a significant admission of failure in the RMA itself, since the mechanisms to achieve similar outcomes have existed in that Act for more than 20 years without being deployed”.<sup>18</sup>

## Weak and slow policy and planning

47. Plans are regulatory instruments and should be clearly and unambiguously expressed. Some plans have been poorly drafted and many have not effectively managed cumulative environmental effects. There are also poorly designed and unnecessarily complex rules that have caused problems in urban areas. The proliferation of planning documents under the RMA has added complexity and cost, as both applicants and administrators must trawl through a multitude of policies to discern relevant direction. There is also a lack of integration and alignment of RMA policies and plans.<sup>19</sup>

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<sup>16</sup> Ministry for the Environment, *People, Environment, and Decision Making: the Government’s Proposals for Resource Management Law Reform*, Wellington, 1988.

<sup>17</sup> Waitangi Tribunal, *The Stage 2 Report on the national Freshwater and Geothermal Resources Claims* (Wai 2358 report), 2019.

<sup>18</sup> Justice Joseph Williams, *The Harkness Henry Lecture: Lex Aotearoa: An Heroic Attempt to Map the Māori Dimension in Modern New Zealand Law*, Waikato Law Review, Vol 21, 2013.

<sup>19</sup> See New Zealand Productivity Commission, *Better Urban Planning*, 2017.

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48. Plan making under the RMA has also been too slow, partly due to the multiple avenues to relitigate decisions. This means that the planning system has struggled to respond to challenges as they have arrived – in particular the housing crisis, intensification of rural land use and risk of climate change. In practice, an elected council will have difficulty changing a plan within their elected three year term.

## Weak compliance, monitoring and enforcement

49. Weak compliance, monitoring and enforcement (CME) across the resource management system has undermined rules in plans that protect the environment. Problems with CME are rooted in both statutory provisions and institutional arrangements.
50. Penalties for non-compliance are weak in comparison with other commonwealth nations. The cost recovery mechanisms of the Act are poor, especially in relation to permitted activity monitoring and the investigation of unauthorised activities. Many offences have significant elements of commercial gain, but recovery tools, such as civil forfeiture orders, are only rarely used in RMA offending. Penalties imposed by the courts at sentence are often dwarfed by the commercial gain obtained by the offender.
51. The devolution of CME functions to a large number of small local government agencies has also created a fragmented system. Many local agencies lack the economy of scale to properly resource CME and there is evidence from time to time of bias and conflicts of interest in implementation. Exacerbating this fragmentation is a long history of weak oversight and guidance from central government.
52. The fragmented system and limited economies of scale of our councils have held agencies back from investing in new technologies and tools. Information management across the sector is highly variable, and there are poor mechanisms for sharing data and intelligence between regulators about offences and offenders. Few councils have invested in new technologies such as remote sensing, latent devices, drones for inspections, or automated reporting tools.

## Capability and capacity challenges in central and local government

53. While there are some clear problems with the legislation, a significant contributor to the problems with the RMA has been insufficient capacity and capability in central and local government to fulfil the roles expected of them.<sup>20</sup>
54. Insufficient resourcing is considered one of the reasons for central government's failure to implement national direction. Capacity and capability limitations within local authorities is frequently cited as a root cause of delay, uncertainty and cost. Under-resourcing has particularly affected the ability of councils to undertake necessary research and monitoring.

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<sup>20</sup> See New Zealand Productivity Commission, *Better Urban Planning*, 2017, p.400.

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## Weak accountability for outcomes and lack of effective monitoring and oversight

55. Some argue that weak accountability arrangements and conflicts of interest have also contributed to the failure to properly implement the RMA. For example, the Environmental Defence Society (EDS) notes “agency capture of (particularly local) government by vested interests has reduced the power of the RMA to appropriately manage effects on the environment”.<sup>21</sup> Others argue there is insufficient control and oversight of resource management functions by locally elected decision-makers.
56. There is widespread agreement that there is insufficient monitoring and collection of data and information on the state of the environment, on environmental pressures at the local and national levels, and on the performance of the resource management system itself.<sup>22</sup>
57. Given both central government and local government have struggled to deliver a well-functioning system over many years, some argue that there has been insufficient oversight of the system to hold both to account for delivering good environmental and urban outcomes.

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<sup>21</sup> Environmental Defence Society, *Evaluating the environmental outcomes of the RMA*, 2016.

<sup>22</sup> For example see Ministry for the Environment & Stats NZ, *New Zealand's Environmental Reporting Series: Environment Aotearoa 2019*, Wellington, 2019; New Zealand Parliamentary Commissioner for the Environment, *Focusing Aotearoa New Zealand's environmental reporting system*, 2019; New Zealand Productivity Commission, *Better Urban Planning*, 2017; Organisation for Economic Cooperation and Development, *Environmental Performance Review – New Zealand*, 2017.

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## B. Whaiwhakaaro

58. A generation has now passed since the Resource Management Act 1991 (RMA) was developed and new environmental challenges have emerged, in particular for freshwater, urban development and climate change. This review is an opportunity to build on innovative thinking internationally and in New Zealand in developing new approaches to resource management.
59. This section discusses issues and initial thoughts on possible options for reform of the resource management system. The options included are not comprehensive of all those that will be considered, nor are they fully developed proposals. Rather they should be thought of as indicative of the types of reform ideas that are being considered by the review. We welcome comment on these options as we develop and refine our proposals for reform.

Not government policy

## Issue 1: Legislative architecture

### Overview

60. The problems identified with the RMA and its implementation suggest that reconsidering the legislative architecture of the resource management system is required. This section discusses the scope of the RMA itself, while Issue 4 discusses strategic integration across the resource management system, including the possible development of an overarching strategic integrated planning statute and wider application of important principles in the RMA.
61. The RMA is a broad framework for the management of natural and physical resources. Some argue that integration of statutory frameworks for land use planning and environmental protection under the RMA has led to poor outcomes for both the built and the natural environment. For example, in its recent inquiry into urban planning, the Productivity Commission notes that the built and natural environments have different characteristics and require distinct management approaches.<sup>23</sup> According to the Commission, “the natural environment needs a clear focus on setting standards that must be met, while the built environment requires assessments that recognise the benefits of development and allow change”.<sup>24</sup>
62. Others argue that the integrated approach taken in the RMA was not the cause of poor outcomes for our urban areas or the natural environment. Rather, they point to implementation problems, such as insufficient provision of national direction by central government. They also argue that a move away from integration would suffer from the difficulty of distinguishing between what should be dealt with in an environmental management and land use planning framework respectively.<sup>25</sup>
63. Notwithstanding their analysis that the approach taken to the built and natural environments in the RMA had been unclear, the Productivity Commission recommended maintaining an integrated statute, albeit with the addition of separate principles to guide planning in the built environment. This was informed by legal advice from Dr Kenneth Palmer who argued while there has been lack of clarity in the approaches taken to regulation of the built and natural environment, “it is difficult to see any compelling or justifiable case for turning the clock back pre the RMA and reverting to the former separate regulatory statutes”.<sup>26</sup>
64. On the other hand, Infrastructure New Zealand and others have argued that greater clarity could be achieved through separate statutory provision for environmental protection and

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<sup>23</sup> New Zealand Productivity Commission, *Better Urban Planning*, 2017, p.5.

<sup>24</sup> New Zealand Productivity Commission, *Better Urban Planning*, 2017, p.5.

<sup>25</sup> For example, see Sir Geoffrey Palmer and Dr Roger Blakeley’s submission on the New Zealand Productivity Commission’s Better Urban Planning inquiry, Draft Report, 2016.

<sup>26</sup> Palmer, K., *New Zealand Productivity Commission: Legal issues in the New Zealand planning system*, 2017.

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planning for land use and development. This would flow through to different institutional roles and processes to carry out these distinct functions.<sup>27</sup>

## Whaiwhakaaro

65. Options for reform of the legislative architecture of the RMA are intertwined with the matters discussed in Issues 2, 3 and 4. That said, some possible options to consider include:
- a. Retain the RMA as an integrated statute with enhanced principles for land use and environmental management
  - b. Split the RMA into an environmental management statute and a land use planning statute

### ISSUE 1: LEGISLATIVE ARCHITECTURE - QUESTION

1. Should there be separate legislation dealing with environmental management and land use planning for development, or is the current integrated approach preferable?

## Issue 2: Purpose and principles of the Resource Management Act 1991

### Overview

66. The purpose of the RMA is to promote the sustainable management of natural and physical resources. The principles of the Act are set out in sections 6, 7 and 8 as matters of national importance, other matters and the Treaty of Waitangi respectively (the Treaty of Waitangi is discussed in a later section). Differing levels of weight are given to these sections.

*New Zealand's natural environment is now significantly more degraded than it was when the RMA was developed in 1991.*

<sup>27</sup> Infrastructure New Zealand, *Integrated Planning, Governance and Delivery*, 2015.

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67. As noted above, the RMA has provided insufficient protection for the natural environment. While the ability of policies and plans to set firm environmental limits has been strengthened following the King Salmon decision of the Supreme Court, the Environmental Defence Society (EDS) argues “our laws may need to be more active and directive in terms of when, by whom, and under what normative umbrella we impose bottom lines”.<sup>28</sup> New Zealand’s natural environment is now significantly more degraded than it was when the RMA was developed in 1991. In this context, the concept of “sustainable management” is also thought to lack sufficient focus on improving, restoring or enhancing environmental quality.<sup>29</sup>

*There is an opportunity to build on new thinking with regard to how te ao Māori – the Māori world – might be reflected in resource management in New Zealand.*

68. A second criticism of the RMA’s purpose and principles is that they provide insufficient recognition of and strategic focus for necessary housing and infrastructure development. The lack of direction for development in the RMA has led some to argue that it is primarily a reactive framework concerned with managing the adverse impacts of development, and has insufficient focus on the positive outcomes that can be derived from planning for resource use.<sup>30</sup>

69. A review of the RMA’s purpose and principles is an opportunity to build on innovative thinking internationally and provide for relevant new resource management concepts, such as resilience, ecosystem based management and environmental limits. One example of a new approach is the United Kingdom’s Environment Bill 2019-20.<sup>31</sup> The Bill requires long-term targets for environmental improvement to be established, including specific standards and timeframes. The Bill also provides for a “net gain” in biodiversity to be a condition of planning permission. Another is the Welsh Well-being of Future Generations Act 2015 that requires Welsh Ministers to set milestones and show progress towards achieving seven wellbeing goals.<sup>32</sup>

70. There is also an opportunity to build on new thinking with regard to how te ao Māori – the Māori world – might be reflected in resource management in New Zealand. The Ministry for the Environment has worked together with the Iwi Leaders Group and Kahui Wai Māori in

<sup>28</sup> Environmental Defence Society, *Reform of the Resource Management System: Working Paper 3*, 2018, p.63.

<sup>29</sup> Environmental Defence Society, *Reform of the Resource Management System: Working paper 3*, 2018, p.74.

<sup>30</sup> For example, see the Minister for the Environment’s Urban Technical Advisory Group report, 2011.

<sup>31</sup> The United Kingdom’s Environment Bill 2019-20 is available here: <https://services.parliament.uk/Bills/2019-20/environment.html>.

<sup>32</sup> See discussion in Environmental Defence Society, *Reform of the Resource Management System: Synthesis report*, 2018.

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recent years to embed Te Mana o te Wai within the legal framework for managing freshwater resources.<sup>33</sup> Included within this is a hierarchy of management obligations:

- i. The first obligation is to protect the health and mauri of nature.
  - ii. The second obligation is to ensure that the essential needs of people are met. This includes ensuring safe access to drinking water, and allowing for customary uses.
  - iii. The third obligation is to enable other consumptive use, provided such use does not adversely impact the mauri of nature.
71. The Waitangi Tribunal, Kahui Wai Māori and others have recommended that the concept of Te Mana o te Wai should be recognised in Part 2 of the RMA.
  72. Some also consider that the purpose and principles of the RMA should have broader influence and be used to guide decision making under other resource management statutes.<sup>34</sup> Options for how this might be developed are discussed in Issue 4 on strategic integration across the resource management system.

## Whaiwhakaaro

73. Options for reform of the purpose and principles of the RMA are intertwined with the matters discussed in Issues 1, 3 and 4. That said, some possible options to consider include:
  - a. Retain or change the sustainable management purpose under s5(1)
  - b. Retain or change the definition under s5(2), for example by adding a positive obligation to maintain and enhance the environment
  - c. Reframe ss. 5, 6, 7 to more clearly provide for outcomes-based planning
  - d. Strengthen ss. 5, 6 and 7 to more explicitly require environmental limits and/or targets to be set
  - e. Recognise the need to ensure there is sufficient development capacity to meet existing and future demands including for affordable housing
  - f. Recognise other urban planning objectives
  - g. Develop a separate statement of principles for the built environment
  - h. Recognise Te Mana o te Wai, or its underlying principles in Part 2
  - i. Require national direction on identified topics or methodologies
  - j. Provide for new concepts to address climate change (discussed later)

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<sup>33</sup> The Ministry for the Environment is currently consulting on provision for Te Mana o te Wai in the National Policy Statement on Freshwater Management.

<sup>34</sup> Environmental Defence Society, *Reform of the Resource Management System: Synthesis Report*, 2018.

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**ISSUE 2: PURPOSE AND PRINCIPLES OF THE RMA - QUESTIONS**

2. What changes should be made to Part 2 of the RMA?

For example:

3. Does s5 require any modification?
4. Should ss. 6 and 7 be amended?
5. Should the relationship or 'hierarchy' of the matters in ss. 6 and 7 be changed?
6. Should there be separate statements of principles for environmental values and development issues (and in particular housing and urban development) and, if so, how are these to be reconciled?
7. Are changes required to better reflect te ao Māori?
8. What other changes are needed to the purpose and principles in Part 2 of the RMA?

## Issue 3: Recognising Te Tiriti o Waitangi /the Treaty of Waitangi and te ao Māori

### Overview

74. The RMA contains several provisions that are specific to Māori and the Treaty. Section 6(e) requires decision-makers to recognise and provide for “the relationship of Māori and their culture and traditions within their ancestral lands, water, sites, wāhi tapu, and other tāonga”. Section 7(a) requires decision-makers to have particular regard to kaitiakitanga. Section 8 requires decision-makers to take into account the principles of the Treaty of Waitangi. The RMA also provides for transfer of functions and joint management arrangements, iwi management plans, Mana Whakahono ā Rohe agreements, and for consultation with Māori, among other things.<sup>35</sup>

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<sup>35</sup> Relevant RMA provisions include: opportunities for transfer of functions (s 33); joint management arrangements (s 36B); recognition of tikanga Māori and te reo Māori at hearings (s 39); consultation provisions in relation to national environmental standards (NES), national policy statements (NPS), regional policy statements (RPS), regional plans (RP), and district plans (Part 5 and Schedule 1); provision for iwi management plans (Part 5); Mana Whakahono ā Rohe provisions (Subpart 2 of Part 5); provisions relating to water conservation orders and heritage orders (Parts 8-9).

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75. As discussed, while the RMA was designed to provide for better recognition and protection of Māori interests in resource management, some consider that it has not fulfilled this promise. The Waitangi Tribunal notes “it is disappointing that the RMA has almost completely failed to deliver partnership outcomes in the ordinary course of business when the mechanisms to do so have long existed”.<sup>36</sup> The Tribunal also argues that Māori interests tend to be “balanced out” in the hierarchy of matters that decision-makers must consider in the RMA, and that lack of resourcing for Māori participation in processes has limited use of available tools.<sup>37</sup>
76. There have been reported difficulties in consultation processes in some places, particularly where there are multiple iwi, many hapū and overlapping rohe. This can cause delay, expense and frustration for councils, Māori and applicants. This suggests the meaning of iwi authority and hapū in the RMA and consultation processes with those groups may need clarifying.
77. Other environmental legislation, such as the Conservation Act 1987, give greater weight to the principles of the Treaty.<sup>38</sup> More recently developed legislation is also more explicit about what the Crown’s responsibility to give effect to the principles of the Treaty in a particular context entails.<sup>39</sup>
78. Treaty settlements over the last 25 years have developed new approaches and arrangements for management of resources and enabled some iwi to engage more fully in the resource management system. Often with complementary benefits for councils and the wider community. Treaty settlement agreements will be upheld by this review.
79. There is also an opportunity to build on what has been achieved through recent Treaty settlements in developing new approaches and improved partnership arrangements more generally. Some important examples of Treaty settlements that reflect iwi understandings of their relationship to place are those relating to Te Urewera, Te Awa Tupua/Whanganui River, Te Waiū-o-te Ika/Whangaehu River and the Waikato and Waipā Rivers. Some of these provide statutory recognition of tikanga and kawa for iwi. Others establish legal personhood for the environment in those places, with corresponding rights, duties, and responsibilities. Recognition of legal personhood is aligned with tikanga and te ao Māori, as maunga, awa and whenua are seen as part of one’s family. The principles of the Treaty are reflected in a management approach that incorporates representation by iwi and the Crown.

*Treaty settlements over the last 25 years have developed new approaches and arrangements for management of resources.*

<sup>36</sup> Waitangi Tribunal, *Wai 262 Inquiry: Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity*, 2011.

<sup>37</sup> Waitangi Tribunal, *The Stage 2 Report on the national Freshwater and Geothermal Resources Claims (Wai 2358 report)*, 2019.

<sup>38</sup> This was discussed recently in *Ngāi Tai Ki Tāmaki Tribal Trust v Minister of Conservation* [2018] NZSC 122.

<sup>39</sup> For example, see section 12 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

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80. A number of other bodies have also been developed outside Treaty settlement processes to monitor council performance in meeting Treaty requirements, promote issues of significance to Māori, and build capability and capacity in the resource management system. An important aspect of this is use of mātauranga Māori. Examples include the Independent Māori Statutory Board in Auckland, and the Environmental Protection Authority's (EPA) statutory Māori advisory committee, Ngā Kaihautū Tikanga Taiao.

## Whaiwhakaaro

81. Options for reform of provision for the Treaty and Māori interests and engagement in the RMA overlap with many of the other issues discussed in the paper. Some possible options to consider are set out below. Other options are discussed in other sections of the paper.
- a. Strengthen the reference to the Treaty in s8
  - b. Remove barriers to the uptake of opportunities for joint management arrangements in s36B and transfer of powers in s33
  - c. Make provision for new approaches and partnership arrangements in the management of resources, drawing on the experience of Treaty settlements
  - d. Clarify meaning of iwi authorities and hapū
  - e. Provide funding mechanisms to support Māori participation
  - f. Provide for regular auditing of council performance in meeting Treaty requirements
  - g. Provide for other bodies to promote issues of significance to Māori and develop capability and capacity, building on the examples of the Independent Māori Statutory Board in Auckland, and the Environmental Protection Authority's (EPA) statutory Māori advisory committee, Ngā Kaihautū Tikanga Taiao

### ISSUE 3: RECOGNISING TE TIRITI O WAITANGI /THE TREATY OF WAITANGI AND TE AO MĀORI - QUESTIONS

9. Are changes required to s8, including the hierarchy with regard to ss. 6 and 7?
10. Are other changes needed to address Māori interests and engagement when decisions are made under the RMA?

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## Issue 4: Strategic integration across the resource management system

### Overview

82. As noted above, there is poor alignment of land use and infrastructure plans and processes (including public participation) with the required funding mechanisms to support change. In addition, there is poor management of cumulative environmental impacts across domains. Better coordination between central and local government is also needed.
83. Greater alignment and integration could be achieved by agreeing some common principles that might apply broadly across the resource management system. One way to give effect to these principles might be through strategic and integrated planning, commonly referred to as “spatial planning”.
84. Many stakeholders and commentators have put forward options for how “spatial planning” might be incorporated into a reformed resource management system.<sup>40</sup> Spatial planning would encompass consideration of economic, environmental, social and cultural wellbeing. It would also need a long-term time horizon, and a focus on integration of environmental protection, land and natural resource use and infrastructure decision-making, including funding and financing. It could provide an opportunity for Māori to participate in strategic decision-making about resource management issues.
85. There is currently no consistent framework for spatial planning in New Zealand. Some councils are making progress developing integrated and long-term spatial plans without a legislative framework, but there are barriers to achieving their full potential, including:
- insufficient legislative mandate and weight, including formal links between spatial plans and regulatory resource management and funding plans
  - fragmented governance and decision-making arrangements (within and between local authorities) and insufficient central government involvement
  - infrastructure funding constraints and insufficient supporting tools (eg, infrastructure funding and financing tools) and poor understanding of the costs and benefits of growth
  - poor incentives for local authorities to join forces to coordinate, provide for, and fund infrastructure in order to efficiently respond to growth and change

*There is currently no consistent framework for spatial planning in New Zealand.*

<sup>40</sup> Examples include: New Zealand Productivity Commission, *Better Urban Planning*, 2017; Local Government New Zealand, *A 'blue skies' discussion about New Zealand's resource management system*, 2015; Infrastructure New Zealand, *Integrated Planning, Governance and Delivery*, 2015.

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- insufficient capability and capacity in central and local government to develop and implement spatial plans.
86. If a framework for spatial planning is developed, consideration needs to be given to how current provision for designations might be aligned with or work alongside spatial plans.

## Whaiwhakaaro

87. Options to provide for strategic integration across the resource management system overlap with the options discussed in Issues 1, 2 and 3, among others. Possible options to consider include:
- a. Create an overarching strategic integrated planning statute, which sits above the RMA and other relevant legislation (including the the Local Government Act 2002 (LGA) and the Land Transport Management Act 2003 (LTMA)). This might “elevate” aspects of Part 2 of the RMA, and other important principles
  - b. Provide for spatial planning within the RMA with statutory linkages to other relevant legislation
  - c. Provide for spatial planning within the LGA with statutory linkages to the RMA and other relevant legislation
  - d. Provide for spatial planning at a regional level only (or also at a national level)
  - e. Require spatial plans for all regions, only for major urban centres, or provide triggers in legislation when spatial plans would be required
  - f. Focus spatial planning on housing and urban growth only, or expand its scope to include other matters such as environmental protection and restoration, climate change mitigation and adaptation, rural land use change and resource management in the coastal marine area
  - g. Give spatial plans strong legal weight over plans under the RMA, LGA and LTMA (or weak legal weight)
  - h. Provide for spatial plans to be led by local authorities, or jointly developed by a collaborative process involving central and local government and Māori
  - i. Provide for other ways of aligning land use and infrastructure planning processes under the RMA, and for addressing cumulative environmental effects
  - j. Consider how designations might be aligned with spatial plans at the national or regional level

### ISSUE 4: STRATEGIC INTEGRATION ACROSS THE RESOURCE MANAGEMENT SYSTEM - QUESTIONS

11. How could land use planning processes under the RMA be better aligned with processes under the LGA and LTMA?
12. What role should spatial planning have in achieving better integrated planning at a national and regional level?
13. What role could spatial planning have in achieving improved environmental outcomes?
14. What strategic function should spatial plans have and should they be legally binding?
15. How should spatial plans be integrated with land use plans under the RMA?

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## Issue 5: Addressing climate change and natural hazards

### Overview

88. Addressing climate change and natural hazards are important goals. The Climate Change Response Act (CCRA) is the main framework for reducing greenhouse gas emissions (mitigation), and assessing and responding to risks from a changing climate (adaptation). The Act will set greenhouse gas reduction targets and require future governments to continue these efforts. It will also require the setting of emissions budgets and the development of a national adaptation plan. This raises an important question as to how the RMA might be aligned with the CCRA to contribute to the national effort to address climate change.

89. The RMA currently has a limited role in climate change mitigation.

In 2004, the Government removed direct control of greenhouse gas emissions by regional councils.<sup>41</sup> It was thought climate change mitigation was better addressed nationally, and through the introduction of a price on emissions. A price on emissions is now in place through the New Zealand Emissions Trading Scheme (NZ ETS), albeit with some limitations.

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<sup>41</sup> Sections 70A and 104E prohibit local authorities from considering the effects of greenhouse gas emissions on climate change in plans and consents.

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90. The 2004 amendments did require councils to consider the benefits of efficient energy use and renewable energy in decisions. They also left room for the introduction of a national environmental standard (NES) in future to allow for direct control of the discharge of greenhouse gases, although no such standard has been introduced.<sup>42</sup>

*The RMA currently has a limited role in climate change mitigation.*

91. Some argue that the RMA should be used more broadly as a tool to address climate change mitigation. While an effective emissions price is likely to be the best way to reduce emissions across the economy in a fair and efficient way, regulation under the RMA may serve as a useful complement to this approach. For example, the Productivity Commission points out that “a single emissions price cannot... reflect the varying range of co-benefits and co-harms associated with different land uses” and additional incentives or regulation to secure benefits or avoid harms are required.<sup>43</sup> Others believe that plan rules and/or consents for activities which emit substantial quantities of greenhouse gases should consider the climate change effects in order to prevent additional damage or to agree a time limited transition.
92. Options might include creating a more permissive regulatory approach for certain activities that are necessary to facilitate a transition to a low emissions economy, such as forestry and renewable energy development. It might also include use of spatial planning to influence the way urban areas develop, decrease the need for carbon-intensive transportation and improve energy efficiency in the long-term. Finally, there may also be a case to use regulation under the RMA to control particular emissions-intensive activities in cases where an emissions price is unlikely to be effective.
93. The 2004 amendments did require councils to consider the effects of climate change (adaptation) in their resource management decisions. The New Zealand Coastal Policy Statement 2010 included requirements to plan for coastal hazards. The RMA was also amended in 2017 to provide a stronger framework for management of natural hazards. Nevertheless, some argue that councils need stronger, clearer direction on how and when to adapt to climate change and address natural hazards, and more technical support and information to support risk assessment in decision-making. In particular, there is no well-established policy framework or funding mechanisms for communities to avoid, accommodate, defend and retreat from high risk areas over time.<sup>44</sup>

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<sup>42</sup> Under s 70B (relating to district plans) and s 104F (relating to resource consents) an NES standard can be promulgated.

<sup>43</sup> New Zealand Productivity Commission, *Low Emissions Economy report*, 2018, p.284.

<sup>44</sup> Jonathan Boston and Judy Lawrence, *Funding Climate Change Adaptation: The case for a new policy framework*, *Policy Quarterly*, volume 14, Issue 2, May 2018.

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## Whaiwhakaaro

94. Options to address climate change and natural hazards are contingent on decisions made with regard to other aspects of the review. That said, some possible options to consider include:

### Mitigation

- a. Maintain the current focus on the NZ ETS as the main policy tool to address climate change mitigation
- b. Add reference to climate change mitigation to Part 2 of the RMA
- c. Develop national direction to encourage the types of activities needed to facilitate New Zealand's transition to a low carbon economy. This includes renewable energy, carbon capture and storage, uptake of low emissions technologies and efficient urban form
- d. Use "spatial planning" for land use and infrastructure as a tool for addressing climate change mitigation
- e. Develop an NES with controls on greenhouse gas emissions under the RMA. This might be targeted at particular emissions-intensive activities for which emissions pricing is unlikely to be effective
- f. Require the Minister for the Environment to develop or amend national direction under the RMA in response to the carbon budgets determined by the CCRA

### Adaptation and natural hazards

- a. Develop national direction to provide clearer planning restrictions for development in high risk areas
- b. Use spatial planning processes to identify future adaptation responses (in the context of the national adaptation plan) that connect with regulation, infrastructure provision and adaptation funding
- c. Improve implementation of risk assessment
- d. Clarify what changes might be needed to existing use rights in the context of managed retreat
- e. Introduce new planning tools such as "dynamic adaptive planning pathways" and other measures<sup>45</sup>
- f. Require the Minister for the Environment to develop or amend national direction under the RMA in response to the national adaptation plan developed under the CCRA

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<sup>45</sup> Ministry for the Environment, *Preparing for Coastal Change: A Summary of Coastal Hazards and Climate Change Guidance for Local Government*, 2017.

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**ISSUE 5: ADDRESSING CLIMATE CHANGE AND NATURAL HAZARDS - QUESTIONS**

16. Should the RMA be used as a tool to address climate change mitigation, and if so, how?
17. What changes to the RMA are required to address climate change adaptation and natural hazards?
18. How should the RMA be amended to align with the Climate Change Response Act 2002?

## Issue 6: National direction

### Overview

95. The RMA devolves day-to-day decision-making about resource use to local authorities. Central government can set national policies and environmental standards on issues of national significance, to guide how local authorities manage specific resources to achieve the purpose of the Act. Under the RMA, these policies and standards are collectively called 'national direction'. They include: NPS, NES, and National Planning Standards. The Minister for the Environment is also empowered to recommend making regulations.
96. As discussed above, many argue that the main problem with the RMA has simply been a lack of national direction. This has led to unnecessary duplication of effort across the country. The instruments that have been developed have also been criticised for being insufficiently directive and slow to effect change. In particular, NPS have been criticised for being high level documents that do not relate easily to the everyday work of planners. Partly as a result, local plans have not delivered "sustainable management". A particular gap in national direction identified by the Productivity Commission is how councils should put provisions relating to the Treaty into practice.<sup>46</sup>
97. While much effort is underway to develop new national direction on a range of issues, more could be done to ensure central government's national direction programme as a whole is targeted at the right issues, aligned and coordinated, effective, efficiently developed, and easy for councils to implement.
98. The Productivity Commission recommended central government deliver a core suite of national instruments to ensure that guidance is provided on the full range of matters in which

*While much effort is underway to develop new national direction on a range of issues, more could be done to ensure central government's national direction programme as a whole is targeted at the right issues, aligned and coordinated, effective, efficiently developed, and easy for councils to implement.*

<sup>46</sup> New Zealand Productivity Commission, *Better Urban Planning*, 2017, p. 13.

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central government has an interest.<sup>47</sup> This core suite of national direction might be required by legislation, as is the case currently with the New Zealand Coastal Policy Statement. There might also be a requirement for regular review of this material, to ensure it remains well-aligned and up to date. Alternatively, EDS has suggested a harmonised set of national policy statements be delivered through a single Government Policy Statement.<sup>48</sup> This might better enable strategic direction across the programme as a whole, and prove easier for councils to translate into lower level planning instruments.

99. Some issues identified with the consistency of local plans have begun to be addressed through the recent introduction of National Planning Standards. These require plans to be prepared using a prescribed structure and format, mapping and definitions framework. So far, the planning standards have not prescribed the content of plans. However, given the current development of a broader range of national direction, more thought could also be given to the use of the planning standards as a tool for delivery of national direction.

## Whaiwhakaaro

100. Options to improve national direction are contingent on decisions made with regard to other aspects of the review. That said, some options to consider include:
- a. Make greater use of more directive instruments that are faster to effect change, such as NES and regulations
  - b. Require a mandatory suite of national direction, including provision for regular review
  - c. Require a mandatory national policy statement on the Treaty
  - d. Deliver aspects of national direction through a single combined instrument such as a Government Policy Statement
  - e. Further develop the national planning standards to support the implementation of national direction

### ISSUE 6: NATIONAL DIRECTION - QUESTION

19. What role should more mandatory national direction have in setting environmental standards, protection of the environment more generally, and in managing urban development?

<sup>47</sup> New Zealand Productivity Commission, *Better Urban Planning*, 2017, p.266.

<sup>48</sup> Environmental Defence Society, *Reform of the Resource Management System: The Next Generation Synthesis Report*, 2018, p.8.

Not government policy

## Issue 7: Policy and planning framework

### Overview

101. The RMA establishes a hierarchy of policy statements and plans which seek to give substance to the sustainable management purpose of the Act with increasing particularity both as to substantive content and locality. Regional and local plans serve different roles in the system. The content of plans reflects both the functions of regional and territorial authorities and the specified requirements for regional policy statements, regional plans (including regional coastal plans), and district plans.

*The quality of plans is variable and they are often poorly integrated with other plans.*

102. The quality of plans is variable and they are often poorly integrated with other plans. Recent reviews of the resource management system have found insufficient protections for the natural environment, and unnecessary (and poorly targeted) land use regulation in urban areas.<sup>49</sup> One reason for this has been difficulty implementing the 'effects-based' approach intended by the RMA. There has also been poor application of cost benefit analysis as part of the regulatory process, as required under the current section 32/32AA evaluation report process. The rationale for the specific topics to be covered by different plans at different levels of local government is not always easy to understand. Finally, and as noted earlier, plan effectiveness monitoring by local authorities has been limited.

103. Processes for plan-making tend to be complex, slow and litigious, which means regulation has not responded to changes in the environment. While the Environment Court is thought to provide a useful check and balance for decision-making by local authorities, this only occurs when a party appeals matters to the Court.

104. A number of options have been put forward for improving plans and plan-making processes. As discussed above, introducing spatial planning at a regional level across the RMA, LGA and LTMA might assist with better integrated resource management. It would also provide an opportunity to rationalise some aspects of regional and local planning, as high-level policy matters would be decided jointly through spatial planning processes. In addition, better integrated planning might also be achieved by requiring local authorities to work together to produce combined plans, as proposed previously.<sup>50</sup> This would also reduce the number of plans, making the system easier to navigate, and could address the institutional challenges faced by many small councils undertaking the plan making function in isolation and with

<sup>49</sup> For example, see the Organisation for Economic Cooperation and Development, *Environmental Performance Review – New Zealand*, 2017.

<sup>50</sup> Ministry for the Environment, *Improving our resource management system: A discussion document*, 2013, p. 42.

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limited resources. Greater status could also be given to iwi management plans, to better provide for the voice of Māori, as recommended by the Waitangi Tribunal.<sup>51</sup>

105. To provide some independent oversight of local plans and achieve a regulatory system that more quickly responds to changes in the environment, the Productivity Commission, local government sector groups and commentators have all called for variations of a single stage plan making process, similar to those used recently in Auckland and Christchurch. This would provide for a more robust first hearing, including use of independent commissioners, as an alternative to the current Schedule 1 process, and appeals to the Environment Court.<sup>52</sup> The Schedule 1 process itself could also be made more flexible by requiring processes to be modified depending on the significance of the issues to be dealt with. Greater oversight of the quality of local plans might also be achieved through a role for central government in approving plans prior to notification and/or the plans becoming operative. This might be focused on ensuring implementation of national direction.
106. An important issue to consider is how a shift to an ‘outcomes’ rather than an ‘effects-based’ planning system might be reflected in plans. This has the potential to provide more certainty about development that is and is not permitted, reducing the current strong focus on decision-making through resource consent processes. However, this might also entail a more prescriptive and less flexible approach. A second related issue to consider is the role of requests for changes to plans (commonly known as private plan change requests), and the impact of these on both certainty and flexibility of plans.

## Whaiwhakaaro

107. Options to improve the policy and planning framework are contingent on decisions made with regard to other aspects of the review. That said, some possible options to consider include:
- a. Require regional spatial plans with effect across the RMA, LGA, and LTMA
  - b. Require combined plans for a region
  - c. Reconsider the functions of regional and district councils under the RMA and the effect they have on the content of plans
  - d. Provide for an ‘outcomes’ based approach to the content of plans

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<sup>51</sup> Waitangi Tribunal, *The Stage 2 Report on the national Freshwater and Geothermal Resources Claims* (Wai 2358 report), 2019.

<sup>52</sup> There have been a number of models proposed. For example, Judge Skelton proposed an Independent Hearing Panel with a mix of Environment Court and local authority appointees, with a single hearing on merits, the panel making a final decision with points of law appeals only; the Auckland Unitary Plan used an Independent Hearing Panel reporting to the Auckland Council, with limited appeals and points of law.

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- e. Provide for a more flexible plan-making process (greater ability to choose steps and timeframes) so that minor plan changes can be progressed using a streamlined process
- f. Adopt a “single stage” plan making process or retain the Schedule 1 process with or without modification
- g. If a “single stage” process is developed, require:
  - i. the decision-making body to reach a final decision, or the decision-making body to make recommendations to the initiating council
  - ii. plan changes to be determined by the Environment Court, with appeal rights limited to questions of law only to the High Court, or plan changes to be determined by an Independent Hearings Panel, with appeal rights limited to questions of law, either to the Environment Court, or to the High Court
  - iii. further rights of appeal to the Court of Appeal and Supreme Court with leave or special leave of the appellate court
- h. If an Independent Hearings Panel model is used, require:
  - i. the members to be appointed by the Minister for the Environment
  - ii. the members to be appointed jointly by central and local government, with iwi participation
- i. Require draft plans to be approved by a Minister or central government authority prior to notification, and/or prior to finalisation
- j. Give greater status to iwi management plans in Part 5 of the RMA
- k. Establish a central mechanism to provide assistance to councils with plan-making
- l. Expand or restrict the ability to apply for a private plan change

#### ISSUE 7: POLICY AND PLANNING FRAMEWORK - QUESTIONS

- 20. How could the content of plans be improved?
- 21. How can certainty be improved, while ensuring responsiveness?
- 22. How could planning processes at the regional and district level be improved to deliver more efficient and effective outcomes while preserving adequate opportunity for public participation?
- 23. What level of oversight should there be over plans and how should it be provided?

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## Issue 8: Consents/approvals

### Overview

108. The main form of permit established under the RMA is a resource consent. Obtaining a resource consent to undertake an activity is the end product of a hierarchy of planning measures, taking the form of a permission (with conditions) that is enforceable. A land use consent is required if an activity infringes a standard, regulation, condition, or rule in a plan. Consents relating to river and lake beds, water use, discharges and the coastal marine area are required by default unless an activity is permitted by a plan or a regulation. Consent processes are often thought to be a choke point in the system; however many of the problems associated with consenting are in fact systemic problems.
109. There are around 40,000 resource consent applications each year, the majority of which are for land use or subdivision.<sup>53</sup> Almost all are decided by local authority officers under

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<sup>53</sup> Data from the Ministry for the Environment's National Monitoring System, 2017/18 shows: Approximately 80% of consents are for land use or subdivision; 96% of consents are non-notified; 95% are decided by local authority officers under delegated authority (the rest are decided by independent commissioners, elected representatives, or the Environment Court); less than 0.5% of resource consents are appealed to the Environment Court, and 75% of these are resolved by mediation; 99.7% of consents are granted; the average cost of a non-notified resource

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delegated authority. The vast majority of consents are non-notified (meaning there are no rights to make a submission or appeal) and almost all are granted. Although conditions are often imposed, there is uneven monitoring of compliance with them or enforcement of breaches. This begs the question as to the utility of many consents.

110. Reforms over the last 15 years have focused on improving the efficiency and reducing the cost of resource consents. However, they have also led to an increasingly complex system. One aspect of this is the numerous processing 'tracks' available for resource consents, including a number of distinct processes for similar issues.<sup>54</sup> Another is the number of possible activity classes.<sup>55</sup>
111. Notification decisions have also become increasingly complex, time consuming and contentious. Prior to 2009, there was a statutory presumption in favour of notification – reflecting the general policy of the RMA that the consent process is to be public and participatory. This presumption was removed by the Resource Management (Simplifying and Streamlining) Amendment Act 2009. The notification provisions were substantially altered again in 2017. The key changes were some limitations on public and limited notification, primarily for housing-related resource consents. A council must have sufficient and reliable information before determining not to notify a resource consent application otherwise it runs the risk of committing an error of law that may make the decision on the application vulnerable to judicial review.
112. Some argue that the focus of recent reform on improving process efficiency has come at the expense of quality decision-making, while others argue that the focus on efficiency has come at the expense of access to justice.<sup>56</sup> A future system will need to strike the right balance between process efficiency and public participation. Some argue that policy might reconcile these tensions by better differentiating between significant activities that warrant broad public engagement, and minor activities that may not. It will also need to reduce complexity and cost in consenting processes, while ensuring appropriate scrutiny of activities with environmental impacts.

*A future system will need to strike the right balance between process efficiency and public participation.*

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consent in 2017/18 was \$3,928; for a limited notified consent it was \$8,288; and for a publicly notified consent it was \$25,756.

<sup>54</sup> For example, nationally significant proposals, and direct referral processes, are two pathways available for large scale, complex or potentially contentious applications.

<sup>55</sup> The activity classes are permitted, controlled, restricted discretionary, discretionary, non-complying, and prohibited.

<sup>56</sup> For example, see Newhook, Kirkpatrick & Hassan, *Issues with Access to Justice in the Environment Court of New Zealand*. In Resource Management Law Association of New Zealand, *Resource Management Theory & Practice*, 2017, p. 52.

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113. A range of other matters also warrant consideration such as the process for designations, review and variation of consents and conditions, and the role of certificates of compliance.

## Whaiwhakaaro

114. Options to improve consents and other approvals are contingent on decisions made with regard to other aspects of the review. That said, some possible options to consider include:
- a. Simplify the categories of activities (controlled, restricted discretionary, etc) and processing tracks (nationally significant proposals, direct referrals, etc)
  - b. Reduce the complexity of minor consent processes by only requiring certain applications to conduct a full assessment of environmental effects
  - c. Establish a separate permitting process and dispute resolution pathway for residential activities with localised/minor effects (building on the current process for marginal or temporary non-compliance or boundary activities<sup>57</sup>)
  - d. More clearly specify permitted development rights for residential activities
  - e. Simplify notification decisions by:
    - iii. notifying all activities, but removing automatic requirements for hearings and appeals, or
    - iv. requiring that plans specify the activities that must be notified, or
    - v. more clearly defining who is an “affected party” or when “special circumstances” that require notification would apply
  - f. Maintain a separate consent pathway for nationally significant proposals
  - g. Improve transparency by requiring all applications and consents issued to be electronically available to the public
  - h. Facilitate lower cost consent processes by mandating online systems

### ISSUE 8: CONSENTS/APPROVALS - QUESTIONS

24. How could consent processes at the national, regional and district levels be improved to deliver more efficient and effective outcomes while preserving appropriate opportunities for public participation?
25. How might consent processes be better tailored to the scale of environmental risk and impact?

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<sup>57</sup> The Resource Legislation Amendment Act 2017 introduced new processes to deem certain proposed marginal or boundary activities to be permitted. Boundary activities require written approval of the relevant neighbour(s). Marginal or temporary activities are activities where the consent authority has decided there is a marginal or temporary rule breach.

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- 26. Are changes required for other matters such as the process for designations?
- 27. Are changes required for other matters such the review and variation of consents and conditions?
- 28. Are changes required for other matters such as the role of certificates of compliance?

## Issue 9: Economic instruments

### Overview

115. An important aspect of the “effects-based” approach to environmental management introduced by the RMA was the intended greater use of economic instruments. These can provide an alternative means to improve environmental quality, incentives to use resources more efficiently and funds for environmental remediation. Economic instruments currently provided for under the RMA include financial contributions, administrative charges, bonds and resource rentals for sand, shingle, geothermal energy and coastal space.<sup>58</sup>
116. In the years since the RMA was enacted, some progress has been made by central government in the development of economic instruments for environmental management. Two important examples are climate emissions pricing under the CCRA and the introduction of the waste disposal levy under the Waste Minimisation Act 2008. Some progress has also been made in the development of local economic instruments, most notably a nitrogen cap and trade system designed to improve water quality in the Lake Taupō catchment. This was developed as a partnership between central and local government and iwi.
117. Despite this progress, economic instruments remain underused in New Zealand, in particular for managing the diffuse pollution of waterways from agriculture. The OECD’s Environmental Performance Reviews of New Zealand in 1996, 2007 and 2017 have all called for expanded use of economic instruments, as did the final report of the Tax Working Group in 2019.

### Whaiwhakaaro

118. Some possible options to consider to improve the use of economic instruments include:
- a. Broaden and strengthen provisions for financial contributions
  - b. Require mandatory charges for use of public resources, such as coastal space
  - c. Develop national direction and guidance on use of economic instruments
  - d. Offer councils a broader range of economic tools to support the resource management system such as emissions taxes, tradable emissions permits, transferable development rights, tools for environmental offsetting, and congestion charges

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<sup>58</sup> See s 409, s 36, s 108A, s 112, s 64A.

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- e. Allow or require councils to use revenue from economic instruments to protect, restore and maintain natural resources
- f. Enable easy short and longer term transfers of consents to facilitate markets for resources

#### ISSUE 9: ECONOMIC INSTRUMENTS - QUESTIONS

- 29. What role should economic instruments and other incentives have in achieving the identified outcomes of the resource management system?
- 30. Is the RMA the appropriate legislative vehicle for economic instruments?

## Issue 10: Allocation

### Overview

119. The RMA plays an important role in allocating access to use some resources. Two significant areas in which this occurs are permissions to take, and discharge to, freshwater and to occupy coastal marine space.<sup>59</sup>
120. The RMA currently provides a mechanism for allocation through resource consents and permits. This review will consider whether this mechanism is fit for purpose. In relation to freshwater, we are aware that the Government is separately considering Māori rights and interests in freshwater allocation, including the findings of the Waitangi Tribunal in Wai 2358. Consideration of those issues is out of the scope of this review, but the expectation is that the freshwater work programme proceeds in tandem, so that the Government can be informed about how any allocation mechanism might function within a reformed resource management system, as well as issues relating to Māori rights and interests.
121. Allocation under the RMA has generally been on a “first in first served” basis, with an expectation by users that access rights will extend over long periods and be renewed. This approach pre-dates the RMA, and grew out of a situation where there was little resource scarcity. As we have approached environmental limits, it has led to issues with environmental quality, economic efficiency, and fairness. Extending access to a resource for long periods has limited the ability of the management system to respond to new environmental pressures. As resources have become scarcer and limits more stringent, new users have been

*Allocation under the RMA has generally been on a “first in first served” basis, with an expectation by users that access rights will extend over long periods and be renewed.*

<sup>59</sup> Other resources “allocated” by the RMA include the assimilative capacity of the environment more generally, navigation rights on the surface of rivers, lakes and in the sea, and river and coastal marine area materials (eg, gravel and sand).

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excluded. The “first in first served” approach has not been an effective mechanism to achieve highest value use of resources. In some cases, Māori have been particularly disadvantaged, such as where they own under-developed land and cannot access water to improve production capacity.

122. Many complex issues need to be worked through to develop policy for allocation, and this detailed work needs to be approached differently for different types of resources. The Government is developing freshwater allocation policy through its Essential Freshwater work programme. Likewise, it has work underway to improve management of coastal marine space for aquaculture.
123. Given increasing resource scarcity and a necessary focus on managing within environmental limits, a question remains as to whether the RMA should provide a more specific framework to guide plan making about resource allocation issues at a general level. This might provide more clarity and consistency in respect of allocation decision making by local government. In exploring development of this framework, it will be important to consider the ability of Treaty partners to resolve rights and interests in allocation of resources where applicable. We are keen to hear views on the general resource allocation framework and any principles that should be considered in relation to allocation mechanisms.

## Whaiwhakaaro

124. Some possible options to consider to improve the allocation framework include:
- a. Retain or modify the first in first served principle
  - b. Provide for new resource allocation methods and criteria to be developed nationally or locally
  - c. Consider the role of specific tools in resource allocation such as spatial planning, transferable rights, tendering or auctioning
  - d. Modify the duration of consents
  - e. Change the basis upon which the holder of a consent may obtain a renewal
  - f. Give greater (or more restricted) power to the consent authority to vary or cancel a consent

### ISSUE 10: ALLOCATION - QUESTIONS

31. Should the RMA provide principles to guide local decision-making about allocation of resources?
32. Should there be a distinction in the approach taken to allocation of the right to take resources, the right to discharge to resources, and the right to occupy public space?
33. Should allocation of resources use such as water and coastal marine space be dealt with under the RMA or elsewhere as is the case with minerals and fisheries, leaving the RMA to address regulatory issues?

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## Issue 11: System monitoring and oversight

### Overview

125. Many parties, including Government, regulators, businesses, iwi/Māori and the general public, need confidence and assurance that the country's resources are being effectively and sustainably managed. As discussed, there is insufficient monitoring and collection of data and information on the state of the environment and on the performance of the resource management system. This poor evidence base, and lack of use of the data that does exist, affects both the ability to understand what is occurring in the environment to make robust decisions, and to improve the performance of the system. Capability and resource constraints are again cited as among the reasons for this shortcoming.<sup>60</sup> Issues identified include:

- monitoring focuses on operational matters rather than system outcomes
- monitoring of environmental and urban outcomes has been inadequate
- lack of capability, data and systems to effectively monitor outcomes
- lack of a culturally-appropriate measurement system, and involvement of Māori in monitoring
- inadequate linkage of environmental reporting data to planning responses.

*There is widespread agreement that there is insufficient monitoring and collection of data and information on the state of the environment, on environmental pressures at the local and national levels, and on the performance of the resource management system.*

### Whaiwhakaaro

126. Options for improving system oversight and monitoring overlap with other institutional design issues discussed in Issues 12 and 13. Some possible options to consider include:

- a. Greater oversight and monitoring by central government (for example, the Ministry for the Environment, the Environmental Protection Authority or a new agency)
- b. Strengthen independent oversight and review (for example, by extending the role of the Parliamentary Commissioner for the Environment to include an audit function)

<sup>60</sup> For example see Ministry for the Environment & Stats NZ, *New Zealand's Environmental Reporting Series: Environment Aotearoa 2019*, Wellington, 2019; New Zealand Parliamentary Commissioner for the Environment, *Focusing Aotearoa New Zealand's environmental reporting system*, 2019; New Zealand Productivity Commission, *Better Urban Planning*, 2017; Organisation for Economic Cooperation and Development, *Environmental Performance Review – New Zealand*, 2017.

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- c. Require a policy response from central/local government in response to outcomes identified by environmental reporting
- d. Develop an outcomes monitoring system that is culturally appropriate and recognises mātauranga Māori

**ISSUE 11: SYSTEM MONITORING AND OVERSIGHT - QUESTIONS**

- 34. What changes are needed to improve monitoring of the resource management system, including data collection, management and use?
- 35. Who should have institutional oversight of these functions?

## Issue 12: Compliance, monitoring and enforcement

### Overview

127. Compliance, monitoring and enforcement (CME) is essential to the resource management system. Investments made in law-making, plan-making and consent processes are undermined if the rules and conditions imposed through decision-making are not upheld.

*Investments made in law-making, plan-making and consent processes are undermined if the rules and conditions imposed through decision-making are not upheld.*

128. Recent work by the Ministry for the Environment, local government, stakeholders and academics has identified a number of issues with current CME functions.<sup>61</sup> Resources and tools for CME operations are highly variable across the country. Enforcement is expensive and outcomes may be uncertain. In some regions and many districts, CME resourcing is too low. In most councils, consent conditions are not monitored.

129. The devolution of CME functions to a large number of small local government agencies has created a fragmented system, with operational and jurisdictional overlaps. Lack of economy of scale has also limited local authorities' capacity to properly resource CME functions. In

<sup>61</sup> Ministry for the Environment, *Compliance, monitoring and enforcement by local authorities under the Resource Management Act 1991*, 2016; New Zealand Productivity Commission, *Toward Better Local Regulation*, 2013; Dr Marie Doole (nee Brown), *Ecological compensation: an evaluation of regulatory compliance in New Zealand; Compensating for Ecological Harm: the state of play in New Zealand*, and; *Last Line of Defence*. Brown, M.A. 2017. *Last Line of Defence*. Auckland: Environmental Defence Society Incorporated. Brown, M. A., Stephens, R.T., Peart, R., Fedder, B. 2015. *Vanishing Nature: facing New Zealand's biodiversity crisis*. Auckland: Environmental Defence Society Incorporated. Compliance and Enforcement Special Interest Group, 2019. *Regional Sector Strategic Compliance Framework 2019-2024*.

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some cases, there is a lack of independence in decisions to prosecute. There has been weak oversight and guidance from central government, although the EPA has recently been given an expanded role in CME.

130. When enforcement action occurs, the penalties imposed are sometimes an insufficient deterrent when compared to the financial advantage of not following rules and conditions.
131. Some issues with CME are also the result of problems identified with other aspects of the resource management system. For example, consent conditions are sometimes poorly drafted and difficult to enforce.

## Whaiwhakaaro

132. Options for improving CME overlap with other institutional design issues discussed in Issues 12 and 13, among others. Some possible options to consider include:
- a. Progress institutional changes for delivery of CME functions:
    - i. retain devolved system with stronger support, guidance, and performance monitoring from central government
    - ii. provide for central and/or regional oversight/delivery of enforcement functions
    - iii. provide for escalation of enforcement matters to a central agency, such as the EPA
  - b. Provide for strengthened statutory powers and penalties, including for where non-compliance has resulted in or been motivated by commercial gain
  - c. Provide for improved cost recovery of CME functions (including permitted activity monitoring and investigation of unauthorised activities)
  - d. Consider the role of restorative justice in enforcement processes
  - e. Establish improved data gathering and reporting processes

### ISSUE 12: COMPLIANCE, MONITORING AND ENFORCEMENT - QUESTIONS

36. What changes are needed to compliance, monitoring and enforcement functions under the RMA to improve efficiency and effectiveness?
37. Who should have institutional responsibility for delivery and oversight of these functions?
38. Who should bear the cost of carrying out compliance services?

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## Issue 13: Institutional roles and responsibilities

### Overview

133. Major institutional reform is not a focus of this review; however some change may be needed to ensure functions are allocated to delivery institutions with the right incentives and capability. Many of the identified problems with the RMA have simply been due to insufficient capacity and capability in central and local government to fulfil the roles expected of them. Previous sections have discussed failings in national direction, regional and local planning, system oversight and compliance, monitoring and enforcement, among other things.

*Major institutional reform is not a focus of this review; however some change may be needed to ensure functions are allocated to delivery institutions with the right incentives and capability.*

134. Many institutions operate in the current resource management system, including:

- **Central government:** The primary actor with the widest scope of policy responsibility is the Minister for the Environment, supported by the Ministry for the Environment. Other central government actors play significant roles, in particular the Ministers/Departments

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of Conservation and Housing and Urban Development, the EPA and the Parliamentary Commissioner for the Environment.<sup>62</sup>

- *Local level:* At the local level, 78 councils (both regional and city/district in different circumstances) have primary responsibility for implementing resource management policy through the formulation of district and regional plans and operation of resource consenting systems. Other actors in the system include council controlled organisations and development agencies, iwi and hapū, heritage protection authorities and regional public health authorities.
- *Decision review institutions:* The system also contains a number of decision review institutions, in particular the Environment Court (with appeal on matters of law to the High Court), independent hearings panels, and Boards of Inquiry.

135. Some institutions have been recently established, such as the New Zealand Infrastructure Commission, the Climate Change Commission, Kāinga Ora – Homes and Communities, and a new drinking water regulator. A number of other institutions have been proposed by recent reviews, including a new agency to appoint and provide administrative support to Independent Hearings Panels<sup>63</sup>, a Land and Water Commission to oversee freshwater policy<sup>64</sup>, and a National Māori Advisory Board on Planning and the Treaty.<sup>65</sup>

136. An important aspect of this review is to ensure that functions in the resource management system are allocated to the right institutions. Those functions can be categorised into the following generic groupings:

- Strategic planning for environmental outcomes and sustainable development
- Protecting and promoting Māori interests
- Regulatory plan-making and consent processes
- Provision of economic instruments
- Funding of infrastructure and other public goods
- Establishing and allocating rights to use public resources
- Resolving disputes
- Review/appeal of decisions

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<sup>62</sup> Other central level actors operating within the system include the Ministry of Transport and the New Zealand Transport Agency, Kāinga Ora – Homes and Communities, the Ministry of Education, other requiring authorities that deliver essential public services, other Ministers and government departments, and Crown research institutes.

<sup>63</sup> New Zealand Productivity Commission, *Better Urban Planning*, 2017.

<sup>64</sup> Land and Water Forum, *Advice on improving water quality: preventing degradation and addressing sediment and nitrogen* May 2018; Waitangi Tribunal, *The Stage 2 Report on the national Freshwater and Geothermal Resources Claims (Wai 2358 report)*, 2019.

<sup>65</sup> New Zealand Productivity Commission, *Better Urban Planning*, 2017.

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- Regulatory compliance, monitoring and enforcement
  - Overall system oversight and monitoring
137. Allocation of these functions should be approached in a principled way. Some guiding criteria that can assist in this regard are as follows:
- Subsidiarity: Ensuring roles and responsibilities are assigned in relation to issue, scale and complexity, who is affected, and the capability and capacity to effectively deliver roles and responsibilities
  - Treaty: Ensuring the principles of the Treaty and relationship between the Crown and Māori is given due recognition
  - Accountability: Direct accountability to the public is generally appropriate when decisions involve determining public values
  - Independence: Independence from political decision-making is needed to provide a check and balance for some decisions, and to provide technical input and evidence
  - Accessibility and participation: To ensure decision makers are well informed about impacts
  - Mandate and focus: To ensure various roles and tasks do not cause conflicting organisational incentives, for example policy – regulatory – enforcement – funding – dispute resolution.
  - Reducing complexity: Ensuring processes and functions are efficient and only as complicated as they need to be.

## Whaiwhakaaro

138. Options for institutional arrangements are contingent on decisions made with regard to the functions of the resource management system discussed throughout this paper. That said, some possible options to consider include:
- a. Central government agencies playing a greater hands-on role in the system (for example, through a greater operational role for the Ministry for the Environment, or an expanded role for the EPA)
  - b. Pooling planning resources of central and local government to enhance capacity and capability
  - c. Providing for combined decision-making by regional councils and territorial authorities
  - d. Establishing a new agency to appoint and provide administrative support to Independent Hearing Panels
  - e. Providing for an expanded role for Judges and Commissioners of the Environment Court in other decision-making bodies such as Boards of Inquiry and Independent Hearing Panels
  - f. Providing for independent oversight of the system through:

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- i. a greater role for the Parliamentary Commissioner for the Environment or the Environmental Protection Authority
  - ii. establishing a Water Commission or broader Resource Management Commission
  - iii. establishing a National Māori Advisory Board on Planning and the Treaty
- g. Creation of accountability mechanisms within larger councils, to enable them to better exercise democratic oversight of planning departments and council controlled organisations

#### ISSUE 13: INSTITUTIONAL ROLES AND RESPONSIBILITIES - QUESTIONS

- 39. Although significant change to institutions is outside the terms of reference for this review, are changes needed to the functions and roles or responsibilities of institutions and bodies exercising authority under the system and, if so, what changes?
- 40. How could existing institutions and bodies be rationalised or improved?
- 41. Are any new institutions or bodies required and if so what functions should they have?

## Issue 14: Reducing complexity across the system

### Overview

139. Overall, the RMA and the wider resource management system is unnecessarily complex. Lack of clarity in the purpose of the system has hampered delivery of good environmental and urban outcomes. Decision-making processes and practices are time consuming and costly. Broad-based merits appeals in the Environment Court have added cost and caused delay. Constant tinkering with the system has added complexity and generated uncertainty. The Act itself is now close to twice its original length and more difficult to interpret.

*Lack of clarity in the purpose of the system has hampered delivery of good environmental and urban outcomes.*

### Whaiwhakaaro

140. Reducing complexity requires a systemic approach. The best way to reduce complexity in the current system is to develop a coherent package of reform from the options discussed in this paper. That said, there may also be particular aspects of current provisions that generate complexity that have not been discussed. We would welcome comments about these particular matters.

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#### ISSUE 14: REDUCING COMPLEXITY ACROSS THE SYSTEM - QUESTIONS

42. What other changes should be made to the RMA to reduce undue complexity, improve accessibility and increase efficiency and effectiveness?
43. How can we remove unnecessary detail from the RMA?
44. Are any changes required to address issues in the interface of the RMA and other legislation beyond the LGA, LTMA?

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## C. Whakarāpopoto o ngā Pātai

Issue	Questions
Issue: 1	<p><b>Legislative architecture</b></p> <ol style="list-style-type: none"> <li>Should there be separate legislation dealing with environmental management and land use planning, or is the current integrated approach preferable?</li> </ol>
Issue: 2	<p><b>Purpose and principles of the Resource Management Act 1991</b></p> <ol style="list-style-type: none"> <li>What changes should be made to Part 2 of the RMA?</li> </ol> <p>For example:</p> <ol style="list-style-type: none"> <li>Does s5 require any modification?</li> <li>Should ss. 6 and 7 be amended?</li> <li>Should the relationship or 'hierarchy' of the matters in section 6 and 7 be changed?</li> <li>Should there be separate statements of principles for environmental values and development issues (and in particular housing and urban development) and, if so, how are these to be reconciled?</li> <li>Are changes required to better reflect te ao Māori</li> <li>What other changes are needed to the purpose and principles in Part 2 of the RMA?</li> </ol>
Issue: 3	<p><b>Recognising Te Tiriti o Waitangi / the Treaty of Waitangi and te ao Māori</b></p> <ol style="list-style-type: none"> <li>Are changes required to s8, including the hierarchy with regard to ss. 6 and 7?</li> <li>Are other changes needed to address Māori interests and engagement when decisions are made under the RMA?</li> </ol>
Issue: 4	<p><b>Strategic integration across the resource management system</b></p> <ol style="list-style-type: none"> <li>How could land use planning processes under the RMA be better aligned with processes under the LGA and LTMA?</li> <li>What role should spatial planning have in achieving better integrated planning at a national and regional level?</li> <li>What role could spatial planning have in achieving improved environmental outcomes?</li> <li>What strategic function should spatial plans have and should they be legally binding?</li> <li>How should spatial plans be integrated with land use plans under the RMA?</li> </ol>
Issue: 5	<p><b>Addressing climate change and natural hazards</b></p> <ol style="list-style-type: none"> <li>Should the RMA be used as a tool to address climate change mitigation, and if so, how?</li> <li>What changes to the RMA are required to address climate change adaptation and natural hazards?</li> <li>How should the RMA be amended to align with the Climate Change Response Act 2002?</li> </ol>
Issue: 6	<p><b>National direction</b></p> <ol style="list-style-type: none"> <li>What role should more mandatory national direction have in setting environmental standards, protection of the environment generally, and in managing urban development?</li> </ol>
Issue: 7	<p><b>Policy and planning framework</b></p> <ol style="list-style-type: none"> <li>How could the content of plans be improved?</li> <li>How can certainty be improved, while ensuring responsiveness?</li> <li>How could planning processes at the regional and district level be improved to deliver more efficient and effective outcomes while preserving adequate opportunity for public participation?</li> </ol>

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Not government policy

Issue	Questions
	23. What level of oversight should there be over plans and how should it be provided?
Issue: 8	<p data-bbox="416 389 1302 416"><b>Consents/approvals</b></p> <p data-bbox="416 423 1302 506">24. How could consent processes at the national, regional and district levels be improved to deliver more efficient and effective outcomes while preserving appropriate opportunities for public participation?</p> <p data-bbox="416 512 1302 539">25. How might consent processes be better tailored to the scale of environmental risk and impact?</p> <p data-bbox="416 546 1302 573">26. Are changes required for other matters such as the process for designations?</p> <p data-bbox="416 580 1302 629">27. Are changes required for other matters such as the review and variation of consents and conditions?</p> <p data-bbox="416 636 1302 663">28. Are changes required for other matters such as the role of certificates of compliance?</p>
Issue: 9	<p data-bbox="416 680 1302 707"><b>Economic instruments</b></p> <p data-bbox="416 714 1302 763">29. What role should economic instruments and other incentives have in achieving the identified outcomes of the resource management system?</p> <p data-bbox="416 770 1302 797">30. Is the RMA the appropriate legislative vehicle for economic instruments?</p>
Issue: 10	<p data-bbox="416 810 1302 837"><b>Allocation</b></p> <p data-bbox="416 844 1302 871">31. Should the RMA provide principles to guide local decision making about allocation of resources?</p> <p data-bbox="416 878 1302 927">32. Should there be a distinction in the approach taken to allocation of the right to take resources, the right to discharge to resources, and the right to occupy public space?</p> <p data-bbox="416 934 1302 1016">33. Should allocation of resources use such as water and coastal marine space be dealt with under the RMA or elsewhere as is the case with minerals and fisheries, leaving the RMA for regulatory issues?</p>
Issue: 11	<p data-bbox="416 1030 1302 1057"><b>System monitoring and oversight</b></p> <p data-bbox="416 1064 1302 1113">34. What changes are needed to improve monitoring of the resource management system, including data collection, management and use?</p> <p data-bbox="416 1120 1302 1146">35. Who should have institutional oversight of these functions?</p>
Issue: 12	<p data-bbox="416 1160 1302 1187"><b>Compliance, monitoring and enforcement</b></p> <p data-bbox="416 1193 1302 1243">36. What changes are needed to compliance, monitoring and enforcement functions under the RMA to improve efficiency and effectiveness?</p> <p data-bbox="416 1249 1302 1276">37. Who should have institutional responsibility for delivery and oversight of these functions?</p> <p data-bbox="416 1283 1302 1310">38. Who should bear the cost of carrying out compliance services?</p>
Issue: 13	<p data-bbox="416 1330 1302 1357"><b>Institutional roles and responsibilities</b></p> <p data-bbox="416 1364 1302 1447">39. Although significant change to institutions is outside the terms of reference for this review, are changes needed to the functions and roles or responsibilities of institutions and bodies exercising authority under the system and, if so, what changes?</p> <p data-bbox="416 1453 1302 1480">40. How could existing institutions and bodies be rationalised or improved?</p> <p data-bbox="416 1487 1302 1514">41. Are any new institutions or bodies required and what functions should they have?</p>
Issue: 14	<p data-bbox="416 1523 1302 1550"><b>Reducing complexity</b></p> <p data-bbox="416 1556 1302 1606">42. What other changes should be made to the RMA to reduce undue complexity, improve accessibility and increase efficiency and effectiveness?</p> <p data-bbox="416 1612 1302 1639">43. How can we remove unnecessary detail from the RMA?</p> <p data-bbox="416 1646 1302 1706">44. Are any changes required to address issues in the interface of the RMA and other legislation beyond the LGA, LTMA?</p>

**8.5 ELECTED MEMBER REMUNERATION, EXPENSES AND ALLOWANCES POLICY**

**Author:** Leyanne Belcher, Democracy Services Manager

**Authoriser:** Janice McDougall, Group Manager

**PURPOSE OF REPORT**

- 1 This report presents to the Council for adoption the updated Elected Members Remuneration Expenses and Allowances Policy 2019-2020.

**DELEGATION**

- 2 The Council has the authority to consider this matter.

**BACKGROUND**

- 3 The Elected Members Remuneration Expenses and Allowances Policy 2019 -2020 was approved by the Council on 8 August 2019. The Policy provides comprehensive, clear information on Elected Member remuneration, expenses and allowances, prepared in a user friendly style that can be easily referenced by Elected Members and staff.
- 4 The Remuneration Authority ('the Authority') is the independent body responsible for the setting of elected members' remuneration.
- 5 The Authority began introducing the changes to the index rankings in the Local Government Members (2018/19) (Local Authorities) Determination 2018 (the 2018 Determination), and continued in the 2019/20 determination (See Appendix 2). The changes would be fully completed following the 2019 local election.
- 6 These changes involved a major reassessment of the rates paid to councillors. Implementation of the new approach over a period means that, between 1 July 2018 and October 2019, changes to remuneration for elected local government members varied to a considerable degree between councils, rather than being an overall consistent percentage increase. For some, there was no movement over this time, whereas for others there was a substantial increase, reflecting the Authority's new assessment of the size of councils' responsibilities
- 7 In Schedule 1 of its Local Government Members 2019/20 Determination 2019 the Authority determined the remuneration of Elected Members up to the Local Body Elections in 2019. The Determination also detailed the allowances that may be paid to Elected Members.
- 8 Schedule 2 of the Determination covers the payment of Elected Members following the 2019 Local Government Elections at which point a Remuneration Pool was introduced for the remuneration of Councillors. Following the 2019 election a "governance pool" was allocated to each council aligned with the ranking of the council on a size index and within the framework of the new local government pay scale.
- 9 New Councils were required to give the Authority recommendations for how its pool should be distributed among council members and across positions of responsibility. Kāpiti Coast District Council submitted its proposal to the Authority by the required date.

**ISSUES AND OPTIONS**

## Issues

- 10 Following the 2019 local election, all Councillors initially received the salary of \$35,517. This was in place until the ratification by the Remuneration Authority of the distribution of the remuneration pool proposed by the Mayor and Councillors.
- 11 The pool allocated to Kāpiti Coast District Council is \$497,664. This is an increase of more than 18% on the previous remuneration of Councillors which amounted to \$420,593.

- 12 The increase to the Mayors remuneration, which is determined by the Authority and which sits outside the pool, is 12.7%.
- 13 The pool approach and the additional monies available for remuneration of Councillors provided an ideal opportunity to create a more inclusive governance structure, allowing councillors to be involved in a broad spectrum of key areas of importance for the district. A portfolio approach enables individual councillors to be given responsibility for a particular focus area and enables individual councillors to take an active leadership role within the community.
- 14 Some portfolios will be more demanding than others and require more time and effort from the portfolio holder. They may differ for example in:
  - degree of complexity
  - importance of relationships
  - required expertise
  - amount of time needed.
- 15 The proposed allocation of the remuneration pool took into consideration the overall responsibilities of members, including Committee or Subcommittee Chair or Deputy Chair responsibilities, Community Board responsibilities and size of portfolios.
- 16 The decisions of the Council were subject to approval by the Remuneration Authority. The Council provided the Authority with recommendations for how its pool should be distributed among council members, together with information on positions of responsibility. (Appendix 3). Proposed base remuneration being \$36,000. Proposed additional remuneration being \$24,000 for the Deputy Mayor, \$19,000 for the Chair of the Strategy and Operations Committee, \$14,610 for Portfolio A holders, and \$9,056 for Portfolio B holders.
- 17 The decisions of the Council are subject to approval by the Remuneration Authority. Following its formal decision-making, the council will need to forward its resolutions to the Authority for consideration for inclusion in the determination.

## CONSIDERATIONS

### Policy considerations

- 18 The Elected Members Remuneration Expenses and Allowances Policy 2019-2020 has been updated to include the determination of the Mayors remuneration and ratification of Councillors remuneration by the Remuneration Authority incorporated in the Local Government Members (2019\_20) Amendment Determination 2019 (Appendix 4) . The updated policy is attached as Appendix 1 to this report.

### Legal considerations

- 19 There are no additional legal considerations.

### Financial considerations

- 20 The determination of the Remuneration Authority involves a significant increase in the budget required for Elected Members Remuneration as indicated earlier in this report. The budget will need to be increased as a result.

### Tāngata whenua considerations

- 21 There are no tāngata whenua considerations.

**SIGNIFICANCE AND ENGAGEMENT****Significance policy**

- 22 This matter has a low level of significance under Council's Significance and Engagement Policy.

**Engagement planning**

- 23 An engagement plan is not needed to implement this decision.

**Publicity**

- 24 Upon the completion of the approval of the pool allocation process and process and the update of the Elected Members Remuneration Expenses and Allowances Policy 2019-2020, the signed policy will be available to view on the Kāpiti Coast District Council website.

**RECOMMENDATIONS**

- 25 That the Council adopts the Elected Member Remuneration, Expenses and Allowances Policy as at Appendix 1 of this report, 'Elected Member Remuneration, Expenses and Allowance Policy'.

**APPENDICES**

1. Elected Member Remuneration, Expenses and Allowances Policy 2019 -2020 [↓](#) 
2. Link to Local Government Members 2019/20 Determination [↓](#) 
3. Important dates and positions of responsibility [↓](#) 
4. Local Government Members (2019\_20) Amendment Determination 2019 [↓](#) 



## ELECTED MEMBER REMUNERATION EXPENSES AND ALLOWANCES POLICY 2019-2020

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**Policy objective**

This policy clarifies payment of elected member salaries, allowances and reimbursements to October 2019.

Elected Members are remunerated in accordance with legislation oversighted by the Remuneration Authority. (See Local Government Members (2019/20) (Local Authorities) Determination 2019) [The Determination]. Determinations also stipulate the parameters around the payment of allowances and other fees. Within these parameters councils can develop their own policies.

**Principles**

The payment of allowances and expenses is:

- in line with legislation
- related to the conduct of Council business by Elected Members while acting in their role
- payable under clear rules communicated to all claimants
- over sighted by senior management and audit
- adequately documented
- reasonable and conservative in line with public sector norms
- does not extend to any expenses related to electioneering

*(Fees related to District Licencing Committee hearings are not included in this policy.)*

<b>A. Remuneration – Mayor and Councillors</b>
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Role	Annual remuneration
Mayor	\$138,500
Deputy Mayor	\$60,000
Strategy & Operations Committee Chairperson	\$55,000
Portfolio A Holder	\$50,610
Portfolio B Holder	\$45,056

<b>B. Remuneration – Community Board Chairs and Members</b>
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Board	Chairperson	Member
Ōtaki	\$15,250	\$7,625
Paekākāriki	\$7,947	\$3,973
Paraparaumu-Raumati	\$19,976	\$9,988
Waikanae	\$16,325	\$8,163

The following sections detail the payment of Elected Member reimbursements and allowances.

### C. Elected Member Expenses and Allowances

- 
- 1 Accommodation**
- a) while at conferences or training events or other Council business – Council will pay for accommodation where applicable that balances cost-effectiveness with proximity to the event
  - b) private/provided by friends/relatives – Council has no involvement
- 
- 2 Air Dollars/Points** Air points/air dollars earned on travel, accommodation etc. paid for by the Council are available for the private use of members. Due to the low level of air travel this is insignificant.
- 
- 3 Airline Clubs** Council doesn't pay or reimburse for these memberships.
- 
- 4 Air Travel**
- a) Generally, air travel bookings are made by staff upon approval and in accordance with Council policy.
  - b) If Elected Members make their own bookings, domestic and international travel taken for Council-related business will be reimbursed up to the level of economy class fares; if the elected member wishes to travel at a different class they must meet the cost of the difference.
- 
- 5 Carparks** At the beginning of the triennium, elected members will receive a parking permit which must be displayed in their car when they are attending Council business at the Council Administration building, Paraparaumu. This permit is non-transferable and must be returned at the end of the triennium.
- 
- 6 Communications Technology**
- a) Broadband – All elected members will retrospectively receive a \$400 allowance for use of home broadband for Council business for the period 1 July 2019 to 30 June 2020 in line with the Determination. (Where an elected member has not been a member for the whole for the 2019/20 year the amount paid will be pro-rated).
  - b) Consumables (ink cartridges/paper) – Council will provide these on request.
  - c) Email – at the beginning of the triennium Elected Members are provided with a Council email address which is not to be used by members for any personal business.
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		<p>d) Mobiles – Councillors, Community Board Chairs and Community Board members, who use their own mobile phone for Council-related business, are entitled to a \$150 equipment allowance and \$400 service allowance for the 2019/20 year. (Where an elected member is not a member for the whole for the 2019/20 year the amount paid will be pro-rated). A member may opt, instead of receiving the \$400 service allowance, to provide telephone records and receipts clearly showing which phone calls were made on Council business, in which case they would be reimbursed for the actual costs of the phone calls.</p> <p>e) Tablets and Printers – Councillors and Community Board Chairs will be provided with tablets at the beginning of the triennium for Council-related use, although a reasonable degree of private use is acceptable. For Community Board Members a communications allowance of \$240 shall be paid to each member per annum to cover the use of a personal computer and printer.</p>
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<b>7</b>	<b>Entertainment &amp; hospitality</b>	Reasonable costs will be reimbursed but a claim for reimbursement will need to be put in writing for approval by the Mayor and the Chief Executive.
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<b>8</b>	<b>Gifts</b>	Gifts of any kind (e.g. sports or other event tickets) and value should be declared to the Mayor's Personal Assistant for entry into the Gift Register.
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<b>9</b>	<b>Incidentals</b>	Reasonable expenses incurred in the pursuit of Council business will be reimbursed on presentation of an expense claim supported with the relevant invoices/receipts.
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<b>10</b>	<b>Meals</b>	This excludes Council catering for meetings. Reasonable costs for meals and sustenance are reimbursed when travelling on Council business on presentation of receipt/s.
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<b>11</b>	<b>Professional development</b>	Registration costs for attendance at conferences, seminars and training events will be paid for by the Council, in accordance with the elected members' induction, training and development programme.
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<b>12</b>	<b>Stationery</b>	Elected members will be supplied with business cards. Any other stationery required for Council business will be considered on request.
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- 13 Subscriptions & memberships**      The costs of these will not be met by the Council.
- 

- 14 Vehicles**
- a) Mileage - Reimbursements apply according to the following conditions:
    - i. Travel must relate to attendance at Council/Committee meetings, Community Board meetings, conference/seminars relating to local government or attendance at community organisation meetings as an elected member.
    - ii. The travel must be by the most direct route that is reasonable in the circumstances.
    - iii. For a petrol or diesel vehicle:  
79 cents for the first 14,000 km per annum,  
30 cents for travel over 14,000 km per annum.
    - iv. For a petrol hybrid vehicle:  
79 cents for the first 14,000 km per annum,  
19 cents for travel over 14,000 km per annum.
    - v. For an electric vehicle:  
79 cents for the first 14,000 km per annum,  
9 cents for travel over 14,000 km per annum.
  - b) Private use of vehicle – Elected members may opt to use their own vehicles to travel to training events or conferences if the reimbursement for mileage would be cheaper than air travel.
  - c) Rental cars – the Council will not meet the costs of using these.
  - d) Taxis - the Council will reimburse reasonable costs for the use of taxis associated with training events and Council business.
- 

- 15 Childcare allowance**
- a) Childcare – Reimbursements apply according to the following conditions:
    - i. The member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (not on a temporary basis); and
    - ii. the child is under 14 years of age; and
    - iii. the childcare is provided by a person who is not a family member and does not ordinarily reside with the member; and
    - iv. the member provides evidence satisfactory to the authority of the amount paid for child care.
    - v. Childcare allowance will be paid at a maximum rate of \$15 per hour; not exceeding a total amount of \$6000 per annum OR
    - vi. An annual amount of \$6000 paid retrospectively for the year.
-

**D. The Mayor**

- |          |  |  |
|----------|--|--|
| <b>1</b> | <b>Carparks</b>                        | The Mayor has a dedicated parking space.   |
| <b>2</b> | <b>Communications Technology</b>       | The Mayor is provided with a mobile phone for the triennium with reasonable private use being acceptable.  |
| <b>3</b> | <b>Subscriptions &amp; memberships</b> | The subscription for the Mayor’s role as Justice of the Peace will be paid by the Council.   |
| <b>4</b> | <b>Vehicle</b>                         | The Mayor is provided with a vehicle for private and business use during the term of office. <i>[A local authority may provide (a) a motor vehicle or (b) a vehicle mileage allowance. If a motor vehicle is provided for private use annual remuneration must be adjusted in accordance with the Determination. The maximum purchase price is also covered by the Determination.]</i> |

**E. Fees related to Hearings**

- |          |                              |  |
|----------|------------------------------|--|
| <b>1</b> | <b>Chairperson</b>           | A member of a local authority who acts as the chairperson of a hearing is entitled to a fee of up to \$100 per hour. |
| <b>2</b> | <b>Member</b>                | A member of a local authority who is not the chairperson of a hearing is entitled to a fee of up to \$80 per hour.   |
| <b>3</b> | <b>Mayor or Acting Mayor</b> | These fees are not available to the Mayor or to an acting Mayor who is paid the mayor’s remuneration and allowances. |

**DOCUMENT VERSION CONTROL – AMENDMENTS DURING 2016-2019 TRIENNIUM**

NO	AMENDMENT/S SUMMARY	ADOPTED BY COUNCIL
1	Policy adopted by the Council	8 August 2019
2	Updates to Mayor and Councillor Remuneration	

Signed.....Date:.....  
CHIEF EXECUTIVE

## **Local Government Members (2019/20) Determination 2019**

<http://www.legislation.govt.nz/regulation/public/2019/0135/latest/whole.html>

Please complete this form and return it together with the completed workbook and brief description for each position of responsibility to [info@remauthority.govt.nz](mailto:info@remauthority.govt.nz) .

## Information About Important Dates and Positions of Responsibility



**Name of Council:** \_\_\_\_\_ Kāpiti Coast District Council

**Date official result for the Council was declared:** \_\_\_\_\_ 21 October 2019

*(Note: the remuneration for incoming elected members is effective on and from the day after the date on which the official result of the 2019 election is declared under section 86 of the Local Electoral Act 2001 in relation to the Council.)*

**Positions of Responsibility** (eg: Deputy Mayor, Chair of a Committee)

Name of Position	Date position was adopted/ approved/ confirmed/ resolved by Council
Deputy Mayor	31 October 2019
Chair Strategy and Operations Committee	7 November 2019
Portfolio A Holder	7 November 2019
Portfolio B Holder	7 November 2019

*(Note: the additional remuneration for positions of responsibility is effective on and from the day after the date on which the Council confirmed the position.)*

A brief description must be provided for each position of responsibility ie: specify the additional responsibilities over and above the base councillor role - covering duties, delegations, deputising and reporting obligations and the extra time involved in carrying out the additional responsibilities.

*The pool approach adopted this Triennium provides an ideal opportunity to create a more inclusive governance structure, allowing councillors to be involved in a broad spectrum of key areas of importance for the district. A portfolio approach enables individual councillors to be given responsibility for a particular focus area and enables individual councillors to take an active leadership role within the community.*

*Some portfolios will be more demanding than others and require more time and effort from the portfolio holder. They may differ for example in:*

- *degree of complexity*
- *importance of relationships*
- *required expertise*
- *amount of time needed.*

	<b>Committees</b>	<b>Subcommittee</b>	<b>Portfolio</b>	<b>Community Boards</b>	<b>Other appointments</b>
<b>Mayor</b>	Council Strategy & Operations Te Whakaminenga o Kapiti	Audit & Risk Grants Appeals			Regional Transport Joint Committee Regional Strategy Joint Committee
<b>Deputy Mayor</b>	Council Strategy & Operations	Audit & Risk Grants Appeals	Cultural wellbeing (including Arts) The Three Waters		Public Art Panel Mahara Gallery Trust LGNZ Policy Advisory Group Regional Strategy Joint Committee
<b>Chair Strategy and Operations</b>	Council Strategy & Operations (Chair) Te Whakaminenga o Kapiti		Transport	Ōtaki Community Board	Regional Transport Joint Committee Road Safety Advisory Group
<b>Portfolio A Holder</b>	Council Strategy & Operations (Deputy Chair)	Audit & Risk	Rural GWRC Economic wellbeing		
<b>Portfolio A Holder</b>	Council Strategy & Operations	Audit & Risk (Deputy Chair)	Business & Jobs		Cycleway Walkway and Bridleway Advisory Group Friends of the Ōtaki River

					Older Persons Council Accessibility Advisory Group
<b>Portfolio A Holder</b>	Council Strategy & Operations	Grants ( <i>Chair</i> )	Waste		Regional Waste Forum Waste Minimisation Task Force
<b>Portfolio A Holder</b>	Council Strategy & Operations	Grants	Housing Social wellbeing		
<b>Portfolio B Holder</b>	Council Strategy & Operations		Climate Youth	Paekākāriki Community Board	Youth Council Wellington Region Climate Change Working Group
<b>Portfolio B Holder</b>	Council Strategy & Operations	Appeals Hearing ( <i>Deputy Chair</i> )	Environmental wellbeing	Waikanae Community Board	Cycleway Walkway and Bridleway Advisory Group Friends of the Waikanae River Ecological Restoration Maintenance Trust
<b>Portfolio B Holder</b>	Council Strategy & Operations	Grants	Health Seniors	Paraparaumu-Raumati Community Board	Older Persons Council Paraparaumu College hall
<b>Portfolio B Holder</b>	Council Strategy & Operations	Grants ( <i>Deputy Chair</i> )		Paraparaumu-Raumati Community Board	Road Safety Advisory Group Paraparaumu College hall

#### Portfolio A brief description

- Responsibilities may include those of a Councillor combined with Chair or Deputy Chair of a Subcommittee \*and Portfolio responsibilities.
- Ensure progress is made towards the council's strategic priorities and projects within their portfolio responsibilities
- Assisting the council to meet its strategic objectives
- Enhance relationships with key stakeholders
- collaborate with committee chairs and other portfolio leaders where objectives are shared
- work effectively with council officers

- attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities
- as far as possible attend council launches of new activities and projects in their area of responsibility
- Keep the Mayor informed of emerging issues
- maintain a no-surprises approach for elected members and staff
- for the term of the triennium unless amended by a decision of the Council

*(\*excluding Deputy Chair of Appeals Hearing Subcommittee which did not meet at all last Triennium)*

#### **Portfolio B brief description**

- Responsibilities may include those of a Councillor, Ward Councillor on Community Board combined with Portfolio responsibilities and /or Chair of Appeals Hearing Subcommittee.
- Ensure progress is made towards the council's strategic priorities and projects within their portfolio responsibilities
- Assisting the council to meet its strategic objectives
- Enhance relationships with key stakeholders
- collaborate with committee chairs and other portfolio leaders where objectives are shared
- work effectively with council officers
- attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities
- as far as possible attend council launches of new activities and projects in their area of responsibility
- Keep the Mayor informed of emerging issues
- maintain a no-surprises approach for elected members and staff
- for the term of the triennium unless amended by a decision of the Council

#### **Deputy Mayor brief description**

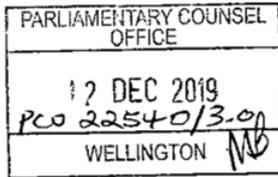
- the Deputy Mayor will be expected to undertake some of the roles of the Mayor will not be able to attend all functions and events.
- The Deputy Mayor must also be ready to assume the Chairmanship of Council Meetings in the absence of the Mayor.
- Should the Mayor for whatever reason be no longer able to undertake his/her duties it will be the duty of the Deputy Mayor to take over the role until either, the Mayor is able to assume his/her duties.
- Responsibilities will include those of a Councillor combined with Portfolio responsibilities.

- Ensure progress is made towards the council's strategic priorities and projects within their portfolio responsibilities
- Assisting the council to meet its strategic objectives
- Enhance relationships with key stakeholders
- collaborate with committee chairs and other portfolio leaders where objectives are shared
- work effectively with council officers
- attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities
- as far as possible attend council launches of new activities and projects in their area of responsibility
- Keep the Mayor informed of emerging issues
- maintain a no-surprises approach for elected members and staff
- for the term of the triennium unless amended by a decision of the Council

**Chair Strategy and Operations Committee brief description**

- Responsible for making sure that each meeting is planned effectively, conducted according to the Standing Orders and that matters are dealt with in an orderly, efficient manner.
- The Chairperson must make the most of all his/her committee members, building and leading the team.
- Responsibilities may include those of a Councillor and Portfolio responsibilities.
- Ensure progress is made towards the council's strategic priorities and projects within their portfolio responsibilities
- Assisting the council to meet its strategic objectives
- Enhance relationships with key stakeholders
- collaborate with committee chairs and other portfolio leaders where objectives are shared
- work effectively with council officers
- attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities
- as far as possible attend council launches of new activities and projects in their area of responsibility
- Keep the Mayor informed of emerging issues
- maintain a no-surprises approach for elected members and staff
- for the term of the triennium unless amended by a decision of the Council





**Local Government Members (2019/20) Amendment  
Determination 2019**

Pursuant to the Remuneration Authority Act 1977 and to clauses 6 and 7A(1) and (5) of Schedule 7 of the Local Government Act 2002, the Remuneration Authority, after having regard to the matters specified in clause 7 of that schedule, makes the following determination (to which is appended an explanatory memorandum).

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**Schedule** 13

**Deemed commencement dates of provisions of this  
determination**

**Determination**

- 1 Title**  
This determination is the Local Government Members (2019/20) Amendment Determination 2019.
- 2 Commencement**  
A provision of this determination set out in the first column of the Schedule is deemed to have come into force on the date set out opposite to it in the second column of that schedule.
- 3 Principal determination**  
This determination amends the Local Government Members (2019/20) Determination 2019 (the **principal determination**).

Local Government Members (2019/20) Amendment  
Determination 2019

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**4 Schedule 2 amended**

- (1) In Schedule 2, Part 1, item relating to Canterbury Regional Council, after the item relating to Chairperson, insert:
- |                    |         |
|--------------------|---------|
| Deputy Chairperson | 104,873 |
|--------------------|---------|
- (2) In Schedule 2, Part 1, item relating to Canterbury Regional Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |   |        |
|---|--------|
| Councillor (with no additional responsibilities) (12) | 71,599 |
|---|--------|
- (3) In Schedule 2, Part 1, item relating to Manawatu–Wanganui Regional Council, after the item relating to Chairperson, insert:
- |   |        |
|---|--------|
| Deputy Chairperson  | 67,656 |
| Audit, Risk, and Investment Committee Chair and Catchment Operations Committee Deputy Chair | 67,656 |
| Audit, Risk, and Investment Committee Deputy Chair  | 50,116 |
| Catchment Operations Committee Chair  | 72,668 |
| Environment Committee Chair   | 65,150 |
| Environment Committee Deputy Chair  | 50,116 |
| Passenger Transport Committee Chair   | 65,150 |
| Passenger Transport Committee Deputy Chair  | 50,116 |
| Manawatu River Users' Advisory Group Chair  | 50,116 |
- (4) In Schedule 2, Part 1, item relating to Manawatu–Wanganui Regional Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |  |        |
|--|--------|
| Councillor (with no additional responsibilities) (2) | 50,116 |
|--|--------|
- (5) In Schedule 2, Part 1, item relating to Northland Regional Council, after the item relating to Chairperson, insert:
- |                    |        |
|--------------------|--------|
| Deputy Chairperson | 79,181 |
|--------------------|--------|
- (6) In Schedule 2, Part 1, item relating to Northland Regional Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |   |        |
|---|--------|
| Councillor (with additional responsibilities) (7) | 71,681 |
|---|--------|
- (7) In Schedule 2, Part 1, item relating to Otago Regional Council, after the item relating to Chairperson, insert:
- |                    |        |
|--------------------|--------|
| Deputy Chairperson | 83,598 |
|--------------------|--------|
- (8) In Schedule 2, Part 1, item relating to Otago Regional Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |   |        |
|---|--------|
| Councillor (with no additional responsibilities) (10) | 62,000 |
|---|--------|
- (9) In Schedule 2, Part 1, item relating to Southland Regional Council, after the item relating to Chairperson, insert:
- |   |        |
|---|--------|
| Deputy Chairperson and Regional Transport Committee Chair | 63,784 |
| Chair, Strategy and Policy Committee                      | 54,672 |
| Chair, Organisational Performance and Audit Committee     | 54,672 |

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**Local Government Members (2019/20) Amendment  
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	Chair, Regulatory Committee	54,672
	Chair, Regional Services Committee	54,672
(10)	In Schedule 2, Part 1, item relating to Southland Regional Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert: Councillor (with no additional responsibilities) (6)	45,560
(11)	In Schedule 2, Part 1, item relating to Waikato Regional Council, after the item relating to Chairperson, insert: Deputy Chairperson	86,228
(12)	In Schedule 2, Part 1, item relating to Waikato Regional Council, after the item relating to Deputy Chairperson as inserted by subclause (11), insert: Committee Chair (8)	73,860
(13)	In Schedule 2, Part 1, item relating to Waikato Regional Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert: Councillor (with no additional responsibilities) (4)	64,160
(14)	In Schedule 2, Part 1, item relating to Wellington Regional Council, after the item relating to Chairperson, insert: Deputy Council Chairperson (with committee chairperson responsibilities) Chair, Environment Committee Chair, Transport and Infrastructure Committee Chair, Climate Committee Chair, Chief Executive Employment Review Committee Chair, Te Upoko Taiao - Natural Resources Plan Committee Chair, Hutt Valley Flood Management Subcommittee and Portfolio Leader Portfolio Leader, Sustainable Development	91,799 81,570 81,570 81,570 81,570 81,570 81,570 78,515
(15)	In Schedule 2, Part 1, item relating to Wellington Regional Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert: Councillor (with no additional responsibilities) (4)	65,430
(16)	In Schedule 2, Part 2, item relating to Ashburton District Council, after the item relating to Mayor, insert: Deputy Mayor Standing Committee (5)	57,502 43,000
(17)	In Schedule 2, Part 2, item relating to Ashburton District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert: Councillor (with no additional responsibilities) (3)	35,118
(18)	In Schedule 2, Part 2, item relating to Auckland Council, after the item relating to Mayor, insert: Deputy Mayor Chair of Committee of the Whole (4)	165,582 138,912

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**Local Government Members (2019/20) Amendment  
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Chair of Regulatory Committee	138,912
Deputy Chair of Committee of the Whole (4)	125,483
Chair of other Committee (2)	123,245
Council-controlled Organisation Liaison Councillor (2)	123,245
Deputy Chair of other Committee (5)	117,650
Portfolio Lead	113,174
 (19) In Schedule 2, Part 2, item relating to Buller District Council, after the item relating to Mayor, insert:	
Deputy Mayor and Finance Risk and Audit Committee Chair	41,740
Regulatory and Hearings Committee Chair	28,740
Community, Environment and Services Committee Chair	28,740
Community Grants Portfolio Holder	24,740
Youth Development Portfolio Holder	24,740
Punakaiki Area Portfolio Holder	24,740
 (20) In Schedule 2, Part 2, item relating to Buller District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (4)	22,739
 (21) In Schedule 2, Part 2, item relating to Carterton District Council, after the item relating to Mayor, insert:	
Deputy Mayor	45,000
 (22) In Schedule 2, Part 2, item relating to Carterton District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (7)	25,047
 (23) In Schedule 2, Part 2, item relating to Central Hawke's Bay District Council, after the item relating to Mayor, insert:	
Deputy Mayor, Chair of Strategy and Wellbeing Committee, Lead Urban Councillor	53,408
Chair of Finance and Infrastructure Committee and Member of Risk and Assurance Committee	40,408
Lead Rural Councillor and Member of Risk and Assurance Committee	33,408
Member of Risk and Assurance Committee (2)	30,408
 (24) In Schedule 2, Part 2, item relating to Central Hawke's Bay District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (3)	26,408
 (25) In Schedule 2, Part 2, item relating to Dunedin City Council, after the item relating to Mayor, insert:	
Deputy Mayor	90,790
Chairs (6)	85,786

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**Local Government Members (2019/20) Amendment  
Determination 2019**

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- |      |   |                                      |
|------|---|--------------------------------------|
| (26) | In Schedule 2, Part 2, item relating to Dunedin City Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:<br>Councillor (with no additional responsibilities) (7)  | 71,488                               |
| (27) | In Schedule 2, Part 2, item relating to Gore District Council, after the item relating to Mayor, insert:<br>Deputy Mayor<br>Audit and Risk Committee Chair<br>Capital Works Committee Chair<br>Community and Strategy Committee Chair                               | 35,429<br>30,000<br>30,000<br>30,000 |
| (28) | In Schedule 2, Part 2, item relating to Gore District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:<br>Councillor (with no additional responsibilities) (7)   | 23,000                               |
| (29) | In Schedule 2, Part 2, item relating to Grey District Council, after the item relating to Mayor, insert:<br>Deputy Mayor also Portfolio Councillor for Three Waters<br>Councillor—Portfolio Transport<br>Councillor—Portfolio Spatial Development, Finance and Risk | 40,800<br>35,701<br>35,701           |
| (30) | In Schedule 2, Part 2, item relating to Grey District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:<br>Councillor (with no additional responsibilities) (5)   | 27,326                               |
| (31) | In Schedule 2, Part 2, item relating to Hamilton City Council, after the item relating to Mayor, insert:<br>Deputy Mayor  | 112,497                              |
| (32) | In Schedule 2, Part 2, item relating to Hamilton City Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:<br>Chair of Committee (7)<br>Deputy Chair of Committee (4)  | 101,700<br>92,500                    |
| (33) | In Schedule 2, Part 2, item relating to Hauraki District Council, after the item relating to Mayor, insert:<br>Deputy Mayor   | 41,074                               |
| (34) | In Schedule 2, Part 2, item relating to Hauraki District Council, after the item relating to Deputy Mayor inserted by subclause (33), insert:<br>Ward Committee Chairperson (3)<br>Emergency Management Committee Chairperson<br>Portfolio Leader (4)               | 30,265<br>28,103<br>25,941           |
| (35) | In Schedule 2, Part 2, item relating to Hauraki District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:<br>Councillor (with no additional responsibilities) (4)  | 21,618                               |

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**Local Government Members (2019/20) Amendment  
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- (36) In Schedule 2, Part 2, item relating to Horowhenua District Council, after the item relating to Mayor, insert:
- |  |        |
|--|--------|
| Deputy Mayor   | 68,998 |
| Deputy Chair Finance, Audit and Risk Subcommittee        | 42,165 |
| Chairperson, Community Funding and Recognition Committee | 45,998 |
| Chairperson, Community Wellbeing Committee               | 45,998 |
- (37) In Schedule 2, Part 2, item relating to Horowhenua District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |  |        |
|--|--------|
| Councillor (with no additional responsibilities) (6) | 38,332 |
|--|--------|
- (38) In Schedule 2, Part 2, item relating to Hurunui District Council, after the item relating to Mayor, insert:
- |              |        |
|--------------|--------|
| Deputy Mayor | 32,865 |
|--------------|--------|
- (39) In Schedule 2, Part 2, item relating to Hurunui District Council, after the item relating to Deputy Mayor inserted by subclause (38), insert:
- |                                   |        |
|-----------------------------------|--------|
| Chair of Audit and Risk Committee | 28,170 |
|-----------------------------------|--------|
- (40) In Schedule 2, Part 2, item relating to Hurunui District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |  |        |
|--|--------|
| Councillor (with no additional responsibilities) (8) | 23,475 |
|--|--------|
- (41) In Schedule 2, Part 2, item relating to Invercargill City Council, after the item relating to Mayor, insert:
- |  |        |
|--|--------|
| Deputy Mayor   | 55,421 |
| Finance and Policy Standing Committee Chairperson      | 48,141 |
| Community Services Standing Committee Chairperson      | 48,141 |
| Regulatory Services Standing Committee Chairperson     | 48,141 |
| Infrastructure Services Standing Committee Chairperson | 48,141 |
- (42) In Schedule 2, Part 2, item relating to Invercargill City Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |  |        |
|--|--------|
| Councillor (with no additional responsibilities) (7) | 36,985 |
|--|--------|
- (43) In Schedule 2, Part 2, item relating to Kāpiti Coast District Council, after the item relating to Mayor, insert:
- |              |        |
|--------------|--------|
| Deputy Mayor | 60,000 |
|--------------|--------|
- (44) In Schedule 2, Part 2, item relating to Kāpiti Coast District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |                                |        |
|--------------------------------|--------|
| Chair, Strategy and Operations | 55,000 |
| Portfolio A Holder (4)         | 50,610 |
| Portfolio B Holder (4)         | 45,056 |
- (45) In Schedule 2, Part 2, item relating to Kawerau District Council, after the item relating to Mayor, insert:
- |              |        |
|--------------|--------|
| Deputy Mayor | 35,660 |
|--------------|--------|

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**Local Government Members (2019/20) Amendment  
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	Chair of Regulatory and Services Committee	31,840
(46)	In Schedule 2, Part 2, item relating to Kawerau District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
	Councillor (with no additional responsibilities) (6)	25,472
(47)	In Schedule 2, Part 2, item relating to Mackenzie District Council, after the item relating to Mayor, insert:	
	Deputy Mayor	34,728
	Engineering and Services Committee Chair	34,728
	Commercial and Economic Development Committee Chair	34,728
	Planning and Regulatory Committee Chair	34,728
(48)	In Schedule 2, Part 2, item relating to Mackenzie District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
	Councillor (with no additional responsibilities) (2)	18,676
(49)	In Schedule 2, Part 2, item relating to Marlborough District Council, after the item relating to Mayor, insert:	
	Deputy Mayor	57,467
	Chairperson Standing Committee	51,000
	Chairperson Statutory/Joint Committee (2)	46,000
	Deputy Chairperson Standing Committee	43,000
	Deputy Chairperson Standing Committee and Chairperson Sub-Committee (2)	45,000
	Chairperson Sub-Committee (3)	42,000
	Chairperson of 2 or more Sub-Committees	44,000
(50)	In Schedule 2, Part 2, item relating to Marlborough District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
	Councillor (with no additional responsibilities) (2)	40,000
(51)	In Schedule 2, Part 2, item relating to Masterton District Council, after the item relating to Mayor, insert:	
	Deputy Mayor	44,587
	Chair—Infrastructure and Services Committee	44,587
	Chair—Awards and Grants Committee	39,442
	Chair—Hearings Committee	37,727
(52)	In Schedule 2, Part 2, item relating to Masterton District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
	Councillor (with no additional responsibilities) (6)	34,298
(53)	In Schedule 2, Part 2, item relating to Matamata–Piako District Council, after the item relating to Mayor, insert:	
	Deputy Mayor	39,392
(54)	In Schedule 2, Part 2, item relating to Matamata–Piako District Council, after the item relating to Deputy Mayor inserted by subclause (53), insert:	

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Local Government Members (2019/20) Amendment Determination 2019	
	39,392
(55) In Schedule 2, Part 2, item relating to Matamata–Piako District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (9)	34,254
(56) In Schedule 2, Part 2, item relating to Napier City Council, after the item relating to Mayor, insert:	
Deputy Mayor and Chair of Standing Committee	80,000
Chair of Standing Committee (3)	61,000
Deputy Chair of Standing Committee (4)	57,250
Portfolio Holder (4)	53,274
(57) In Schedule 2, Part 2, item relating to Nelson City Council, after the item relating to Mayor, insert:	
Deputy Mayor	62,662
Chair of Infrastructure and Regional Transport Committees, Deputy Chair Environment Committee (Nelson Plan Lead)	62,662
Committee Chair (4)	52,144
(58) In Schedule 2, Part 2, item relating to Nelson City Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (6)	44,900
(59) In Schedule 2, Part 2, item relating to Ōpōtiki District Council, after the item relating to Mayor, insert:	
Deputy Mayor	52,218
Cultural Ambassador/Coast Community Board Chair	44,750
(60) In Schedule 2, Part 2, item relating to Ōpōtiki District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (4)	28,750
(61) In Schedule 2, Part 2, item relating to Palmerston North City Council, after the item relating to Mayor, insert:	
Deputy Mayor, Chair—Economic Development Committee, Chair—Hearings Committee, and Chair—Chief Executive’s Performance Review Panel	80,524
Chair—Finance and Audit Committee	54,134
Chair—Infrastructure Committee	54,134
Chair—Planning and Strategy Committee	54,134
Chair—Arts, Culture and Heritage Committee	50,810
Chair—Community Development	50,810
Chair—Environmental Sustainability Committee	50,810
Chair—Play, Recreation and Sport Committee	50,810
(62) In Schedule 2, Part 2, item relating to Palmerston North City Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (7)	47,486

**Local Government Members (2019/20) Amendment  
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- (63) In Schedule 2, Part 2, item relating to Porirua City Council, after the item relating to Mayor, insert:
- |  |        |
|--|--------|
| Deputy Mayor                                 | 70,500 |
| Chair Te Puna Kōrero                         | 67,744 |
| Chair Chief Executive's Employment Committee | 54,500 |
| Chair Grants, Awards, and Events Committee   | 51,000 |
- (64) In Schedule 2, Part 2, item relating to Porirua City Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |  |        |
|--|--------|
| Councillor (with no additional responsibilities) (6) | 50,000 |
|--|--------|
- (65) In Schedule 2, Part 2, item relating to Queenstown–Lakes District Council, after the item relating to Mayor, insert:
- |                                 |        |
|---------------------------------|--------|
| Deputy Mayor                    | 48,316 |
| Chair of Standing Committee (4) | 45,199 |
- (66) In Schedule 2, Part 2, item relating to Queenstown–Lakes District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |  |        |
|--|--------|
| Councillor (with no additional responsibilities) (5) | 38,965 |
|--|--------|
- (67) In Schedule 2, Part 2, item relating to Rangitikei District Council, after the item relating to Mayor, insert:
- |  |        |
|--|--------|
| Deputy Mayor and Chair of the Chief Executive Review Committee | 40,309 |
| Committee Chair (2)  | 28,812 |
| Committee Deputy Chair (3)                                     | 24,812 |
- (68) In Schedule 2, Part 2, item relating to Rangitikei District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |  |        |
|--|--------|
| Councillor (with no additional responsibilities) (5) | 22,812 |
|--|--------|
- (69) In Schedule 2, Part 2, item relating to Ruapehu District Council, after the item relating to Mayor, insert:
- |              |        |
|--------------|--------|
| Deputy Mayor | 37,792 |
|--------------|--------|
- (70) In Schedule 2, Part 2, item relating to Ruapehu District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |   |        |
|---|--------|
| Councillor (with no additional responsibilities) (10) | 25,712 |
|---|--------|
- (71) In Schedule 2, Part 2, item relating to Selwyn District Council, after the item relating to Mayor, insert:
- |              |        |
|--------------|--------|
| Deputy Mayor | 51,342 |
|--------------|--------|
- (72) In Schedule 2, Part 2, item relating to Selwyn District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |   |        |
|---|--------|
| Councillor (with no additional responsibilities) (10) | 42,789 |
|---|--------|

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**Local Government Members (2019/20) Amendment  
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- (73) In Schedule 2, Part 2, item relating to South Waikato District Council, after the item relating to Mayor, insert:
- |  |        |
|--|--------|
| Deputy Mayor (Chair Community and Assets Committee)  | 46,787 |
| Committee Chair A Corporate and Regulatory Committee | 39,704 |
| Committee Chair B Grants                             | 37,225 |
- (74) In Schedule 2, Part 2, item relating to South Waikato District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |  |        |
|--|--------|
| Councillor (with no additional responsibilities) (7) | 33,028 |
|--|--------|
- (75) In Schedule 2, Part 2, item relating to South Wairarapa District Council, after the item relating to Mayor, insert:
- |   |        |
|---|--------|
| Deputy Mayor  | 34,754 |
| Chair of Finance, Audit, and Risk Committee                           | 27,521 |
| Chair of Planning and Regulatory Committee                            | 25,575 |
| Chair of Assets and Services Committee                                | 25,354 |
| District Licensing Deputy Chair                                       | 23,154 |
| Martinborough Community Board and Waste Minimisation responsibilities | 26,032 |
| Greytown Community Board and Water Management responsibilities        | 27,943 |
| Martinborough Community Board   | 24,776 |
| Wairarapa Policies and Road Safety Council                            | 27,254 |
- (76) In Schedule 2, Part 2, item relating to Southland District Council, after the item relating to Mayor, insert:
- |                           |        |
|---------------------------|--------|
| Deputy Mayor              | 43,494 |
| Committee Chairperson (2) | 37,752 |
- (77) In Schedule 2, Part 2, item relating to Southland District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |  |        |
|--|--------|
| Councillor (with no additional responsibilities) (9) | 30,810 |
|--|--------|
- (78) In Schedule 2, Part 2, item relating to Stratford District Council, after the item relating to Mayor, insert:
- |  |        |
|--|--------|
| Deputy Mayor                                     | 34,953 |
| Chairperson Stratford Sport NZ Rural Travel Fund | 25,965 |
| Chairperson Farm and Aerodrome Committee         | 28,712 |
- (79) In Schedule 2, Part 2, item relating to Stratford District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:
- |  |        |
|--|--------|
| Councillor (with no additional responsibilities) (7) | 24,967 |
|--|--------|
- (80) In Schedule 2, Part 2, item relating to Taupō District Council, after the item relating to Mayor, insert:
- |              |        |
|--------------|--------|
| Deputy Mayor | 47,597 |
|--------------|--------|
- (81) In Schedule 2, Part 2, item relating to Taupō District Council, after the item relating to Deputy Mayor inserted by subclause (80), insert:

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**Local Government Members (2019/20) Amendment  
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Chair—Emergency Management Committee	45,613
Chair—Taupo Reserves and Roading Committee	45,613
Chair—Mangakino/Pouakani Representative Group	45,613
Chair—Kinloch Representative Group	43,630
Chair—Taupo East Rural Representative Group	43,630
(82) In Schedule 2, Part 2, item relating to Taupō District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (5)	39,664
(83) In Schedule 2, Part 2, item relating to Tauranga City Council, after the item relating to Mayor, insert:	
Deputy Mayor	139,563
(84) In Schedule 2, Part 2, item relating to Tauranga City Council, after the item relating to Deputy Mayor inserted by subclause (83), insert:	
Chairperson of Standing Committee (2)	121,276
Deputy Chairperson of Standing Committee (4)	108,763
(85) In Schedule 2, Part 2, item relating to Tauranga City Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (3)	96,251
(86) In Schedule 2, Part 2, item relating to Upper Hutt City Council, after the item relating to Mayor, insert:	
Deputy Mayor	53,890
(87) In Schedule 2, Part 2, item relating to Upper Hutt City Council, after the item relating to Deputy Mayor inserted by subclause (86), insert:	
Chair, Policy Committee	46,705
Chair, Finance and Performance Committee	46,705
Chair, City Development Committee	46,705
Chair, Risk and Assurance Committee	43,112
Chair, Hutt Valley Services Committee	43,112
(88) In Schedule 2, Part 2, item relating to Upper Hutt City Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (4)	35,927
(89) In Schedule 2, Part 2, item relating to Waikato District Council, after the item relating to Mayor, insert:	
Deputy Mayor	78,375
(90) In Schedule 2, Part 2, item relating to Waikato District Council, after the item relating to Deputy Mayor inserted by subclause (89), insert:	
Chairperson (Infrastructure Committee)	68,400
Chairperson (Strategy and Finance Committee)	68,400
Chairperson (Policy and Regulatory Committee)	68,400
Chairperson (Discretionary and Funding Committee)	54,625

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Local Government Members (2019/20) Amendment Determination 2019	
	58,780
Chairperson (Proposed District Plan Subcommittee)	
(91) In Schedule 2, Part 2, item relating to Waikato District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (7)	47,500
(92) In Schedule 2, Part 2, item relating to Waimakariri District Council, after the item relating to Mayor, insert:	
Deputy Mayor	58,122
Councillor (with portfolio and committee chairing responsibilities) (9)	47,814
(93) In Schedule 2, Part 2, item relating to Waimate District Council, after the item relating to Mayor, insert:	
Deputy Mayor	38,882
(94) In Schedule 2, Part 2, item relating to Waimate District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (7)	25,921
(95) In Schedule 2, Part 2, item relating to Waipa District Council, after the item relating to Mayor, insert:	
Deputy Mayor	43,335
Committee Chair (4)	40,001
(96) In Schedule 2, Part 2, item relating to Waipa District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (8)	33,334
(97) In Schedule 2, Part 2, item relating to Waipa District Council, item relating to Te Awamutu Community Board, item relating to Member, replace "9,006" with "9,066".	
(98) In Schedule 2, Part 2, item relating to Wairoa District Council, after the item relating to Mayor, insert:	
Deputy Mayor	40,000
(99) In Schedule 2, Part 2, item relating to Wairoa District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert:	
Councillor (with no additional responsibilities) (5)	36,718
(100) In Schedule 2, Part 2, item relating to Waitaki District Council, after the item relating to Mayor, insert:	
Deputy Mayor	42,776
Main Committee Chair (2)	36,000
Other Committee Chair (3)	31,000
Deputy Chair (4)	31,000
(101) In Schedule 2, Part 2, item relating to Wellington City Council, after the item relating to Mayor, insert:	

<b>Local Government Members (2019/20) Amendment Determination 2019</b>		Schedule
Deputy Mayor and Chair of the Annual Plan/Long Term Plan Committee		130,225
Chair, Strategy and Policy Committee (Committee of the Whole)		120,227
(102) In Schedule 2, Part 2, item relating to Wellington City Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert: Councillor (with no additional responsibilities) (12)		111,225
(103) In Schedule 2, Part 2, item relating to Westland District Council, after the item relating to Mayor, insert: Deputy Mayor Chairperson Capital Projects and Tenders Committee Chairperson Planning and Regulatory Services Committee and Community Development Committee		29,285 37,255 41,155
(104) In Schedule 2, Part 2, item relating to Westland District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert: Councillor (with no additional responsibilities) (5)		22,527
(105) In Schedule 2, Part 2, item relating to Whanganui District Council, after the item relating to Mayor, insert: Deputy Mayor Chairperson Strategy and Finance Committee Chairperson Infrastructure, Climate Change, and Emergency Management Committee Chairperson Property and Community Services Committee and Advisory Group Chair Advisory Group Chair (2) Deputy Chair (3)		49,883 46,046 46,046 47,964 42,209 42,209
(106) In Schedule 2, Part 2, item relating to Whanganui District Council, before the item relating to Councillor (Minimum Allowable Remuneration), insert: Councillor (with no additional responsibilities) (3)		38,371

### Schedule

#### Deemed commencement dates of provisions of this determination

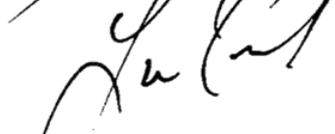
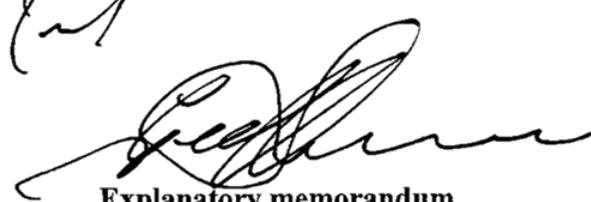
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Provision	Date deemed to have come into force
Clause 4(1), (31), (38), (83), (103)	25 October 2019
Clause 4(2), (6), (10), (15), (28), (35), (55), (77), (91)	22 October 2019
Clause 4(3), (84)	6 November 2019
Clause 4(4), (58), (62), (99)	20 October 2019
Clause 4(5), (56), (105)	20 November 2019
Clause 4(7), (11), (69)	24 October 2019
Clause 4(8), (13), (50), (60), (79), (102)	19 October 2019

13

Explanatory memorandum	Local Government Members (2019/20) Amendment Determination 2019
<b>Provision</b>	<b>Date deemed to have come into force</b>
Clause 4(9), (27), (41), (93)	30 October 2019
Clause 4(12), (32)	16 November 2019
Clause 4(95)	19 November 2019
Clause 4(14), (16), (75)	21 November 2019
Clause 4(17), (20), (24), (26), (42), (48), (52), (66), (68), (70), (72), (74), (85), (88), (94), (106)	18 October 2019
Clause 4(18), (81)	27 November 2019
Clause 4(19), (21), (33), (51), (63), (71), (80), (86), (89), (100), (101)	31 October 2019
Clause 4(22), (30), (37), (40), (104)	17 October 2019
Clause 4(23), (73)	15 November 2019
Clause 4(25), (82), (92)	26 October 2019
Clause 4(29), (39), (43), (45), (49), (57), (67), (98)	1 November 2019
Clause 4(34), (36), (54), (61)	14 November 2019
Clause 4(44), (65)	8 November 2019
Clause 4(46), (64), (96)	23 October 2019
Clause 4(47)	29 November 2019
Clause 4(53), (87)	7 November 2019
Clause 4(59), (78), (90)	13 November 2019
Clause 4(76)	2 November 2019
Clause 4(97)	1 July 2019

Dated at Wellington this **13<sup>th</sup>** day of **December** 2019.

 Chairperson.  
 Member.  
 Member.

**Explanatory memorandum**

*This memorandum is not part of the determination, but is intended to indicate its general effect.*

This determination amends the Local Government Members (2019/20) Determination 2019 (the **principal determination**).

Local Government Members (2019/20) Amendment  
Determination 2019

Explanatory  
memorandum

This determination is based on the changed approach to setting local government remuneration, signalled previously in the principal determination. The determination is operational for the period following the election of the local government representatives ie, from 13 October 2019 until 30 June 2020. Under that approach, the Remuneration Authority has created a total governance remuneration pool for each council, reflecting the ranking of that council on the appropriate council size index (territorial authority, unitary authority, or regional authority). The approach therefore reflects the size of the total governance role of any particular council, rather than the number of councillors on that council (which range from 6 to 16, excluding Auckland). The pool is the total amount of money that the Authority has determined is available to pay councillor remuneration per annum.

Following the 2019 local body elections, each council provided the Authority with recommendations for how its pool, which must be fully allocated, should be distributed among its elected members. The recommendations included a rate for base councillor remuneration and rates for all positions of responsibility. The Authority considered these recommendations before determining the remuneration payable to members that comes into effect on the dates specified in the *Schedule*.

Remuneration for mayors and regional council chairpersons was not included in the pool but was set individually by the Authority in the principal determination to reflect each council's ranking on the appropriate size index. The largest role in local government (the Mayor of Auckland) has been generally benchmarked around the remuneration of a Cabinet minister and will not exceed that level. Community board and Auckland local board remuneration was also set by the Authority in the principal determination.

For the time being, if a council delegates significant powers and functions to 1 or more community boards and, as a consequence, recommends that the Authority increases the remuneration of their community board members, the additional funds will come out of the council's governance remuneration pool.

In the case of some councils, adjustments to the council pool or to mayor or regional chair remuneration may continue over the next 2 years, as the Authority completes the alignment of those councils with the size new index.

Note that the remuneration for mayors, community boards' elected members, Auckland local boards' elected members, and base councillors is effective on the day after the date on which the official result of the 2019 local elections was declared in relation to the local authority. The remuneration covering positions of responsibility (eg, regional council chair, deputy mayor, committee chair, etc) comes into effect on the day after the date on which the council confirmed the position.

Not all councils were able to submit their recommendations to the Authority in time to be considered and included in this determination. A further determination is planned for the first quarter of 2020. It will contain the outcome of the remaining councils' recommendations.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*:

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## 8.6 REPORTS AND RECOMMENDATIONS FROM STANDING COMMITTEES AND COMMUNITY BOARDS

**Author:** Tanicka Mason, Democracy Services Advisor

**Authoriser:** Janice McDougall, Group Manager

### PURPOSE OF REPORT

- 1 This report presents reports and recommendations considered by Standing Committees and Community Boards from 11 November 2019 to 12 December 2019.

### BACKGROUND

- 2 Meetings took place on the following dates:

Ōtaki Community Board	12 November 2019
Waikanae Community Board	19 November 2019
Paekākāriki Community Board	3 December 2019
Strategy & Operations Committee	5 December 2019
Paraparaumu-Raumati Community Board	10 December 2019
Grants Allocation Subcommittee (Waste Levy)	12 December 2019

- 3 In addition, the following meetings took place:

Kāpiti Coast Youth Council 11 November 2019, 9 December 2019

Te Whakaminenga o Kāpiti 26 November 2019

Older Persons' Council 27 November 2019

#### Kāpiti Coast Youth Council

- 4 The Kāpiti Coast Youth Council met on 11 November 2019 to discuss the following:

- Zeal Update
- Councillors Update
- Te Anamata Update
- Youth Council Member of the Month
- Economic Development Team Feedback
- Youth Council Member Farewell
- Christmas Party
- Secrets of Kāpiti Update
- Consultation/Youth Week Update
- Work Ready Kāpiti Discussion

- Youthoween Update

#### Ōtaki Community Board

- 5 The Community Board met on the 12 November 2019 to discuss the following:
- Explanation of legislation for new elected members 2019-2022 triennium
  - Election of Community Board Chair and Deputy Chair for 2019-2022 triennium
  - Appointment of board member to external organisations
  - Consideration of applications for funding
  - Community Board remuneration 2019-2020

#### Waikanae Community Board

- 6 The Community Board met on the 19 November 2019 to discuss the following:
- Explanation of legislation for new elected members 2019-2022 triennium
  - Election of Community Board Chair and Deputy Chair for 2019-2022 triennium
  - Appointment of board member to external organisations
  - Community Board remuneration 2019-2020
  - Waikanae Community Board – Draft Calendar of Meetings 2020
  - Consideration of Applications for Funding

#### Te Whakaminenga o Kāpiti

- 7 Te Whakaminenga o Kāpiti met on the 26 November 2019 to discuss the following:
- Appointment of Chair and Confirmation of Tāngata Whenua Membership
  - Governance Structure and Appointments
  - Meeting dates for confirmation (Tuesdays 9:30am) 4 February, 24 March, 5 May, 23 June, 11 August, 29 September, 24 November 2020
  - Venue for Citizenship Ceremony
  - Waitangi Day 2020
  - Upcoming projects for Iwi engagement
  - Community - led Coastal Adaptation Project.
  - Iwi Updates
  - Treaty settlements – overview from each Iwi
  - Council Update
  - Correspondence
  - Future Agenda Requests

The Older Persons' Council

8 The Older Persons' Council met on the 27 November 2019 to discuss the following:

- Welcome and safety briefing
- Apologies
- Previous Minutes
- Guest speaker: Workgroups and discussion for potential briefing to new Council, what is of importance to the group, what direction does the OPC want to go?
- Road Safety Advisory Group Update: every second month and items to take to group every other month
- CWB Advisory Group Update: every second month and items to take to group every other month
- Report back from workgroups: Age Friendly, Events, Policy & Submission
- Round the table discussion

Paekākāriki Community Board

9 The Community Board met on the 3 December 2019 to discuss the following:

- Explanation of legislation for new elected members 2019-2022 triennium
- Election of Community Board Chair and Deputy Chair for 2019-2022 triennium
- Update – Wainuiwhenua; Update from NZTA
- Consideration of Funding applications
- Community Board draft calendar of meetings 2020
- Community Board remuneration 2019-2020

Strategy & Operations Committee

10 The Committee met on the 5 December 2019 to discuss the following:

- The 2009 Beach Bylaw Review Project
- 2018-2021 Policy Work Programme Update
- NPS-UDC Quarterly Monitoring Report with Annual Update
- The Local Government Funding Agency 2018/19 Annual Report
- Confirmation of the Council's vote at the Local Government Funding Agency's 2019 Annual General Meeting
- Activity Report: 1 July to 30 September 2019
- Finance Report as at 30 September 2019
- Recent submissions to Ministry for the Environment, Department of Internal Affairs, and Parliament's Social Services and Community Committee
- Contracts Under Delegated Authority

Kāpiti Coast Youth Council

11 The Kāpiti Coast Youth Council met on 9 December 2019 to discuss the following:

- Zeal Update
- Councillors Update
- Te Anamata Update
- Sustainable Communities
- Work Ready Kāpiti Update
- Creative Communities Scheme Youth Representative
- Youth Council General Update
- Mental Health Bill
- Secrets of Kāpiti Update
- Youthween Debrief Update
- Kāpiti Youth Enviro Summit Discussion
- Youth Survey Project Update
- Intergenerational Meeting update
- Youth Council Member Farewell

Paraparaumu-Raumati Community Board

12 The Community Board met on 3 December 2019 to discuss the following:

- Explanation of legislation for new elected members 2019-2022 triennium
- Election of Community Board Chair and Deputy Chair for 2019-2022 triennium
- Consideration of Applications for Funding
- Appointment of Community Board Members to other bodies 2019-2022 triennium
- Draft calendar of Community Board Meetings 2020
- Community Board remuneration 2019-2020
- Notice of Motion – That the Paraparaumu-Raumati Community Board request the Council to restore the reduction in the book budget for the Paraparaumu library made in the last Annual Plan.
- Notice of Motion - That the Paraparaumu-Raumati Community Board request the Major Events Fund that had been allocated to the horticultural festival FFFLAIR be reallocated for a Feasibility Study for an indoor sports and community centre to be developed on the Kāpiti Coast.

Grants Allocation Subcommittee (Waste Levy)

13 The Subcommittee met on 12 December 2019 to discuss the following:

- Recommendations on Waste Levy Grant applications

The Subcommittee moved in to Public Excluded session to discuss the following:

- Expressions of Interest as appendix for report “Recommendations on Waste Levy Grant applications”

**RECOMMENDATIONS**

14 That the Council notes the following recommendations:

**That Te Whakaminenga o Kāpiti gives in-principle approval to the appointment of a Māori representative to the Council’s Strategy and Operations Committee, and agrees to convene a recruitment panel to manage the initial phase of the recruitment process.**

**That the Paekākāriki Community Board actively encourages the Kāpiti Coast District Council to join with the Wainuiwhenua working group in the next stage of investigating the feasibility of this project and that this relationship be formalised with a Memorandum of Understanding.**

**That the Paraparaumu-Raumati Community Board requests the Council to restore the reduction in the book budget for the Paraparaumu Library made in the last Annual Plan.**

**That the Paraparaumu-Raumati Community Board requests that the Council funds a feasibility study for an Indoor Sports Stadium and Community Centre to be developed on the Kapiti Coast; and that the matter be left to lie on the table for further discussion.**

**APPENDICES**

Nil

**9 CONFIRMATION OF MINUTES**

Nil

**10 PUBLIC SPEAKING TIME**

- Covering other items if required
- Public Speaking Time responses

**11 CONFIRMATION OF PUBLIC EXCLUDED MINUTES**

Nil

**12 PUBLIC EXCLUDED REPORTS**

Nil