

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR DECISION****FILE NO and TRIM NO:** WAT-03 / 220214018739**REPORT TO:** COUNCIL**DATE OF MEETING:** 1 March 2022**AUTHOR(S):** Colin Roxburgh, Water Asset Manager  
Hayley Proffit, Water Safety and Compliance Specialist**SUBJECT:** Submission on The Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.**ENDORSED BY:**  
(for Reports to Council,  
Committees or Boards)  
Department Manager  
Chief Executive**1. SUMMARY**

- 1.1. This report is to request the Council's endorsement of the proposed submission on the proposed update to The Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-DW).
- 1.2. The Ministry for the Environment (MfE) have been reviewing the NES-DW, following the Havelock North drinking water contamination event in 2016 and subsequent Inquiry, which highlighted deficiencies with the current version.
- 1.3. In February 2022, the MfE released a consultation document and a series of questions to help inform the final update to the NES-DW later this year. Staff have prepared a draft submission, aiming to improve the final document, and are seeking the Council's endorsement before submitting.
- 1.4. It is noted that in preparing the submission, staff have worked collaboratively with the Selwyn District Council (SDC), who have similar interests and concerns. As such, the submission is written to support the SDC submission, and likewise the draft SDC submission is written to support the Waimakariri District Council's submission.

**Attachments:**

- i. Proposed Waimakariri District Council Submission (220216020214)
- ii. Consultation Document (220216020428)
- iii. Selwyn District Council Draft Submission (referenced in Waimakariri submission) (220216020430).

**2. RECOMMENDATION****THAT** the Council:

- (a) **Receives** Report No. 220214018739.
- (b) **Notes** that the Ministry for the Environment (MfE) have been reviewing the NES-DW, following the Havelock North drinking water contamination event in 2016 and subsequent Inquiry, which highlighted deficiencies with the current version.
- (c) **Endorses** the submission prepared by staff to be submitted to MfE, responding to the questions asked as part of the consultation process, on behalf of the Council.

### 3. **BACKGROUND**

- 3.1. The Ministry for the Environment (MfE) have been reviewing the NES-DW, following the Havelock North drinking water contamination event in 2016 and subsequent Inquiry, which highlighted deficiencies with the current version. Key deficiencies highlighted by the Inquiry were:
  - 3.1.1. The NES-DW is complex and difficult to interpret and apply;
  - 3.1.2. It doesn't cover the full range of activities that pose a risk to source water, and;
  - 3.1.3. It doesn't provide adequate protection for water supplies serving less than 500 people.
- 3.2. Given the above, a full review of the NES-DW was recommended to enable risks to source water to be addressed in a straightforward and comprehensive manner.
- 3.3. In February 2022, the MfE released a consultation document and a series of questions to help inform the final update to the NES-DW later this year. Staff have prepared a draft submission, aiming to improve the final document, and are seeking the Council's endorsement before submitting.
- 3.4. The way in which the MfE has requested to receive feedback is by water suppliers answering a 41 questions regarding the proposed new NES-DW. Staff have prepared answers to these questions, which are attached to this report and will form the basis of the Council's submission.

### 4. **ISSUES AND OPTIONS**

- 4.1. In preparing the proposed submission to MfE, staff have reviewed the consultation material, engaged with technical experts in the field, and cross referenced key submission points with other water suppliers.
- 4.2. The questions and the proposed answers prepared are generally technical in nature, there are a number of themes or key points which can be highlighted. These are included below:

#### Key Submission Points and Themes

- 4.3. The proposed new NES-DW includes a proposal for three different zones within each source catchment, with different levels of protection. A key point, covered under Question 1, is that there needs to be absolute clarity in which each zone is trying to achieve, to ensure the levels of protection match this objective, and to avoid any lack of clarity or inconsistency in the way in which the standard is applied.
- 4.4. The timing of the release of this standard, and the requirements of the Water Services Act are also a point raised in the submission. The proposed NES-DW will require that regional councils delineate the protection areas, which is the first step in the source water risk management planning process, and which would not occur until the latter part of this year, or more likely the following year. However, the Water Services Act requires that water suppliers have completed Source Water Risk Management Plans (SWRMPs) by November this year, and this forces suppliers to complete this body of work prior to the NES-DW even being enacted. While it is too late with the sequencing of the separate pieces of legislation to fully resolve this issue, there needs to be acknowledgement in the implementation that the development of SWRMPs will be an iterative process, and that SWRMPs will require refining over time. This issue of timing and sequencing is raised in responses to Question 2 and Question 7.
- 4.5. A third key point is with regard to the legal effect and levels of protection that is provided to sources of human drinking water once the catchment area is identified alongside risks within that catchment. Currently if a catchment area for a source is identified to be different to that allowed for within Environment Canterbury's (ECan) Land and Water Regional Plan (LWRP), the onus is on the water supplier to apply for a change in consent conditions such that ECan recognise the new area and protect this in terms of the types

of activities that are and aren't allowed. As part of this process, the water supplier must be able to demonstrate that any effects on any parties within that area are less than minor, which can be very challenging, and prohibitive to protections being put in place even when risks are identified. This can mean that while it might be straightforward to demonstrate an area is influencing a drinking water source, it can be very challenging to have the required level of protection and restrictions on activities to actually protect that source.

- 4.6. The key point from above is that there needs to be further thought given to how these newly developed source water risk areas are given legal effect, rather than just identifying the areas and associated risks. This is covered in responses to Question 8, Question 16, Question 27 and Question 35.
- 4.7. There are a number of other points made within the 41 questions asked, with the full proposed submission attached to this report.

#### **Implications for Community Wellbeing**

There are implications on community wellbeing by the issues and options that are the subject matter of this report. All community members on a public water supply have an expectation of receiving drinking water that is safe. The NES-DW is a fundamental part of this, in that protection of the source is the first key barrier to contamination.

- 4.8. The Management Team has reviewed this report and support the recommendations.

### **5. COMMUNITY VIEWS**

#### **5.1. Mana whenua**

Te Ngāi Tūāhuriri hapū are likely to be affected by, or have an interest in the subject matter of this report. Protection of drinking water sources is a key element of giving effect to the concept of Te Mana o te Wai. Staff will be reporting to the Mahi Tahī Committee to establish a plan for how the required level of mana whenua input can be gained with respect to the protection of drinking water sources, and the delivery of safe water.

#### **5.2. Groups and Organisations**

There are not groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

#### **5.3. Wider Community**

The wider community is likely to be affected by, or to have an interest in the subject matter of this report. As noted under Implications for Community Wellbeing, the wider community is reliant upon receiving safe and reliable drinking water, and the protection of the source via the NES-DW is a fundamental part of this.

### **6. OTHER IMPLICATIONS AND RISK MANAGEMENT**

#### **6.1. Financial Implications**

There are not financial implications of the decisions sought by this report.

#### **6.2. Sustainability and Climate Change Impacts**

The recommendations in this report do have sustainability and/or climate change impacts. The Council's public water supplies rely on high quality drinking water sources being available, largely from the aquifers within the district. The availability of water in these aquifers is influenced by rainfall within the district, which in turn is impacted by climate change, and changing weather patterns. Therefore, in considering the safety of water sources as part of preparing SWRMPs, the long term availability and sustainability of water sources must also be considered.

#### **6.3 Risk Management**

There are not risks arising from the adoption/implementation of the recommendations in this report.

### 6.3 **Health and Safety**

There are not health and safety risks arising from the adoption/implementation of the recommendations in this report.

## 7. **CONTEXT**

### 7.1. **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### 7.2. **Authorising Legislation**

The Water Services Act and Resource Management Act are relevant in this matter.

### 7.3. **Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report. In particular:

- There is a healthy and sustainable environment for all;

### 7.4. **Authorising Delegations**

The Council is authorised endorse the proposed submission, as recommended by this report.

2 March 2022

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## **WAIMAKARIRI DISTRICT COUNCIL SUBMISSION ON NATIONAL ENVIRONMENTAL STANDARDS FOR SOURCES OF HUMAN DRINKING WATER**

### **1. Introduction**

- 1.1. The Waimakariri District Council (the Council) thanks the Ministry for the opportunity to provide comment on the National Environmental Standards for Sources of Human Drinking Water (NES-DW)
- 1.2. The Council supports the Government's intent to strengthen the protection of drinking water sources; standardising the way source water areas are defined, the strengthening of regulations relating to activities around water sources, and the inclusion of more water suppliers under the NES-DW.
- 1.3. The Council are committed to ensuring that our residents continue to have access to safe drinking water, and are committed to a multi-barrier approach.
- 1.4. Our submission aligns in principle with the submission of Selwyn District Council and as such we support the direction of their submission.
- 1.5. The Council is willing to further engage with the Ministry on the matters raised in this submission.
- 1.6. In our submission we address three key issues as well as additional specific submission points we would like the Ministry to consider.

## 2. Key issues

2.1. There are three key issues the Council wishes to draw to the attention of the Select Committee:

- The intended objective of each zone must be clearly defined, to ensure a clear and consistent approach;
- Development of plans will be iterative and refined over time;
- There must be mechanisms to give Source Water Risk Management Areas legal affect, both in the future, and retrospectively.

### Clearly Defining Objective of Each Zone

2.2. The proposed new NES-DW includes a proposal for three different zones within each source catchment, with different levels of protection. A key point, covered under Question 1, is that there needs to be absolute clarity as to what each zone is trying to achieve, to ensure the levels of protection match this objective, and to avoid any lack of clarity or inconsistency in the way in which the standard is applied.

### Iterative Process For Source Water Risk Management Area Delineation

2.3. The timing of the release of this standard, and the requirements of the Water Services Act are also a key point raised in the submission. The proposed NES-DW will require that regional councils delineate the protection areas, which is the first step in the source water risk management planning process, and which would not occur until the latter part of this year, or more likely the following year. However, the Water Services Act requires that water suppliers have completed Source Water Risk Management Plans (SWRMPs) by November this year. This forces suppliers to complete this body of work prior to the NES-DW even being enacted.

2.4. While it is too late with the sequencing of the separate pieces of legislation to fully resolve this issue, there needs to be acknowledgement in the implementation that the development of SWRMPs will be an iterative process, and that SWRMPs will requiring refining over time. Currently planning legislation treats the delineation of a drinking-water source as a point in time assessment, rather than something that may be refined over time. This issue of timing and sequencing is raised in responses to Question 2 and Question 7.

### Mechanisms Must Be In Place Where High Risk Activities Are Identified

2.5. Currently if a catchment area for a source is identified to be different to that allowed for within Environment Canterbury's (ECan) Land and Water Regional Plan (LWRP), the onus is on the water supplier to apply for a change in consent conditions such that ECan recognise the new area and protect this in terms of the types of activities that are and aren't allowed. As part of this process, the water supplier must be able to demonstrate that any effects on any parties within that area are less than minor, which can be very challenging, and prohibitive to protections being put in place even when risks are identified. This can mean that while it might be straightforward to demonstrate an area is influencing a drinking water source, it can be very challenging to have the required level of protection and restrictions on activities to actually protect that source.

2.6. The key point from above is that there needs to be further thought given to how these newly developed source water risk areas are given legal effect, rather than just identifying the areas and associated risks. This is covered in responses to Question 8, Question 16, Question 27 and Question 35.

2.7. There are a number of other points made within the full set of responses to the questions asked, which are included below.

## Consultation questions

### The default method for delineating SWRMA

1. Domestic and international evidence suggests that delineating three at-risk areas is a good approach for protecting sources of drinking water. Do you think this is a good approach for protecting our source waters? What other approach can you think of that could contribute to protecting our drinking water sources? Do you think that three areas (and therefore levels of control) are sufficient to protect our drinking water sources?

We agree that the delineation of a three at-risk areas is a sound approach. The NES should make clear what the purpose of each zone is, as the current proposed wording and zone definitions are unclear.

The draft wording states SWRMA2 is to mitigate 'medium term' risks, but does not give a definition of the term 'medium'. Further, in shallow groundwater sources (or surface water sources) contaminants in this area could impact source water quality in a very short term in the right circumstances (i.e. after a rain event in the case of Havelock North) so does not seem to necessarily support the medium term intent of this zone.

The use of the terminology 'medium term risks' is also potentially problematic, in practical terms. The way in which the Source Water Risk Management work would be sequenced would be that the areas would be delineated, followed by a hazard identification and risk assessment process. So there needs to be a means to establish the areas in the first instance, and carry out the risk assessment subsequently, rather than what is proposed which suggests some understanding of the risks in the first instance, followed by the delineation of the zones.

After reviewing the proposed dimensions of SWRMA2 it appears that these dimensions are based on other literature for calculating the limits to which *microbiological* contaminants can travel (either by an upper distance of 2.5km or upper limit of travel time of 1 year). So while it appears that this zone is calculated to identify any activities that could adversely impact on the source water quality in terms of microbiological contamination, the introductory text suggests that this zone is focused on medium term activities, which may be either microbiological or chemical.

To make these three zones effective both in terms of how they are calculated, and what activities are permitted or not within each zone, there needs to be absolute clarity in terms of what the purpose of each zone is. If this is not achieved, any level of confusion in this part of the NES will flow through to confusion throughout the implementation of the entire NES, so providing clarity here should be made an area of focus.

2. In your view, is the method to determine each SWRMA, for each type of water body, the best option?

– Should other factors be considered in determining size?

As a starting point, there needs to be a distinction provided as to what the definition of a bore is (as whether the source is a bore or a river, the definition of zones changes quite significantly). Some shallow bores are very close to rivers, so it would seem to make sense to consider these river sources, but in other cases, they may be several hundred metres from a river.

– What challenges can you foresee in delineating SWRMAs?

Different modelling techniques can produce vastly different results. Achieving the right balance between models to delineate zones being based on a repeatable process at a reasonable cost, but still giving a reliable and realistic area will be the biggest challenge.



It is likely that the first iteration of SWRMAs may be based on a relatively simple (and conservative) model as a first cut, to give effect to the NES in the required timeframe. Further iterations will then need to be made over time to refine these zones, which may take a longer amount of time to achieve due to the potential complexity of modelling required to achieve this in some cases.

The implementation of these zones is discussed further later in this submission.

– Do you have any comments or feedback on the detail contained in the technical guidance materials?

No.

– Should SWRMA for all aquifers be bespoke so their unique features, depth and overall vulnerability can be considered?

Ideally a repeatable methodology of zone delineation could be determined for similar aquifer types, that includes inputs that consider unique features such as depth, specific aquifer parameters, and vulnerability.

The methodology should have differing levels of complexity depending on the population served, such that the level of effort and cost is proportional to the level of consequence of an incident.

3. For lakes, do you agree that SWRMA 2 should include the entire lake area?

No comment on this area.

– What might be an alternative approach?

4. SWRMA 1 for lakes and rivers is proposed to extend 5 metres into land from the river/lake edge. This contrasts with 3 metres setback requirement of the Resource Management (Stock Exclusion) Regulations 2020. SWRMA 1 is proposed to be used as a basis for controlling activities close to source water intakes, and applies to a wide range of activities. Do you think these differing setbacks will cause confusion or result in other challenges?

There are two points to be made in response to this question:

- If there are differing criteria for bores and river intakes, there must be a good definition and distinction between the two. There are some very shallow bores close to rivers that are essentially directly taking water from the river, and other deeper sources that may have less of a direct connection. To avoid confusion and inconsistency in application, definitions between the two should be provided.
- Protections should not just extend to river boundaries, but also encompass artificial watercourses that flow into the catchment within SWRMA 1, that may also be a source of contamination.

5. There is evidence suggesting that a 10–30-metre radius around source water bores is a preferable way to delineate the area where activities would be heavily restricted (SWRMA 1). However, expert advice suggests a 5-metre radius is the most workable option.

– Do you agree that a 5-metre radius around a source water bore gives enough protection? Why or why not?

With a deep well with a well constructed bore head, in most cases 5m would be sufficient. However, there would be some shallow bores that could be heavily affected by a greater area, and therefore a larger area would be warranted. A fixed radius for SWRMA1 for all

bores would not be appropriate, as the level of connectivity between the surface and the aquifer from which water is drawn can vary greatly between different sources. Therefore, consideration should be given to considering bore depth and the level of connectivity with the surrounding ground in the delineation and size of SWRMA1. Potentially different depth bands being given different radius for SWRMA1.

– If not, what alternative would you suggest?

See above, bore depth and connectivity with of the aquifer with the immediate land surface should be a factor.

6. While water takes from complex spring systems or wetlands may require a bespoke SWRMA to ensure consideration of any contamination pathways present, a default method is necessary to ensure interim protection. Do you think a default method is practicable in most situations?

– Do you think a regional council should determine (on a case-by-case basis) the most applicable default method: for a river, lake or aquifer, or is a different default approach necessary?

Guidance should be provided by the NES to ensure as much national consistency as possible (and to avoid duplication of work by regional councils). Where local consideration is required, the guidance provided by the NES should direct regional council as to what local factors should be considered.

– If so, what alternative would you suggest?

### Regional council mapping of SWRMA

7. How long do you think is necessary for regional councils to delineate SWRMAs for currently registered water supplies in each region, using the default method?

There is currently already a significant issue of timing with the status of the NES, and the Water Services Act (WSA) requirements. The WSA requires all water suppliers to have SWRMPs in place and informing Drinking Water Safety Plans by November 2022. With the NES not yet implemented, the only option to respond to this as a territorial authority water supplier is to engage consultants to start work on the delineation of SWRMAs from early 2022.

Therefore, by the time the NES is in place, we will have already delineated SWRMAs for all our public supplies. While the regional councils will provide data to help inform this process, they will not be playing the lead role, due to the obligations put on water suppliers by the WSA.

8. What challenges do you foresee in delineating SWRMAs, when previously unregistered supplies are registered with Taumata Arowai (see Proposal 3 for more details)?

The largest issues will be:

- The volume of supplies requiring SWRMAs
- The cost of implementing these for small water suppliers (if the water suppliers bear these costs), or alternatively the volume of work for which regional councils are required to undertake if they play the lead role.
- The amount of land ultimately impacted by restrictions (once all water supplies are considered) may also be a factor.
- The mechanism by which legal affect is given to all SWRMAs also requires resolving. At this stage, it is unclear how (once SWRMAs) are delineated they will be given the required status to restrict certain activity types. This is a matter requiring urgent consideration not only for new unregistered supplies, but all supplies whose protection zone is created or modified through this process.

9. What support could enable regional councils to delineate SWRMAs within shorter timeframes?

It is considered that this question is best answered by regional councils.

10. Do you think consideration should be given to mapping currently unregistered supplies as they register (but before the four-year deadline provided under the Water Services Act), or do you think that waiting and mapping them all at the same time is a better approach?

Mapping them as they register makes more sense (or at least on an annual basis for all supplies registered in the last year) to ensure protection is given at the earliest practicable opportunity, and to spread the workload.

**Bespoke method for delineating SWRMA**

11. If a regional council has already established local/regional source water protection zones through a consultative process, should there be provision to retain that existing protection zone as a bespoke method without further consultation or consideration against new national direction?

This question is answered from a Canterbury perspective, as we are not aware of the types of protection zones already delineated in other regions. In terms of the default protection zones allowed for within the Land and Water Regional Plan, these were created using a generic process without much site specific considerations, and without the level of consideration required by the draft NES. Therefore, the reliance upon these pre-existing Community Drinking Water Protection Zones should not be considered an acceptable alternative to following the procedures proposed by the draft NES.

There may be a (small) number of sources where detailed modelling has been completed to delineate zones to a level of detail either equivalent to or greater than that required by the draft NES. In these cases, our view is that these previously delineated zones should be reviewed against the draft new guidelines for compliance and any necessary modifications made so that all zones comply with the requirements of the NES once implemented.

It should only be by exception that a previously delineated zone that does not meet the requirements of the draft NES should be considered acceptable, if any specific reasons can be raised to justify why the previous methodology used is more accurate and will give a better level of protection than the methodology proposed within the draft NES.

**SWRMA 1 controls**

12. Do you think national direction on activities within SWRMA 1 is necessary?

Yes.

– If so, what activities should it address?

In general, any activity with the potential to introduce contaminants directly to the water supply should be addressed by SWRMA1 controls. One activity type that is not mentioned for SWRMA1 in the consultation document is the grazing of livestock, despite this being by far the likely leading cause of contamination of the Havelock North water supply (as well as being a common cause of contamination of water supplies in general) as this has the potential to introduce high concentrations of microbiological contamination to the area immediately around the drinking-water source, if controls are not in place.

– How restrictive should controls be in SWRMA 1, for resource users other than water suppliers?

It is considered that anyone with the potential to introduce contaminants to a water supply source should have restrictions, whether they are the supplier or another party.

Acknowledging the significantly high risk any direct discharge of contaminants may immediately pose to a water source in a SWMRA 1 area, it is considered that if any activities requiring a Resource Consent are not expressly prohibited they should be assigned the next restrictive class under the RMA or subsequent legislation.

– Are there any activities you believe should be fully prohibited in this area?

Presence of livestock, storage of potentially hazardous chemicals, discharges to ground, discharges to land, discharges to water (including the practice of aquifer heat exchange/artesian heating), abstracting of water if the practice of doing so may introduce contaminants into the water source, excavation that may intersect with the aquifer included in the SWRMA 1, including fracking. It may also be appropriate to extend any prohibition to the SWRMA 2, depending on the specific characteristics of the water source and surrounding environment, e.g. a vulnerable aquifer.

– Are there any activities you believe should be permitted or specifically provided for or acknowledged in this area?

13. For water suppliers, are there any other activities beyond intake maintenance/management that should be provided for?

Consideration should be given to the types of activities that a water supplier may undertake at a water supply site, what risks they present, and what controls might be able to be put into place to manage these risks. This assessment may identify some activities that a supplier could safely undertake. Examples are:

- Spraying as a weed control method, particularly at deep sites with a high standard of bore head would likely present minimal to negligible risk.
- storage of water treatment chemicals (chlorine) could be done safely, with adequate bunding provisions in place, for deeper sources with less (if any connection) between the activities on the surface and the aquifer, and with adequate alarming and controls on the system to alert water suppliers to an incident occurring (i.e. if there were a chemical spill within SWRMA1 to the point that the extra chlorine entered the source water at a level that could be detected, the site's chlorine analyser would be able to set up to alarm of the high chlorine levels).

14. In and around freshwater, control of pest species (including aquatic pest species) may be necessary, including through physical control (removal, that may include bed disturbance) or chemical control (discharge).

- How much of an issue is this in and around abstraction points?
- How critical is that work?
- How often is this work mandated by other regulation or requirements?
- How frequently is this work undertaken by parties other than the drinking-water supplier (or their contractors)?

This question has not been answered as we have limited experience with freshwater takes.

#### **SWRMA 2 controls**

15. Do you think national direction on activities within SWRMA 2 is necessary?

Yes. If national direction on the types of activities that should be excluded, permitted, restricted discretionary etc. is not provided, very similar work streams would be undertaken by

a large number of water suppliers or regional councils, leading to inefficiencies and inconsistencies within the industry.

While individual regions would take this national guidance any may adopt regionally specific rules, over-arching national guidance is essential.

– If so, what activities should it address?

As noted earlier under Question 1, a key starting point is to begin by ensuring it is absolutely clear what the intention of SWRMA2 is, to ensure there is clarity in defining the activities that should be considered.

One area that does not appear to have been given as much focus in the consultation document as potentially necessary is that of agricultural activities in general, even if there is not a specific discharge consent or permit involved. Either dry-land agriculture or agriculture combined with irrigation has the potential to create in some cases significant contaminant loads, but in most cases are permitted within drinking water protection zones. While in some cases this may present an acceptable level of risk, there may be some sources where this presents a significant risk. Havelock North was one example where the most likely contaminant source was farming activity that was permitted, and when combined with rainfall this presented a significant risk to the drinking water source which had not been acknowledged by any drinking water protection zones in place to prevent this from occurring.

16. In your view, how much will this proposal impact the current situation in your region?

This proposal will help define the methodology to be followed in defining protection zones which is an important and necessary first step.

It terms of making a meaningful difference to water quality outcomes and water safety (to fulfil the objectives that are trying to be achieved), it is critically important that there are the legislative means to implement changes as a result of the SWRMA delineation process, and subsequent risk assessment. There needs to be more clarity on how, once areas are defined and any high risk activities identified, what will the tools available be to ensure that this risk is addressed? If the risk is simply identified, but there are not means to address or manage the risk, it will not make any difference to the safety of the water the public receives.

– What discharges to water are currently permitted?

Many drinking water protection zones have septic tank discharges within them, others have farming activities either permitted or consented which may introduce risk of microbiological or nitrate levels exceeding safe limits.

As also outlined under question 12 activities such as aquifer heat exchange are also currently permitted in Canterbury.

– Should provision be made to continue to permit those activities? What controls are typically used to ensure potential adverse effects are managed?

For the proposal to make a meaningful difference, it needs to address existing activities, as well as future proposed activities. If there are existing activities that are putting public water supplies at risk, there must be some tools to ensure these activities are managed to reduce the risk to an acceptable level.

17. Are there any other activities that should not be permitted within SWRMA 2?

As noted above, land use in general needs to be considered, rather than just discharges to water and land disturbance. Canterbury has high yielding aquifers due in part to the high

permeability gravels that are present. These gravels while beneficial in providing high yielding water sources, can have the potential to present rapid pathways for contaminants from the surface to the aquifer. As these events can occur based purely on the natural geology combined with the land use at the surface (i.e. without any discharge to water or land disturbance), contaminant loadings on the land surface even for what might otherwise be considered 'normal' land use types must be considered.

18. The original intent of SWRMA 2 was to manage microbial contamination. However, there are indications that protections against other contaminants may be required. What contaminants do you think should be controlled in SWRMA 2?

Nitrate is the most obvious contaminant of concern in Canterbury that is non-microbiological, but it should not be limited to just this. There are other contaminant types that could present a risk, such as chemical risks either from industry, agriculture or horticultural activities, or from historic land use such as landfills.

As noted in Question 1, the question as to what contaminants should be protected against relies on the initial definition of what SWRMA2 is trying to achieve. Our understanding is that SWRMA2 is intended to include both chemical and microbiological impacts to the water supply, although it is acknowledged that the literature supporting the parameters (1 year travel time, and 2.5km upper distance) have been derived from characteristics of microbiological contaminant transport and removal. A proposed alternative definition of what SWRMA2 is intended to achieve to assist with the identification of contaminants to be controlled is:

*SWRMA2 encapsulates the entire area of influence for microbiological contaminants, and also includes any non-microbiological contaminants that may have a short to medium term impact on the safety of the water, but excludes long term cumulative impacts of non-microbiological contaminants which are considered by SWRMA3 only, via the RMA.*

19. What other challenges do you see when making a consent application within SWRMA 2?

There needs to be clear and consistent guidance and understanding of the following, in order to allow a consistent approach to be followed

- The contaminant loading rate of the proposed activities;
- Removal, die-off and dilution rates for the contaminants of concern.

Without clear guidance on the above, there is a risk that this ambiguity will lead to contradictory opinions of experts acting for opposing parties during the consenting process, which would be both costly and inefficient for all parties involved.

### SWRMA 3 controls

20. Do you think any additional controls, other than broad consideration of the effects of the activity on source water, are required in SWRMA 3?

It is generally agreed that these risks associated with SWRMA 3 need to be understood and managed by regional councils, at a regional scale, rather than considered on a source by source basis.

This position has been formed on the understanding that in implementing the RMA, regional councils will give effect to Te Mana o te Wai, in particular recognising the hierarchy of obligations, with the health and well-being of water being given the highest priority. With this in mind, and if this interpretation is correct, it is considered that the RMA is sufficient to protect sources of human drinking water in SWRMA 3.

## Groundwater bore management

21. What is your view on how to address issues with bores – should it be enough to amend the NZS 4411:2001 (with reference to that standard in the NES-DW), or should greater direction be given in the NES-DW itself?

Greater guidance should be provided via the NES-DW, otherwise there is no mechanism to require parties to follow NZS 4411:2001 if this is relied on alone to achieve the desired outcomes.

22. For existing bores:

– What is your view on requiring unused bores to be decommissioned?

This should be a requirement of bore owners.

– Should bores of poor quality be required to be upgraded or decommissioned? What timeframe might be reasonable to do this?

Yes, particularly uncapped bores, or bores associated with hazardous activities (i.e. chemical fertigation) with inadequate backflow prevention. Feedback from regional councils should be sought (who presumably would be responsible for implementing these requirements) with respect to the time they would need to implement such requirements.

– For many older bores there are no records. What sort of evidence could be used to support the ongoing use of these bores, or demonstrate they pose a low risk to the security of the aquifer?

We do not feel technically qualified to answer this question, however factors to be considered when determining this risk should include:

- potential density of such bores penetrating the same aquifer as the source in question;
- potential for contaminants to be travelling down the older bores;
- land use activities occurring immediately around the older bore/s in question;
- consideration of any natural sealing that would occur over time (this may vary with depth);
- any dilution or removal through the aquifer, depending on distance of abandoned bore to water source;
- verification of assessed level of risk (based on the above), against water quality data records.

23. What is your view on prohibiting below-ground bore heads?

Below ground bore heads are like other infrastructure associated with water supply delivery. When managed poorly, they can present a significant risk. However, when managed well, their risk can be similar to an above ground bore.

Conversely, an above ground bore located in an area prone to flooding, coupled with inadequate sealing at the well head, would lead to a high risk.

The issue of managing the risk of contaminants entering an aquifer via other bore heads is complex, and the prohibition of below ground bore heads is considered to be over-simplifying the response to this risk. A more nuanced approach, taking into account a wider range of factors is required.

24. Regional councils are responsible for control of the use of land for the purpose of maintenance and enhancement of the quality of water in water bodies (RMA section 30(1)(c)(ii)). Do you think territorial authorities have a role in land management over aquifers, and if so, what is that role?

Yes, regional councils should protect the quality of the water in aquifers, just as they do in water bodies. Therefore, as part of this, they should consider and manage any potential negative impacts that land use may have on aquifer water quality. Referring back to the previous questions, land use activities overall are considered to present a far higher level of risk collectively across the country than some other activities that are being given focus (i.e. below ground bore heads), and therefore this at least an equally if not more significant area of focus.

#### Identifying and managing activities over vulnerable aquifers

25. It is not clear which approach might be best for ensuring risk to vulnerable aquifers is appropriately managed. Do you think that an NES-DW is the right channel for addressing this? If not, what approach might be better?

Yes, through lack of an alternative, the NES-DW is considered to be the best approach.

26. Would it be helpful if guidance on vulnerable aquifers was provided to support freshwater planning as the NPS-FM is given effect?

Yes

#### Retrospective application of the NES-DW to existing activities

27. What activities do you believe the NES-DW should retrospectively apply to / not apply to, and why?

This is a very critical but complex part of this process. In short, there is little point in the work involved in the preparing the amended NES-DW and associated SWRMPs that will result, without giving some immediate effect to control activities that present high risks to existing sources. As the life of most sources will likely be many decades, if no protection is provided against existing activities impacting negatively on existing sources, the rate at which progress is made in protecting drinking-water sources will be very slow.

There needs to be some criteria by which unacceptably high risks are identified and given more immediate effect to mitigate the negative impact the activity is having (or in more extreme cases to require that the activity cease), while medium to lower risks may be addressed at the time the activity presenting the risk comes up to renew their consent associated with the activity presenting the risk.

28. In your view, what are the key challenges and benefits to retrospective application?

The key challenge is balancing the need to provide safe drinking-water, against a sense of fairness to parties who may have built a business or livelihood on the basis of undertaking an activity that had not previously been identified as having a negative impact on a water source. There needs to be a methodology determined to find the correct balance for these situations.

Consideration should be given to phasing in any new restrictions to existing properties, using a risk based approach. Suggested steps to be taken, in order, are outlined below:

- apply new SWRMA's with immediate effect to prevent any new activities of concern being established;
- apply restrictions within agreed time period to high risk existing activities (maybe 1 year);
- apply restrictions within longer agreed time period to medium risk activities (maybe 5 year);
- apply restrictions to other low risk activities when consents come up for renewal.

#### Criteria when considering effects on source water



29. Do you agree with the proposed list of criteria?

Generally yes.

It is noted that one problem with the previous NES-DW is that it relies on the consenting authority having knowledge of and understanding the water supplier's treatment systems (i.e. it considered the impact of an activity *after treatment*). There is one item in the list provided that appears to introduce a similar problem, in that it relies on the consenting authority having knowledge of and understanding the water suppliers source water risk management plan, by considering whether this plan addresses the potential contaminant being consented. Consideration should be given as to whether it is reasonable and realistic that the consenting authority would / should have sufficient understanding of suppliers' SWRMPs.

– Are any additional criteria needed, or clarification?

No.

### Proactive response planning

30. What types of activity might pose a significant risk to a water supply in an accident, emergency, or other natural event?

In general, activities that involve storage, containment or movement of contaminants at a high concentration that could have acute impacts on the water supply if something regarding the storage, containment, or movement of the contaminants were to go wrong.

31. Do you think it is reasonable to require all activities with some potential to affect source water to undertake response planning, or just those with a higher risk (likelihood and consequence)?

All activities that may affect source water would seem to be excessive. There may be some activities that involve only a slow accumulation of contaminants, without the potential for an 'incident' that would lead to the levels of contaminants increasing significantly. The focus should be on events that may have an acute impact on public health.

The way in which other 3 Waters systems are managed, which could be replicated, is as follows:

- High risks require preventative measures be put in place to lessen the risk, as well as an incident response plan should the risk eventuate.
- Medium risks require an incident response plan to be in place.
- Low risks do not require preventative measure or an incident response plan.

### Water supplier involvement

32. Do you agree that resource users should engage with water suppliers in consenting matters, within SWRMA 1 and 2?

Yes. However, agreement from a water supplier should not negate the need for wider public engagement. As the wider public is affected by the source water quality, they should still have the ability to have their say on a consent proposal, even if the water supplier has been consulted and signed an Affected Party Approval form. This is particularly relevant for members of the public who may have their own private water sources (typically groundwater) and are similarly impacted by the same types of water quality issues as community water suppliers are. Private self-supplying water suppliers are not covered under the scope of this NES, so meaningful consultation at the consent application stage provides another important avenue for their views to be taken into consideration.

33. What hurdles do you see in promoting this engagement with water suppliers?

Water suppliers should not be expected to assess the effects of a proposed activity themselves, but rather be presented with this analysis undertaken by the applicant, and the discussion should be around the acceptability of the consequences once they are determined. The hurdle could be a water supplier who is presented with insufficient information / detail on the proposal and its impacts, that may not be able to meaningfully engage with the applicant in such circumstances.

34. What support might small water suppliers need to effectively engage in the consent process?

Small suppliers would need adequate technical expertise and understanding to understand fully what the impacts of the proposed activity are. This will be challenging to achieve, given the number of small private suppliers that will be created via the Water Services Act.

#### General matters relating to managing source-water risks

35. A National Environmental Standard is a regulation under the Resource Management Act 1991 (RMA) that requires, among other things, that regional councils make changes to their regional plan rules. Making these changes can add costs (e.g., financial, administrative) for regional councils.

– In your view, how might regional councils be affected by the NES-DW's new requirements to change regional plan rules?

Plans (such as ECan's Land and Water Regional Plan which defines Community Drinking Water Protection Zone boundaries) would need to be updated to give effect to new methodologies for delineating protection areas, and what restrictions are in place within these areas. This would require a plan change process which can take time to implement, and will slow the rate at which improvements via this process can be realised. Further consideration should be given to any means to address these current barriers to implementing the required changes, once the new source water risk areas are developed.

– Do these effects outweigh the expected benefits of better source water protection?

Yes. Without regional council plans being updated that set out what activities can and cannot take place, the SWRMPs will have no meaningful change on source water quality.

36. In your view, how could the amendments to the NES-DW better align with farm plans?

– Is reliance on the NPS-FM, NES-F and Stock Exclusion Regulations enough to manage the long-term effects of farming activities on underlying aquifers and waterbodies?

Farm plans are developed at a regional level, while the NES-DW is a document prepared at a national level, therefore it may be difficult to align with NES-DW with farm plans, given that these vary regionally.

Our experience is that farm plans alone are insufficient to manage contaminant loading in all drinking water catchment areas. We have had drinking water sources abandoned and many kilometres of new pipe installed due to high nitrate levels, which were caused by upstream farmers who were operating in accordance with their farm plans. In this instance, the farm plans and associated land use controls were proven to be entirely inadequate to adequately protect the drinking water source, at great expense to the community.

– Can you identify potential duplication between the NES-DW and other regulations that control land use?

No

37. If you are a water supplier, do you think these amendments will affect your ability to supply water (positively or negatively)?

They will not limit the ability to supply water. The only potential barrier would be if there were excessive barriers to drilling another well in an existing well field, there would need to be practical ways to manage this safely, while still being able to supply water from the existing wells in the well field.

In terms of removing barriers to development of drinking water sources, there should be a framework established to protect future sources which might be included in master plans, but not yet exist. It would be beneficial to have protections in place in anticipation of the water source being established, to ensure hazardous activities do not commence and then prohibit planned drinking water sources from subsequently being established.

An example might be a bore field that is established first for the present population, but with plans for how that bore field will be expanded as population growth and increased demand occurs. Without a framework to protect the future sources, the master planning work may become redundant if high risk activities are established prior to the additional sources being consented.

Would they influence whether you continue to provide water?

Not unless the ability to construct new wells in the vicinity of existing wells were so prohibitive and impractical that well fields could not be extended.

38. If you are a resource user, do you think these amendments will affect how you currently use your land or undertake activities? Will you have to change how you do things as a result?

#### **Which water supplies should be protected by the NES-DW**

39. Do you think the protections of the NES-DW should apply to all registered water supplies?

There should be some protection for all water suppliers, but the method and complexity of analysis to determine the protection zones and any restrictions on activities needs to be much less complex for the very small supplies compared to the very large, due to the very large volume of new suppliers that will be created under the WSA.

– If not, what types of supplies should be included, and why?

40. The WSA has a registration timeframe of four years for currently unregistered supplies.  
 – Do you agree with aligning application of the NES-DW with the WSA? If not, why?

Yes, it makes sense that a SWRMP would only be required to be created once a supply is officially registered.

– In your view, what are the challenges resulting from including these newly registered supplies within the NES-DW framework?

The largest challenge is the volume of new suppliers. This will be a challenge for the following reasons:

- This will create a large volume of work for regional councils and water suppliers to input to in order to create such a volume of SWRMPs.
- This volume of water suppliers will create a large amount of impacted landowners, who find they are undertaking activities within a newly created source water risk management area.

#### **Other comments**

41. Do you have any other comments you wish to make?

Te Mana o te Wai

Adequate consideration should be given to explicitly embedding the concept of Te Mana o te Wai in this NES as much as possible so it can be readily applied as a statutory tool.

Alignment with Other Processes

There needs to be more alignment of the Regional Councils' proposed new regional policy statements (or plan changes) for implementation of the NPS-Freshwater Management and the implementation of the NES-DW. This should not be a separate process, as this will lead to increased costs (i.e. two reviews) and create risk of dis-alignment with controls on land use. As an example, the NES-DW is leading to having three sets of rules where stock exclusion is required; Land and Water Regional Plan, RMA Stock Exclusion Regulations 2020 and the NES-DW stock exclusion controls in selective areas that are have different requirements for farmers, which may lead to confusion and inhibit compliance.

A further example for better alignment potential of the NES-DW with the NPS-FM is the new requirement for Freshwater Plans that will be required for farms greater than 20ha. This will have a catchment focus for the first time. It would make sense to ensure that in the drafting of these Freshwater Plans that there was an opportunity to list and consider any SWRMPs that effect the farm, and what controls on land use there are.

Council would again like to thank the Ministry for the opportunity to provide this submission.

For any clarification on points within this submission please contact Colin Roxburgh.

Yours sincerely

Dan Gordon

**Mayor of Waimakariri**



Consultation document

# Kia kaha ake te tiakina o ngā puna wai-inu

## Improving the protection of drinking-water sources

Proposed amendments to the Resource Management (National  
Environmental Standards for Sources of Human Drinking Water)  
Regulations 2007



Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*



**Te Kāwanatanga o Aotearoa**  
New Zealand Government

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## Message from the Minister



Everyone should have access to safe drinking water. That's why we are considering changes to the NES-DW (National Environmental Standard for Sources of Human Drinking Water) to make our drinking water safer, and we want to hear what you think.

The current NES-DW is simply not fit for purpose. It is imprecise and difficult to put into practice. The proposed changes to the NES-DW address these concerns. This document outlines three proposed areas of improvement: standardising the way we define source water areas, strengthening regulation of activities around water sources, and including more water suppliers under the NES-DW.

It's crucial we have protections in place along each step of the water supply process, from source to tap. The NES-DW is designed to be the first step, focusing on the source of the water, and we want to strengthen it to make it work more effectively.

Together, these changes will help protect both the health of the water source and the health of the community. They also recognise Te Mana o te Wai, acknowledging the fundamental importance of water to the health and wellbeing of our people and our environment.

The Ministry for the Environment is running public consultation to hear what you think of these proposals. Feedback is welcome until 6 March 2022 and will be used to refine our proposed changes to the NES-DW before they are redrafted and gazetted later in 2022.

Thank you for taking the time to consider the proposals, and we look forward to hearing your views.

Hon Kiritapu Allan  
Associate Minister for the Environment

## Executive summary

The first barrier for preventing waterborne illness is to protect the water bodies from which drinking water is taken – rivers, lakes and aquifers – from contamination. The Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-DW) were intended to support source water protection by providing national direction on how to manage activities that could impact the quality of treated drinking water.

A Government review of the ‘Three Waters’<sup>1</sup> regulatory system was initiated following an incident in Havelock North in 2016, where four people died and an estimated 5,500 fell ill with gastroenteritis. It was found the outbreak was at least partly caused by *Campylobacter* contamination in the town’s drinking water source. Along with the direct health implications, the total economic costs to society are estimated to be just above \$21 million. The subsequent Havelock North Inquiry identified various issues with the regulatory regime, including ‘significant problems’ with the NES-DW.

The Three Waters Review has resulted in the establishment of a new dedicated regulator, Taumata Arowai, and the new Water Services Act 2021 (WSA). The WSA sets requirements that water suppliers must meet to ensure they provide safe drinking water. Freshwater protections continue to be provided for under the Resource Management Act 1991 (RMA).

This consultation document seeks feedback on proposed changes to the NES-DW intended to improve source water protection.

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<sup>1</sup> Drinking water, wastewater, and stormwater.

### Box 1: What has come from the Havelock North Inquiry?

The Havelock North Inquiry (HNI) found that urgent improvements to regulations and service delivery arrangements were needed to support safe and resilient water supplies. In response to those findings:

- the Government set up the Three Waters Review
- a new water services regulator – Taumata Arowai – has been established
- the Water Services Act (WSA) has passed
- service delivery through four new water service entities is proposed.

### Fundamental principles of drinking water safety

The HNI recommended the following principles of drinking water safety be used, and these underpin the WSA:

- Principle 1 – a high standard of care must be embraced
- Principle 2 – protection of source water is of paramount importance
- Principle 3 – maintain multiple barriers against contamination
- Principle 4 – change precedes contamination
- Principle 5 – suppliers must own the safety of drinking water
- Principle 6 – apply a preventative risk management approach.

### The multiple-barrier approach

The multiple-barrier approach requires drinking-water suppliers put safety measures in place at every stage of the supply process to address the risk from all possible sources of contamination. This includes:

- protecting water at its source
- effective treatment (when required)
- secure distribution
- effective monitoring
- effective responses to incidents and events.

## The current NES-DW

The current NES-DW specifies technical details for regional plan rules and consenting decisions, where activities are likely to result in certain drinking water supplies breaching national standards (DWSNZ)<sup>2</sup> after treatment.

The HNI identified various issues with the current regulatory regime, including ‘significant problems’ with the NES-DW and the protection of source water. In particular, the NES-DW is complex and difficult to interpret and apply, it doesn’t cover the full range of activities that can pose a risk to source water, nor provide adequate protection for water supplies serving less than 500 people.

The HNI recommended a full review of the NES-DW to enable risks to source water to be addressed in a straightforward and comprehensive manner.

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<sup>2</sup> Water is considered safe to drink, where it meets the DWSNZ: a set of criteria prescribing limits for various contaminants that may be present in drinking water.

**Box 2: What activities could pose risks to source water?**

Activities that may affect source water include discharges of contaminants into the environment, such as from wastewater management, other water takes, damming and diverting water flows, works in riverbeds, earthworks, and drilling into aquifers.

These activities can increase the likelihood of contaminants, such as bacteria (including pathogens), chemicals, sediment, and other substances, entering the water body. These risks often go unrecognised, especially contamination of groundwater in aquifers that cannot be seen.

Water treatment is intended to remove or treat contaminants to acceptable levels for drinking, but not all contaminants can be addressed, and treatment can be costly. Activities that may introduce contaminants to source water pose a risk that needs to be appropriately managed.

Managing rivers, lakes and aquifers, and land uses that may affect water quality or quantity, is the responsibility of regional councils under the Resource Management Act 1991 (RMA).

## Other protections for source water

The NES-DW was introduced in 2007 and was the sole national direction for freshwater at that time. Since the enactment of the NES-DW, additional national direction instruments have been made, including:

- the National Policy Statement for Freshwater Management 2020 (NPS-FM), which requires regional councils to recognise drinking water as a value within a catchment, where appropriate
- the National Environmental Standard for Freshwater 2020 (NES-F), which sets standards for farming activities, and activities that pose risks to wetland and river loss, and impact fish passage
- the Stock Exclusion Regulations 2020, which aim to reduce nutrient and sediment inputs from farming activities to water and improves bacterial loadings in water due to stock.

The new WSA requires all drinking-water suppliers other than domestic self-suppliers to register with Taumata Arowai and prepare Source Water Risk Management Plans (SWRMP) to identify, manage and monitor risks to source water. Under the WSA regional councils are required to contribute information to SWRMP, annually publish information about source water quality and quantity, and report to Taumata Arowai. Regional councils must also assess the effectiveness of their interventions every three years.

The WSA has also amended the RMA requiring consenting authorities to consider risks and effects on source water for registered water supplies (new section 104G). New national standards for drinking water and operational compliance rules are also proposed, which will replace the current Drinking-water Standards for New Zealand 2005 (Revised 2018) (DWSNZ).

While freshwater and drinking water management through the WSA and NPS-FM strengthen the recognition of the hazards and risks to source water, there remains a need to explicitly ensure plans and resource consents address those risks in a nationally consistent way.

## Proposed amendments to the NES-DW

National environmental standards focus on the technical details for plan rules, and how local authorities make consenting decisions.

In September 2019, submissions on high-level proposals for amending the NES-DW were invited through the Action for Healthy Waterways consultation. Since then, the proposals have been refined through technical advice, analysis and engagement with regional councils, water suppliers, iwi/Māori, and other organisations.

The objectives of proposed amendments to the NES-DW are to strengthen and align national direction for protection and management of source water, by improvements in the following areas:

- **Proposal 1:** how at-risk source water areas are delineated
- **Proposal 2:** how activities that pose risks to source water are regulated or managed
- **Proposal 3:** protecting all registered water supplies.

These amendments are also intended to align with source water requirements of the WSA.

## We are seeking your feedback

This consultation document sets out the options for proposed amendments to the NES-DW and we welcome your views.

For the full list of questions in the document, and some general ones, see the section on '[How to have your say](#)'. The consultation questions are given as a guide only. You do not have to answer them all, and any comments are welcome.

Submissions are due by 6 March 2022. We expect the new regulations to be published in the New Zealand Gazette in the second half of 2022.

# Section 1: Context

## New Zealand's drinking water problems

New Zealanders are at risk of getting sick from their drinking water. Drinking water which does not meet water quality standards (the maximum acceptable values of a range of microbiological, chemical and radiological properties of drinking water) can create significant public health risk, particularly as a single contamination event can lead to acute illness.

Most New Zealanders have access to safe water, but a significant proportion of the population do not. According to the Ministry of Health's most recently available data on drinking-water quality (*Annual Report on Drinking-Water Quality 2019–2020*)<sup>3</sup>, in 2019–20, an estimated 79 per cent of New Zealanders received drinking water from sources that met all safety requirements for bacteria, microorganisms and chemicals. This indicates that an estimated 21 per cent of New Zealanders did not have access to water that complies with the full set of standards.

The 2019–20 Annual Report further highlighted how small water supplies are less likely than large water supplies to meet these standards. While large supplies (supplying more than 10,000 people) had 85 per cent of drinking water sources meeting all safety requirements for bacteria, microorganisms and chemicals for small supplies (supplying 101 to 500 people), only about 31 per cent met these standards. This suggests that smaller communities are particularly vulnerable to poorer quality drinking water. In New Zealand, smaller water supplies (to populations of fewer than 500 people) serve an estimated one in five people.

**Everyone deserves safe drinking water, whether from a large or small supply. There are several steps to achieve this, and different pieces of legislation governing each step. From source to tap, multiple barriers are required to ensure that our drinking water is safe.**

**The first and most important step is protecting the source water – our rivers, lakes, and aquifers – from contamination. The NES-DW was intended to fulfil this role.**

## The National Environmental Standard for Sources of Human Drinking Water (NES-DW) 2007

National environmental standards are regulations under the RMA that set out technical standards, methods, or requirements for certain specified activities.

The NES-DW sets the requirements for protecting sources of drinking water from contamination. At the time it was made, the NES-DW was the sole instrument of national direction for freshwater.

The NES-DW was intended to provide the first barrier protection to certain types of registered drinking water supplies, alongside drinking-water regulations in the Health Act (Part 2A, now repealed in favour of the WSA). The NES-DW has three key components applicable to different types of activities, dependent on the size of the community served by that supply.

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<sup>3</sup> Annual Report on Drinking-Water Quality 2019–2020

### Box 3: Key components of the NES-DW 2007

- **Regulations 7 and 8:** A regional council cannot grant water or discharge permits upstream of a source water abstraction point if the activity is likely to impact a water supplier's ability to meet the DWSNZ<sup>4</sup> after that water has been treated.
- **Regulation 10:** A regional council cannot permit certain activities upstream of a source water abstraction point if the activity is likely to impact a water supplier's ability to meet the DWSNZ after that water has been treated. Those activities include use of land, and river and lake beds, as well as those relating to water and discharges.

Regulations 7, 8 and 10 apply only to registered drinking water supplies that service communities of over 500 people, more than 60 days a year.

- **Regulation 12:** Any consent authority must, where any activity could significantly impact source water quality through an emergency event, impose a condition on the consent requiring the water supplier is notified.

Regulation 12 applies to registered drinking water supplies that service communities of over 25 people, over 60 days a year.

## Havelock North: a wake-up call

Problems with the drinking water regulatory framework became evident in August 2016, when four people died and an estimated 5,500<sup>5</sup> fell ill with gastroenteritis in Havelock North. This was caused by *Campylobacter* contaminating the town's drinking water supply.

Along with the direct health implications, it is estimated this outbreak had a significant economic impact across sectors. The great majority of these costs were jointly incurred by individual households (estimated at \$12.4 million) and local government (\$4.1 million). Added to this, illness-related costs were estimated at \$2.5 million.<sup>6</sup>

The Havelock North inquiry considered the causes of the outbreak and the response to it, and recommended measures to prevent similar incidents. It found 'a number of significant problems with the [NES-DW] in their current form'.

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<sup>4</sup> Water is considered safe to drink, where it meets the DWSNZ: a set of criteria prescribing limits for various contaminants that may be present in drinking water.

<sup>5</sup> Government Inquiry into Havelock North Drinking Water (2017) Report of the Havelock North Drinking Water Inquiry: Stage 1.

<sup>6</sup> The economic costs of the Havelock North August 2016 waterborne disease outbreak.



#### Box 4: Findings of the Havelock North Inquiry

##### Determining at-risk source water areas

- Regulations 7, 8 and 10 apply 'upstream' of an 'abstraction point'. There are challenges applying this terminology to groundwater takes, and some activities downstream (or in aquifers, downgradient) of an abstraction point can impact source water. In catchments where 'upstream' is a substantial area, there is no guidance to narrow down the area of interest.
- There is also no accurate database of drinking water sources and abstraction points.
- The protections of Regulations 7, 8 and 10 only apply where an activity is likely to impact drinking water quality *after* treatment (DWSNZ), requiring regional council staff to have knowledge of existing water quality issues, treatment processes and the capability for treatment of individual supplies.

##### Plan rules and consenting challenges

- Regulations 7 and 8 are limited to water and discharge permits, which do not allow other activities that could impact source water to be considered. In particular, land-use activities pose significant risks to groundwater and both unconsented earthworks and insecure bores were identified as factors in the Havelock North incident, where the most likely cause of the contamination was a nearby pond that was hydraulically connected<sup>7</sup> to the aquifer. However, the inquiry noted that nearby insecure bores may have presented a pathway for contamination to reach the aquifer.
- Regulations 7 and 8 only apply to prospective applications and do not retrospectively apply to existing consents and activities that may be adversely affecting source water.
- Regulation 10 applies restrictions to rules in regional plans, but activities controlled by rules in city and district plans can also pose a high risk to source water.
- Source water impacts cannot be considered in rules where discretion is controlled or restricted unless source water is listed as a matter of discretion.
- There is no express requirement under the NES-DW for water supplier involvement consent applications, or in developing plan rules.
- Regulation 12 emergency notification provisions after an accident or event has occurred does not advocate a proactive and preventative approach to risk.
- There has been variable implementation, and a potential lack of awareness, and a potential belief that applying the NES-DW is a regional council function.

##### Extending protections to all registered drinking water supplies

- The size of a water supply should not determine the level of first barrier protection, and there are challenges in basing application of the regulations on the population serviced by a supply.

The HNI emphasised '*a comprehensive review is required. This should start with a 'clean sheet'. The Inquiry considers that mere 'tinkering' will not suffice to address the issues and concerns raised.*'

In response to this, we reviewed the NES-DW<sup>8</sup> in 2017 and concurred with the HNI's findings and found that implementation had been variable across New Zealand. While regional councils had been considering source water risks to some degree, there was no discernible impact on source water quality. The implementation by territorial authorities was found to be potentially very low.

<sup>7</sup> Hydraulically-connected water bodies are called conjunctive sources, eg, where a pond and an aquifer are linked, there is a pathway for the water to flow from the aquifer to the pond and pond to the aquifer.

<sup>8</sup> Review of National Environmental Standard for Sources of Human Drinking Water.

Overall, current application of the NES-DW requires subjective, individual, and potentially costly case-by-case determination, leaving room for interpretation, error, and inconsistency across regions. The HNI recommended addressing *'the various risks in a straightforward and comprehensive manner'* so the NES-DW is simple and easy to interpret and apply.

## Findings and recommendations

To read the reports on the findings and recommendations of the reviews, see:

- [Stage 1 Report of the Havelock North Inquiry](#)
- [Stage 2 Report of the Havelock North Inquiry](#)
- [Ministry for the Environment Review of the NES-DW.](#)

## The Three Waters Review

In response to the findings of the HNI, the Government set up the Three Waters Review. In 2019, Cabinet agreed to improvements in drinking-water regulation. Initiatives included:

- establishing a new water regulator, Taumata Arowai
- introducing the Water Services Act (WSA)
- a proposal to deliver three waters services through four new water service entities
- developing new national standards and operational compliance rules for drinking water to replace the DWSNZ (with consultation anticipated to occur early 2022).

### Box 5: The definition of 'source water' in the Water Services Act

The WSA defines source water as:

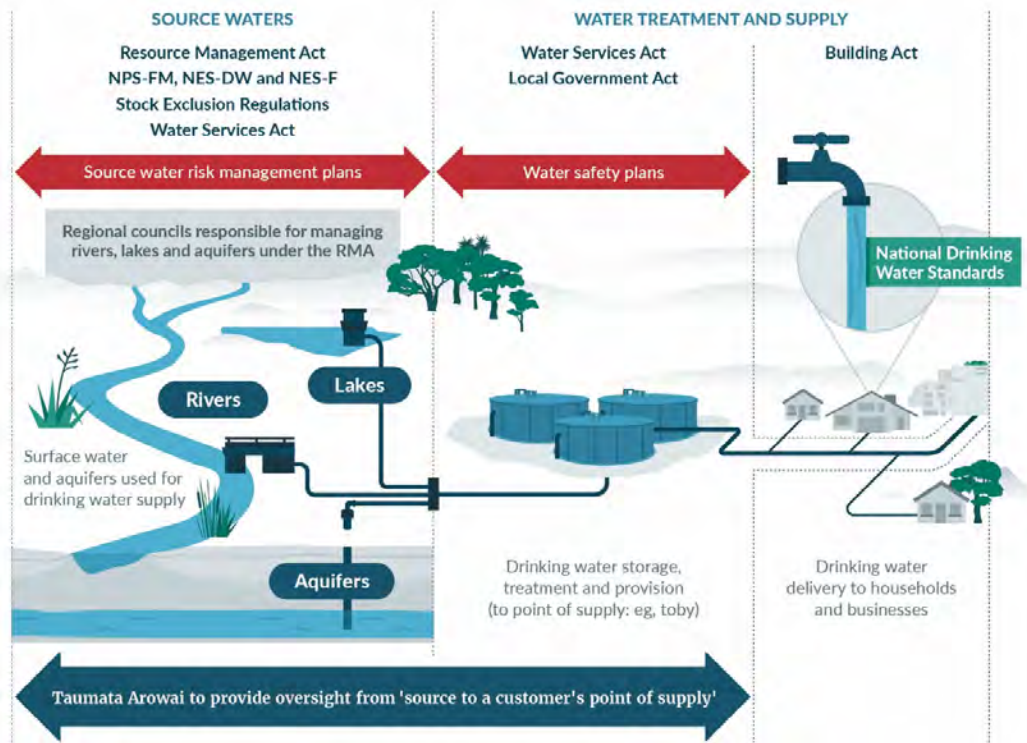
- the water body from which water is abstracted for use in a drinking water supply (for example a river, stream, lake, or aquifer); and
- rainwater

The RMA applies to freshwater in water bodies. Therefore, in this document, 'source water' discussion is limited to water from the water body identified in part (a) of the definition above.

## The wider regulatory framework for drinking water and freshwater

Activities in source water catchments that could impact water quality or quantity are regulated under the RMA. Drinking water supplies and suppliers are regulated under the WSA (and where those supplies are owned by councils, the Local Government Act 2002), and connections into private property and buildings are regulated by the Building Act 1991, as shown in figure 1.

**Figure 1: Regulatory framework to protect drinking water**



## National direction for freshwater under the RMA

At the time it was made, the NES-DW was the sole national direction instrument for freshwater. However, it is now one of four national direction instruments aimed at improving freshwater management.

The National Policy Statement for Freshwater Management (NPS-FM) was first made in 2011 and further updated in 2020 as part of the Essential Freshwater programme, which aimed to stop further degradation of freshwater resources, reverse past damage, and address water allocation issues. Essential Freshwater also resulted in the making of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F), and the Resource Management (Stock Exclusion) Regulations 2020, and sought public feedback on high-level proposals to amend the NES-DW. Of relevance to source water, Essential Freshwater:

- establishes Te Mana o te Wai as the cornerstone of New Zealand's freshwater management system
- prescribes how regional councils must manage the cumulative effects of all activities that can affect freshwater through the NPS-FM. Drinking water supply is a compulsory value in source water catchments and the regional council must identify attributes to assess this value, set target states and identify limits on resource use, prepare an action plan, or impose resource consent conditions to achieve those target states. Amended regional plans must be notified before 2025
- aims to reduce nutrient and sediment inputs from farming activities to water and improves bacterial loadings in water due to stock through the making of the National Environmental Standard for Freshwater 2020 and Stock Exclusion Regulations 2020.

The NPS-FM, NES-F, and NES-DW work in parallel to direct regional councils on how to manage discharges, water takes, and land use. For example, the NPS-FM requires regional councils to determine what level of nitrogen in water bodies will meet their goals for freshwater, and to prevent further degradation through their plans. In parallel, the NES-F regulates a number of activities that pose risks to the health of freshwater and freshwater ecosystems.

#### Box 6: Te Mana o te Wai: the cornerstone of freshwater management

Te Mana o te Wai refers to the fundamental importance of water. It recognises that by protecting the health and wellbeing of our freshwater, the health and wellbeing of our people and environment is protected.

Te Mana o te Wai is based on six principles that inform how freshwater must be managed:

1. **Mana whakahaere:** the power, authority and obligations of tangata whenua to make decisions that maintain, protect and sustain the health and wellbeing of, and their relationship with, freshwater.
2. **Kaitiakitanga:** the obligation of tangata whenua to preserve, restore, enhance and sustainably use freshwater for the benefit of present and future generations.
3. **Manaakitanga:** the process by which tangata whenua show respect, generosity and care for freshwater and for others.
4. **Governance:** the responsibility of those who make decisions about freshwater to prioritise the health and wellbeing of freshwater now and into the future.
5. **Stewardship:** the obligation of all New Zealanders to manage freshwater so that it sustains present and future generations.
6. **Care and respect:** the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

Te Mana o te Wai also introduces a hierarchy of obligations:

- the health and wellbeing of water bodies and freshwater ecosystems
- the health needs of people (such as drinking water)
- the ability of people and communities to provide for their social, economic and cultural wellbeing.

## Source water provisions of the Water Services Act

The WSA has replaced Part 2A of the Health Act and it requires everyone who has functions, powers, and duties under that Act to give effect to Te Mana o Te Wai. All drinking-water suppliers other than domestic self-suppliers must register with Taumata Arowai and prepare Source Water Risk Management Plans (SWRMP) to identify, manage and monitor risks to source water. Regional councils are required to contribute information to SWRMP, annually publish information about source water quality and quantity, and report to Taumata Arowai. They must assess the effectiveness of their interventions every three years.

The WSA provides 12 months for currently registered drinking-water suppliers to re-register and submit SWRMP (by November 2022). It allows four years for unregistered drinking-water suppliers to register (by November 2025) and seven years to submit SWRMP, unless an acceptable solution is adopted, or a general exemption granted. Taumata Arowai may issue an acceptable solution to provide an alternative approach for certain types of smaller water supplies, who do not have the capability or capacity to undertake comprehensive risk management planning (including SWRMP).

The WSA has also amended the RMA requiring resource consent decision-makers to consider risks and effects on source water for registered water supplies (new section 104G). New national standards for drinking water and operational compliance rules are also proposed, which will replace the DWSNZ.

## The importance of the NES-DW for iwi/Māori

The Treaty of Waitangi (Te Tiriti) is the foundation of the Crown–iwi/hapū relationship with regard to freshwater resources. Addressing tangata whenua values and interests, including the involvement of iwi and hapū in managing freshwater, is key to giving effect to Te Tiriti.

National environmental standards cannot prescribe direct involvement of iwi/Māori in their implementation, as this would require broader amendments to the RMA. However, measures like the NPS-FM direct regional councils to actively involve tangata whenua in freshwater management and decision-making, through transfer or delegations of power, or joint management agreements. Through the NPS-FM, iwi and hapū are expected to have greater involvement in freshwater issues. As the NES-DW will be designed to fit within the wider NPS-FM framework, the requirements of the NPS-FM are expected to follow through to the NES-DW.

In parallel, the Crown and regional councils will need to engage with iwi and hapū with interests and settlements covering certain areas. This will ensure that policy implementation is consistent with the Crown's commitments. It also reflects the Crown's obligations under relationship redress, relationship agreement, and deed of settlement regarding engagement and policy development.

The proposed amendments to the NES-DW are not intended to affect Treaty settlements and arrangements. Officials have not identified any proposed changes that are inconsistent with resource management arrangements or rights established by specific Treaty settlement legislation.

## Scope of the proposed amendments

Preferred solutions to amend the NES-DW are limited to the scope provided to national direction instruments under sections 43 and 43A of the RMA, and to the protection of source water. Any overriding policy direction or merging of freshwater national direction instruments will be considered as part of Resource Management System Reform.

**Table 1: What is in and out of scope of the NES-DW?**

<b>In scope</b>	<ul style="list-style-type: none"> <li>• Review and amendment of the current NES-DW to ensure activities that pose risks to drinking water safety (including direct sources and activities that create pathways for contamination) are appropriately managed</li> <li>• Consideration of the size/type of drinking water supply to which the NES-DW applies</li> <li>• Support or guidance for implementation of an amended NES-DW</li> </ul>
<b>Out of scope</b>	<ul style="list-style-type: none"> <li>• Use of alternative new national direction instruments, such as national policy statements or regulations</li> <li>• Amendments to other existing national direction instruments</li> <li>• Water allocation for drinking water supply (including water bottling)</li> <li>• Protection of water supplies used entirely for non-drinking water purposes eg, stock water or irrigation</li> <li>• Access to water for drinking or related infrastructure</li> <li>• Changes to how iwi/Māori are involved in RMA planning</li> <li>• How water supplies/suppliers are regulated through the Water Services Act</li> <li>• Any requirements of, or amendments to, the DWSNZ</li> </ul>

**Box 7: Resource management system reform**

Following recommendations by the Resource Management Review Panel, the Government has initiated work to repeal the RMA and replace it with three new pieces of legislation:

1. Natural and Built Environments Act
2. Strategic Planning Act
3. Climate Change Adaptation Act.

As part of this work programme, national direction instruments (including the NES-DW, NPS-FM, and NES-F) will be integrated into a single instrument provisionally known as the National Planning Framework (NPF).

The policy intent of existing instruments will likely be retained, to the extent that it aligns with the new purpose and principles of the proposed NPF. Any requirements of the NES-DW would likely be carried over into the new framework.

# Section 2: Proposed changes to the NES-DW

## Overview of the proposal

Changes to the NES-DW are proposed that will improve how risks to source water management are considered by making improvements in the following three areas:

- **Proposal 1: How at-risk source water areas are delineated.** This involves establishing scientifically derived methodology for mapping source water risk management areas (SWRMAs) for different types of water bodies (rivers, lakes and aquifers), based on the time it takes for contaminants to travel to a source water intake and the level of filtration or mixing before reaching the intake. A mechanism would also be included that would allow regional councils to propose 'bespoke' delineation, where appropriate.
- **Proposal 2: How activities that pose risks to source water are regulated or managed.** The overall aim is to ensure higher-risk activities are managed either through more stringent controls or direction where necessary, or through consistent consideration of source water effects.
- **Proposal 3: Protecting all registered water supplies.** It is proposed to expand the NES-DW to cover the same supplies as the Water Services Act (WSA), being all water suppliers other than domestic self-suppliers.

### Box 8: springs and wetlands

'Rivers and lakes' are the primary types of surface water bodies, and 'aquifers' are the groundwater bodies, from which drinking water is sourced, and for which methodology to delineate SWRMA are based. However, both springs and wetlands may also be used as drinking water sources.

- **Springs** are formed when groundwater flows to the surface from an aquifer. There are several types of spring that can form, and these can occur in a variety of locations and surface settings eg, the side of a hill or in a low-lying valley.
- **Wetlands** are "permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions" (RMA section 2).

Which approach will be taken by a regional council when mapping SWRMAs will depend on the characteristics of a given spring or wetland, eg, surface or groundwater default SWRMAs or a combination of both. A bespoke SWRMA is most suitable for these more complex sources.

## Proposal 1: How at-risk source water areas are delineated

### Issues

The existing NES-DW requires regional councils to identify certain activities 'upstream' of an 'abstraction point' and then determine whether those activities are likely to introduce or increase the concentration of contaminants in treated drinking water, beyond what is allowable in the DWSNZ. The Havelock North Inquiry (HNI) found the approach to be subjective, individual-

based, and potentially costly on a case-by-case basis. It also found that it left too much room for interpretation, error, and inconsistency across regions.

## Terminology

Regulations 7, 8 and 10 apply 'upstream' of an 'abstraction point'.

**Upstream**, in relation to an abstraction point, means:

- a. in the case of surface water (other than a lake), upstream of the abstraction point
- b. in the case of groundwater, up-gradient of the abstraction point
- c. in the case of a lake
  - i. anywhere within the lake that could affect the water quality at the abstraction point
  - ii. upstream of any river that could affect the water quality at the abstraction point
  - iii. upgradient of any groundwater that could affect the water quality at the abstraction point.

**Abstraction point** means a place at which water in the environment is abstracted for use in a registered drinking-water supply (for example, the place at which water is abstracted from a river, stream, or lake or from a groundwater source).

The HNI concluded that 'upstream' does not adequately capture contaminant transport in groundwater. Some activities downstream (or for groundwater, downgradient) of an abstraction point can impact source water. In catchments where 'upstream' is a substantial area, there is no guidance to narrow down the area of interest.

The HNI also found issues with the definition and interpretation of 'abstraction point' because it is often unclear precisely where abstraction occurs. For example, opinions differ on whether an abstraction point is the screens in the casing of a bore, or whether it is in fact a wider area, such as the 'zone of influence'<sup>9</sup>.

To address these issues, the HNI recommended use of spatial zones to delineate risk. In our review of the NES-DW, we considered current regional council use of source protection zones. However, significant variation was found in the methods used to define those zones, and in applying restrictions in those zones. Many regional councils also noted challenges in reaching agreement on how best to define source protection zones for different types of water supply. Feedback from regional councils to date has also indicated that a national approach for defining at-risk areas would help to avoid protracted debate and litigation.

## Locating registered water supplies

Under the (now repealed Part 2A Drinking Water) Health Act, drinking-water suppliers were required to register, but they were not required to provide details of the location from where water was sourced. Consequently, there has been no national database of this information available for regional councils to consistently identify the location of registered water supplies.

Regulations 7, 8 and 10 of the NES-DW only apply to water supplies registered under the Health Act, that service communities of over 500 people for more than 60 days per year. While

<sup>9</sup> The area around the bore where groundwater depth/flow is affected by the removal of water from the bore.



some water takes are permitted by regional plans, most takes for communities of this size are likely be provided for by consent, so regional councils should generally be able to identify where those registered suppliers abstract source water.

Regulation 12 applies to registered water supplies to communities of over 25 people, in operation more than 60 days per year. Some of these smaller supplies are likely to take and use water within regional permitted activity rules, so there may be no record of their location of take available to consent authorities to inform their application of regulation 12.

It is noted the WSA has addressed the lack of abstraction point location data: all drinking-water suppliers, other than domestic self-suppliers, must register and provide details of the location of each abstraction point to Taumata Arowai. Suppliers currently registered under the Health Act must register under the WSA by November 2022, while unregistered suppliers have until November 2025 to register. Taumata Arowai will provide this information to regional councils to enable their mapping of at-risk areas.

### Protection based on treated drinking water quality

The protections provided by Regulations 7, 8 and 10 are only applied should an activity be likely to impact the quality of treated drinking water. This is problematic because:

- it requires regional councils and resource users to have knowledge of existing water quality issues and treatment processes for individual supplies, and the skills to assess whether an activity might feasibly impact the quality of that water after it has been treated.
- the DWSNZ do not provide acceptable limits for all contaminants
- the approach potentially allows degradation of water which is inconsistent with the NPS-FM approach of at least maintaining (if not improving) water quality
- it inappropriately emphasises reliance on treatment processes as a solution to contamination.

## Proposed changes

### Establishing a default methodology for delineating source water risk management areas (SWRMAs)

It is proposed to amend the NES-DW by replacing the 'upstream' and 'abstraction point' definitions and reliance on understanding the likely quality of water after it has been treated, with a default methodology for delineating 'source water risk management areas' (SWRMAs) as a way to identify areas where activities have a higher likelihood of affecting source water.

The delineation of the SWRMAs would reflect risk of source water contamination based on the time for contaminants to travel to the abstraction point. These times also consider the time needed for some contaminants (eg, bacteria) to become inactive and volumes required for mixing in the source to reduce the contaminant concentration to a lower level, considering local and international best practice<sup>10</sup> aimed at:

- providing immediate protection to source water at the abstraction point
- providing protection against medium and long-term risks
- protection against microbial and other types of contamination.

<sup>10</sup> For an example see <https://www.epa.gov/sourcewaterprotection/delineate-source-water-protection-area> and <https://www.gov.uk/guidance/groundwater-source-protection-zones-spzs>.

These risk-based areas will be used to establish if additional controls on activities are necessary. Three levels of SWRMA around each source water abstraction point would be established, as described in Box 9 and shown in figures 2 through 4 below.

#### **Box 9: Default SWRMA zones**

**SWRMA 1** is the immediate area around the source water take where there is an immediate risk of contamination because there is very little time to respond to any contamination before it enters the water supply. Most activities will be restricted in this area.

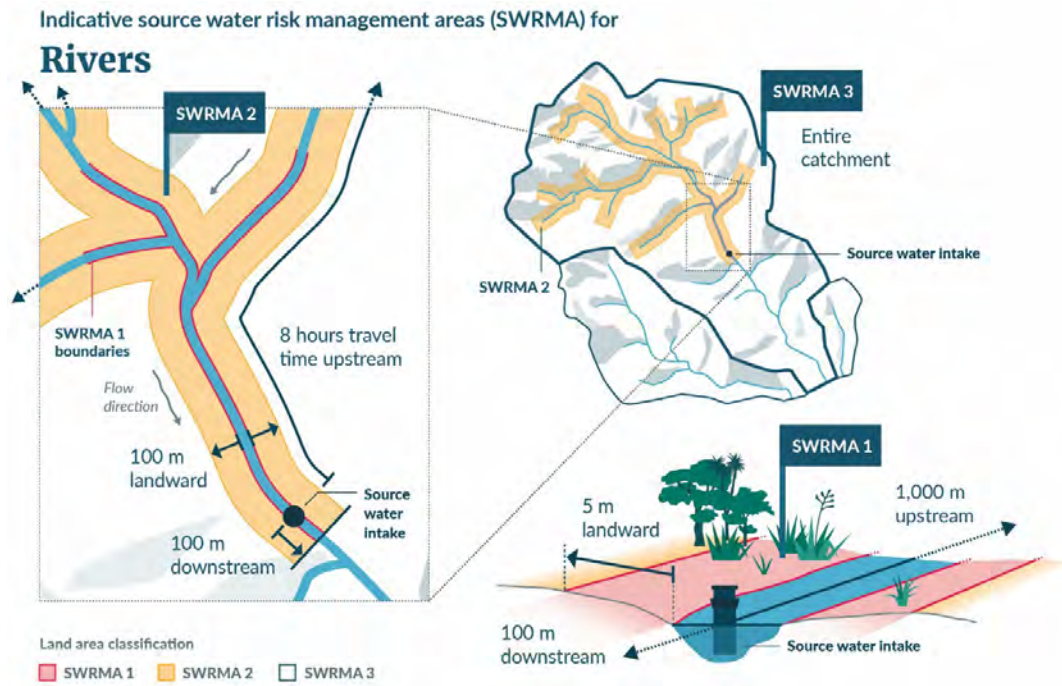
- For rivers, it encompasses the river and its bed 1,000 metres upstream and 100 metres downstream of the intake, extending 5 metres into land from the river edge.
- For lakes, it encompasses the lake and its bed within a 500-metre radius of the intake, extending 5 metres into land from the lake edge.
- For aquifers, it encompasses land within a 5-metre radius around the intake (bore head).

**SWRMA 2** is a larger area where activities need to be managed, to mitigate more medium-term risks of contamination. The size will vary because it is based on the time it takes for water to flow to the source.

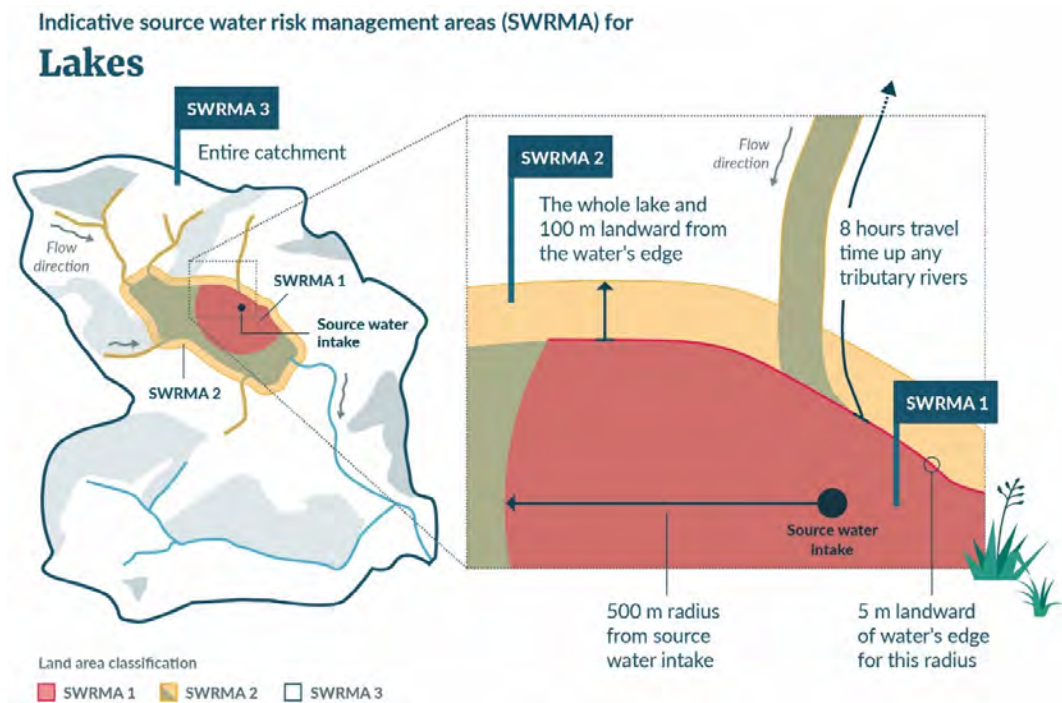
- For rivers, it is the river and bed from where water travels to the intake within an 8-hour period.
- For lakes, it is the entire lake area, extending landward 100 metres, and includes tributaries (being the area from where water travels to the lake within an 8-hour period).
- For aquifers, it is the land area above where groundwater travels to the intake (bore) within a 1-year period, to a maximum of 2.5 kilometres.

**SWRMA 3** is the entire catchment area for the source water. Persistent contaminants and cumulative effects of all activities within the catchment are the management focus in this area, and they are considered to be appropriately managed under the RMA. The proposed amendments to the NES-DW aim to clarify that consenting decisions must address source water risks.

**Figure 2: Indicative SWRMA for rivers**

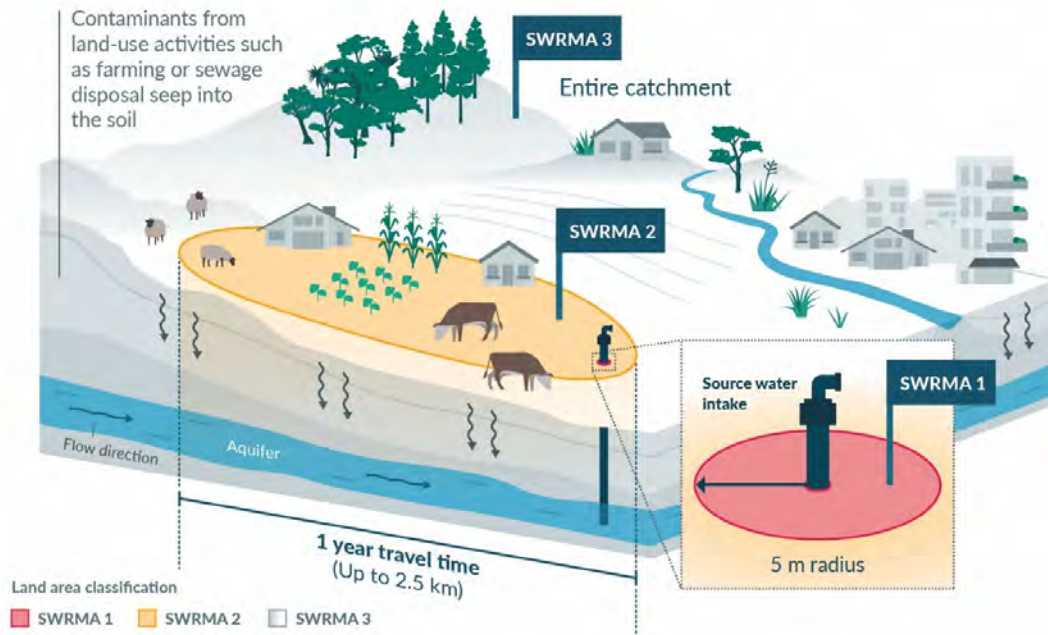


**Figure 3: Indicative SWRMA for lakes**



**Figure 4: Indicative SWRMA for an aquifer**

Indicative source water risk management areas (SWRMA) for  
**Aquifers**



Appendix A includes indicative maps of where SWRMA 2 (encompassing SWRMA 1) would apply across New Zealand for both surface water and groundwater sources, based on currently registered water supplies.

Additional guidance materials for delineation of drinking water source protection zones are available in the Ministry for the Environment's website:

- [Technical guidelines for drinking water source protection zones](#)
- [Drinking water source protection zones: Delineation methodology and potential impacts of national implementation](#)
- [Guidelines for modelling Source Water Risk Management Areas.](#)

### Questions: the default method for delineating SWRMA

1. Domestic and international evidence suggests that delineating three at-risk areas is a good approach for protecting sources of drinking water. Do you think this is a good approach for protecting our source waters? What other approach can you think of that could contribute to protecting our drinking water sources? Do you think that three areas (and therefore levels of control) are sufficient to protect our drinking water sources?
2. In your view, is the method to determine each SWRMA, for each type of water body, the best option?
  - Should other factors be considered in determining size?
  - What challenges can you foresee in delineating SWRMAs?
  - Do you have any comments or feedback on the detail contained in the technical guidance materials?
  - Should SWRMA for all aquifers be bespoke so their unique features, depth and overall vulnerability can be considered?
3. For lakes, do you agree that SWRMA 2 should include the entire lake area?
  - What might be an alternative approach?
4. SWRMA 1 for lakes and rivers is proposed to extend 5 metres into land from the river/lake edge. This contrasts with 3 metre setback requirement of the Resource Management (Stock Exclusion) Regulations 2020. SWRMA 1 is proposed to be used as a basis for controlling activities close to source water intakes, and applies to a wide range of activities. Do you think these differing setbacks will cause confusion or result in other challenges?
5. There is evidence suggesting that a 10–30-metre radius around source water bores is a preferable way to delineate the area where activities would be heavily restricted (SWRMA 1). However, a 5-metre radius is the most workable option for the location of intakes in New Zealand.
  - Do you agree that a 5-metre radius around a source water bore gives enough protection? Why or why not?
  - If not, what alternative would you suggest?
6. While water takes from complex spring systems or wetlands may require a bespoke SWRMA to ensure consideration of any contamination pathways present, a default method is necessary to ensure interim protection. Do you think a default method is practicable in most situations?
  - Do you think a regional council should determine (on a case-by-case basis) the most applicable default method for a river, lake or aquifer, or is a different default approach necessary?
  - If so, what alternative would you suggest?

### Questions: regional council mapping of SWRMAs

7. How long do you think is necessary for regional councils to delineate SWRMAs for currently registered water supplies in each region using the default method?
8. What challenges do you foresee in delineating SWRMAs, when previously unregistered supplies are registered with Taumata Arowai (see Proposal 3 for more details)?
9. What support could enable regional councils to delineate SWRMAs within shorter timeframes?
10. Do you think consideration should be given to mapping currently unregistered supplies as they register (but before the four-year deadline provided under the Water Services Act), or do you think that waiting and mapping them all at the same time is a better approach?

## Establishing a bespoke methodology for delineating SWRMAs

It is also proposed to include a mechanism in the NES-DW that allows regional councils to establish 'bespoke' SWRMAs, where appropriate. This would cover scenarios where the default SWMA would not give enough protection (eg, conjunctive sources, such as a gallery intake in shallow gravels adjacent to a river) or where it would unnecessarily restrict land use (eg, where data and evidence show there is adequate protection).

As part of this proposal, the NES-DW may specify minimum requirements, and is supported by guidance on the methodologies for defining these bespoke SWRMAs. A bespoke approach may be proposed at any time; however, the default approach would apply until any bespoke approach is formally established.

### Question: the bespoke method for delineating SWRMAs

11. If a regional council has already established local/regional source water protection zones through a consultative process, should there be provision to retain that existing protection zone as a bespoke method without further consultation or consideration against new national direction?

## What does this mean in practice?

This proposal would require regional councils to map the default SWMA for all registered drinking water supplies in their region. It is anticipated this would occur in two main phases:

1. following completion of re-registration of drinking-water suppliers under the WSA (who must do so by November 2022)
2. following initial registration of all unregistered drinking-water suppliers (who must do so by November 2025).

Once the two phases of mapping are completed, newly created drinking water supplies would require mapping immediately following their registration with Taumata Arowai.

Where the default method is used, there would be no requirement for regional councils to consult on the SWRMAs through the RMA Schedule 1 process. SWRMAs would be formalised through the gazette process and published on the regional council's website.

Regional councils wishing to adopt bespoke SWMRAs may need to use the full RMA Schedule 1 process and seek approval from the Minister for the Environment, so these areas can be gazetted.

## Proposal 2: How activities that pose risks to source water are regulated or managed

### Issues

The scope of the NES-DW controls on activities that may adversely affect source water is limited, effects on source water are not consistently or appropriately addressed, and water suppliers may not be involved when activities pose a risk to source water.

## Scope of activities covered

In consent processes under the current NES-DW, regional councils are only able to decline consents for discharges, and taking, damming, or diverting water, where those activities contribute to large supplies breaching national drinking water standards after treatment. Those restrictions can only be applied during consent applications, and not to existing activities. Regional councils also cannot permit activities where those activities contribute to large supplies breaching national drinking-water standards.

This is a problem because:

- contaminants may also come from other activities such as earthworks, borehole drilling, and riverbed disturbance, potentially including some that are controlled in district or city plans. Those activities may be new or existing
- the current settings rely on the expertise of regional council staff to put adequate protections in place. However, this is a specialist skill, and the expertise and data are often not readily available. As a result, source water does not get enough attention, and safe supply relies on treatment processes to address contamination
- the DWSNZ does not identify or provide acceptable limits for all contaminants
- the approach potentially allows degradation of water which is inconsistent with the NPS-FM approach of at least maintaining (if not improving) water quality, and it inappropriately emphasises reliance on treatment processes as a solution to contamination.

## Groundwater bore management

The HNI, and our ongoing engagement with communities and water suppliers, have highlighted issues around how groundwater bores are constructed and managed.

Groundwater is often accessed through bores (also known as 'wells'), which are generally constructed by drilling into the aquifer and installing the following components:

- casing: the tube-shaped structure that maintains the ground opening and keeps dirt and unwanted water out
- screen: the tube-shaped structure attached to the bottom of a casing that allows groundwater from the aquifer to enter the bore, while keeping sediment out
- bore head: the structure at the ground surface, that secures bore access
- pumping equipment: used to draw water from the aquifer to the surface (where natural artesian pressure is inadequate to do so).

New Zealand Standard (NZS) 4411:2001 *Environmental Standard for Drilling of Soil and Rock* contains specifications for drilling, bore design and construction, production testing, and record keeping. NZS are generally considered 'best practice', but they are not a legal requirement unless specified by relevant regional rules or resource consent conditions.

However, the HNI noted issues with NZS 4411:2001:

- they do not contain useful details for drinking water bores
- they do not effectively require proof of sealing
- the process for judging bores satisfactory is unclear, as are the required qualifications of the person carrying out the assessment

- below-ground bore heads pose an unacceptable risk, but are not prohibited or even mentioned
- the monitoring requirements for deep bores are deficient.

In addition to allowing access to groundwater within an aquifer, a poorly drilled, constructed or maintained bore (or other earthworks over a vulnerable aquifer) can provide a preferential pathway for contaminants to enter the aquifer, either from the surface or from other overlying shallow groundwater.

In New Zealand, there are many historically constructed bores. While some may still be in regular use, many are now disused or forgotten. Those bores are of unknown construction quality and security and pose a risk to groundwater quality.

In Havelock North, contaminated surface water entered the aquifer, either via a nearby pond that was linked to the aquifer, nearby disused bores or via the insecure headworks of the drinking water bore itself. The aquifer was also found to be penetrated by a significant number of disused or uncapped bores, and the confining (or semi-confining) layer above the aquifer (the aquitard) had been affected by earthworks at a neighbouring property, leaving it vulnerable to entry by contaminated water. The HNI recommended a prohibition on new below-ground bore heads, and that a comprehensive review of NZS 4411:2001, regional plans, and current consent conditions be undertaken (as well as a review of the DWSNZ, building consent conditions and water suppliers' policies and standards).

### How effects on source water are considered and addressed

For activities that are controlled or restricted discretionary, if effects on source water or water quality are not identified in the matters of control or discretion, then those effects cannot be considered. However, the WSA has recently amended the RMA to require consenting authorities to consider risks and effects on source water for registered water supplies (new s104G). Whether those considerations extend to controlled or restricted discretionary activities is not explicit.

Because of the scope and complexity of the NES-DW, there is inconsistency in how effects on source water are considered, and whether appropriate consent conditions are imposed. A proactive and preventative approach to source water risk may not be taken. There is evidence that some consent authorities consider application of the NES-DW a regional council function.

### Water supplier involvement in RMA processes

There is no express requirement under the NES-DW for water supplier (or drinking water regulator) involvement consent applications, or in developing plan rules, meaning they may not be aware of the risk to their supply, or able to provide input on how others propose to manage that risk. This is inconsistent with drinking water safety Principles 5 and 6: that suppliers must own the safety of drinking water, and a preventative risk management approach should be taken.

## Proposed changes

To improve how activities that pose risks to source water are regulated or managed, the following matters are being considered:

- restricting activities in the immediate vicinity of source water intakes (SWMRA 1), while enabling water suppliers to undertake intake management



- removing any permitted activity status for high-risk activities within SWRMA 2
- improving bore management, and land disturbance over vulnerable aquifers, to ensure potential adverse effects on groundwater are managed
- ensuring risks to source water are considered for all activities within SWRMA, with appropriate conditions imposed
- incentivising engagement with water suppliers.

Feedback is being sought on the appropriate degree of national direction necessary for activity management within SWMRAs.

## Controlling activities in SWRMA 1

### Box 10: SWRMA 1

SWRMA 1 is a localised area immediately around the source-water intake, of highest short-term risk:

- for rivers it encompasses the river and its bed 1,000 metres upstream and 100 metres downstream of the intake, extending 5 metres into land from the river edge
- for lakes it encompasses the lake and its bed within a 500-metre radius of the intake, extending a 5-metre buffer from the lake edge
- for aquifers it encompasses land within a 5-metre radius around the abstraction point (bore head).

For any person other than the drinking-water supplier, consideration is being given to placing stringent controls on activities in SWRMA 1, to avoid, or where necessary, mitigate, adverse effects on source water. The proposed activities to which controls would apply are:

- land uses including drilling of bores and earthworks over vulnerable aquifers (RMA section 9)
- uses of the beds of lakes and rivers (RMA section 13)
- all restrictions on water (RMA section 14)
- discharges, excluding to air (RMA section 15).

When undertaken close to a source water intake, these activities present a contamination risk to source water. Controls would apply to all new activities, and new applications for consent subject to a short transition period. Retrospective application of these requirements to existing activities within SWRMA 1 is discussed further in relation to risk management, below.

In SWRMA 1, resource users should consider if any activity is essential, and if alternatives are available (including moving the location of the activity beyond SWRMA 1). Consideration is being given to prohibiting certain activities and using non-complying or discretionary activity status where a consent option may be required in SWRMA 1.

For water suppliers, abstraction point maintenance is necessary, and in applying greater restrictions for other resource users around the intake, allowances must also be made for water suppliers to undertake any necessary work on their abstraction point and associated infrastructure to support the provision of safe drinking water.

**Questions: SWRMA 1 controls**

12. Do you think national direction on activities within SWRMA 1 is necessary?
  - If so, what activities should it address?
  - How restrictive should controls be in SWRMA 1, for resource users other than water suppliers?
  - Are there any activities you believe should be fully prohibited in this area?
  - Are there any activities you believe should be permitted or specifically provided for or acknowledged in this area?
13. For water suppliers, are there any other activities beyond intake maintenance/management that should be provided for?
14. In and around freshwater, control of pest species (including aquatic pest species) may be necessary, including through physical control (removal, that may include bed disturbance) or chemical control (discharge).
  - How much of an issue is this in and around abstraction points?
  - How critical is that work?
  - How often is this work mandated by other regulation or requirements?
  - How frequently is this work undertaken by parties other than the drinking-water supplier (or their contractors)?

**Restricting high-risk activities in SWRMA 2****Box 11: SWRMA 2**

SWRMA 2 is a larger area around the abstraction point based on the time it takes for water to flow to the source, where activities need to be managed to mitigate more medium-term risks:

- for rivers it is the area from where water travels to the intake within an 8-hour period
- for lakes it is the entire lake area, extending landward 100 metres, and includes tributaries (being the area from where water travels to the lake within an 8-hour period)
- for aquifers it is the land area above where groundwater travels to the intake (bore) within a 1-year period, to a maximum of 2.5 kilometres.

The highest-risk activities to source water in SWRMA 2 are direct discharges to water, and land disturbance over vulnerable aquifers including the drilling of bores and earthworks (discussed further below).

Regional councils already control activities under their regional plans, and any activity whose environmental effects have been determined to be likely more than minor will require consent.

Within SWRMA 2, the intent is to ensure:

- no regional council permits activities that pose a high-risk to source water. Activities that have been identified as potentially high-risk within SWRMA 2 are direct discharges of contaminants to water, and land disturbance over vulnerable aquifers (being the drilling, construction and maintenance of bores, or earthworks that damage aquitards). Vulnerable aquifers are discussed further below
- that all consenting in this area actively consider the effects of the activity on source water.

Should national direction on controls within SWRMA 2 be given, the requirements would apply to all new activities, and new applications for consent, subject to a short transition period. Retrospective application of any new requirements to existing activities within SWRMA 2 is discussed further in relation to risk management, below.

#### Questions: SWRMA 2 controls

15. Do you think national direction on activities within SWRMA 2 is necessary?
  - If so, what activities should it address?
16. In your view, how much will this proposal impact the current situation in your region?
  - What discharges to water are currently permitted?
  - Should provision be made to continue to permit those activities? What controls are typically used to ensure potential adverse effects are managed?
17. Are there any other activities that should not be permitted within SWRMA 2?
18. The original intent of SWRMA 2 was to manage microbial contamination. However, there are indications that protections against other contaminants may be required. What contaminants do you think should be controlled in SWRMA 2?
19. What other challenges do you see when making a consent application within SWRMA 2?

### SWRMA 3 considerations

No additional restrictions are proposed in SWRMA 3, as current requirements under the RMA are considered adequate. The proposed amendments to the NES-DW will simply clarify that the effects of any activity on source water must be considered in a catchment used for source water.

#### Question: SWRMA 3 controls

20. Do you think any additional controls, other than broad consideration of the effects of the activity on source water, are required in SWRMA 3?

### Improve land-use controls over aquifers – groundwater bores and earthworks

To improve land-use controls over aquifers, and in particular SWRMA 2, consideration is being given to:

- ensuring an appropriate quality standard applies to the drilling, construction, and maintenance of bores
- addressing existing bores whose quality of construction is unknown, or known to be of a poor standard, or that are disused
- prohibiting below-ground bore heads.

A national environmental standard can prescribe technical standards directly, or through incorporation by reference of a quality standard. If NZS 4411:2001 is to be used, it requires updating to ensure the concerns identified through the HNI are addressed. This would be through a process separate to, but aligned with, the NES-DW (and WSA).

#### Questions: groundwater bore management

21. What is your view on how to address issues with bores – should it be enough to amend the NZS 4411:2001 (with reference to that standard in the NES-DW), or should greater direction be given in the NES-DW itself?
22. For existing bores:
  - What is your view on requiring unused bores to be decommissioned?
  - Should bores of poor quality be required to be upgraded or decommissioned? What timeframe might be reasonable to do this?
  - For many older bores there are no records. What sort of evidence could be used to support the ongoing use of these bores, or demonstrate they pose a low risk to the security of the aquifer?
23. What is your view on prohibiting below-ground bore heads?
24. Regional councils are responsible for control of the use of land for the purpose of maintenance and enhancement of the quality of water in water bodies (RMA section 30(1)(c)(ii)). Do you think territorial authorities have a role in land management over aquifers, and if so, what is that role?

Some shallow aquifers are more susceptible to earthworks, which like bores, can disturb an aquitard and provide a preferential pathway for contaminants into groundwater. Feedback is being sought on the most appropriate ways to ensure vulnerable aquifers are identified, and earthworks are controlled.

#### Questions: identifying and managing activities over vulnerable aquifers

25. It is not clear which approach might be best for ensuring risk to vulnerable aquifers is appropriately managed. Do you think that an NES-DW is the right tool for addressing this? If not, what approach might be better?
26. Would it be helpful if guidance on vulnerable aquifers was provided to support freshwater planning as the NPS-FM is given effect?

## Ensure risks to source water are considered for all activities within a SWRMA, with appropriate conditions imposed

### *Existing activities*

Should controls be imposed in SWRMA 1 and SWRMA 2, there will be some existing activities lawfully occurring that:

- may no longer be permitted eg, discharges of contaminants
- have 'existing use rights' eg, bores drilled and constructed many years ago
- have a consent, but the consent may not adequately address current effects on source water (and those consents do not expire for many years) eg, diversion or damming of water.

Consideration is being given to retrospectively applying the requirements of the NES-DW to those activities where effects on source water are ongoing and require addressing. Section 128 of the RMA allows water and discharge permits, and land-use consents granted by a regional council to be reviewed when an NES has been made.

There can be considerable challenges in retrospectively applying an NES, particularly where an activity is long established, and the activity may have been there before any registered water supply. However, there can also be benefits. For aquifers, existing bores have been identified as a potentially significant risk to groundwater quality.

**Questions: retrospective application of the NES-DW to existing activities**

27. What activities do you believe the NES-DW should retrospectively apply to / not apply to, and why?
28. In your view, what are the key challenges and benefits to retrospective application?

***Matters of discretion when considering effects on source water***

The WSA has amended the RMA to include new section 104G, which requires consenting authorities consider risks and effects on source water for registered water supplies. It is not explicit whether those considerations extend to controlled or restricted discretionary activities and amending the NES-DW provides the opportunity to clarify that matter.

To support full and consistent consideration of effects on source water, new criteria are proposed as matters of discretion to apply to all consent decisions within SWRMA. The matters of discretion are:

- type and scale of activity, and the potential for releasing contaminants into the environment that may affect source water
- the need for, and the adequacy of, operational and contingency measures to prevent the release of contaminants, and the response in the event this occurs
- the potential pathways for contamination to move from the activity site to an abstraction point, including the likely pathway and expected travel time
- the effect of the activity on contamination pathways that may reach the abstraction point, including whether the activity could create new pathways or shorten existing ones
- the degree to which the water supplier's source water risk management plan under the WSA addresses the activity
- the potential risk to source water
- whether the consent is for renewal of an existing consent, and the proposed activities present the same or less risk to water sources than the activities for which consent is expiring
- the need for the activity to be within the SWRMA, and alternative options available

**Question: criteria when considering effects on source water?**

29. Do you agree with the proposed list of criteria?
  - Are any additional criteria needed, or clarifications?

***Proactive response planning***

Consideration is being given to the need to require proactive emergency response planning for certain activities within SWRMA that have the potential to significantly affect source water in the event of an accident or emergency, or natural event.

In those circumstances, consent holders would be required to prepare a risk management / emergency response plan documenting how they would manage the risks of accidental contamination. Consent holders would be required to have this plan reviewed by a suitably qualified professional, and to give a copy of the plan to the relevant council. Consent holders would be exempted from developing a separate plan if they are already required to prepare one for the same activity under another piece of legislation, such as the Health and Safety at Work Act, or the Hazardous Substances and New Organisms Act.

All council consenting authorities, including territorial authorities, should be applying this requirement where necessary. It is proposed to better identify the types of activities this requirement should be considered for and applied to, thus providing better clarity for any role of territorial authorities in implementing the NES-DW. Implementation guidance and support for territorial authorities will also be provided as necessary.

#### Questions: proactive response planning

30. What types of activity might pose a significant risk to a water supply in an accident, emergency, or other natural event?
31. Do you think it is reasonable to require all activities with some potential to affect source water to undertake response planning, or just those with a higher risk (likelihood and consequence)?

## Water supplier involvement

To support water supplier ownership of the safety of drinking water, it is proposed to incentivise their involvement in consent processes. This change would not preclude any other requirements on applicants to engage with potential affected parties or iwi/Māori with statutory acknowledgement.

It is proposed to allow consent applicants to avoid notification of their application (and its associated costs). This would apply if they get written approval from the water supplier for the proposed activity. This process would be set through sub-section 43A(7) of the RMA. The aim is to encourage applicants to engage directly with the water supplier before applying for a consent.

The WSA imposes duties on water suppliers to provide safe water to the community they serve, and therefore there is no need to consider the community they serve to be potentially affected in consent applications.

Consent applications for SWRMA 1 and 2 may still be subject to public or limited notification for another reason, as determined by regional councils when following the process in section 95 of the RMA. For example, if the activity is on land that is subject to statutory acknowledgment, this may require limited notification of the iwi authority, regardless of the proposed NES-DW provisions.

#### Questions: water supplier involvement

32. Do you agree that resource users should engage with water suppliers in consenting matters, within SWRMA 1 and 2?
33. What hurdles do you see in promoting this engagement with water suppliers?
34. What support might small water suppliers need to effectively engage in the consent process?

## What does this mean in practice?

Should national direction be given for controls on activities within a SWRMA, regional councils will need to update their regional plans and procedures to ensure their planning frameworks are consistent with the NES-DW and risks to source water are considered in consent decisions.

For any new activities restricted in SWRMA 1, resource users would need to consider alternatives to undertaking that activity, in that location. Where there is no practicable alternative and the activity is necessary, a consent application may be made.

For new high-risk activities in SWRMA 2, eg, the discharge of contaminants to water, or drilling and construction of bores, resource users may now require a resource consent if their regional council previously permitted this activity.

All consent applications and decisions on consents must assess effects on source water, and resource users will be incentivised to engage with water suppliers about their activities and risk management approaches.

For any activities where retrospective application of the NES-DW is applied, regional councils may review those activities under section 128 RMA. Bores are a particular focus, and owners of any poor-quality bores may be required to rectify issues or decommission the bore.

For certain activities with the potential to significantly affect source water in the event of an accident or emergency, or other natural event, resource users will be required to document their intended response, including contacting the water supplier, in a written plan.

### Questions: general matters relating to managing source-water risks

35. A National Environmental Standard is a regulation under the Resource Management Act 1991 (RMA) that requires, among other things, that regional councils make changes to their regional plan rules. Making these changes can add costs (eg, financial, administrative) for regional councils.
  - In your view, how might regional councils be affected by the NES-DW's new requirements to change regional plan rules?
  - Do these effects outweigh the expected benefits of better source water protection?
36. In your view, how could the amendments to the NES-DW better align with farm plans?
  - Is reliance on the NPS-FM, NES-F and Stock Exclusion Regulations enough to manage the long-term effects of farming activities on underlying aquifers and water bodies?
  - Can you identify potential duplication between the NES-DW and other regulations that control land use?
37. If you are a water supplier, do you think these amendments will affect your ability to supply water (positively or negatively)? Would they influence whether you continue to provide water?
38. If you are a resource user, do you think these amendments will affect how you currently use your land or undertake activities? Will you have to change how you do things as a result?

## Proposal 3: Protecting all registered water supplies

### Issues

The main protections of the NES-DW currently only apply to activities that could affect a registered drinking water supply that serves no fewer than 501 people for not less than 60 days in a calendar year.

The WSA has expanded the drinking water regulatory system to include all supplies other than domestic-self suppliers. The new drinking water regulatory system under the WSA is intended to work and align with RMA provisions for freshwater management.

### Proposed changes

To achieve an improved drinking water regulatory system, it is proposed to apply the source water protections of the NES-DW to all registered drinking-water supplies to align with the WSA. This will be achieved through a staggered approach that aligns with the transition timeframes in the WSA, being:

- 12 months for currently registered supplies to re-register (by November 2022)
- four years for unregistered supplies to register (by November 2025).

After currently unregistered water supplies become registered with Taumata Arowai, the protections of the NES-DW will extend to them. Inclusion of currently unregistered water supplies poses logistical challenges because:

- the number of these small supplies is estimated to be over 75,000
- there is a lack of data about the specific traits and location of unregistered supplies
- regional councils will have to map SWRMAs for every small supply, creating an extra administrative burden.

To address these challenges, a staged approach over several years is proposed. In practice, this approach would work like this:

- Step 1: water supplies will need to register (if they are currently unregistered) or re-register (if they are already registered) with Taumata Arowai. Currently registered supplies will have 12 months to do this, whereas unregistered ones will need to apply to register within four years.
- Step 2: once source water location data is made available by Taumata Arowai, regional councils will be required to map source water protection areas (as per Proposal 1). Options for formalising delineated areas are still being considered, but may include changes to regional plans through Schedule 1 of the RMA, and alternative gazettal processes prescribed by the NES-DW.
- Step 3: regional councils will need to update regional plans to remove any rules that duplicate or conflict with the provisions of the NES-DW.
- Step 4: regional councils and territorial authorities apply the amended NES-DW requirements in the consent process.

This approach would allow time for regional councils and the Government to work together on methods for defining SWRMAs that can be applied at scale.



Table 2 summarises the requirements and application of the current NES-DW against the proposed amended NES-DW.

**Table 2: Comparison between current and proposed NES-DW requirements and application**

Water-supply category	Current NES-DW	Amended NES-DW
<p><b>Large-medium-minor</b> more than 500 people</p>	<p>Regional councils cannot grant certain water or discharge permits or permit activities that would cause or exacerbate a drinking water supply breaching the DWSNZ</p> <p>Any consent authority must include an 'emergency notification provision' on certain consents</p> <p>Regulations 7, 8, 10, 12</p>	<p>Regional councils would be required to map SWRMA for all currently registered water supplies, following their re-registration with Taumata Arowai, by November 2022. Taumata Arowai will supply abstraction point data to regional councils to allow mapping to occur.</p> <p>Anticipating a new NES-DW to come into effect by late 2022 supports regional council's inclusion of SWRMA maps in new freshwater plans by December 2024.</p> <p>New controls within SWRMA would apply once SWRMA mapping has been formalised, and a short transition period would likely be provided.</p>
<p><b>Small-neighbourhood</b> 25–500 people</p>	<p>Any consent authority must include an 'emergency notification provision' on certain consents</p> <p>Regulation 12</p>	<p>If the drinking water supply is currently registered, the amended NES-DW would apply as per large supplies.</p>
<p><b>Neighbourhood – specified self-supplier</b></p>	<p>The NES-DW does not currently apply</p>	<p>If the drinking water supply is currently unregistered, those water supplies have until November 2025 to register with Taumata Arowai under the WSA, where they will provide abstraction point data. Taumata Arowai will supply this data to regional councils to allow mapping to occur.</p> <p>Regional councils would then commence mapping of these supplies. Given the large estimate of unregistered water supplies, it is uncertain how long mapping might take. The earliest SWRMA mapping might be completed is late 2027.</p> <p>The associated controls within SWRMA could not apply until after mapping has been formalised.</p>

**Questions: which water supplies should be protected by the NES-DW**

39. Do you think the protections of the NES-DW should apply to all registered water supplies?
  - If not, what types of supplies should be excluded, and why?
40. The WSA has a registration timeframe of four years for currently unregistered supplies.
  - Do you agree with aligning application of the NES-DW with the WSA? If not, why?
  - In your view, what are the challenges resulting from including these newly registered supplies within the NES-DW framework?

**What does this mean in practice?**

As the smaller, currently unregistered water supplies register with Taumata Arowai, and SWRMAs are mapped by regional councils, controls will be imposed in those SWRMA, affecting local resource users.

There is uncertainty about currently unregistered water supplies: their type (surface or groundwater, or rainfall), number and location. The land area affected is currently unknown.

## Section 3: Impacts of amending the NES-DW

### An amended NES-DW would clarify source water requirements

The amendments aim to clarify the areas and activities where risks to source waters must be considered and managed. Some councils will likely have to consent or refuse activities in certain areas where they were previously permitted. The current approach of allowing these activities to occur, or without consideration of source water effects, is putting the drinking-water supply at risk.

### How will an amended NES-DW affect stakeholders and iwi/Māori?

The roles and responsibilities of various stakeholders and iwi/Māori under an amended NES-DW are summarised in Table 3.

**Table 3: How the amended NES-DW will affect stakeholders and iwi/Māori**

Group	Roles and responsibilities
Iwi/Māori	<ul style="list-style-type: none"> <li>Iwi/Māori have various roles under an amended NES-DW, including as water supplier, and resource user (see below).</li> <li>Iwi/Māori also have an obligation as kaitiaki to preserve, restore, and enhance freshwater for the benefit of present and future generations.</li> <li>Consultation is intended to improve understanding of how an amended NES-DW could impact iwi/Māori.</li> </ul>
Regional councils	<ul style="list-style-type: none"> <li>Mapping SWRMAs for all registered water supplies in their region, including engagement with water suppliers and other parties to help validate the delineation of SWRMAs and updating regional plans.</li> <li>Updating operational procedures to ensure the NES-DW is being applied to applicable consenting decisions and considered as part of compliance, monitoring and enforcement activities.</li> <li>Informing and educating resource users of the requirements of the NES-DW and any previously permitted activities now requiring a consent (noting a transition period will be provided for).</li> </ul>
Territorial authorities (as consent authorities)	<ul style="list-style-type: none"> <li>For any relevant land use restrictions, or other activities where proactive emergency response planning should be applied, updating operational procedures to ensure the NES-DW is being applied to applicable consenting decisions, and associated information and education of resource users.</li> </ul>
Water suppliers	<ul style="list-style-type: none"> <li>Permitted to undertake certain activities around their source water abstraction point, that support the provision of safe drinking water.</li> <li>Asked by resource users or regional councils, for greater involvement in consent applications where a risk to source water is identified.</li> </ul>
Resource users	<ul style="list-style-type: none"> <li>Activities continue to be controlled under the RMA, regional/district plans, and through any national direction including the NES-DW.</li> <li>Restricted from certain activities very close to source water abstraction points (SWRMA 1).</li> </ul>

Group	Roles and responsibilities
	<ul style="list-style-type: none"> <li>• New consents may be required for high-risk activities in a broader area around the abstraction point (SWRMA 2) depending on how well their regional council previously regulated those risks.</li> <li>• Must consider the effects of their activity on local registered drinking water supplies, and are encouraged to engage with water suppliers when considering how to avoid, remedy, or mitigate effects.</li> </ul>
Central government	<ul style="list-style-type: none"> <li>• Taumata Arowai to facilitate access to information on water supplies as contained in the national drinking water supply register, including location of abstraction points and information on risks to source waters (as identified in SWRMPs).</li> <li>• Ministry for the Environment to provide support and guidance for councils to undertake mapping of SWRMAs.</li> <li>• Ministry for the Environment to provide guidance on assessing risks to source water in consenting decisions in accordance with the requirements of the NES-DW.</li> </ul>

## How will the NES-DW work with source-water provisions in the WSA and other freshwater national direction?

Under the new drinking-water regulatory regime, the NES-DW works alongside source water provisions in the WSA, and other freshwater direction under the RMA. The actions required of water suppliers, resource users, and regional councils are summarised in

Table 4. The flow diagram in Appendix B illustrates the relationships between each party, and how information is used to refine planning requirements. As noted above, iwi/Māori also have an obligation to preserve, restore, and enhance freshwater for the benefit of present and future generations (not otherwise shown in Table 4 or [Appendix B](#)).

**Table 4: Source-water roles and responsibilities**

	Water supplier	Regional council	Resource user
<b>Water Services Act – source water</b>	Prepare a SWRMP based on supply scale, complexity, and risk and monitor source-water quality, unless an acceptable solution has been adopted or supplier has been granted a general exemption.	Provide information to water suppliers on activities, risks or hazards, and water quality data.  Undertake appropriate actions to address source-water risks or hazards.  Report on source-water quality and quantity, and the effectiveness of interventions.	Not applicable.
<b>RMA – national direction</b>	Have regard to any values set under the NPS-FM in the SWRMP.	Update regional plans to reflect requirements of NPS-FM and NES-DW.	Have regard to any values set under the NPS-FM in the SWRMP.
<b>RMA – resource consent</b>	Permitted to undertake certain low-risk activities around intakes to support provision of safe drinking water.	Consider risks to source water in decisions.	Consider the effects of their activity on local registered drinking water supplies.

	Water supplier	Regional council	Resource user
	Invited to be involved in the consent process where a risk to source water is identified.	Provide information and advice to resource users on the consent process.  Notify drinking water suppliers in the event of an accidental contamination event/spill.	Restricted from activities very close to drinking water intakes (SWRMA 1).  Consent required for high-risk activities in a slightly broader area around the intake (SWRMA 2).  Consider how to avoid, remedy, or mitigate effects.  Encouraged to engage with water suppliers.  Prepare an emergency response plan to address risk of accidental contamination (where applicable) and notify regional council of any spill.
<b>Mitigations to the impacts of new requirements</b>	Taumata Arowai to provide guidance on developing SWRMP and accessing information from regional councils.  Funds available to help marae and non-council suppliers to meet regulatory requirements.  Phased approach to registration and when compliance is required.	Proposed approach to compliance rules for information sharing with water suppliers focused on enablers building on current channels (eg, existing web alert systems).  Phasing SWRMA mapping to align with WSA, will consider practicalities of mapping and formal establishment.  Consent considerations limited to registered water supplies.	SWRMA information available, and SWRMP provided, to aid assessment of environmental effects for consent applications.  Water supply location identified, and supplier contact details available.  Ministry for the Environment and regional councils to provide guidance on consenting expectations and addressing effects on source water.
<b>Benefits</b>	Enabled to undertake activities to support a safe drinking water supply without consent (eg, intake maintenance or reinstatement).  Information about RMA activities more readily available.  Avoided costs in investigating source contamination and finding new water supplies.	Clarity and national consistency in how source water risk is addressed through the consent process.  Any deficiencies in regional plans addressed.  Increased knowledge of water supplies in region as registration progresses.  Improved public health outcomes at regional level.  Avoided costs in investigating source contamination.	Improvements in public health, wellbeing and environmental outcomes.  Clarity and national consistency in how source-water risk is addressed through the consent process.

## What are the anticipated outcomes?

### Better water management benefits the environment

Better source water protection means that the health of our water bodies will gain precedence over other elements in the drinking water system. The proposed amendments will help councils maintain freshwater and groundwater quality, particularly in catchments that also serve as drinking water sources.

Some contaminants, such as nitrates, persist for a long time in the environment. Once an aquifer has been contaminated beyond a certain level, the treatment options are both expensive and complex. Minimising contaminants in our aquifers in the first place will reduce future costs of investigating and dealing with cumulative contamination and emerging contaminants.

Protecting waterways also brings certain ecosystem health and climate-related benefits that are not relevant to these proposals, but could be a by-product of the amendments. These positive effects are not included below, but it is worth considering the broader advantages of managing risks to our source water.

### Protecting water upholds our Treaty partnership

There are difficulties in quantifying benefits that fully reflect the aspirations and expectations of iwi/Māori. The proposed amendments are designed to contribute to Te Mana o te Wai, and to the spiritual and theological aspects of iwi/Māori water use and access. The amendments are expected to enhance Māori customary activities such as mahinga kai (gathering food), and the centrality of freshwater's mauri (vital essence).

### Reducing risk improves health and lowers costs

Improved source water management is anticipated to lead to reductions in preventable waterborne diseases, such as diarrhoeal diseases, cholera, typhoid and others. Diarrhoeal diseases include those caused by *Campylobacter*, *E. coli* and *Cryptosporidium*, and account for an annual 1.5 million deaths globally.<sup>11</sup> About 58 per cent of that burden is in low and middle-income countries. These diseases are therefore seen as preventable in countries such as New Zealand.

Inadequate water, sanitation and hygiene (WASH) is the main factor in these infections. It is estimated that in New Zealand, cases of campylobacteriosis can be found in 150 per 100,000 people.<sup>12</sup> While cases have improved following strengthened food safety regulation passed in 2007–08, infection cases remain issues of concern.

A key remaining risk factor is unsafe drinking water. Better risk management for water sources could prevent a future Havelock North incident, and reduce our annual average infection rates, with an aim to preventing these infections altogether.

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<sup>11</sup> [Waterborne diseases.](#)

<sup>12</sup> [Notifications for potentially waterborne diseases.](#)

Rates and factors related to waterborne disease include:

- In 2019, 537 cases of campylobacteriosis, 140 cases of cryptosporidiosis and 211 cases of giardiasis where drinking water was a risk factor were notified.<sup>13</sup> These are likely underestimated due to poor reporting of risk factors (ie, reporting the potential causes of the infection) by district health boards (DHBs).
- Waterborne outbreak incidents are not rare events in New Zealand. A study published by the Ministry of Health documents 25 waterborne outbreaks between 1984–2006<sup>14</sup>.
- Notification rates for waterborne diseases are higher for children aged 0–4. Children can be more susceptible to disease and health effects from elemental pollution of water sources (eg, lead). Minimising these risks to children will not only have immediate benefits (fewer children catching preventable waterborne diseases) but could also improve health long term, by reducing exposure during these critical developmental stages.
- Better management of source water risk through the NES-DW, combined with enhanced monitoring requirements in the WSA, will lower the risk of pollution of water sources.

Although some people will recover quickly from waterborne disease, some have long-term health consequences, such as when campylobacter infection leads to reactive arthritis, Guillain-Barré syndrome or irritable bowel syndrome.<sup>15</sup> Reducing the risks of waterborne disease reduces the chance of these long-term impacts, which can put personal and financial burdens on people.

Notification rates of waterborne diseases vary by DHB. Some of this may be due to DHBs not completing a full assessment of risk factors, but case studies show that the management of risks to source water under the existing NES-DW varies by region.

Clarifying and strengthening the NES-DW will bring a national approach to mitigating the risks and may reduce waterborne disease in regions with higher notification rates.

Rural communities have higher notification rates for waterborne diseases such as campylobacteriosis and cryptosporidiosis<sup>16</sup>.

- Rural supplies are more variable and there may be fewer resources for managing risks than for large municipal supplies.
- This increases the importance of source protection, to keep small supplies safe.
- The proposed NES-DW amendments, together with the WSA, will take a systematic and catchment-wide approach to water source protection, including small rural supplies.

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<sup>13</sup> Notifications for potentially waterborne disease with untreated drinking water as a risk factor.

<sup>14</sup> Estimated community costs of an outbreak of campylobacteriosis resulting from contamination of a public water supply in Darfield, New Zealand.

<sup>15</sup> The economic costs of the Havelock North August 2016 waterborne disease outbreak.

<sup>16</sup> Notifications for potentially waterborne diseases.

## Health and economic impacts of contaminated water

As well as individual cases, large outbreaks can have significant health and economic impacts.

### Box 12: Havelock North outbreak

- The main impacts lasted for about four weeks, with a relatively long ‘tail’ of secondary and residual effects.
- Four deaths<sup>17</sup> were notified as being associated with the outbreak.
- Long-term health complications were also associated with the outbreak, three cases of Guillain-Barré Syndrome (an autoimmune disorder) were notified and about 20 per cent of confirmed cases were associated with reactive arthritis.
- The total economic cost was estimated at \$21 million. Most of this (about \$12.4 million) was borne by the communities (eg, alternative water supplies, taking time off during the outbreak) at an average of \$2,440 per household (5,088 households affected).
- About 50 per cent of households had to take an average of 8–9 days away from normal activities during the outbreak.
- The second largest economic impact was on local government (about \$4.1 million), mainly for investigation/diagnosis and consequential stages.

Small outbreaks like that in Darfield in 2012 (138 confirmed or probable cases) can have similar impacts. By some accounts, cost estimates range from \$714,500 to \$1.26 million (depending on estimates of unreported cases).<sup>18</sup>

There are also risks associated with chemical contamination, ranging from low-level exposure over a lifetime and short-term exposure to higher concentrations or more toxic elements. While bacterial contamination is, on some occasions, immediately noticeable due to gastrointestinal upset, health impacts from chemical contamination may be less noticeable.

Although it can be difficult to quantify the benefit from reducing risks of microbiological and chemical contamination, the above numbers show the potential monetised costs to communities and the Government, and highlights those at greater risk (children and rural communities).

Better management can reduce these risks and would remove the potential costs of a major outbreak altogether.

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<sup>17</sup> Government Inquiry into Havelock North Drinking Water (2017) Report of the Havelock North Drinking Water Inquiry: Stage 2.

<sup>18</sup> Estimated community costs of an outbreak of campylobacteriosis resulting from contamination of a public water supply in Darfield, New Zealand.



## What are the anticipated benefits?

The benefits of amending the NES-DW are summarised in Table 5.

**Table 5: Benefits of amending the NES-DW**

Recipient of benefit	Description
<b>Environment</b>	<p>Freshwater will be given additional protections where it is used as a source for drinking water.</p> <p>By protecting source water, the health of the environment will gain precedence over its multitude of uses, in line with Te Mana o te Wai.</p>
<b>Iwi/Māori</b>	<p>Supports an obligation to preserve, restore, and enhance freshwater for the benefit of present and future generations.</p>
<b>Resource users</b>	<p>Resource users will have certainty over where source water may be at-risk from their activities, and improved clarity over requirements for protecting source water in their local area. Relationships with water suppliers will be established and grow.</p>
<b>Regulators</b>	<p>Regional councils will have improved and clearer direction to exercise their role as environmental regulators. The NES-DW will be easier to understand and apply.</p> <p>Taumata Arowai will be supported by a strong regulatory framework under the RMA through which it can exercise its functions under the WSA.</p>
<b>Water suppliers</b>	<p>Will have improved influence over, understanding of, and involvement with the activities of resource users that may affect source water.</p> <p>Improved information and RMA processes will be available to inform their SWRMP and support their own management of risk to source water.</p> <p>Potential reduction in, or avoidance of additional, water treatment costs. Potential avoidance of the need to seek new water sources should existing ones become unsuitable as source water.</p> <p>Avoidance of costs related to investigating future outbreaks, which could range between \$400,000 (for small outbreaks) to \$4 million (for major outbreaks), based on previous outbreaks.</p> <p>Marae water suppliers will be supported in their role as kaitiaki.</p> <p>Water suppliers may have reduced RMA costs associated with maintaining their abstraction point, as the NES-DW makes this more permissive.</p>
<b>Water supply consumers</b>	<p>Water consumers will benefit from reduced risk to source water and associated improved public health and avoided cost outcomes (eg, the need for water suppliers to find a new water source or increase treatment due to poor water quality, or where public health is impacted).</p> <p>Avoidance of costs to the public from the impacts of an outbreak, which could be as high as \$2,440 per household.</p>

The amendments to the NES-DW are part of wider Three Waters Reform. The benefits, particularly economic, are complex to assess in isolation from these wider reforms. A report commissioned by Department of Internal Affairs<sup>19</sup> as part of this wider reform noted the following benefits:

<sup>19</sup> Industry Development Study & Economic Impact Assessment.

- significant positive impact on all industries, particularly those that are more capital and water intensive. The water sector cuts across a range of industries, including construction, engineering and manufacturing. This increase in activity associated with reform is initially driven by activity in the water delivery sector, and there are positive flow-on effects to sectors across New Zealand
- an 80 per cent increase in the water delivery workforce over 30 years, to meet the increased demand from water reform
- a likely economic benefit of \$14 billion – \$23 billion over the next 30 years, as well as higher tax revenue
- GDP and employment growth across the country, with the highest economic impact expected for provincial and rural regions
- more efficient asset management and investment.

## What are the anticipated costs?

The proposed changes to the NES-DW are expected to create additional costs. For instance, delineation of, and control of activities in, SWRMA 1 and SWRMA 2 will have impacts on how land and water are used in some circumstances, such as when an activity poses a high-risk to source water. [Section 4](#) provides more details for what this could mean for communities.

The main one-off costs estimated by officials are:

- \$400,000: a one-off cost to the Government for guidance, consultation with stakeholders, and technical assistance for consent authorities, to aid the implementation of the NES-DW and set up the mechanism for Ministerial approval of bespoke SWRMAs.
- \$1000–\$5000: delineating a single water supply. Regional councils can make cost efficiencies by doing this for several water supplies at the same time, eg, \$5,000 – \$10,000 per region using a default SWRMA.
- \$70,000 – \$300,000: delineating a water supply using a bespoke SWRMA. However, a number of regional councils have already defined source protection areas for their regions, and it is expected those councils would apply for bespoke SWRMAs using existing data. The cost in this scenario would be about \$5,000 for a region. The cost to the Government for approving these bespoke SWRMAs is estimated at \$10,000 per water supply.
- \$100,000 and \$200,000 per consent authority: to review activity status in the amended NES-DW against existing plans. This cost may vary depending on the extent to which existing source water protection provisions align with the amended NES-DW.

The following estimated costs would potentially apply to resource users related to consenting activities in SWRMA 1 and 2.

- For activities permitted under the current NES-DW that may require consent under the proposed amendments, the costs will vary depending on the complexity of the application. Consent costs may lie between \$5,000-\$40,000 per application.

This data was extrapolated from case studies. Due to this and regional variation in activity management, it is not possible to estimate the total number of consents needed in this process from the available data.

Calculating the costs of the amendments on a national level is complex, due to regional variation in activity management.

Recent media coverage notes that ongoing water reforms may motivate some small water suppliers to stop their provision of drinking-water services. While discussions with some small water suppliers have not indicated the proposed amendments to the NES-DW would motivate them to stop providing drinking water services, feedback is being sought to better understand the impacts of these proposals on all water suppliers. Where there are significant or potentially significant problems with a private water supplier (eg, ceasing to operate a supply), territorial authorities are required to work collaboratively with that supplier, its affected consumers, and Taumata Arowai<sup>20</sup>.

## Potential resources and alignments

As part of Three Waters Reform, \$30 million was set aside to support non-council, small rural drinking water suppliers. Of this, \$9.5 million, is allocated for currently registered supplies and \$18.5 million is allocated to marae suppliers. This funding is intended to directly support treatment options, and work is being undertaken to establish appropriate approaches for small scale water treatment, and to build capability in the sector to develop, operate and maintain those systems.

As the Three Waters Reform programme progresses, Ministry for the Environment officials are working with Taumata Arowai and the Department of Internal Affairs to identify opportunities for joined up implementation avenues. This work is aimed at ensuring that appropriate levels of support and guidance are provided to councils and water suppliers to help mitigate identified risks and costs. It is anticipated this work could include support and guidance for mapping at-risk areas, regional plan reviews and evaluating the efficacy of measures to address adverse effects on source water.

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<sup>20</sup> As required through recent amendments to section 127 of the Local Government Act (2002)

## Section 4: What does this mean for you?

To illustrate the potential effects of the proposed amendments to the NES-DW on resource users – those who undertake activities controlled by the RMA – some example scenarios are provided below. These scenarios were included to help understand how the amendments to the NES-DW could work in practice, and to illustrate what the changes motivated by these amendments could look like.

These scenarios are only indicative, and do not fully reflect all situations. They also may not fully account for all relevant legislative and operational complexities.

### Scenario 1: Application of synthetic nitrogen fertiliser

Excess nutrients (eg, nitrates, phosphates) from fertilisers can pollute our waterways if found in high concentrations. If their release into the environment is not managed appropriately, it could lead to high concentrations of nutrients in water bodies, leading to adverse environmental and human impacts:

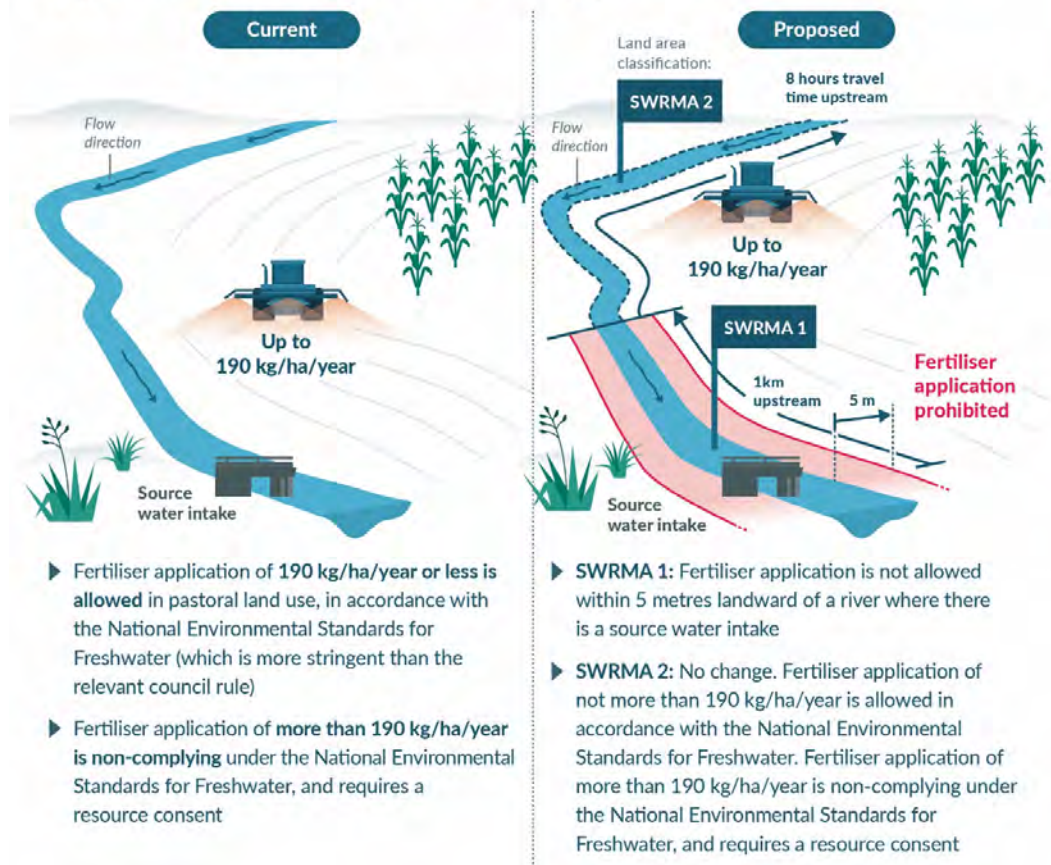
- plants and algae are stimulated which can affect oxygen levels in freshwater and cause the death of fish
- groundwater systems can also be impacted by fertilisers, where concentrations take some time to reach aquifers and they are not as easy to see the health of the water as rivers
- there are some negative health effects from certain nutrients contaminating drinking water, as well as emerging evidence of more health concerns.

Standards for the application of synthetic nitrogen fertiliser are established by rules in the NES-F, overriding any less stringent rules in regional plans.

## Example

What to do under the amended NES-DW

### Application of synthetic nitrogen fertiliser



Sarah is a pastoral farmer who applies synthetic nitrogen fertiliser on her fields at a rate less than 190 kg/ha/year, and always uses fertiliser in accordance with the Code of Practice for Nutrient Management, as required by the NES-F.

After the amended NES-DW comes into effect, Sarah's regional council has mapped SWRMAs for a local registered water supply that sources water from a river that passes through her property. SWRMA 1 extends 5 metres landward from the river, 1 kilometre upstream of the source water abstraction point, and 100 metres downstream. The river is encompassed by SWRMA 2 for a further distance upstream.

Under the amended NES-DW, Sarah will no longer be able to apply fertiliser to the 5 metre strip of land beside the river. However, there will be no change in how Sarah applies fertiliser elsewhere on her land, as long as she continues to apply no more than 190 kg/ha/year. If she chooses to apply more, she will need to make an application for resource consent, where potential adverse effects on the environment, including risks to source water, will be considered.

## Scenario 2: Agrichemicals

Pesticides, insecticides, fungicides, and herbicides are used to control pest species. The Hazardous Substances and New Organisms Act 1996 covers the import and manufacture of hazardous substances, including controls which may be imposed for its use, while the RMA applies where the use of that substance (contaminant) requires a discharge into the environment.

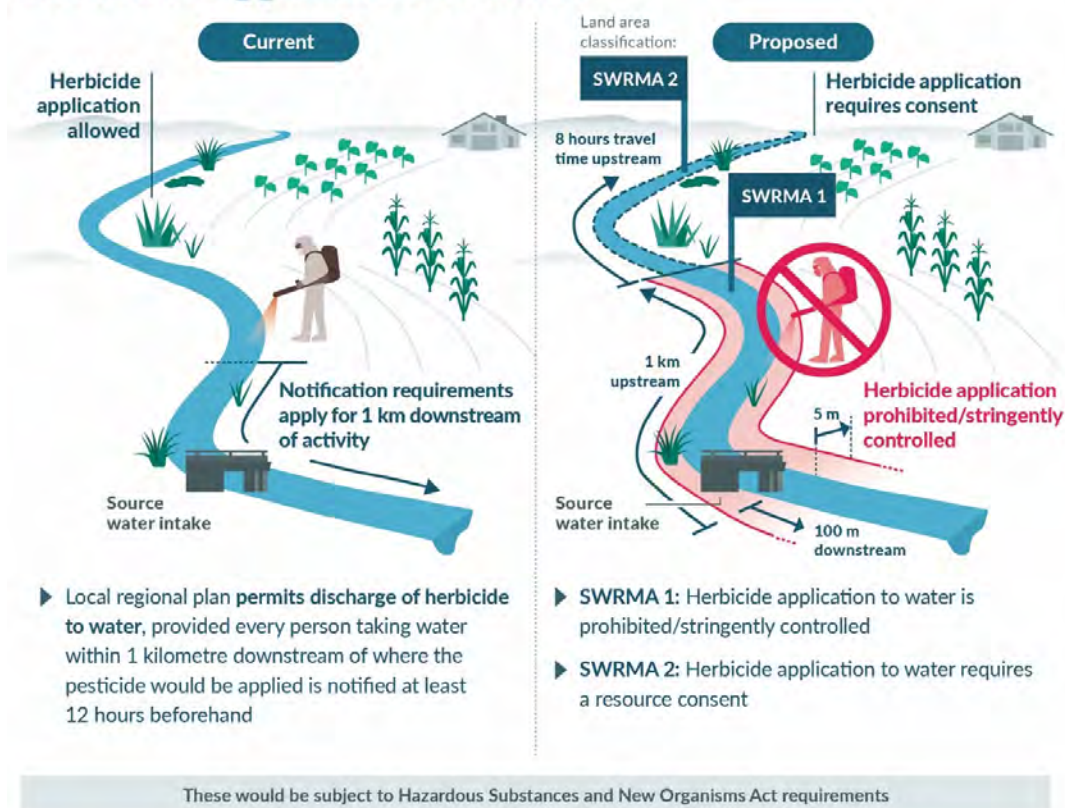
When used on land, if not applied appropriately, these chemicals can enter waterways and pose significant risks to ecosystems and human health. Some of these chemicals can persist in the environment for a very long time, affecting the quality of drinking water sources. For this reason, it is important to limit the risk of agrichemicals getting into water sources.

Some herbicides are designed to control aquatic pest species and are intended to be applied directly to water.

### Example

What to do under the amended NES-DW

### Herbicide application to water



Matiu has aquatic weeds growing in the river that passes through his farm. Matiu usually controls those weeds through spraying herbicide directly into the creek during low flows.

Under the current Regional Plan rules for his region, the application of a herbicide for aquatic pest control is a permitted activity, providing Matiu adheres to the manufacturer's specifications and he holds a GROWSAFE certification, and notifies every person taking water within 1 kilometre downstream of where the pesticide would be applied, a week in advance.

However, Matiu may not be aware of all drinking water takes from the river, as their takes may be permitted by regional council rules and there is currently no public register available of drinking water supplies.

After the amended NES-DW comes into effect, Matiu's regional council has established there is a registered drinking water supply to three lifestyle blocks downstream. The river that passes through Matiu's property is now covered by both SWRMA 1 and SWRMA 2.

Matiu will no longer be able to apply herbicide in SWRMA 1, and will need a resource consent to apply herbicide in SWRMA 2, because there is a risk that within 8 hours of its application, the herbicide-impacted water could be drawn in through the supply's source water abstraction point.

Depending on the approach adopted for controls within SWRMA 1, and the degree of stringency applied, the following options could be considered *[note that feedback is being sought on the necessity of activities such as aquatic pest control in freshwater, and whether it may be an activity that needs providing for]*:

- Matiu will need to consider how critical his aquatic weed control is in this area, and any alternative means of weed control, eg, through mechanical removal – noting that bed disturbance in SWRMA 1 is also strictly controlled, or habitat modification.
- Where the work is essential and there is no alternative, Matiu could work with the water supplier to establish a solution (such as turning off the pumps and relying on stored water reserves for a period) and seek consent for the discharge. He would need to clearly establish the measures to be implemented to address source water effects.

## Scenario 3: Drilling and bore construction

Groundwater is found in aquifers: an underground body of rock and/or sediment that holds freshwater. Typically, aquifers are surrounded by less-permeable layers called aquitards, which contribute to protecting groundwater from surface contamination.

Groundwater is a reliable source of drinking water, but it requires appropriate risk management to keep the aquifer safe from contamination.

If not handled properly, activities such as drilling or earthworks can reduce an aquitard's protection, increasing the risk of contaminants reaching groundwater. Bore drilling and construction, and earthworks above vulnerable aquifers need to pay special consideration to how provision of a preferential pathway for contamination will be addressed.

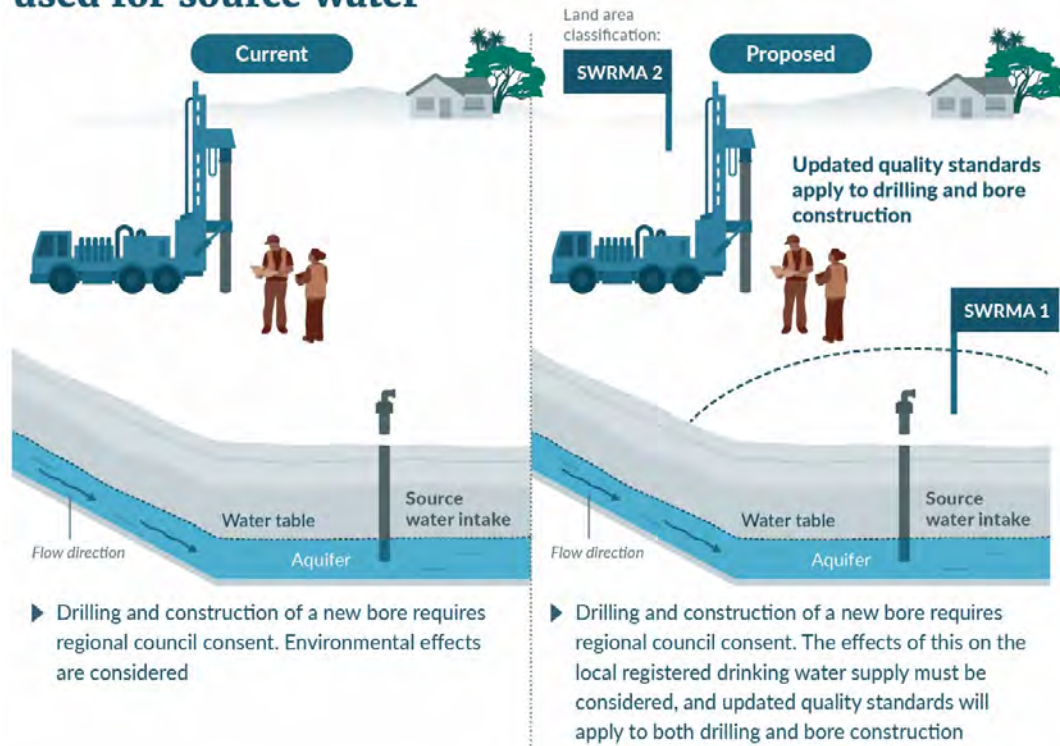
The risks posed by earthworks can be mitigated through good design, and resource consent conditions that ensure these risks are managed.

For bores, drilling equipment should be clean and drilling processes should not introduce contaminants into the aquifer (such as drilling fluids), attention should be paid to the layers above the aquifer and with seals at the appropriate depths, and the bore should be secured at the surface, including fitting of a backflow prevention device.

## Example

What to do under the amended NES-DW

### Bore drilling and construction over an aquifer used for source water



Aziz has a dairy shed and wants to install a bore to access groundwater in the aquifer underlying his land. Under his regional council rules, the drilling and construction of a bore is a controlled activity and requires consent (while the taking of groundwater is within permitted volumes of the regional plan). The regional council grants a consent for the bore, subject to various requirements, including adherence to drilling standard NZS 4411:2001, and installation of a concrete apron around the bore head. Aziz chooses to install a below-ground bore head as he is not prevented from doing so.

Under the amended NES-DW, Aziz's regional council has found that this area is located in SWRMA 2 from a groundwater source. A consent is still needed but both Aziz, in making the application, and the regional council when making its decision, must ensure the effects of drilling and constructing the bore on source water are considered.

New bore quality standards are applied – this bore has an above-ground bore head, has a bentonite seal below ground as well as a concrete apron above ground, and it is fitted with a backflow prevention device.



## Scenario 4: Wastewater discharges

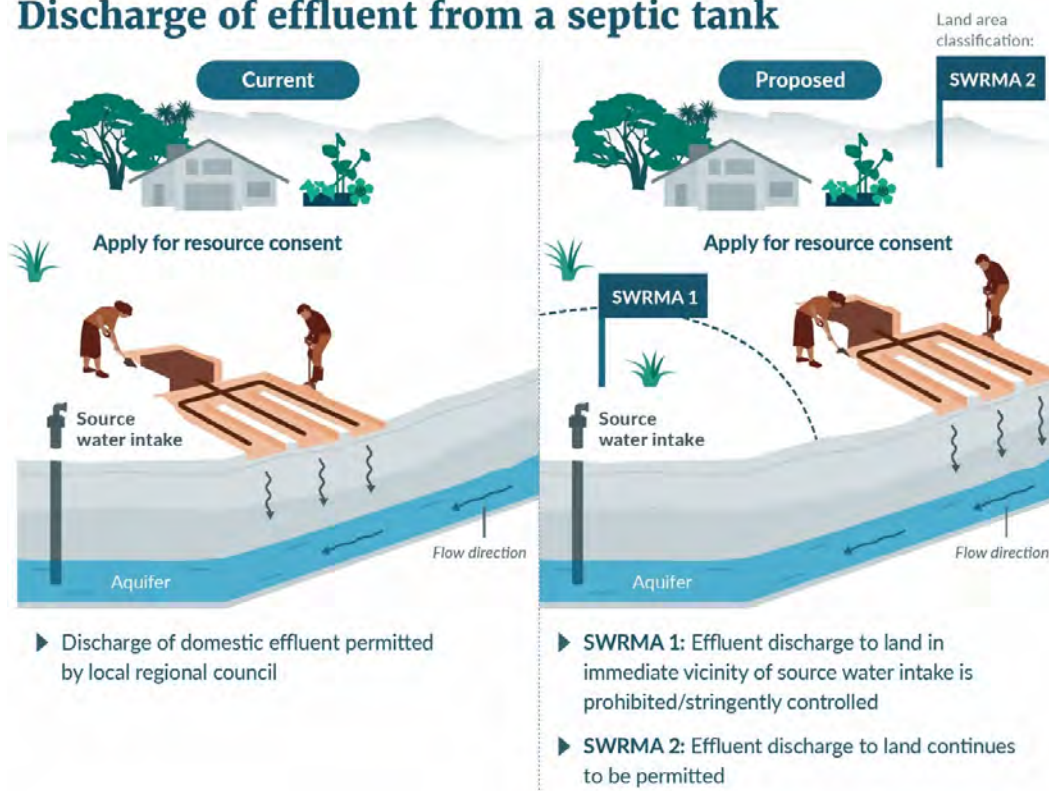
Wastewater discharges contain bacteria and pathogens that can make people sick if they source water. Wastewater discharges can also affect the mauri of a water body if they enter the water body.

Discharge of effluent to land is generally preferable to discharge to water, as effluent can be further treated through some types of soils, where it is applied at suitable loading rates.

### Example

What to do under the amended NES-DW

### Discharge of effluent from a septic tank



Sione owns a lifestyle block and wants to install a new on-site septic tank. Under current rules in his region, the discharge of effluent to land from a domestic wastewater system is permitted subject to certain conditions. When establishing its regional rules, the council considered small domestic volumes at low loading rates, over a relatively deep aquifer, were unlikely to cause effects that were more than minor.

Under the amended NES-DW, Siones's regional council has determined his property is located within SWRMA 2.

The regional plan rules are not impacted by the NES-DW. Sione's effluent discharge is still permitted, subject to certain conditions being met.

As the regional council gives effect to the NPS-FM, and notifies amended freshwater plans, it must consider drinking water as a value, and consider how it manages surrounding activities.

Under the WSA, the local water supplier monitors source water quality. If source water shows no indication of being impacted by effluent, then the regional council might continue to permit

effluent discharge, or they may constrain where effluent can be applied to mitigate risk. However, if monitoring showed source water quality was impacted by effluent, the regional council would have to consider all activities in the catchment that could be contributing to the issue, and how best to manage those activities in future.

## Case studies

To better understand the implications of the proposed changes to the NES-DW on small rural suppliers (including marae) and their surrounding communities, the Ministry commissioned an evaluation using real life situations (case studies). In the case studies, activities within SWRMA under the proposed amended NES-DW are compared against the same activities occurring under the current relevant regional plan rules.

Participants were selected based on availability and willingness to participate as well as variables in supply characteristics and surrounding land use. A mix of land uses has been identified in the areas surrounding the water supplies, primarily pastoral farming, with smaller amounts of horticulture and forestry, and in some cases residential areas. The suppliers vary in primary activity on their land, source water, number of extraction points, and number of dwellings supplied with drinking water for human consumption (see Table 6).

**Table 6: Summary of current case study participants**

Primary focus of water supplier	Source water	Number of abstraction points	Customers supplied
Council-owned rural supply	River	1	Multiple farms, domestic dwellings, school, and campsite
Dairy, beef, sheep farm	Groundwater	1	Multiple domestic dwellings
Beef and sheep farm	Groundwater	1	Multiple domestic dwellings, woolshed, cattle yard
Dairy farm	Groundwater	3	Multiple domestic dwellings, cow shed
Marae	Spring	1	Marae, marae office, multiple domestic dwellings

The case study report will be finalised and made available on the Ministry for the Environment's website in late January 2022.

Initial indications based on the case studies, are that resource users in SWRMA undertaking typical pastoral farming, horticultural and household activities are unlikely to be significantly impacted by the proposed amendments to the NES-DW. In the case studies, the proposed amendments to the NES-DW, had:

- a greater effect for resource users in the areas surrounding surface water supplies because the area covered by SWRMA 1 is larger
- no anticipated additional costs resulting from the proposed amendments in SWRMA 2, for onsite effluent discharges, pastoral farming activities and application of fertiliser and agrichemicals
- an impact on direct discharges to surface water, and water takes. Stormwater was identified as one such discharge that could be impacted, however in the rural areas of these case studies, stormwater discharges are few, and more likely to go to land. For water

takes, although SWRMA 1 is relatively limited in extent, there could be additional consenting costs for other resource users seeking to take water.

For water suppliers, it is likely that some activities related to maintaining a water supply (eg, maintaining intake structures) will be more permissive, reducing costs associated with resource consent applications.

## Section 5: How to have your say

We welcome your feedback on the proposals in this consultation document. The questions throughout the document are a guide only – see the list below. You do not have to answer them all, and any comments are welcome.

To ensure others clearly understand your point of view, you should explain the reasons for your views and give any supporting evidence.

### Timeframes

This consultation starts on 10 January 2022 and ends on 6 March 2022.

When the consultation period has ended, we will analyse and summarise submissions. We will then provide final policy advice to the Government on the preferred options.

### How to make a submission

You can make a submission in two ways.

- Use our online submission tool, available at <https://consult.environment.govt.nz/freshwater/nes-drinking-water>  
**This is our preferred way to receive submissions.**
- Write your own submission.

In your submission, please make sure you include:

- the title of the consultation
- your name or organisation
- your postal address
- your telephone number
- your email address.

If you are posting your submission, send it to:

Improving the protection of drinking-water sources  
Urban Water team  
Ministry for the Environment  
PO Box 10362  
Wellington 6143

If you are emailing your submission, you can send it to [nesdw.consultation@mfe.govt.nz](mailto:nesdw.consultation@mfe.govt.nz) as a:

- PDF
- Microsoft Word document (2003 or later version).

When emailing your submission, please use add 'Improving the protection of drinking-water sources' in the subject line.

Submissions close on 6 March 2022.

## For more information

Please send any queries to:

Email: [nesdw.consultation@mfe.govt.nz](mailto:nesdw.consultation@mfe.govt.nz)

Post: Improving the protection of drinking-water sources, Urban Water team, Ministry for the Environment, PO Box 10362, Wellington 6143

## Publishing and releasing submissions

All or part of any written submission the Ministry for the Environment receives electronically or in printed form, including your name, may be published on our website, [environment.govt.nz](http://environment.govt.nz). Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to website posting of both your submission and your name.

Submissions may also be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including by email). Please advise if you object to the release of any information contained in your submission and, in particular, which parts you consider should be withheld, and the reasons for withholding the information.

Any personal information you supply to the Ministry when making a submission will only be used by the Ministry in relation to the consultation covered in this document. You have the right to request access to or to correct any personal information you supply to the Ministry.

If you have any questions about the publishing and releasing of submissions, or if you would like to access or correct any personal information you have supplied, please email [info@mfe.govt.nz](mailto:info@mfe.govt.nz).

## Consultation questions

### The default method for delineating SWRMA

1. Domestic and international evidence suggests that delineating three at-risk areas is a good approach for protecting sources of drinking water. Do you think this is a good approach for protecting our source waters? What other approach can you think of that could contribute to protecting our drinking water sources? Do you think that three areas (and therefore levels of control) are sufficient to protect our drinking water sources?
2. In your view, is the method to determine each SWRMA, for each type of water body, the best option?
  - Should other factors be considered in determining size?
  - What challenges can you foresee in delineating SWRMAs?
  - Do you have any comments or feedback on the detail contained in the technical guidance materials?
  - Should SWRMA for all aquifers be bespoke so their unique features, depth and overall vulnerability can be considered?
3. For lakes, do you agree that SWRMA 2 should include the entire lake area?
  - What might be an alternative approach?
4. SWRMA 1 for lakes and rivers is proposed to extend 5 metres into land from the river/lake edge. This contrasts with 3 metres setback requirement of the Resource Management (Stock Exclusion) Regulations 2020. SWRMA 1 is proposed to be used as a basis for controlling activities close to source water intakes, and applies to a wide range of activities. Do you think these differing setbacks will cause confusion or result in other challenges?
5. There is evidence suggesting that a 10–30-metre radius around source water bores is a preferable way to delineate the area where activities would be heavily restricted (SWRMA 1). However, expert advice suggests a 5-metre radius is the most workable option.
  - Do you agree that a 5-metre radius around a source water bore gives enough protection? Why or why not?
  - If not, what alternative would you suggest?
6. While water takes from complex spring systems or wetlands may require a bespoke SWRMA to ensure consideration of any contamination pathways present, a default method is necessary to ensure interim protection. Do you think a default method is practicable in most situations?
  - Do you think a regional council should determine (on a case-by-case basis) the most applicable default method: for a river, lake or aquifer, or is a different default approach necessary?
  - If so, what alternative would you suggest?

### Regional council mapping of SWRMA

7. How long do you think is necessary for regional councils to delineate SWRMAs for currently registered water supplies in each region, using the default method?
8. What challenges do you foresee in delineating SWRMAs, when previously unregistered supplies are registered with Taumata Arowai (see Proposal 3 for more details)?
9. What support could enable regional councils to delineate SWRMAs within shorter timeframes?

10. Do you think consideration should be given to mapping currently unregistered supplies as they register (but before the four-year deadline provided under the Water Services Act), or do you think that waiting and mapping them all at the same time is a better approach?

#### **Bespoke method for delineating SWRMA**

11. If a regional council has already established local/regional source water protection zones through a consultative process, should there be provision to retain that existing protection zone as a bespoke method without further consultation or consideration against new national direction?

#### **SWRMA 1 controls**

12. Do you think national direction on activities within SWRMA 1 is necessary?
- If so, what activities should it address?
  - How restrictive should controls be in SWRMA 1, for resource users other than water suppliers?
  - Are there any activities you believe should be fully prohibited in this area?
  - Are there any activities you believe should be permitted or specifically provided for or acknowledged in this area?
13. For water suppliers, are there any other activities beyond intake maintenance/management that should be provided for?
14. In and around freshwater, control of pest species (including aquatic pest species) may be necessary, including through physical control (removal, that may include bed disturbance) or chemical control (discharge).
- How much of an issue is this in and around abstraction points?
  - How critical is that work?
  - How often is this work mandated by other regulation or requirements?
  - How frequently is this work undertaken by parties other than the drinking-water supplier (or their contractors)?

#### **SWRMA 2 controls**

15. Do you think national direction on activities within SWRMA 2 is necessary?
- If so, what activities should it address?
16. In your view, how much will this proposal impact the current situation in your region?
- What discharges to water are currently permitted?
  - Should provision be made to continue to permit those activities? What controls are typically used to ensure potential adverse effects are managed?
17. Are there any other activities that should not be permitted within SWRMA 2?
18. The original intent of SWRMA 2 was to manage microbial contamination. However, there are indications that protections against other contaminants may be required. What contaminants do you think should be controlled in SWRMA 2?
19. What other challenges do you see when making a consent application within SWRMA 2?

#### **SWRMA 3 controls**

20. Do you think any additional controls, other than broad consideration of the effects of the activity on source water, are required in SWRMA 3?

### Groundwater bore management

21. What is your view on how to address issues with bores – should it be enough to amend the NZS 4411:2001 (with reference to that standard in the NES-DW), or should greater direction be given in the NES-DW itself?
22. For existing bores:
  - What is your view on requiring unused bores to be decommissioned?
  - Should bores of poor quality be required to be upgraded or decommissioned? What timeframe might be reasonable to do this?
  - For many older bores there are no records. What sort of evidence could be used to support the ongoing use of these bores, or demonstrate they pose a low risk to the security of the aquifer?
23. What is your view on prohibiting below-ground bore heads?
24. Regional councils are responsible for control of the use of land for the purpose of maintenance and enhancement of the quality of water in water bodies (RMA section 30(1)(c)(ii)). Do you think territorial authorities have a role in land management over aquifers, and if so, what is that role?

### Identifying and managing activities over vulnerable aquifers

25. It is not clear which approach might be best for ensuring risk to vulnerable aquifers is appropriately managed. Do you think that an NES-DW is the right channel for addressing this? If not, what approach might be better?
26. Would it be helpful if guidance on vulnerable aquifers was provided to support freshwater planning as the NPS-FM is given effect?

### Retrospective application of the NES-DW to existing activities

27. What activities do you believe the NES-DW should retrospectively apply to / not apply to, and why?
28. In your view, what are the key challenges and benefits to retrospective application?

### Criteria when considering effects on source water

29. Do you agree with the proposed list of criteria?
  - Are any additional criteria needed, or clarification?

### Proactive response planning

30. What types of activity might pose a significant risk to a water supply in an accident, emergency, or other natural event?
31. Do you think it is reasonable to require all activities with some potential to affect source water to undertake response planning, or just those with a higher risk (likelihood and consequence)?

### Water supplier involvement

32. Do you agree that resource users should engage with water suppliers in consenting matters, within SWRMA 1 and 2?
33. What hurdles do you see in promoting this engagement with water suppliers?
34. What support might small water suppliers need to effectively engage in the consent process?



### General matters relating to managing source-water risks

35. A National Environmental Standard is a regulation under the Resource Management Act 1991 (RMA) that requires, among other things, that regional councils make changes to their regional plan rules. Making these changes can add costs (eg, financial, administrative) for regional councils.
- In your view, how might regional councils be affected by the NES-DW's new requirements to change regional plan rules?
  - Do these effects outweigh the expected benefits of better source water protection?
36. In your view, how could the amendments to the NES-DW better align with farm plans?
- Is reliance on the NPS-FM, NES-F and Stock Exclusion Regulations enough to manage the long-term effects of farming activities on underlying aquifers and waterbodies?
  - Can you identify potential duplication between the NES-DW and other regulations that control land use?
37. If you are a water supplier, do you think these amendments will affect your ability to supply water (positively or negatively)? Would they influence whether you continue to provide water?
38. If you are a resource user, do you think these amendments will affect how you currently use your land or undertake activities? Will you have to change how you do things as a result?

### Which water supplies should be protected by the NES-DW

39. Do you think the protections of the NES-DW should apply to all registered water supplies?
- If not, what types of supplies should be included, and why?
40. The WSA has a registration timeframe of four years for currently unregistered supplies.
- Do you agree with aligning application of the NES-DW with the WSA? If not, why?
  - In your view, what are the challenges resulting from including these newly registered supplies within the NES-DW framework?

### Other comments

41. Do you have any other comments you wish to make?

# Appendices

## Appendix A: Indicative areas included in SWRMA 1 and 2 for currently registered water supplies

The maps shown in Figures A-1 to A-2 show SWRMA 2 (encompassing SWRMA 1) for all currently registered water supplies under the Health Act. Currently registered water supplies are those used for populations over 501 people, and those supplies for between 101 – 500 people that are used for at least 60 days per year. The maps **do not include currently unregistered water supplies** serving less than 100 people, are proposed to be protected by the NES-DW under Proposal 3.

The SWRMA were established using the approach outlined in the [report](#) commissioned by the Ministry. This report also identifies the land area and land types that will be included in SWRMA 1 and 2 restrictions resulting from an amended NES-DW. The mapping is considered as conservative (ie, it provides a possible over-estimate of the registered water supply areas included, rather than an under-estimate).

**Figure A.1: SWRMA 2 for surface water supplies**



Note: The Chatham Islands, with one registered surface water supply, is not included on this map

**Figure A.2: SWRMA 2 for groundwater supplies**

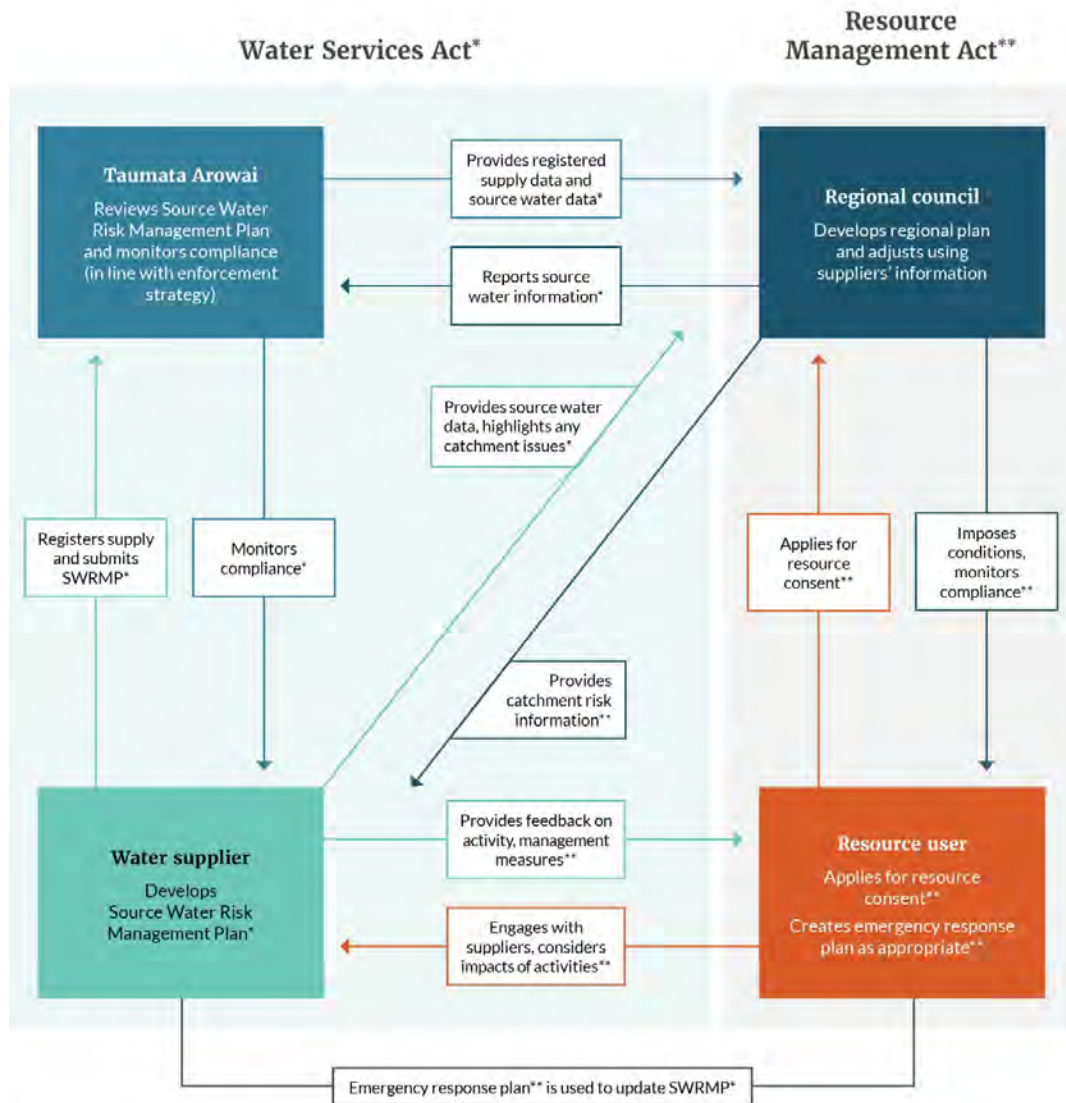


Note: The Chatham Islands, with one registered groundwater supply, is not included on this map

## Appendix B: How the new source water provisions work together

Source water and freshwater provisions under the RMA work with source water provisions of the WSA, and these requirements apply differently to key stakeholders. Figure B.1 illustrates the relationships between each party, and how information is used to refine planning requirements.

**Figure B.1: Relationships and requirements for source water management**



**Note:**

\*Actions controlled by the Water Services Act

\*\*Actions controlled by the Resource Management Act

SWRMP = Source Water Risk Management Plan

Relevant instruments under the Resource Management Act are the National Policy Statement for Freshwater Management and the National Environment Standard for Sources of Human Drinking Water

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## **SELWYN DISTRICT COUNCIL SUBMISSION ON NATIONAL ENVIRONMENTAL STANDARDS FOR SOURCES OF HUMAN DRINKING WATER**

### **1. Introduction**

- 1.1. Selwyn District Council (the Council) thanks the Ministry for the opportunity to provide comment on the National Environmental Standards for Sources of Human Drinking Water (NES-DW)
- 1.2. The Council supports the Government's intent to strengthen the protection of drinking water sources: standardising the way source water areas are defined, the strengthening of regulations relating to activities around water sources, and the inclusion of more water suppliers under the NES-DW.
- 1.3. The Council are committed to ensuring that our residents continue to have access to safe drinking water. We have been proactively installing multi-barrier treatment on all of our water schemes, including secure groundwater takes.
- 1.4. The Selwyn District has been one of the fastest growing districts in New Zealand over the past 10 years, growing from 42,900 people in 2011 to around 73,600 in (October) 2021. The Council provides reticulated water supplies to 78% of the District's population, from 27 schemes.
- 1.5. Selwyn's population is forecast to reach 89,600 by 2031, with more than 7,000 new households. Council is well positioned for this growth with detailed Master Planning for its water services including the construction of many new deep groundwater bores (fields). The proposed development of the NES-DW is critical to the continued supply of high-quality drinking water for our growing communities. It is also essential that the proposed changes do not (inadvertently) impair the ability to develop this critical infrastructure in future due to over-conservatism). Our submission aligns in principle with the submission of Waimakariri District Council and as such we support the direction of their submissions.
- 1.6. The Council is willing to further engage with the Ministry on the matters raised in this submission.
- 1.7. In our submission we address two key issues as well as additional specific submission points we would like the Ministry to consider.

## 2. Key issues

2.1. There are two key issues the Council wishes to draw to the attention of the Select Committee:

- How at-risk source water areas are delineated
- Over-conservatism could pose barriers to establishing safe new community water sources.

### **How at-risk source water areas are delineated**

2.2. The main issues with regards to Source Water Risk Management Area (SWRMA) delineation are as follows.

2.2.1. Lack of time to robustly delineate SWRMAs particularly in light of the requirements of Taumata Arowai, for councils to develop Source Water Risk Management Plans (SWRMP) by November 2022. This very short time frame will require that either (or both) Regional Councils and water suppliers carry out simplified modelling/delineation that then may need to be revised at a later date. The consequence of this is that land use activities may be over-restricted in some SWRMAs, or possibly not restricted enough. There needs to be some consideration about implementing a practical “first pass” risk-based screening approach, followed by more in depth assessment (including modelling and uncertainty analysis) of higher risk sources.

2.2.2. With regard to the approach to delineation, there are concerns (from experience) that default SWRMAs may be under-conservative for shallow sources and over-conservative for deep sources. The Technical Guidelines provided (PDP report) do not allow for bore/screen depth, which is a major factor to consider when assessing land use impacts on drinking water quality.

2.2.3. There needs to be clear guidance about defining “conjunctive” sources e.g. galleries and shallow bores close to rivers, where the source is actually river, not groundwater. Drawing water into a bore that was connected to surface water was the cause of the Havelock North outbreak.

2.2.4. There is an over-emphasis on drilling bores and excavations in SWRMAs and under-emphasis on other, potentially more contaminating/higher risk, activities, including intensive agriculture, discharge to land, quarrying and clean filling,

2.2.5. The Council consider that there is a real danger in allowing non-notification, should a consent applicant get written approval from a water supplier to carry out a potentially contaminating activity.

2.2.6. National direction should be developed both for activities in SWRMAs 1 and 2 to avoid each regional council deciding on what activities need to be controlled within SWRMAs.

2.2.7. Further guidance needs to be provided where microbial contaminants from the surface are unlikely to reach the bore screen within a 1 year travel time. In this instance SWRMA2 should match the extent of SWRMA 1 e.g. 5m or, to be conservative a maximum of 30m.

### **Over-conservatism could pose barriers to establishing safe new community water sources**

2.3. The Council has undertaken detailed Master Planning for the provision of water services to meet forecast population growth, including the construction of many new deep groundwater bore fields.

2.4. The Council considers it is appropriate to take a conservative approach toward both the identification of SWRMA, and the regulation/management of activities within SWRMA that pose risks to source water. Providing for a possible over-estimate in the approach to risk



management is better than providing for a possible under-estimate, particularly when seeking to protect source water supplies for safe drinking water.

- 2.5. However, the Council is concerned that the basis upon which SWRMA will be identified, and the regulation/management of activities within SWRMA, are not **over**-conservative because that could (inadvertently) lead to unnecessary barriers to the consenting and establishment of safe new community water sources that will be needed, particularly for future growth communities. Such barriers could take the form of unnecessary resource consenting requirements and the potential need to obtain affected party consents from overly large areas calculated using over-conservative SWRMA identification methodology.
- 2.6. Accordingly, the Council wishes to draw to the attention of the Select Committee that over-conservative SWRMA identification and activity regulation/management within SWRMA could lead to unnecessary, costly and unduly onerous consenting requirements for drinking-water suppliers seeking to establish safe new community water sources, particularly for growing communities. Over-conservatism could lead to safe new community water sources becoming practically unavailable for use, hindering community wellbeing and growth.

### 3. Consultation Questions

#### *The default method for delineating SWRMA*

*1. Domestic and international evidence suggests that delineating three at-risk areas is a good approach for protecting sources of drinking water. Do you think this is a good approach for protecting our source waters? What other approach can you think of that could contribute to protecting our drinking water sources? Do you think that three areas (and therefore levels of control) are sufficient to protect our drinking water sources?*

We agree that the delineation of the three 'at-risk areas' is a sound approach for protecting source water. Having three zones allows Regional Councils to tailor the controls to each zone.

To make these three zones effective, both in terms of how they are calculated and what activities are permitted or not within each zone, there needs to be further clarity in terms of what the purpose of each zone is. The PDP technical report provides some guidance which should be adopted.

*2. In your view, is the method to determine each SWRMA, for each type of water body, the best option?*

In terms of groundwater, it will have to be accepted that, under the proposed timelines, there will be little or no opportunity to complete detailed modelling and uncertainty analysis. The best that can be hoped for is a quick first pass and, at some point in the future, more detailed modelling to refine the areas.

Therefore, any controls on land use activities within SWRMAs may have to change as the areas are refined. It may be that there needs to be a two-stage approach, where the initial first pass is used to identify and control very high risk activities within a default protection zone, and then further work refines the zone and further assessment made of the activities within it. A possible solution is that it's made clear that the setting of these is an initial (and conservative) assessment and it is accepted that more detailed assessment will be forthcoming? The key here is that we try to avoid having zones created with limited time / data and then being set in stone. Particularly if the initial zone that get rushed through are too small: it would be much harder to expand than contract.

– Should other factors be considered in determining size?

As a starting point, there needs to be a distinction provided as to what the definition of a bore is (as whether the source is a bore or a river, the definition of zones changes quite significantly). Some shallow bores are very close to rivers, so it would seem to make sense to consider these as river sources, but in other cases, they may be several hundred metres from a river. The PDP report suggests that an assessment could include water quality and level monitoring, general piezometric surveys, pumping tests designed to assess the interaction, measurements of groundwater and surface water level differences across of range of conditions, and tracer tests. This seems reasonable.

– What challenges can you foresee in delineating SWRMAs?

Different modelling techniques and approaches to uncertainty assessment can produce vastly different results. Achieving the right balance between models to delineate zones being based on a repeatable process at a reasonable cost, but still giving a reliable and realistic area will be the biggest challenge.

It is likely that the first iteration of SWRMAs may be based on a relatively simple (and conservative) model as a first cut, to give effect to the NES in the required timeframe. Further iterations will then need to be made over time to refine these zones, which may take a longer amount of time to achieve due to the potential complexity of modelling required to achieve this in some cases.

The implementation of these zones is discussed later in this submission.

– Do you have any comments or feedback on the detail contained in the technical guidance materials?

There are aspects of the PDP “Technical guidelines” document that are of concern. Under 6.2 (Site specific groundwater protection zones) and, in fact, throughout the report, there is no consideration of the depth from which groundwater is being abstracted, therefore, a 200m deep well could end up with the same protection zone as a 20m deep one. The situation where the SWRMA2 does not reach the surface is not considered which, for many Canterbury bores, could be a significant issue, as modelling has shown that, for many deep bores there is no opportunity for the one-year travel time to reach the surface.

Therefore, further guidance needs to be provided where the microbial contaminants are unlikely to reach the bore intake within a 1 year travel time from the surface. In this instance SWRMA2 should match the extent of SWRMA1 e.g. 5m or, to be conservative a maximum of 30m.

More generally, in terms of the PDP guidelines, there is no recommendation as to what level of detail a water supplier or regional council would need to go to for any particular situation. We know from experience that the ECan default method for shallow wells results in a Source Protection Zone (SPZ) that is not conservative enough, and for deep wells is too conservative. We feel that experience from comparing default approaches with bespoke protection zones needs to be incorporated somehow – though with the time frame available this won't be able to happen.

– Should SWRMA for all aquifers be bespoke so their unique features, depth and overall vulnerability can be considered?

Ideally a repeatable methodology of zone delineation could be determined for similar aquifer types that includes inputs that consider unique features such as depth, specific aquifer parameters, and vulnerability.

The methodology should have differing levels of complexity depending on the population served, such that the level of effort and cost is proportional to the level of consequence of an incident.

3. For lakes, do you agree that SWRMA 2 should include the entire lake area?

The PDP guidelines recommend: For lakes a 500 m radius from the intake should apply, and 5 m landward of the water's edge, or a larger zone of at least 30 m (where this can be achieved in a practical manner). The whole lake area does seem excessive and doesn't seem to be based on the technical guidelines. Is this practical to be implemented for larger lakes?

– What might be an alternative approach?

Delineation based on volumes required for mixing of the source to reduce the contaminant concentration to a lower and acceptable level at the point of abstraction

4. SWRMA 1 for lakes and rivers is proposed to extend 5 metres into land from the river/lake edge. This contrasts with 3 metres setback requirement of the Resource Management (Stock Exclusion) Regulations 2020. SWRMA 1 is proposed to be used as a basis for controlling activities close to source water intakes, and applies to a wide range of activities. Do you think these differing setbacks will cause confusion or result in other challenges?

Consistency of rules is preferable. Especially where fencing is required to achieve stock exclusion.

5. There is evidence suggesting that a 10–30-metre radius around source water bores is a preferable way to delineate the area where activities would be heavily restricted (SWRMA 1). However, expert advice suggests a 5-metre radius is the most workable option.

– Do you agree that a 5-metre radius around a source water bore gives enough protection? Why or why not?

There needs to be some flexibility in determining the radius of SWRMA1. 5m is an appropriate starting point for a well-constructed bore e.g. a ‘Sanitary Bore head’. If <5m radius is proposed, it would need to be justified/approved by an appropriately qualified / experienced person.

A 10 – 30m exclusion zone is not considered to be practicable or required for SWRMA1.

– If not, what alternative would you suggest?

See above, bore depth and connectivity of the aquifer with the immediate land surface should be a factor.

6. While water takes from complex spring systems or wetlands may require a bespoke SWRMA to ensure consideration of any contamination pathways present, a default method is necessary to ensure interim protection. Do you think a default method is practicable in most situations?

A default method is appropriate in the first instance given timeframe constrains refer paragraph 2.2.1 but allowance for more detailed bespoke calculations within the NES should be provided for.

– Do you think a regional council should determine (on a case-by-case basis) the most applicable default method: for a river, lake or aquifer, or is a different default approach necessary?

Guidance should be provided by the NES to ensure as much national consistency as possible (and to avoid duplication of work by regional councils). Where local consideration is required, the guidance provided by the NES should direct the Regional Council as to what local factors should be considered.

– If so, what alternative would you suggest?

Refer above

### **Regional council mapping of SWRMA**

7. How long do you think is necessary for regional councils to delineate SWRMAs for currently registered water supplies in each region, using the default method?

There is currently already a significant issue of timing with the status of the NES, and the Water Services Act (WSA) requirements. The WSA requires all water suppliers to have SWRMPs in place and informing Drinking Water Safety Plans by November 2022. With the NES not yet implemented this will add significant time pressures.

Therefore, by the time the NES is in place, we will have already delineated SWRMAs for all our public supplies. While the regional councils will provide data to help inform this process, they will not be playing the lead role, due to the obligations put on water suppliers by the WSA.

Ideally timeframes would align with regional councils also providing SWRMAs by November 2022. Or the timeframe for water suppliers extended to be one year following the development of SWRMAs.

8. What challenges do you foresee in delineating SWRMAs, when previously unregistered supplies are registered with Taumata Arowai (see Proposal 3 for more details)?

The largest issues will be:

- The volume of supplies requiring SWRMAs
- The amount of land ultimately impacted by restrictions (once all water supplies are considered) may also be a factor. As mentioned at paragraphs 2.3 to 2.6 above, over-conservatism in identifying SWRMAs and associated restrictions could lead to unnecessary barriers to the establishment of safe new community water sources.
- The mechanism by which legal effect is given to all SWRMAs also requires resolving. At this stage, once SWRMAs are delineated, it is unclear how they will be given the required status to restrict certain activity types.

9. What support could enable regional councils to delineate SWRMAs within shorter timeframes?

It is considered that this question is best answered by regional councils. But it is expected that Taumata Arowai would have a significant part to play in providing information to be used by the regional councils.

10. Do you think consideration should be given to mapping currently unregistered supplies as they register (but before the four-year deadline provided under the Water Services Act), or do you think that waiting and mapping them all at the same time is a better approach?

Mapping supplies as they register makes more sense (or at least on an annual basis for all supplies registered in the last year) to ensure protection is given at the earliest practicable opportunity, and to spread the workload into manageable timelines.

#### **Bespoke method for delineating SWRMA**

11. If a regional council has already established local/regional source water protection zones through a consultative process, should there be provision to retain that existing protection zone as a bespoke method without further consultation or consideration against new national direction?

From a Canterbury experience, it seems that the default zones defined by ECan are not conservative enough for shallow bores, but too conservative for deep ones. In terms of the default protection zones allowed for within the Land and Water Regional Plan, these were created using a generic process with limited site specific considerations, and without the level of consideration required by the draft NES.

Therefore, the reliance upon these pre-existing Community Drinking Water Protection Zones should not be considered an acceptable long term alternative but may be an appropriate short term solution.

The formalisation of SWRMAs should be through the proposed gazette process for both the default and bespoke methods with approval from the minister required in addition for the bespoke method.

#### **SWRMA 1 controls**

12. Do you think national direction on activities within SWRMA 1 is necessary?

National direction is required. Otherwise, it is left to each individual Regional Council to decide what they will or will not allow. This is a key consideration because there needs to be a common sense and common approach with deciding what can and can't occur in the proposed zones, otherwise Regional Councils may feel they have to take the most conservative approach. If this is not done sensibly it will become impossible to do anything. This approach needs to be developed through involving the Regional Councils in developing national direction.

– If so, what activities should it address?

In general, any activity with the potential to introduce contaminants directly to the water supply. One activity type that is not mentioned for SWRMA1 in the consultation document is the grazing of livestock, despite this being by far the likely leading cause of contamination of the Havelock North water supply as this has the potential to introduce high concentrations of microbiological contamination to the area immediately around the drinking-water source, if controls are not in place.

– How restrictive should controls be in SWRMA 1, for resource users other than water suppliers?

Acknowledging the significantly high risk any direct discharge of contaminants may immediately pose to a water source in a SWMRA 1 area, third party restrictions (those other than water suppliers) should be high.

Depending on the size of SWRMA1, the zone is likely to be in the control of the water supplier for bore water abstraction.

– Are there any activities you believe should be fully prohibited in this area?

Presence of livestock, storage of hazardous chemicals, discharges to ground, discharges to land,

– Are there any activities you believe should be permitted or specifically provided for or acknowledged in this area?

See response to question 13 below

13. For water suppliers, are there any other activities beyond intake maintenance/management that should be provided for?

Consideration should be given to the types of activities that a water supplier may undertake at a water supply site, what risks they present, and what controls might be able to be put into place to manage these risks. This assessment may identify some activities that a supplier could safely undertake. Examples are:

- spraying as a weed control method, particularly at deep bore sites with a high standard of bore head would likely present minimal to negligible risk.
- storage of water treatment chemicals (chlorine) could be done safely, with adequate bunding provisions in place, for deeper sources with less (if any connection) between the activities on the surface and the aquifer, and with adequate alarming and controls on the system to alert water suppliers to an incident occurring (i.e if there were a chemical spill within SWRMA1 to the point that the extra chlorine entered the source water at a level that could be detected, the site's chlorine analyser would be able to set up to alarm of the high chlorine levels).

14. In and around freshwater, control of pest species (including aquatic pest species) may be necessary, including through physical control (removal, that may include bed disturbance) or chemical control (discharge).

- How much of an issue is this in and around abstraction points?
- How critical is that work?
- How often is this work mandated by other regulation or requirements?
- How frequently is this work undertaken by parties other than the drinking-water supplier (or their contractors)?

Work is required but should be controlled.

#### **SWRMA 2 controls**

15. Do you think national direction on activities within SWRMA 2 is necessary?

National direction is required. Otherwise, it is left to each individual Regional Council to decide what they will or will not allow. This is a key consideration because there needs to be a common sense and common approach with deciding what can and can't occur in the proposed zones, otherwise Regional Councils may feel they have to take the most conservative approach. If this is not done sensibly it'll become impossible to do anything. . This approach needs to be developed through involving the Regional Councils in developing national direction.

If national direction on the types of activities that should be excluded, permitted, restricted discretionary etc. is not provided, very similar work streams would be undertaken by a large number of water suppliers or regional councils, leading to inefficiencies and inconsistencies within the industry.

- If so, what activities should it address?

As noted earlier under Question 1, a key starting point is to begin by ensuring it is absolutely clear what the intention of SWRMA2 is, to ensure there is clarity in defining the activities that should be considered.

One area that does not appear to have been given as much focus in the consultation document as potentially necessary is that of agricultural activities in general, even if there is not a specific discharge consent or permit involved. Either dry-land agriculture or agriculture combined with irrigation has the potential to create in some cases significant contaminant loads. Havelock North was one example where the most likely contaminant source was farming activity that was permitted, and when combined with rainfall this presented a significant risk to the drinking water source.

16. In our view, how much will this proposal impact the current situation in your region?

This proposal will help define the methodology to be followed in defining protection zones which is an important and necessary first step.

In terms of making a meaningful difference to water quality outcomes and water safety (to fulfil the objectives that are trying to be achieved), it is critically important that there are the legislative means to implement changes as a result of the SWRMA delineation process, and subsequent risk assessment.

Once areas are defined and any high risk activities identified, there needs to be more clarity on what tools will be available to ensure that this risk is addressed? If the risk is simply identified, but there are no means to address the risk, it will not make any difference to the safety of the water the public receives.

– What discharges to water are currently permitted?

Many drinking water protection zones have septic tank discharges within them, others have farming activities either permitted or consented which may introduce risk of microbiological or nitrate levels exceeding safe limits.

– Should provision be made to continue to permit those activities? What controls are typically used to ensure potential adverse effects are managed?

These existing activities need to be controlled

17. Are there any other activities that should not be permitted within SWRMA 2?

As noted above, land use in general needs to be considered, rather than just discharges to water and land disturbance. Canterbury has high yielding aquifers due in part to the high permeability gravels that are present. These gravels however can have the potential to present rapid pathways for contaminants from the surface to the aquifer. As these events can occur based purely on the natural geology combined with the land use at the surface (i.e. without any discharge to water or land disturbance), contaminant loadings on the land surface even for what might otherwise be considered 'normal' land use types must be considered.

Intensive agriculture, discharge of contaminants to land, and quarrying should be considered as being higher risk activities, and should be controlled within a SWRMA.

18. The original intent of SWRMA 2 was to manage microbial contamination. However, there are indications that protections against other contaminants may be required. What contaminants do you think should be controlled in SWRMA 2?

Nitrate is the most obvious contaminant of concern in Canterbury that is non-microbiological, but it should not be limited to just this. There are other contaminant types that could present a risk, such as chemical risks either from industry, agriculture or horticultural activities, or from historic land use such as landfills.

As noted in Question 1, the question as to what contaminants should be protected against relies on the initial definition of what SWRMA2 is trying to achieve.

*SWRMA2 encapsulates the entire area of influence for microbiological contaminants, and also includes any non-microbiological contaminants that may have a short to medium term impact on the safety of the water, but excludes long term cumulative impacts of non-microbiological contaminants which are considered by SWRMA3 only, via the RMA.*

19. What other challenges do you see when making a consent application within SWRMA 2?

There needs to be clear and consistent guidance and understanding of the following, in order to allow a consistent approach to be followed

- The contaminant loading rate of the proposed activity;
- Removal, die-off and dilution rates for the contaminants of concern.

Without clear guidance on the above, there is a risk that this ambiguity will lead to contradictory opinions of experts acting for opposing parties during the consenting process, which would be both costly and inefficient for all parties involved.

For the proposal to make a meaningful difference, it needs to address existing activities, as well as future proposed activities. If there are existing activities that are putting public water supplies at risk, there must be some tools to ensure these activities are managed to reduce the risk to an acceptable level.

### SWRMA 3 controls

20. Do you think any additional controls, other than broad consideration of the effects of the activity on source water, are required in SWRMA 3?

It is generally agreed that these risks associated with SWRMA 3 need to be understood and managed by regional councils, at a regional scale, rather than considered on a source by source basis.

### Groundwater bore management

21. What is your view on how to address issues with bores – should it be enough to amend the NZS 4411:2001 (with reference to that standard in the NES-DW), or should greater direction be given in the NES-DW itself?

It is agreed that NZS 4411:2001 should be reviewed and updated.

Greater guidance should be provided via the NES-DW, otherwise there is no mechanism to require parties to follow NZS 4411:2001 if this is relied on alone to achieve the desired outcomes.

22. For existing bores:

– What is your view on requiring unused bores to be decommissioned?

This should be a requirement of bore owners and should be a priority for Regional Councils to follow up on.

– Should bores of poor quality be required to be upgraded or decommissioned? What timeframe might be reasonable to do this?

Yes, particularly uncapped bores, or bores associated with hazardous activities (i.e. chemical fertigation) with inadequate backflow prevention. A two year timeframe would be appropriate as industry capacity to carry out this work is limited.

– For many older bores there are no records. What sort of evidence could be used to support the ongoing use of these bores, or demonstrate they pose a low risk to the security of the aquifer?

This is an issue in itself as there are many bores that are not even on a database. Older bores will also not have a sanitary seal. However mitigating this is the fact that in unconsolidated sediments, the sediments squeeze back against the casing over time, and generally create a good seal.

Bores should be signed off by a suitably qualified person.

23. What is your view on prohibiting below-ground bore heads?

It is considered that the risk of below ground bore heads has been over-stated to some extent, which has the risk of taking the focus away from other potential more significant risks. As such, a prohibition is seen as an unnecessary step.

Below ground bore heads are like other infrastructure associated with water supply delivery. When managed poorly, they can present a significant risk. However, when managed well, their risk can be no different to an above ground bore.

24. Regional councils are responsible for control of the use of land for the purpose of maintenance and enhancement of the quality of water in water bodies (RMA section 30(1)(c)(ii)). Do you think territorial authorities have a role in land management over aquifers, and if so, what is that role?

Regional councils should protect the quality of the water in aquifers, just as they do in water bodies. Therefore, as part of this, they should consider and manage any potential negative impacts that land use may have on aquifer water quality.



### Identifying and managing activities over vulnerable aquifers

25. It is not clear which approach might be best for ensuring risk to vulnerable aquifers is appropriately managed. Do you think that an NES-DW is the right channel for addressing this? If not, what approach might be better?

Yes, the NES-DW is considered to be the best approach.

26. Would it be helpful if guidance on vulnerable aquifers was provided to support freshwater planning as the NPS-FM is given effect?

Yes

### Retrospective application of the NES-DW to existing activities

27. What activities do you believe the NES-DW should retrospectively apply to / not apply to, and why?

This is a critical but complex part of the process. In short, there is little point in the work involved in preparing the amended NES-DW and resulting SWRMPs, without giving some immediate effect to control existing activities that present high risks to existing sources.

As the life of most sources will likely be many decades, if no protection is provided against existing activities impacting negatively on existing sources, the rate at which progress is made in protecting drinking-water sources will be very slow.

There needs to be some criteria by which unacceptably high risks are identified and given more immediate effect to mitigate the negative impact the activity is having (or in more extreme cases to require that the activity cease), while medium to lower risks may be addressed at the time the activity presenting the risk comes up to renew their consent associated with the activity presenting the risk.

28. In your view, what are the key challenges and benefits to retrospective application?

The key challenge is balancing the need to provide safe drinking-water, against a sense of fairness to parties who may have built a business or livelihood on the basis of undertaking an activity that had not previously been identified as having a negative impact on a water source. There needs to be a methodology determined to find the correct balance for these situations.

### Criteria when considering effects on source water

29. Do you agree with the proposed list of criteria?

Generally yes.

It is noted that one problem with the previous NES-DW is that it relies on the consenting authority having knowledge of and understanding the water supplier's treatment systems (i.e. it considered the impact of an activity *after treatment*). There is one item in the list provided that appears to introduce a similar problem, in that it relies on the consenting authority having knowledge of and understanding the water suppliers source water risk management plan, by considering whether this plan addresses the potential contaminant being consented. Consideration should be given as to whether it is reasonable and realistic that the consenting authority would / should have sufficient understanding of suppliers SWRMPs.

The water supplier should be considered an affected party and provide the interpretation of their source water risk management plan

– Are any additional criteria needed, or clarification?

None have been identified.

### Proactive response planning

30. What types of activity might pose a significant risk to a water supply in an accident, emergency, or other natural event?

In general, activities that involve storage, containment or movement of contaminants at a high concentration that could have acute impacts on the water supply if something regarding the storage, containment, or movement of the contaminants were to go wrong.

*31. Do you think it is reasonable to require all activities with some potential to affect source water to undertake response planning, or just those with a higher risk (likelihood and consequence)?*

All activities that may affect source water would seem to be excessive. There may be some activities that involve only a slow accumulation of contaminants, without the potential for an 'incident' that would lead to the levels of contaminants increasing significantly. The focus should be on events that may have an acute impact on public health.

#### **Water supplier involvement**

*32. Do you agree that resource users should engage with water suppliers in consenting matters, within SWRMA 1 and 2?*

Yes. However, agreement from a water supplier should not negate the need for wider public engagement.

Consent applicants should not be able to avoid notification if they can get written approval from the water supplier.

*33. What hurdles do you see in promoting this engagement with water suppliers?*

Water suppliers should not be expected to assess the effects of a proposed activity themselves, but rather be presented with this analysis undertaken by the applicant, and the discussion should be around the acceptability of the consequences once they are determined. The hurdle could be a water supplier who is presented with insufficient information / detail on the proposal and its impacts that may not be able to meaningfully engage with the applicant in such circumstances.

*34. What support might small water suppliers need to effectively engage in the consent process?*

Small suppliers would need adequate technical expertise and understanding to understand fully what the impacts of the proposed activity are. This will be challenging to achieve, given the number of small private suppliers that will be created via the Water Services Act.

#### **General matters relating to managing source-water risks**

*35. A National Environmental Standard is a regulation under the Resource Management Act 1991 (RMA) that requires, among other things, that regional councils make changes to their regional plan rules. Making these changes can add costs (eg, financial, administrative) for regional councils.*

*– In your view, how might regional councils be affected by the NES-DW's new requirements to change regional plan rules?*

Plans (such as Environment Canterbury's Land and Water Regional Plan which defines Community Drinking Water Protection Zone boundaries) would need to be updated to give effect to new methodologies for delegating protection areas, and what restrictions are in place within these areas. This would require a plan change process.

*– Do these effects outweigh the expected benefits of better source water protection?*

Yes. Without regional council plans being updated that set out what activities can and cannot take place, the SWRMPs will have no meaningful change on source water quality.

*36. In your view, how could the amendments to the NES-DW better align with farm plans?*

*– Is reliance on the NPS-FM, NES-F and Stock Exclusion Regulations enough to manage the long-term effects of farming activities on underlying aquifers and waterbodies?*

The NES should speak into the requirements / considerations with farm plans.

– Can you identify potential duplication between the NES-DW and other regulations that control land use?

None has been identified

37. If you are a water supplier, do you think these amendments will affect your ability to supply water (positively or negatively)?

They will not limit the ability to supply water. The only potential barrier would be if there were excessive barriers to drilling another well in an existing well field or new well field.

As mentioned at paragraphs 2.3 to 2.6 above, the Council is concerned to ensure that the basis upon which SWRMA will be identified, and the regulation/management of activities within SWRMA, are not over-conservative because that could (inadvertently) lead to unnecessary barriers to the consenting and establishment of safe new community water sources that will be needed for future growth communities. Such barriers could take the form of unnecessary resource consenting requirements, and the potential need to obtain affected party consents, from overly large areas calculated using over-conservatively SWRMA identification methodology.

*Would they influence whether you continue to provide water?*

Not unless over-conservatism leads to barriers to the consenting and establishment of safe new community water sources.

38. If you are a resource user, do you think these amendments will affect how you currently use your land or undertake activities? Will you have to change how you do things as a result?

Over-conservatism could also lead to unnecessary restrictions on land and resource uses, and thus barriers to uses that could otherwise promote sustainable management of natural and physical resources. No other issues have been identified at this time.

#### ***Which water supplies should be protected by the NES-DW***

39. Do you think the protections of the NES-DW should apply to all registered water supplies?

There should be some protection for all water suppliers, but the method and complexity of analysis to determine the protection zones and any restrictions on activities needs to be much less complex for the very small supplies compared to the very large, due to the large number of new suppliers that will be created under the WSA.

– If not, what types of supplies should be included, and why?

40. The WSA has a registration timeframe of four years for currently unregistered supplies.

– Do you agree with aligning application of the NES-DW with the WSA? If not, why?

Yes, it makes sense that a SWRMP would only be required to be created once a supply is officially registered.

– In your view, what are the challenges resulting from including these newly registered supplies within the NES-DW framework?

The largest challenge is the volume of new suppliers. This will be a challenge due to:

- the large volume of work for regional councils and water suppliers to create the SWRMPs.
- the large number of impacted landowners, who find they are undertaking activities within a newly created source water risk management area.

#### ***Other comments***

41. Do you have any other comments you wish to make?

Nothing further to add.

#### **4. Summary and conclusions**

There are two key issues, as identified in section 2 of this submission that the Council wishes to draw to the attention of the Select Committee:

- How at-risk source water areas are delineated
- Over-conservatism could pose barriers to establishing safe new community water sources.

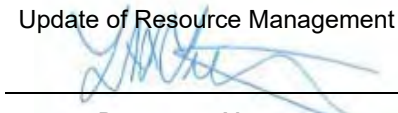
Council would again like to thank the Ministry for the opportunity to provide this submission.

For any clarification on points within this submission please contact Murray England.

Yours sincerely

Samuel Broughton

**Mayor of Selwyn District**

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR DECISION****FILE NO and TRIM NO:** RMA-04/ 211122186600**REPORT TO:** COUNCIL**DATE OF MEETING:** 1 MARCH 2022**AUTHOR(S):** Matt Bacon, Planning Manager  
Tracy Tierney, Manager Planning and Regulation**SUBJECT:** Update of Resource Management and Associated Delegations**ENDORSED BY:**  
(for Reports to Council,  
Committees or Boards)  
Department Manager  
Chief Executive**1. SUMMARY**

- 1.1. The purpose of this report is to seek Council's approval of an update to the Council's resource management and associated delegations. The intent of the update is to reflect recent legislative changes as well as structural changes in position descriptions.
- 1.2. The Council's delegations structure, like many other councils, provides staff delegations from the Council direct to Council officers to make many resource management decisions on behalf of Council. As legislative changes occur it is appropriate that the delegations structure is reviewed from time to time to ensure that recent Resource Management Act 1991 amendments are provided for.
- 1.3. The proposed attached delegations structure is a 'light' review of existing RMA delegations, with a number of changes proposed to clarify existing custom and practice. A further and more detailed review is on hold pending further RMA legislative reform.

**Attachments:**

- i. Delegations Plan Implementation and Development Planning Unit (210707110526)

**2. RECOMMENDATION****THAT** the Council:

- (a) **Receives** Report No. 211122186600.
- (b) **Delegates** the power, duties and functions listed in the Delegations Plan Implementation and Development Planning Unit to the positions and parties identified within that document.

**3. BACKGROUND**

- 3.1. The Resource Management Act 1991 (RMA) and other associated legislation specifically anticipates that territorial authorities may choose to delegate functions, powers or duties under those acts to an employee or certain other persons. Council has had a delegations structure in place for many years, with the purpose of being able to efficiently and effectively carry out its statutory functions in relation to the RMA and other associated acts.
- 3.2. The delegations manual is regularly reviewed to reflect changes in legislation and or position titles. The delegations manual sets a framework for the completion of resource

management and associated functions including consent assessment and compliance and monitoring functions.

- 3.3. The Council has traditionally chosen to delegate RMA functions through a direct reporting line to the Manager, Planning and Regulation rather than to include the Chief Executive. The reason for this is to recognise that the Council as an entity may at times be subject to compliance and enforcement outcomes, or may lodge consent applications with the consenting authority.
- 3.4. It is also important to note that Council cannot give a power of 'sub-delegation' of certain powers, duties or functions under the RMA to the Chief Executive (or senior managers) to then sub-delegate; instead, if it chooses to delegate powers, it must do so directly to the staff members that would hold the delegation.
- 3.5. The framework of the delegations update reflects standard custom and practice; with a number of minor general changes proposed. In addition, a number of new delegations are proposed to the Greenspace Manager and Development Manager, where those officers would be expected to authorise works within their area of expertise. The key proposed changes to the delegations manual are:
  - A new delegation to development staff within the Project Delivery Unit to provide for the approval of engineering bonds (delegated to the Development Manager). The delegations to the Planning Manager and Manager Planning and Regulation remain.
  - Clarification that delegations relating to the undertaking of compliance actions (abatement notices or infringements) are delegated through the relevant position holder in addition to being through their appointment as a warranted officer.
  - A new delegation to the Development Manager to approve s223 and 224 certificates (issued by an authorised officer in the Land Information New Zealand Landonline system).
  - A new delegation to the District Plan and Regulation Committee to enter into a Mana Whakahono a Rohe agreement if agreed by Council and for senior staff to implement any actions required to give effect to this agreement.
  - An additional delegation to the Greenspace Manager to authorise emergency works on an esplanade reserve.
  - An additional delegation to the District Plan and Regulation Committee to decide to use a streamlined planning process for planning instruments.
  - Consequential updates to sections of the RMA as a result of recent amendments.

#### **4. ISSUES AND OPTIONS**

- 4.1. The Council has the option of approving or declining the delegations.
- 4.2. The option recommended by staff is to approve the delegations as set out in the attached delegations update. The primary reason for this recommendation is that the delegations reflect long standing custom and practice, and are considered to be appropriate to the level of commensurate risk within each delegation.
- 4.3. If the delegations are not approved then the Council's existing delegation structure will remain in effect. For certain approvals this will require a number of changes to planned process efficiency improvements to be reconsidered.

#### **4.4 Implications for Community Wellbeing**

There are no specific implications for community wellbeing as a result of this decision making; however at a strategic level, the delegation of certain functions, powers and duties to staff best enables the achievement of community outcomes.

4.5 The Management Team has reviewed this report and support the recommendations.

## **5. COMMUNITY VIEWS**

### **5.1. Mana whenua**

Te Ngāi Tūāhuriri hapū are not likely to be affected by, or have an interest in the subject matter of this report. The delegations that are proposed within the delegation structure are not delegations that can be given to other agencies.

Council staff are currently discussing the potential for transfer of certain functions for specific RMA matters with Te Ngāi Tūāhuriri hapū through the Mahi Tahi Committee.

### **5.2. Groups and Organisations**

There are no groups and organisations likely to be affected by, or to have an interest in the subject matter of this report. This is primarily as the RMA anticipates that Council will delegate certain functions to staff.

### **5.3. Wider Community**

The wider community is not likely to be affected by, or to have an interest in the subject matter of this report. This is primarily as the RMA anticipates that Council will delegate certain functions to staff.

## **6. OTHER IMPLICATIONS AND RISK MANAGEMENT**

### **6.1. Financial Implications**

There are no financial implications of the decisions sought by this report.

### **6.2. Sustainability and Climate Change Impacts**

The recommendations in this report do not have specific sustainability and/or climate change impacts.

### **6.3 Risk Management**

There are risks associated with delegation of functions generally; however, the adoption of updated delegations mitigates the potential risk of delegations being inappropriately exercised, and/or requiring low risk decisions to be referred to Council.

With regard to the specific delegations, staff have considered the appropriate level for each delegation and consider that the proposed delegations are commensurate with the risk profile that is created by the delegation.

### **6.3 Health and Safety**

There are no health and safety risks arising from the adoption/implementation of the recommendations in this report.

## **7. CONTEXT**

### **7.1. Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### **7.2. Authorising Legislation**

Section 34A of the Resource Management Act 1991 provides for the delegation of any functions, powers or duties under this Act to an employee.

Schedule 7, clauses 32AA – 32B of the Local Government Act 2002 enables the delegation of certain powers to officers of a local authority.

7.3. **Consistency with Community Outcomes**

The Council's community outcomes are not specifically relevant to the actions arising from recommendations in this report; however the delegation of certain powers, functions or duties are necessary to achieve the following community outcomes:

**ENVIRONMENT**

- There is a safe environment for all
- There is a healthy and sustainable environment for all

7.4. **Authorising Delegations**

See section 7.2 above.





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## DELEGATIONS

### Part 4

### Delegation to Staff

**Development Planning Manager; Planning Manager; Strategy & Business Manager; Team Leader – Resource Consents; Team Leader – Compliance; Senior Planner; Planning Secretary; Project Development Unit Manager; Greenspace Manager; Manager Planning and Regulation; District Planning & Regulation Committee; Planner; Senior Compliance Officer; Rates Officer  
Team Leader – Building, Planning Administrator, Development Manager, Property Manager**

#### Introduction

The Council delegates the following functions to the positions listed below in respect to the Resource Management Act 1991, Local Government Act 1974, Local Government Act 2002 and the Unit Titles Act 2010.

#### Note

Section 34A (1) of the Resource Management Act 1991 states:

Delegation of powers and functions to employees and other persons

- (1) A local authority may delegate to an employee, or hearings commissioner appointed by the local authority (who may or may not be a member of the local authority), any functions, powers, or duties under this Act except the following:
- the approval of a proposed policy statement or plan under clause 17 of Schedule 1:
  - this power of delegation

#### Officer Key

Development Planning Manager	1	Manager, Planning and Regulation	10
Planning Manager	2	District Planning and Regulation Committee	11
Strategy & Business Manager	3	Planner	12
Team Leader – Resource Consents	4	Senior Compliance Officer	13
Team Leader – Compliance	5	Rates Officer	14
Senior Planner	6	Team Leader - Building	15
Planning Secretary	7	Planning Administrator	16
Project Development Unit Manager	8	Development Manager	17
Greenspace Manager	9	Property Manager	18

Please click [here](#) for Workplace and the organisational chart for positions

#### **Resource Management Act**

Section	Delegation	Officer
s. 10 and 10(2)	<u>Extension of existing use rights and granting of certificate.</u> To consider and make a decision on an application to extend the period for which existing use rights apply, including identifying people for affected party approval under section 10(2)(ii).	<u>2, 4 &amp; 10</u>
s. 10B	<u>Authority to allow certain building work to continue where it has been subsequently made unlawful by a district plan</u>	<u>2, 4 &amp; 10</u>

## DELEGATIONS

**Part 4**
**Delegation to Staff**

**Development Planning Manager; Planning Manager; Strategy & Business Manager; Team Leader – Resource Consents; Team Leader – Compliance; Senior Planner; Planning Secretary; Project Development Unit Manager; Greenspace Manager; Manager Planning and Regulation; District Planning & Regulation Committee; Planner; Senior Compliance Officer; Rates Officer Team Leader – Building, Planning Administrator, Development Manager, Property Manager**

Section	Delegation	Officer
s. 11(1)(b)	Authority to sign certificates in respect of the subdivision of land being acquired or disposed of by the Council. (For the avoidance of doubt, the delegation does not extend to a decision to enact a Public Works Act 1981 process or to decide on the use of s.11(1)(b)).	2 & 10
s. 36(3), 36(5), 36(6) and 149ZD	Authority to make decisions about additional administrative charges. To require additional fees to be paid over and above any prescribed fees, in order to enable the Council to recover its actual and reasonable costs of processing an application.	2, 4 & 10
s. 36AAB	Authority to remit the whole or part of a charge	2, 4, 6 & 10
s. 37 and 37A	Power to extend time periods and requirement to consider matters before extending a time limit	1, 2, 4 & 10
s. 39AA (4)	Authority to direct that a hearing or part of a hearing may be conducted using 1 or more remote access facilities	1, 2 & 10
s. 39B	Appointment of persons who will be given hearing authority	1, 2 & 10
s. 41B and 41C	Power to direct applicant to provide evidence before hearings; power to make directions about conduct of hearings	1, 2, 4 & 10
s. 41D	Power to strike out a submission	1, 2, 4 & 10
s. 42	Power to make directions about hearings to protect sensitive information	1, 2 & 10
s. 42A	Powers regarding the preparation commissioning and provision of reports	1, 2, 4 & 10
s. 44A	Power to amend the plan or proposed plan to remove a duplication or conflict with a national environmental standard	1 & 10
s. 55, 58I and 58J	Recognition of national policy statements. Ability to amend each of its documents as directed by a national planning standard and take any action that is directed by a national planning standard, and to do so within the time specified	11
s. 58M, 58O, 58P, 58Q, 58R, 58S and 58T	Power to initiate a Mana Whakahono a Rohe (MWR) or enter into negotiations regarding a MWR if iwi initiated, determine the contents of the MWR, and to determine disputes that arise in course of negotiating MWR,	11
s. 58T	Power to review policies and processes to ensure they are consistent with the Mana Whakahono a Rohe (MWR), and to undertake reviews of the MWR as required	1 & 10
s. 80C	Decision to use the streamlined planning process to prepare a planning instrument	11
s. 86D	Power to direct officers to apply to the Environment Court for a rule to have legal effect from date other than standard date	11
s. 87BA and 87BB	Ability to notify person that activity is a permitted activity, give notice that boundary activity criteria are satisfied and notify the person of that and return information	2, 4, 6 & 10

## DELEGATIONS

**Part 4**
**Delegation to Staff**

**Development Planning Manager; Planning Manager; Strategy & Business Manager; Team Leader – Resource Consents; Team Leader – Compliance; Senior Planner; Planning Secretary; Project Development Unit Manager; Greenspace Manager; Manager Planning and Regulation; District Planning & Regulation Committee; Planner; Senior Compliance Officer; Rates Officer Team Leader – Building, Planning Administrator, Development Manager, Property Manager**

Section	Delegation	Officer
s. 87E, 87F and 87G	Power to determine Council position on a request for direct referral, prepare reports and provide information to Environment Court	<u>2 &amp; 10</u>
s. 88(3)	Authority to receive a resource consent application and determine whether the application meets the minimum requirements of the RMA, and to return that application if incomplete.	<u>2, 4, 6 &amp; 10</u>
s. 88H	<u>Power to exclude time periods in relation to non-payment of administration charges</u>	<u>2, 4 &amp; 10</u>
s. 91	Power to determine not to proceed with a resource consent application on certain grounds	<u>2, 4, 6 &amp; 10</u>
s. 92, 92A and 92B	The power to commission reports and or request further information in respect of a resource consent application and to set a time that the applicant has to provide the information and to inform the applicant of that time.	<u>2, 4, 6 &amp; 10</u>
s. 92C	<u>To decide whether to return an application to the applicant or continue to process the application, if it has been suspended for a total of 130 or more working days.</u>	<u>2, 4 &amp; 10</u>
s. 95, 95A, 95B, 95C, 95D, 95E and 95F	The power to determine whether a consent application should be publicly or limited notified and all considerations/decisions needed within these sections	<u>2, 4, 6 &amp; 10</u>
s.97(4)	To decide to adopt an earlier submission closing date for limited notified applications where all affected persons have provided the Council with a submission, written approval, or notice that they will not make a submission.	<u>2, 4 &amp; 10</u>
s. 99 and 99A	The power to invite or require parties to attend pre-hearing meetings. The power to refer parties to mediation.	<u>2, 4 &amp; 10</u>
s. 100(a)	<u>To delegate hearing powers to 1 or more hearings commissioners if requested by an applicant or submitter.</u>	<u>2, 4 &amp; 10</u>
s. 101	<u>To determine the commencement date, time and place for the hearing of an application for resource consent. If the application is being heard by the Council's Hearing Committee, the decision should be taken in consultation with the Chair of the Hearings Committee.</u>	<u>2, 4, 6 &amp; 10</u>
s. 102 and 103	Authority to determine issues concerning joint considerations by two or more consent applications in relation to the same proposal	<u>2 &amp; 10</u>
s. 104	<u>Duty to take matters into consideration and to exclude other matters when considering an application</u>	<u>2, 4, 6 &amp; 10</u>
s. 104A, 104B, 104C, 104D, 105, 106 and 113	Power to determine resource consent applications and impose conditions on resource consents. Power to decline resource consents.	<u>2, 4 &amp; 10</u>

## DELEGATIONS

**Part 4**
**Delegation to Staff**

**Development Planning Manager; Planning Manager; Strategy & Business Manager; Team Leader – Resource Consents; Team Leader – Compliance; Senior Planner; Planning Secretary; Project Development Unit Manager; Greenspace Manager; Manager Planning and Regulation; District Planning & Regulation Committee; Planner; Senior Compliance Officer; Rates Officer Team Leader – Building, Planning Administrator, Development Manager, Property Manager**

Section	Delegation	Officer
s. 108, 108AA, 108A and 109	To impose conditions on resource consents. To sign documents varying, cancelling or renewing bonds and covenants. (Refer also to section 220 for conditions on subdivision consents)	<u>1, 2, 4 &amp; 10</u>
s. 109(3) – (5)	To decide that officers and/or agents of the consent authority will enter onto the land subject to bonded work, to ascertain whether the work has been completed, and to complete the work, if the consent holder fails to do so. To decide to recover the cost from the bond, and to register the shortfall as a charge on the land.	<u>1, 2 &amp; 10</u>
s. 110	Power to refund financial contribution to consent holder where consent has lapsed.	<u>2, 6, 8 &amp; 10</u>
s. 114	<u>Authority to serve consent applicant and submitters with notice of the decision on an application</u>	<u>2, 4, 10, 12 &amp; 16</u>
s. 124	To exercise the consent authority's discretion to allow exercise of an existing consent while applying for a new consent, in accordance with this section.	<u>2, 4 &amp; 10</u>
s. 125	Power to consider and make decisions on an application to extend the lapse period of a resource consent, where the original application was not publicly notified and did not require a hearing.	<u>2, 4, 6 &amp; 10</u>
s. 126	To cancel a resource consent, and consider and make a decision on an application to revoke the cancellation notice and state a period after which a new notice may be served, for any consent that has been given effect to but has not been exercised for a continuous period of 5 years.	<u>2 &amp; 10</u>
s. 127, 128, 129, 130, 131, and 132	Power to change or cancel conditions imposed on a resource consent, power to change the conditions of a resource consent on a review under s128, to give notice of a review, or to cancel resource consent	<u>2, 4, 6 &amp; 10</u>
s. 133A	<u>To issue an amended resource consent that corrects minor mistakes or defects in the consent.</u>	<u>2, 4, 6, 7 &amp; 10</u>
s. 138	<u>To refuse the surrender of a consent</u>	<u>2 &amp; 10</u>
s. 139 and 139A	To require further information to be provided in order to determine if a certificate of compliance must be issued. To issue an existing use certificate. To require further information to be provided in order to determine if an existing use certificate must be issued. To revoke an existing use certificate if it was issued based on inaccurate information.	<u>2, 4 &amp; 10</u>

## DELEGATIONS

**Part 4**
**Delegation to Staff**

**Development Planning Manager; Planning Manager; Strategy & Business Manager; Team Leader – Resource Consents; Team Leader – Compliance; Senior Planner; Planning Secretary; Project Development Unit Manager; Greenspace Manager; Manager Planning and Regulation; District Planning & Regulation Committee; Planner; Senior Compliance Officer; Rates Officer Team Leader – Building, Planning Administrator, Development Manager, Property Manager**

Section	Delegation	Officer
s. 149Q, 149T, 149W(2) and 149ZD	To receive a report from the EPA and make comments on minor or technical aspects of it. To give notice on Councils behalf under s274 of a matter of national significance that the minister has called in and directly referred to Environment Court To amend the proposed plan, change or variation under clause 16(1) of Schedule 1 as soon as practicable after receiving the notice of decision of the Board or Court and approve it under clause 17 of Schedule 1 and give public notice of it under clause 20 of Schedule 1.	<u>1, 2 &amp; 10</u>
s. 149ZD	To recover costs incurred by the Council from the applicant and to provide an estimate of costs when required to do so by the applicant.	<u>2, 4 &amp; 10</u>
s. 168A	Authority to lodge notice of requirement on behalf of Council. Power to determine whether to publicly notify Council's notice of requirement for a designation, and to either confirm, modify, impose conditions or withdraw the requirement	<u>1 &amp; 10</u>
s. 169	Power to determine whether to publicly notify a notice of requirement for a designation.	<u>1, 2 &amp; 10</u>
s. 169	To request further information on a notice of requirement.	<u>2, 4, 6 &amp; 10</u>
s. 170	If proposing to publicly notify a proposed plan within 40 working days of receipt of a requirement, to include the requirement in the proposed plan, with the consent of the requiring authority.	<u>1, 2 &amp; 10</u>
s. 171	To consider a notice of requirement and any submissions received and recommend to the requiring authority that it confirm, modify, impose conditions on or withdraw the requirement.	<u>2, 4 &amp; 10</u>
s. 176A(2)	To waive the requirement for an Outline Plan	<u>2, 4, 6 &amp; 10</u>
s. 176A(4)	To request changes to an Outline Plan	<u>2, 4 &amp; 10</u>
s. 181(1) and (2)	For an alteration of a designation, the same delegations as those set out above under sections 168A to 176 for a new designation.	<u>2, 4 &amp; 10</u>
s. 181(3)	To alter a designation in the plan or a requirement in the proposed plan if the alteration is a minor change in effects or boundaries.	<u>2, 4 &amp; 10</u>
s. 181(3)	To agree to an alteration to an existing designation in a district plan, or a requirement in its proposed district plan.	<u>1, 2 &amp; 10</u>
s. 182(5) and 196	To decline to remove part of a designation or heritage order from the district plan.	<u>1, 2 &amp; 10</u>
s. 184 and 184A	To consider and make decisions on an application to extend the lapse period of a designation.	<u>1, 2 &amp; 10</u>
s. 189A	Authority to lodge notice of requirement for a heritage order on behalf of Council. To determine all notification matters under this section and associated sections and make associated prehearing decision under sections 99 to 103.	<u>2 &amp; 10</u>

## DELEGATIONS

**Part 4**
**Delegation to Staff**

**Development Planning Manager; Planning Manager; Strategy & Business Manager; Team Leader – Resource Consents; Team Leader – Compliance; Senior Planner; Planning Secretary; Project Development Unit Manager; Greenspace Manager; Manager Planning and Regulation; District Planning & Regulation Committee; Planner; Senior Compliance Officer; Rates Officer Team Leader – Building, Planning Administrator, Development Manager, Property Manager**

Section	Delegation	Officer
s. 190	To request further information on a notice of requirement for a heritage order. To determine all notification matters under this section and associated sections, and make associated prehearing decisions under sections 99 to 103.	<u>2 &amp; 10</u>
s. 191	To consider a notice of requirement for a heritage order and any submissions received and recommend to the requiring authority that it confirm, modify, impose conditions on or withdraw the requirement.	<u>2 &amp; 10</u>
s. 195A(1) and (2)	For an application by the Heritage Protection Authority to alter a heritage order, the same delegations that apply with respect to sections 189 to 195.	<u>1, 2 &amp; 10</u>
s. 195A(3)	To alter a heritage order in the plan or a requirement in the proposed plan if the alteration is a minor change in effects or boundaries.	<u>1, 2 &amp; 10</u>
s. 198D	To approve the content of a consent authority report on a requirement that has been directly referred to the Environment Court.	<u>1, 2 &amp; 10</u>
s. 220	To impose conditions on a subdivision consent.	<u>2, 4, 6 &amp; 10</u>
s. 221	The authorisation of a consent notice.	<u>2, 4, 7 &amp; 10</u>
s. 221(3)	To vary or cancel any condition contained in a consent notice with the same delegations as set out above for a resource consent application under sections 88 to 121.	<u>2, 4, 6 &amp; 10</u>
s. 222	To issue a completion certificate for matters subject to performance bonds, and to extend the time period for completion.	<u>1, 2, 4, 8, 10 &amp; 17</u>
s. 223	To determine whether or not a survey plan, which has been submitted to the Council for approval, conforms with the relevant subdivision consent or certificate of compliance.	<u>2, 4, 7, 8, 10 &amp; 17</u>
s. 224	To determine whether or not the conditions of a subdivision have been complied with. To be an authorised person to provide the certificate under this section for a subdivision effected by the grant of a cross lease or company lease or by the deposit of a unit plan.	<u>2, 4, 7, 8, 10 &amp; 17</u>
s. 226(1)(e)	To certify as an “authorised officer” any plan of subdivision or copy thereof, which has not had a previous statutory approval.	<u>2, 4, 7 &amp; 10</u>
s. 234	To vary or cancel the instrument creating an esplanade strip as set out in this section.	<u>2, 4 &amp; 10</u>
s. 234(7)	To certify as an “authorised officer” specifying the variations to the instrument or that the instrument is cancelled as the case may be.	<u>2, 4, 7 &amp; 10</u>
s. 235	To enter into an agreement to create an esplanade strip for any of the purposes specified in section 229.	<u>2, 4 &amp; 10</u>
s. 237B	To agree with the registered proprietor of land to acquire an easement over the land and to execute the easement and to agree to vary or cancel any such easement	<u>2, 10 &amp; 18</u>

## DELEGATIONS

**Part 4**
**Delegation to Staff**

**Development Planning Manager; Planning Manager; Strategy & Business Manager; Team Leader – Resource Consents; Team Leader – Compliance; Senior Planner; Planning Secretary; Project Development Unit Manager; Greenspace Manager; Manager Planning and Regulation; District Planning & Regulation Committee; Planner; Senior Compliance Officer; Rates Officer  
Team Leader – Building, Planning Administrator, Development Manager, Property Manager**

Section	Delegation	Officer
s. 237C	To close an access strip or esplanade strip during periods of emergency or public risk likely to cause loss of life, injury or serious damage to property	<u>9</u>
<u>s. 237D</u>	<u>To give authority to transfer an esplanade to the Crown or Regional Council</u>	<u>9</u>
s. 239	Authority to certify survey plans subject to specified interests	<u>1, 2 &amp; 10</u>
s. 240	To sign covenants pursuant to s240(3) and certify cancellation of covenants under s240(5)(b) as an “authorized officer”	<u>2,4,7 &amp; 10</u>
s. 241	To cancel an amalgamation condition under s241(3) and to certify cancellation as an “authorized officer” under section 243(f)(ii).	<u>2,4, 7 &amp; 10</u>
s. 243	To provide written consent for the surrender, transfer or variation of an easement under section 243(2), to revoke a condition requiring an easement under section 243(e), and to certify cancellation of the condition as an “authorised officer” under section 243(f)(ii).	<u>2,4, 7 &amp; 10</u>
s. 269-291	Authority to determine and direct Council involvement in Environment Court proceedings.	<u>1, 2 &amp; 10</u>
s. 316-320	Authority to initiate enforcement order and interim enforcement order proceedings, and take all steps incidental to seeking the order.	<u>2 &amp; 10</u>
s. 315	To seek consent of the Environment Court and to comply with an enforcement order on behalf of a person who has failed to comply with an order.	<u>2 &amp; 10</u>
s. 321	To apply to the Environment Court to change or cancel an enforcement order.	<u>2 &amp; 10</u>
<u>s. 322 -325</u>	<u>To issue abatement notices</u>	<u>2, 5 &amp; 10</u>
s. 325A	To consider applications to change or cancel an abatement notice.	<u>2, 5 &amp; 10</u>
<u>s. 330 and 330A</u>	<u>Emergency works and power to take preventive or remedial action.</u>	<u>2 &amp; 10</u>
s. 332 and 333	To provide written authorisation to enforcement officers under these sections.	<u>2, 4 &amp; 10</u>
s. 336	To decide on an application for property seized under sections 323 or 328 to be returned, and to dispose of the property where authorized under section 336.	<u>2 &amp; 10</u>
s. 338	Authority to initiate any prosecution and make decisions on any matter relating to any such prosecution.	<u>10</u>
<u>s. 343B and 343C</u>	<u>To initiate and serve an infringement notice</u>	<u>2,5, 10 &amp; 13</u>
<u>s. 357AB</u>	<u>To delegate to a hearings commissioner the ability to hear and decide on an objection if requested by an applicant</u>	<u>2, 4 &amp; 10</u>
s. 357D	To hear and make decisions on any objection made under section 357 or section 357A. This delegation also extends to the power to decline an objection	<u>2, 4, 6 &amp; 10</u>



**WAIMAKARIRI**  
DISTRICT COUNCIL

S-DM 1049A  
Issue: 2  
Date: 9/2/2022  
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## DELEGATIONS

### Part 4

### Delegation to Staff

**Development Planning Manager; Planning Manager; Strategy & Business Manager; Team Leader – Resource Consents; Team Leader – Compliance; Senior Planner; Planning Secretary; Project Development Unit Manager; Greenspace Manager; Manager Planning and Regulation; District Planning & Regulation Committee; Planner; Senior Compliance Officer; Rates Officer Team Leader – Building, Planning Administrator, Development Manager, Property Manager**

Section	Delegation	Officer
s. 357D	To consider and determine an objection to the conditions imposed on a resource consent under section 357A.	<u>1, 2, 4 &amp; 10</u>
s. 357D	To hear and determine an objection to additional fees under section 357B.	<u>2 &amp; 10</u>
Cl 3, 3C, Sch. 1	To determine whether consultation has already occurred under other enactments, and to decide who to consult with under cl 3(2).	<u>1 &amp; 10</u>
Cl 6, Sch. 1	To make submissions on Council's behalf.	<u>1, 2 &amp; 10</u>
Cl 8, Sch. 1	To make further submissions on Council's behalf.	<u>1, 2 &amp; 10</u>
Cl 8AA, Sch. 1	To invite submitters to a meeting or refer matters to mediation.	<u>1, 2 &amp; 10</u>
Cl 8B Part 1, Sch. 1	<u>Duty to give notice of, and hold hearings on submissions</u>	<u>1, 2 &amp; 10</u>
Cl 8C Part 1, Sch. 1	Authority to determine whether hearing is required	<u>1, 2 &amp; 10</u>
Cl 9 Part 1, Sch. 1	Power to hear and make recommendations and/or decisions on notice of requirements	<u>1, 2 &amp; 10</u>
Cl 10, Part 1, Sch. 1	Power to hear and make recommendations on provisions and matters raised <u>in submissions.</u>	<u>1, 2 &amp; 10</u>
Cl 14, Sch. 1	Authority to lodge an appeal with the Environment Court.	<u>1, 2 &amp; 10</u>
Cl 16, Sch. 1	To amend the proposed plan in the circumstances set out in this clause.	<u>1, 2 &amp; 10</u>
Cl 17, Part 1, Sch. 1	<u>The approval of a plan or change to a plan.</u>	<u>1, 2 &amp; 10</u>
Cl 20, Sch. 1	<u>Setting of Operative date</u>	<u>1, 2 &amp; 10</u>
Cl 20A, Part 1, Sch. 1	Power to amend an operative policy statement or plan to correct minor errors	<u>1, 2 &amp; 10</u>
Cl 23, Sch. 1	To require further information to be provided under clause 23(1) or to commission a report under clause 23(3).	<u>1, 2 &amp; 10</u>
Cl 24, Sch. 1	To decide to modify a request.	<u>1, 2 &amp; 10</u>
Cl 28, Sch. 1	Power to send a notice and deem a plan change request to have been withdrawn	<u>1, 2 &amp; 10</u>
Cl 29(4) Part 1, Sch. 1	<u>Power to hear and consider a plan or change, and make recommendations on such plan change requests</u>	<u>1, 2 &amp; 10</u>
Cl 31, Part 3, Sch. 1	<u>Effect of amendments to, or replacement of, material incorporated by reference in plans and proposed plans. To amend the proposed plan in the circumstances set out in this clause.</u>	<u>1, 2 &amp; 10</u>
General	To appoint a commissioner or commissioners.	<u>1, 2 &amp; 10</u>
General	To instruct counsel to represent the Council where the Council is a party to any resource management related proceedings before Court.	<u>1, 2, 8 &amp; 10</u>



## DELEGATIONS

**Part 4**
**Delegation to Staff**

**Development Planning Manager; Planning Manager; Strategy & Business Manager; Team Leader – Resource Consents; Team Leader – Compliance; Senior Planner; Planning Secretary; Project Development Unit Manager; Greenspace Manager; Manager Planning and Regulation; District Planning & Regulation Committee; Planner; Senior Compliance Officer; Rates Officer Team Leader – Building, Planning Administrator, Development Manager, Property Manager**

Section	Delegation	Officer
General	Authority to participate in mediation of any resource management related proceeding before the Court, including the power to commit the Council to a binding agreement to resolve the proceeding provided it does not exceed the individuals financial or other delegated authorities.	<u>1, 2, 8 &amp; 10</u>
General	To lodge submissions on behalf of the Council on any proposed district plan or variation to a proposed district plan administered by the Council, or on any Council initiated or privately initiated change to a district plan administered by the Council, or on any notice of requirement for a designation or on any notice of requirement for a heritage order.	<u>1, 2 &amp; 10</u>
General	To lodge submissions on behalf of the Council on any Proposed Regional Plan or variation to a Proposed Regional Plan, or any change to a Regional Plan. This also includes any Proposed Policy Statement or variation or change to a Policy Statement.	<u>1, 2 &amp; 10</u>
General	To lodge submissions on behalf of the Council on any proposed District Plan or variation to a Proposed District Plan in neighbouring territorial authority districts.	<u>1, 2 &amp; 10</u>
General	To lodge appeals against decisions of the Canterbury Regional Council and of neighbouring territorial authorities on Proposed Regional Policy Statements, Proposed Regional Plans, Proposed District Plans, resource consents and on Variations and Changes to Proposed or Operative Regional Policy Statements, Regional Plans, and District Plans.	<u>1, 2 &amp; 10</u>
General	Once considered by Council, to make submissions on individual notified regional land use consents and water, discharge and coastal permits where: there are special matters of district importance; or There are special matters of importance to the local community or local environment; or There are technical skills or knowledge which the Council can contribute to achieving a better outcome for the community.	<u>1, 2 &amp; 10</u>
General	To make submissions on applications for resource consents applied for in territorial authority districts adjoining the district.	<u>1, 2 &amp; 10</u>
<u>RMA</u>	<u>All RMA functions, powers or duties not otherwise delegated to any committee, and/or to an employee and/or hearings commissioner.</u>	<u>10</u>

**Local Government Act 1974**

Section	Description	Delegate
<u>s. 319B</u>	<u>Allocation of property numbers.</u>	<u>14</u>
<u>s. 348</u>	<u>Council's powers and functions in respect of private ways.</u>	<u>2, 4 &amp; 10</u>

## DELEGATIONS

**Part 4**
**Delegation to Staff**

**Development Planning Manager; Planning Manager; Strategy & Business Manager; Team Leader – Resource Consents; Team Leader – Compliance; Senior Planner; Planning Secretary; Project Development Unit Manager; Greenspace Manager; Manager Planning and Regulation; District Planning & Regulation Committee; Planner; Senior Compliance Officer; Rates Officer Team Leader – Building, Planning Administrator, Development Manager, Property Manager**

**Local Government Act 2002**

Section	Description	Delegate
<u>s. 163</u>	<u>Authority to remove works in breach of bylaws.</u>	<u>2, 5, 10 &amp; 13</u>
<u>s. 164</u>	<u>Authority to seize property not on private land.</u>	<u>2, 5, 10 &amp; 13</u>
<u>s. 168</u>	<u>Power to dispose of property seized and impounded.</u>	<u>2, 5, 10 &amp; 13</u>
<u>s. 171, 173, 174 and 181</u>	<u>To be an authorised officer to act and enter private land.</u>	<u>2, 5, 10 &amp; 13</u>
<u>s. 172, 178 and 182</u>	<u>Power of entry for enforcement purposes and require certain information.</u>	<u>2, 5, 10 &amp; 13</u>
<u>s. 245</u>	<u>Issue of Infringement Notices.</u>	<u>2, 5, 10 &amp; 13</u>
<u>s. 249</u>	<u>Authority to act, on behalf of local authority, in proceedings directly related to the area of responsibility</u>	<u>2, 5, 10 &amp; 13</u>

**Unit Titles Act 2010**

Section	Description	Delegate
<u>s. 32</u>	<u>Power to issue certificate so that a unit plan can be deposited</u>	<u>2, 10 &amp; 15</u>

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR INDECISION**

**FILE NO and TRIM NO:** CPR 06 / 220218022418

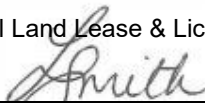
**REPORT TO:** COUNCIL

**DATE OF MEETING:** 1 March 2022

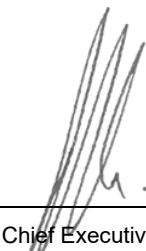
**AUTHOR(S):** Rob Hawthorne, Property Manager

**SUBJECT:** Rural Land Lease & Licence Policy

**ENDORSED BY:**  
(for Reports to Council,  
Committees or Boards)



Department Manager



Chief Executive

**1. SUMMARY**

- 1.1. This report seeks the formal adoption by Council of the attached Rural Lease and Licence Policy, previously considered by Council and consulted on in 2020 with Community Boards and other stakeholders.
- 1.2. This Policy is aimed primarily at Council's extensive rural grazing land holdings but is able to be used for other rural low value sites and occupancy agreements not specifically used for livestock grazing.
- 1.3. Key benefits of the policy are that it
  - 1.3.1. Facilitates greater consistency, transparency and equity in relation to how leases and licences are negotiated, documented and administered.
  - 1.3.2. Provides a more cost effective approach the management
  - 1.3.3. Provides for more effective management of legislative and regulatory compliance and seeks to mitigate risks to Council in relation to these dealings.
- 1.4. Council first considered the policy in 2020 and staff undertook consultation on it through to May of that year. This involved writing to all 265 existing holders of rural leases and licences, providing a copy of the draft policy and explaining it, as well as reporting to all the Community Boards with regard to the proposed policy. The Property Manager and/or Policy Team representative attended Community Board meetings.
- 1.5. The feedback from Community Boards was supportive, once various questions were responded to. Staff received less than 5 calls from lease and licence holders with these conversations resulting in a better understanding of what was envisaged, addressing their concerns. Only 2 written submissions were received. These are included as attachments to this report (ii and iii) and were also responded to in person with clarification of matters raised. Of note the submissions broadly supported the new policy.
- 1.6. Over the course of 2020 further work was undertaken on the proposed documentation and the valuation methodology to be applied to calculating the rental rates, some of which was relevant in relation to the wording of the Policy. Inadvertently the policy was not brought back to Council for ratification after the consultation due to subsequent staff turnover.
- 1.7. This report as stated above in 1.1 seeks to ratify the policy. It also seeks to make some modest changes to wording for clarity and formatting, address land classifications after

further work with Valuers, engaged to support the process, and take into account consideration over 2021 of the draft Property Acquisition and Disposal (PAD) Policy, now adopted by Council in February 2022.

Attachments:

- i. Council Report 28.1.2020 Lease & Licence Management Strategy for Rural Grazing Land
- ii. Rural Land Lease and Licence Policy 2020 (amended 2022)
- iii. Submission from R & S Deacon
- iv. Submission from WH Bowis

**2. RECOMMENDATION**

**THAT** the Council:

- (a) **Receives** Report No. CPR 06 / 220218022418
- (b) **Adopts** the Rural Land Lease and Licences Policy
- (c) **Notes** amendments to the original draft Rural Grazing Land Policy :

**3. BACKGROUND**

- 3.1. This report seeks the formal adoption by Council of the attached Rural Lease and Licence Policy, previously considered by Council and consulted on in 2020 with Community Boards and other stakeholders.
- 3.2. This Policy is aimed primarily at Council's extensive rural grazing land holdings but is able to be used for other rural low value sites and occupancy agreements not specifically used for livestock grazing.
- 3.3. Key benefits of the policy are that it
  - 3.3.1. Facilitates greater consistency, transparency and equity in relation to how leases and licences are negotiated, documented and administered.
  - 3.3.2. Provides a more cost effective approach the management
  - 3.3.3. Provides for more effective management of legislative and regulatory compliance and seeks to mitigate risks to Council in relation to these dealings.
- 3.4. This is achieved through the use of standardised lease and licence documentation applied to new leases or as existing leases or licences expire. The price setting mechanism is backed up by an annual valuation of land classes as a benchmark and administration is reduced by a move to a gross lease, fixed term approach which provides more latitude for Council to consider alternate uses for sites.
- 3.5. Council first considered the policy in 2020 and staff undertook consultation on it through to May of that year. This involved writing to all 265 existing holders of rural leases and licences, providing a copy of the draft policy and explaining it, as well as reporting to all the Community Boards with regard to the proposed policy. The Property Manager and/or Policy Team representative attended Community Board meetings.
- 3.6. The feedback from Community Boards was supportive, once various questions were responded to. Staff received less than 5 calls from lease and licence holders with these conversations resulting in a better understanding of what was envisaged, addressing their concerns. Only 2 written submissions were received. These are included as attachments to this report (ii and iii) and also were responded to in person with a resolution of the concerns that had been raised.

- 3.7. Over the course of 2020 further work was undertaken on the proposed documentation and the valuation methodology to be applied to calculating the rental rates, some of which was relevant in relation to the wording of the Policy. Inadvertently the policy was not brought back to Council for ratification after the consultation due to subsequent staff turnover.
- 3.8. This report as stated above in 1.1 seeks to ratify the policy. It also seeks to make some modest changes to wording for clarity and formatting, address land classifications (after further work with Valuers engaged to support the process), and to take into account consideration over the course of 2021 the draft Property Acquisition and Disposal (PAD) Policy, now adopted by Council in February 2022.
- 3.9. The revised classifications are similar in nature but align better with data available to Valuers and rural property owners, with the quality of pasture and other salient matters taken into consideration on a site by site basis. This provides for a market comparison where such evidence is available, alongside an economic assessment relative to the various land classes.
- 3.10. Of note, the policy allows for discretion on the part of staff in negotiating the rental and this may for example take into account investment required and supplied by the lessee to improve the property, the significance of the change in rental assessed over the historic rent, the degree to which Council has other options for leasing the land or using it for other purposes and the likely holding costs to be incurred by Council if it does not lease it to a third party.
- 3.11. With regard to the application of the PAD Policy, the ongoing use of land for grazing will now be actively considered as part of the review process outlined in the PAD Policy. In general where land is leased out without an active long term strategy to use the land for a specific public work, or benefit, the site would be considered as a candidate for disposal.
- 3.12. That involves among other options consideration of repurposing the site. In the context of rural land holdings consideration of emerging strategies associated with biodiversity and carbon sequestration are examples of options that might be considered along with any community based views around future use.
- 3.13. Where the rationale for alternate uses cannot be justified staff will actively consider a disposal strategy for the site. This in part is influenced by the net cost of holding the site, in particular where the costs are high after accounting for any revenue received from the site. However, where the costs of disposal are high relative to the value of the property, or the willingness of other parties such as adjoining neighbours to cover these costs, then sites may continue to be leased or let by licence, to other parties.

#### **4. ISSUES AND OPTIONS**

- 4.1. The Council can adopt the revised Policy attached to this report
- 4.2. Request staff to undertake further consultation prior to obtaining Councils ratification

##### **Implications for Community Wellbeing**

There are no significant implications on community wellbeing by the issues and options that are the subject matter of this report.

- 4.3. The Management Team has reviewed this report and support the recommendations.

#### **5. COMMUNITY VIEWS**

##### **5.1. Mana whenua**

Te Ngāi Tūāhuriri hapū are not likely to be directly affected by, or have an interest in the subject matter of this report.

## 5.2. **Groups and Organisations**

There are no groups and organisations likely to be affected by, or to have an interest in the subject matter of this report other than those already consulted with.

## 5.3. **Wider Community**

The wider community is not likely to be affected by, or to have an interest in the subject matter of this report.

## 6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

### 6.1. **Financial Implications**

There are only modest financial implications of the decisions sought by this report although over time the net revenue after administration costs will improve. There are no budget implications included in the Annual Plan / Long Term Plan associated with the adoption of this Policy

### 6.2. **Sustainability and Climate Change Impacts**

The recommendations in this report does not directly have sustainability and/or climate change impacts as the existing use of land would in most cases continue as it has.

However, the associated PAD Policy review process may give rise to land use change and that would need to take into account the potential environmental impact that might be associated with that.

### 6.3 **Risk Management**

There are no significant risks arising from the adoption / implementation of the recommendations in this report. Conversely, some reputational, compliance and contractual risks would be mitigated.

### 6.3 **Health and Safety**

There are some potential health and safety risks arising from not adopting / implementing the recommendations in this report as many existing lease documents do not adequately define the responsibilities of the parties occupying Council land.

## 7. **CONTEXT**

### 7.1. **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### 7.2. **Authorising Legislation**

Council can enter into leases and other agreements under its the general powers of operation allowed for in the Local Government Act 2002. The proposed policy is aligned to a variety of property related legislation and highlights the importance of these being covered contractually by use agreements.

### 7.3. **Consistency with Community Outcomes**

The Council's community outcomes are not specifically relevant to the actions arising from recommendations in this report.

### 7.4. **Authorising Delegations**

Council is delegated to establish policies such as this

**WAIMAKARIRI DISTRICT COUNCIL**

**REPORT FOR DECISION**

**FILE NO and TRIM NO:** CPR 06 / 200128011059

**REPORT TO:** Council

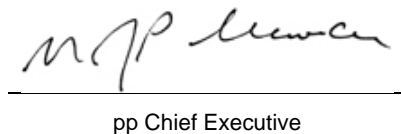
**DATE OF MEETING:** 4<sup>th</sup> February 2020

**FROM** David Rowland, Property Assets Advisor Leasing & Facilities  
Rob Hawthorne, Property Manager

**SUBJECT:** Leasing and Licence Management Strategy for Rural Grazing Land

**SIGNED BY:**  
(for Reports to Council,  
Committees or Boards)

  
\_\_\_\_\_  
Department Manager

  
\_\_\_\_\_  
pp Chief Executive

**1. SUMMARY**

- 1.1. The purpose of this report is to gain approval from the Council to implement and create a Leasing and Licence Management Strategy and Policy for Rural Grazing Land across the Council's extensive rural grazing land holdings, to ensure consistency, transparency and equity is applied.
- 1.2. It is proposed that the new policy will ensure that the Council has in place cost effective processes to manage rural grazing land owned or managed by Council for the current and future benefit of the Council and the community. It will ensure fairness, transparency and equity in the management of Council landholdings as well as meeting its legislative requirements particularly under the Local Government Act, Reserves Act, Ngai Tahu Claims Settlement Act 1998 Act and all other legislation and regulations pertinent to such land.
- 1.3. Council currently has in excess of 490 Leases and Licences of which around 265 are solely for Rural Grazing, Road crossings and Occupation/Grazing of Legal Road. The other 230 are Reserves, Commercial or Community based Leases and Licences.
- 1.4. There is no established policy or consistent guidelines around the administration and management of any of these 265 Leases and Licences which are primarily rural grazing occupational licences of low monetary value. Currently each application is considered on its merits and granted approval as required but on an ad-hoc basis.
- 1.5. Independent advice has been sought and obtained from The Property Group who over the past 18 months have analysed the leasing/licence practices of other councils and substantive New Zealand land holders similar to the Waimakariri District Council.
- 1.6. They have also under taken a review of our own past and current practices. This review is detailed in the attached report which includes a number of specific recommendations that generally are supported and will be adopted as part of the implementation of any new policy.
- 1.7. The proposal is to implement what is considered current best practise by utilising a set of policy and operational guidelines as is common with other Councils and organisations.

- 1.8. An efficient locality and land use base is intended for rent setting with independent valuation benchmarking. An enhanced inspection and review processes would be established with a 5 year rotation for agreements based on defined areas, associated with each Community Board Area.
- 1.9. Standardisation of agreements to a modern Gross Lease form with consistent start dates minimise a range of risks for Council and improve the efficiency of the operation by lowering both transactional and lease management effort required.
- 1.10. Adoption of the staff recommendations would enable the Council and its staff to apply sound business practices and limit any commercial and reputational risk that may be associated with managing a mixed and diverse land portfolio scattered widely throughout the District.
- 1.11. A targeted consultation in line with Section 82 of the Local Government Act is proposed whereby effected parties are consulted on the proposed policy and implementation plan. This would extend to Community Boards and current lease and licence holders.

Attachments:

1. Draft Rural Grazing Land Policy (Trim: 20012801633)
2. Strategy Investigation Leasing and Management of Rural Grazing Land - The Property Group (Trim: 200117005532)

## 2. **RECOMMENDATION**

**THAT** the Council:

- (a) **Receives** report No. CPR 06 / 200128011059
- (b) **Adopts** in principal the policy and strategies as detailed in this report to ensure that the Waimakariri District Council complies with its obligations to rate payers and the public as defined under the Local Government Act 2002.
- (c) **Notes** that this recognises that the leasing of Council landholdings needs to be completed in a manner that is consistent with the principles of the legislation and the behaviours expected to prudently manage public property.
- (d) **Approves** that the policy, report and proposals including the new proposed fee structure will be referred to Community Boards for their observations and feedback to staff and will also be scrutinised via a targeted consultation in line with Section 82 of the Local Government Act and the Annual Plan process prior to final approval by Council.
- (e) **Implements**, following targeted consultation and the Annual Plan process, strategies and procedures detailed in this report for all Rural Grazing Leases and Licences, noting that sites will be managed on a 5 years rotation associated with Community Board Areas and rental types.
- (f) **Adopts**, in principle following the targeted consultation and the Annual Plan process, a new charging regime whereby annual gross rentals will be set as follows;
  - i. Rental charges would be based on an annual valuation of various land classes as outlined in this report along with anticipated holding costs such as rates
  - ii. A minimum annual rental would be set for all new Leases and Licences at the amount of \$250.00 per annum including GST, and that this fee is CPI indexed with effect from 1 July yearly.
  - iii. However, the rental for each site will be subject to specific site management and works / restoration negotiations as may be required, and approved under the Delegations framework.



- (g) **Adopts** in principle following the targeted consultation and Annual Plan consultation process a new charging regime whereby a non-refundable establishment charge of \$100 plus GST for each new Lease/Licence of rural grazing land and that the fee be CPI indexed effective on the 1 July yearly.
- (h) **Notes** the new minimum rent and establishment charge referred to in 2. (f) and (g) of this report is not intended to be applied to existing leases / licences over the first 5 years.
- (i) **Notes** that implementation will see all new leases or licences fall into line with the policy from 1 July 2020, including minimum charges. However;
  - i. only 20% of the existing portfolio (approximately 52 agreements) would change in the first year. This allows for any site specific considerations to be assessed and negotiated with affected parties.
  - ii. Approximately 20% of the existing portfolio would change to the new policy setting each year, with all to be in line with the new policy within 5 years.
  - iii. It is intended to initiate the implementation plan in the Oxford / Ohoka Ward where the large proportion of the current leases and licences are located.

### **3. BACKGROUND**

- 3.1. Current management practice, for many decades has been to administer each rural grazing leases / licences on an ad-hoc individual one off basis, be that for initial establishment, rent view and other documented reviews. The rental values are of low monetary value and the existing process is not effective and is a very time consuming process.
- 3.2. It is considered that there are more efficient and practical approaches for this to occur given the considerable time and effort that is currently spent on the management and administration of the Councils rural grazing land.
- 3.3. As precursor to this review Council Rural Grazing Lease and Licence agreements have been updated over the last 12 months and now reflect modern leasing / licencing practices. These more effectively limit the risk exposure that Council has under many of the older licences that are in place. In particular the new agreements more appropriately deal with the requirements under new Health and Safety legislation. However many current, active agreements are on old contract forms and lack appropriate legal rigour.
- 3.4. If the proposed changes promoted in this report are adopted the new form of agreement would need to be adapted slightly to align with those changes. However, regardless of Council's decision there is need for most existing leases / licences to be changed to modern agreement form.
- 3.5. Any Policy submitted for Council approval will ensure all matters relative to the granting or renewal of Council Leases and Licences will comply with its obligations under the Local Government Act 2002, Reserves Act 1977 and the behaviours expected to prudently manage public property. The policy will consider its Purpose, Scope, Matters for specific consideration, and the Management of leases including renewal/Expiry and or Extensions.
- 3.6. Attached to this report is a table titled "Rural Grazing Land - Summary of Proposed Policy (Draft)". This table outlines details of proposals being considered including operational concepts as it relates to how the implementation should proceed if approved.

### **4. ISSUES AND OPTIONS**

- 4.1. **Issues:**

- 4.1.1. The Council has a fiduciary obligation to maximise through best practice the return on its landholdings whilst endeavouring to minimise the costs associated with managing a portfolio of generally small areas with low \$ revenue.
- 4.1.2. While these considerations are still relevant, it is acknowledged that there can and will be other non-financial outcomes that should be factored into any application, such as managing risks including for example health & safety, reputational and the environmental impacts of land use.
- 4.1.3. Council as a prudent landowner should set and have clear, consistent and fair guidelines around how it manages its Leases and Licences.
- 4.1.4. In general, Council is well structured and staffed to manage in house its landholdings however the adoption of a Leasing/Licence Policy would assist staff apply best practice in an equitable and transparent manner.
- 4.1.5. A review of all Rural Licences shows the tenure of around 70 sites are held as 'Reserves' however these are held under a mix of classifications such as Gravel or Plantation reserves with few that could be regarded as "Esplanade Reserves" or similar. The granting of new Licences will require to meet the requirements of the Reserves Act 1977.
- 4.1.6. Most of the portfolio are low value sites with modest areas. However, there are only a few sites less than 500m<sup>2</sup> with most being around 1 ha or greater.

#### 4.2. Options:

- 4.2.1. To continue to operate our current Leasing and licencing practices is not an option as it is inadequate, leaves Council exposed to various risks, is time consuming and not cost effective, given that it generates minimal \$ rent. There is also no provision for the Council to charge a lease or licence establishment fees or at best a minimum \$ annual rental.
- 4.2.2. By adopting the recommendations in this report Council will establish a Leasing/Licencing Policy for its considerable rural land holding clearly outlining to our Communities and the Public matters Council will consider when assessing any application for a Lease or Licence. It will also improve considerably the day to day functions of the Property Office dealing with leasing/licencing functions.
- 4.2.3. The proposal will initiate an establishment \$ charge along with a standardise and equitable rental approach that is transparent and establish what is considered best practice
- 4.2.4. It is estimated that it may take up to 5 years to review all current leases/licences, implement the new rental process, and improve management practices which would then place the portfolio on a sound commercial footing. There are adequate staff resources within the Property Team to undertake the programmed yearly inspections in a timely manner given also that the majority of the administrative functions will be able to be systems generated.
- 4.2.5. The distribution of leases / licences by Community Board Area is as follows:

Kaiapoi-Tuahiwi	32
Oxford-Ohoka	132
Rangiora-Ashley	76
Woodend-Sefton	21

- 4.3. As part of the review of all Licences the opportunity will be taken over the 4-5 year programme to individually reassess each sites land status, zoning and tenure for lease management purposes as well as to determine if there is an ongoing need / reason to retain the land as part of our landholdings.

- 4.4. Consultation will be needed with internal business units should it be initially considered that any site has the future potential for “sale”. If that transpires a detailed site report and business case would be submitted for Council consideration.
- 4.5. There is also a high probability during contact with all licence holders that similar “sale” enquiries may be made. This would also initiate a review of ongoing ownership rationale.
- 4.6. The Management Team have reviewed this report and support the recommendations.

## **5. COMMUNITY VIEWS**

### **5.1. Groups and Organisations**

- 5.1.1. It is proposed that all Community Boards would be briefed on the proposed Strategies and implementation changes contained in this report with their observations sought and conveyed back to Council prior to implementing any changes.

### **5.2. Wider Community**

- 5.2.1. An appropriate public engagement process would occur through the Annual Plan notification and submission process.

## **6. IMPLICATIONS AND RISKS**

### **6.1. Financial Implications**

- 6.1.1. One existing lease produces revenue of \$16,500 however as mentioned earlier in the report the majority of the Lease/Licences produce low revenue. The majority of the (265) Leases/licences produce on average an annual fee of under \$235 each and this includes 147 or 56.3% which are at zero \$ rent.
- 6.1.2. Once fully implemented additional annual revenue of over \$35,000 is likely to be generated to offset management and other holding costs associated with the ownership and administration of this land class.
- 6.1.3. Administrative overheads associated with processing any invoice such as rates due on a grazing lease can cost more than the amount claimed. The move to a systemised approach to lease management and the Gross Lease structure is also likely to generate transactional cost savings and reduced staff time.
- 6.1.4. The proposal to establish a minimum annual rental for all new Leases and Licences at \$250.00 including GST has been calculated on the basis of low rural land values of \$5000 per Ha capitalised at a rental return rate of 5%. Staff considered that this is at the very low end of the rate per Ha and is equitable and can be further validated when valuation advice is available.

### **6.2. Community Implications**

- 6.2.1. There are no anticipated implications to the wider community that result from the recommendations in this report. However, the proposal does set clear parameters to the Community and the general public that the Council has an established consistent policy applicable to any rural grazing Lease or Licence arrangements.

### **6.3. Risk Management**

- 6.3.1. Staff anticipate that a range of significant risks associated with the ownership and leasing of Council land for grazing purposes will be substantially mitigated as a result of the recommendations in this report.

- 6.3.2. The Property Group have provided external commentary surrounding risk identification / mitigation and these will be adopted as a practical approach to risk mitigation as part of the overall implementation.
- 6.3.3. Some customers uncomfortable with the proposal to implement rental increase may make representation to Elected Members. It is unknown as to what level of concern may be generated. However, the relatively low sums involved and discretionary options available to individuals to not lease land suggest the level of concern may be modest.
- 6.3.4. In addition, it is considered that any issues can be managed effectively through consultation and negotiation allowed for in the policy i.e. where the holding costs for Council and / or the lessee are high relative to rentals indicated by the minimum rental charge or valuation based rent.
- 6.3.5. A further mitigation relates to the minimum rental charge not being applied to existing leases or licenses over the first five years of the implementation period.
- 6.3.6. A key risk mitigation being proposed under new agreements is ensuring that all Leases / Licences have in place appropriate Public Liability Insurance (\$1m). Without this there is ongoing risk exposure and liability for the Council. This will be managed at Lease/Licences establishment and again at renewal should that occur after 5 years. There could well be resistance to this provision however it is considered to be a non-negotiable condition of our documentation.
- 6.3.7. As noted in clauses 4.3 and 4.4 the review of the Lease / Licences process may generate potential land sales activities as each site is reviewed in more detail. The various mechanisms through which Council came into the ownership of its land holding has an impact on the required disposal process. In many cases it may not be economic or practical to entertain a sale. The cost to investigate historical titles and the like can be an expensive and possibly uneconomic exercise.
- 6.3.8. Examples of this could be that the land is a "Reserve" and subject to the constraints of the Reserves Act, or land subject to the offer back process under the Public Works Act, Ngai Tahu Claims Settlement Act or land controlled and managed on behalf of the Crown.
- 6.3.9. In the first instance any land held in "Fee Simple" with a well-documented history associated with its acquisition will be the focus of land sale investigations. Balancing this, there may be circumstances where the added value of a parcel of land to an adjoining owner is significant and depending on the potential values involved may also justify the investment required to investigate and declassify a parcel of land held in 'Reserve' or some other constrained land tenure.

#### 6.4. **Health and Safety**

- 6.4.1. The enhanced inspection regime and contractual arrangements proposed by the recommendations in this report improve Council's response to Health & Safety related risks associated with rural grazing leases.
- 6.4.2. The Property Group have provided external commentary surrounding Health & Safety risk identification / mitigation and these will be adopted as a practical approach to risk mitigation as part of the overall implementation and in relation to specific properties.

## 7. **CONTEXT**

### 7.1. **Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy. .

## 7.2. Delegations

- 7.2.1. Any new policy that is submitted for consideration and approved by the council to be effective will require appropriate delegations to be given to the Chief Executive Officer and approved staff. Existing delegations will also be reviewed and incorporated into recommendations to Council.
- 7.2.2. There will be instances where ongoing holding costs to Council make it imprudent to not lease / licence certain land holding regardless of the rental able to be negotiated. Examples included where the cost to undertake fencing, weed management, mowing or site remediation is high relative to the area or quality of the site and where there are few parties able to or interested in leasing the property. New delegation are likely to recommend a degree of flexibility for approved staff to authorise Leases / Licences at Nil or reduced \$ rental values. Any change to delegations will be approved by Council.

# Rural Grazing Land Policy

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## 1. Introduction

This Policy provides certainty across the Council's extensive rural grazing land holdings, to ensure consistency, transparency and equity is applied when granting a lease of licensing agreement.

There has been no previous established policy or consistent guidelines around the administration and management of any of the Council's rural grazing, road crossing and legal paper road leases and licences. These are primarily rural grazing occupational licences of low monetary value. Currently each application is considered on its merits and granted approval 'as required' and on an *ad hoc* basis.

## 2. Policy context

Rural grazing lease and licence agreements are being updated to reflect modern leasing and licencing practices as they more effectively limit the risk exposure that Council has under many of the older licences that are in place.

In particular, the new agreements more appropriately deal with the requirements under new Health and Safety legislation. However, many current and active agreements lack appropriate legal rigour.

Current management practice has been to administer each rural grazing lease or licence on an ad-hoc individual one off basis, be that for initial establishment, rent view and other documented reviews. The rental values are of low monetary value and the existing process to administer is not effective and is a very time consuming process.

Over half of the Council's lease and licence agreements are solely for rural grazing, road crossings and occupation (and/or grazing) of paper roads. The remainder are reserves, commercial or community-based leases and licences.

## 3. Definitions

**Lease** means to provide exclusive possession of a defined area of land, for a fixed period (or series of periods) of time, usually (but not necessarily) for rent. The lessee is responsible for maintenance and insurance of the defined area of land for the duration of the lease.

**Licence to Occupy (Licence)** means a licence which provides permission to use land for an agreed purpose. A licence does not usually confer a right to exclusive possession of the land. Responsibility for maintenance and insurance is negotiated. Licences are always issued for occupation for whatever purpose of legal road as the public have a right at all times to pass and repass over the road.

**Gross lease/licence** means where a flat dollar rental is determined to include not only rent but associated cost of occupation, such as rates, taxes, insurance and utilities as appropriate

## 4. Policy objective

The Waimakariri District Council needs policy in this area to guide how to cost effectively manage rural grazing land owned or managed by Council for the current and future benefit of the Council and the community.

The Policy is about ensuring fairness & equity, transparency & to mitigate risks in the management of Council landholdings. It also ensures the Council meets its legislative and regulatory requirements.

## 5. **Policy statement**

### 5.1. **Lease Provisions**

Each standardised lease or licence document will have a five year term and 1 July start date. Documents are processed on a rolling basis across the five years.

*Note: 20 per cent are processed with start dates of 1 July 2020, 20 per cent 1 July 2021 etc.*

### 5.2. **Term of lease / licence**

The standard term for rural grazing land shall be five years, with **no** right of renewal.

Where current lease commitments exist, transitional arrangements may be required to migrate existing leases / licences to the new agreements and a spread of commencement dates - so that roughly 20 per cent expire each year on a rolling basis.

Some land tenure types and/or circumstances (such as paper roads) will need to allow for shorter or longer termination arrangements e.g. one month for paper roads.

Shorter or longer lease periods may also be granted by Community Board recommendation or Council resolution as needed.

### 5.3. **Renewal**

No Right of Renewals are provided for grazing leases or licences, unless specifically granted by Community Board recommendation or Council resolution as needed.

### 5.4. **Expiry**

In general, existing leases and licences for rural grazing land may be renegotiated with the existing party on expiry. Generally a formal inspection / onsite meeting will be scheduled during the fourth year of the lease term and agreement to a new lease approved by the end of the fourth year (12 months prior to expiry).

Exceptions to this may occur where:

- Council is dissatisfied for whatever reason with a lessee's performance, or for any reasons does not consider a new lease to be appropriate
- The lessee does not wish to renew the lease
- The lease area is subject to redevelopment or a change of use
- There is known interest from other parties in leasing the land, in particular from adjoining property owners, if so a contestable process will be entertained.

### 5.5. **Termination**

Council reserves the right to terminate the agreement at its sole discretion in line with lease provisions. In addition Council can terminate the agreement if there are breaches of the lease terms by the lessee / licensee.

The termination notice shall be supplied in writing (including by email or other telegraphic communication if known) with a one month period to vacate the land and remove any

improvements rightly belonging to the lessee / licensee.

Where a breach results in a serious Health and Safety breach the notice period can be reduced to one day.

#### **5.6. Rent setting period**

Rents will be set in writing prior to the five year lease term commencing, with rent paid on an annual basis in advance, from 1 July (once transitioned).

#### **5.7. Gross lease**

Agreements will be on a fixed-term Gross Lease / Licence basis. This will include

- A benchmarked, per hectare, market rent (based on land classifications - see below)
- Additional annual charges such as Rates (a forecast average over the lease / licence term)
- An allowance for property specific issues (if any) by negotiation.

#### **5.8. Rental classifications**

Rental levels will be established by an annual District rental valuation for various rural grazing land classes. This will be provided by 1 November in each year and advised to Community Board in December of each year. These classifications may include land types (to be finalised) such as the following:

<b>Land type</b>	<b>Pasture state</b>
1. Marginal grazing land (e.g. contour, bush or weed cover, poor or no soil cover or other noted impediments to use for grazing purposes)	Marginal
2. Hill country	Reasonable
3. Hill country	Poor
4. Fattening land	Reasonable
5. Fattening land	Poor
6. Land capable of use for dairy farming as a run-off or from adjacency	Reasonable
7. Land capable of use for dairy farming as a run-off or from adjacency	Poor
8. Land within or in close proximity to urban areas	Variable

## **6. Links to legislation, other policies and community outcomes**

- *Local Government Act 2002*
- *Reserves Act 1977*
- *Ngai Tahu Claims Settlement Act 1998*
- Responsibilities under current Health & Safety legislation and all other legislation and regulations pertinent to rural grazing land



### Community Outcomes

- The Council in partnership with Te Ngāi Tūāhuriri Rūnanga, continue to build our relationship through mutual understanding and shared responsibilities
- The impacts from land use activities are usually only short term and/or seasonal
- Our rural areas retain their amenity and character

## **7. *Adopted by***

Management gave approval to the Property Unit to develop this Policy.

## **8. *Review***

This Policy is to be reviewed every six years or sooner on request.

### ***Schedule***

#### Note 1

- *Council holds rural property under various forms of tenure and these may have a bearing on specific clauses within each lease or licence*
- *In all cases the provisions of legislation and associated regulations shall take precedence over specific provisions of the policy or Community requests*

#### Note 2

- *In general rural grazing land leases or licences will prohibit the construction of structures such as buildings*
- *Where buildings have at some time in the past been constructed on the land (or part of the land) Council will actively pursue the removal of these structures*
- *Where an exception to this is considered, approval of the construction of any buildings on the land will be subject to Council approval and specific removal conditions, as well as undertakings such as Bank / Insurance Bonds*

#### Note 3

- *Other constructed improvements made by the lessee or licensee such as fencing, tracks and water supply will generally be permitted at Council's sole discretion (subject to compliance with legislation, regulation, any other relevant approval process and Council's requirements) but with no compensation payable on the expiry or early termination of the lease or licence*
- *The proposed improvements or program of improvements will be detailed in writing, as necessary and form part of the lease/licence agreement \* approval will be required in writing, in advance of any works commencing*



**Waimakariri District Council**

**Strategy Investigation**

**Leasing and Management of Rural**

**Grazing Land**

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## Strategy Investigation: Leasing and Management of Rural Grazing Land

### Executive Summary

Waimakariri District Council (“Council”) engaged The Property Group Limited (“TPG”) to carry out a strategy investigation into the administration and management of land owned, vested in or managed by Council as the administering body and used for grazing or other agricultural purposes (“Rural Grazing Land”).

Council has advised that it does not have a consistent policy or guideline around the administration and management of Rural Grazing Land. This creates a potential for lack of consistency and equity in the leasing, licencing and management of Rural Grazing Land and exposes Council to various risks.

Council owns and manages a large property portfolio comprising of a mix of land use and land tenures. Council intends to develop a policy to efficiently manage leases and licences of Rural Grazing Land and to ensure consistency and equity across the Rural Grazing Land portfolio.

This report focusses on the management of Rural Grazing Land owned, vested in or managed by Council. It seeks to form an evidence base to assist Council in developing the policy. It particularly focusses on promoting efficient, cost effective management and establishing consistent and fair rents. It also seeks to ensure that Council is meeting its responsibilities under the Local Governments Act 1974 and 2002, Reserves Act 1977, Ngai Tahu Claims Settlement Act 1998 and the Public Bodies Leasing Act 1969 and any other relevant legislation.

## 1. Introduction

### Purpose

TPG has been engaged by the Council to provide a report for the purpose of reviewing and providing strategic advice on the administration and management of Rural Grazing Land owned, vested in or managed by Council. The objectives of the report are as follows:

- Assist in ensuring consistency and equity in the letting and managing of leases and licences of Rural Grazing Land
- Assist strategic management of leases and licences over Rural Grazing Land
- Consider the current and future use of Rural Grazing Land for Council and the wider community
- Explore options to create a cost-effective way of managing leases and licences of Rural Grazing Land and to benchmark against other government agencies
- Provide a framework for valuation of the portfolio of Rural Grazing Land to establish consistent rental levels and a mechanism for annual rent reviews.
- To ensure the Council meets all legislative requirements under the governing legislation;
  - Local Governments Act 1974 and 2002
  - Reserves Act 1977
  - Public Bodies Leases Act 1969
  - Ngai Tahu Claims Settlement Act 1998
  - Any other relevant legislation

### Background

Council has advised that it does not have a consistent policy or guideline around the administration and management of Rural Grazing Land. This creates potential for a lack of consistency and equity in the leasing, licencing and management of Rural Grazing Land. While this presents issues in relation to the efficient management of the leases and licences internally, it also exposes Council to adverse public reaction should the public begin to query the process.

Council owns and manages a large property portfolio. This comprises of approximately 440 leases and licences of Council Property, 83 individual airfield leases at the Rangiora Airport, 600 hectares of forestry land, 112 pensioner units and 11 rental houses along with a number of commercial leases.

## Scope

The findings of the report will assist the Council to develop a robust policy and management framework for the letting of Rural Grazing Land. The intended users of the policy include but not limited to;

- All Council Officers involved in the negotiation and preparation of leases and licences regarding Rural Grazing Land
- The Councillors and appropriate Community Advisory Boards
- Any individuals, community groups, sporting clubs or social clubs who intend to obtain a lease or licence over Rural Grazing Land on more than an informal occasional basis.

## 2. Analysis of Current Practice and Perceived Risks

### Management

The current approach to managing leases and licences is reactive. When a request for a lease or licence is made, if approved the commencement date typically becomes the date the agreement is signed. While this is appropriate, it does not promote efficiency as over the portfolio it generates numerous different critical dates for rent reviews, renewals, expiries and inspections.

As these critical dates must be processed individually it results in higher administration time and costs. A streamlined, proactive approach is required to increase efficiency and cost effectiveness.

### Licence Agreement Template

Presently, there are a number of variations of templates that are used to record the licence agreements. As a rule, these have been rolled over each year on the same template. This has been efficient however changes to legislation and requirements have not been incorporated (i.e. Health and Safety at Work Act 2015) which exposes Council to a level of risk and liability. The current agreements form a solid base, however, to avoid any loopholes or any ambiguity regarding roles and responsibilities of each party, it is recommended that the agreements be reviewed and restructured.

We understand Council have engaged Shehan de Silva of Corcoran French to review and prepare a standard licence template. The report aims to inform and assist with the formation of a robust template.

### Establishing Rent

There has been a lack of consistency identified in the process to establish market rentals for leases and licences over Rural Grazing Land. There are also a number of historic 'hand-shake agreements' whereby it was agreed that the Lessee/Licensee shall carry out works on the land in lieu of rental. The majority of these 'hand-shake agreements' are not recorded on Council files. As these have not been recorded, in many cases the nil rental has been rolled over, over several years.

Additionally, while some of the hand-shake agreements were honoured and the work was completed, in many cases there are no records of the works being completed at all

The lack of consistency has presented issues in Councils ability to justify historic rental fees and the ability to establish and justify new, increased rentals. This is primarily in relation to not having justified grounds to base new rentals off historic fees. This has come to the forefront in recent times with Lessee's/Licensee's querying a rental increase when they've previously occupied the land at minimal or no cost. There is a level of exposure to risk in the form of adverse public reaction, should the public query the process and discrepancies in rent. There have been several cases within the last 12 months where this has transpired.

This signifies the need to establish a fair, equitable method of determining base rents and implementing rent reviews. This will ensure that Council is able to defend, and support queries or issues raised in relation to rental fees.

### **Improvements in Lieu of Rental**

Historically, many Lessee's/Licensees have elected to undertake improvements on the Rural Grazing Land in exchange for a discounted or nil rental fee. Improvements include but are not limited to maintaining hedge rows, fixing and replacing fences and general upkeep and maintenance. In theory this can be beneficial to both parties. This is in the sense that the Lessee/Licensee obtains the use of the land effectively for little or no rental, and Council saves on maintenance outgoings, fire risk is minimised through grazing long grass and various other benefits directly related to the negotiation.

While the intent of the agreement is beneficial to both parties, the issue lies in whether each party fulfils their obligations. This is particularly in relation to whether the Lessee/Licensee has completed the improvements as agreed. Historic files show that in many cases where negotiations for improvements in lieu of rental have been agreed the agreed improvements either haven't been completed or haven't been recorded as being completed. The agreements then roll over or are renewed for a number of years on the same nominal rental even though the benefit to Council has long since passed. To ensure each party fulfils their obligations, a prescriptive record of the agreed works is required.

### **3. Comparative Assessment of Other Local Authority and Government Agency Policies/Guidelines**

A comparative assessment of other Local Authorities and Government Agency's policies and guidelines relevant to the leasing and licencing of Rural Grazing Land or similar has been undertaken. The Local Authorities investigated included Selwyn District Council (SDC), Hurunui District Council (HDC) and Ashburton District Council (ADC). The Government Agencies investigated included Land Information New Zealand (LINZ), New Zealand Transport Agency (NZTA) and Department of Conservation (DOC).

A summary of lease and/or licence provisions for SDC, HDC, and ADC is attached as Appendix 1.

## Local Authorities

It was found that the three local authorities being SDC, HDC and ADC had comparable objectives provide consistent and equitable framework for leasing and licencing Council-owned or managed property.

Upon further research it was also found that while the Local Authorities had guidelines for standard terms and conditions, they did not appear to have a robust system or policy in place for leasing and managing Rural Grazing Land.

ADC was the most comparable as the policy has been developed to focus on managing small rural reserves in a fair, reasonable and equitable manner when they are not required by Council. For the purpose of the policy 'Council owned or managed reserve' was defined as being a land parcel managed by Council, classified for gravel extraction, plantations or other miscellaneous purposes and also included other small parcels of land held by Council in rural areas. The policy had a focus on establishing a consistent and equitable procedure for charging fees associated with the use of small rural reserves. The basis of this was charging an establishment fess when a lease or licence is granted as well as annual fee for the use of the Rural Grazing Land. It states the annual fee will be based on the current or intended usage of the property, though it does go into further description as to how the amount is determined, i.e. whether a valuation is undertaken.

## Land Information New Zealand

Land Information New Zealand (LINZ) conveyed that similar concerns that Council have within the management and leasing of Rural Grazing Land are prominent in LINZ's portfolio. This was particularly with leases or licences throughout the country that have been in existence for some time and have been rolling over on a 'very modest rental'.

LINZ informed that Colliers International (Colliers) managed most applications to use LINZ land on LINZ's behalf. Colliers determine rent by either using existing rents that are paid for similar pieces of land or activities (based off internal databases) or by engaging a registered valuer. A registered valuation will be obtained to determine a rent if the parcel of land is large or the activity unusual. However, LINZ stated that ultimately there is no established process for determining rent and no system whereby land is categorised to streamline the process.

Colliers provided a Rental Assessment Guideline as attached in Appendix 2 that was composed by LINZ in 2012. Where applicable, the Rental Assessment Guideline is still used to assist in determining a rental with a Consumer Price Index (CPI) adjustment being applied to account for the age of the data.

The Rental Assessment Guideline outlines ranges of rental rates per hectare and rental rates per stock unit (where applicable) for varying classifications of land, for different regions throughout the country. The classifications of land range from grazing dry stock, horticultural, irrigated and unirrigated land.



### **Department of Conservation**

- Department of Conservation (DOC) manages a portfolio with similarities to that of Council's portfolio of Rural Grazing Land.
- DOC informed that they operate what is called a 'Price Book' for most commercial activities on conservation land which included grazing.
- Where the total grazing activity fee is expected to be greater than \$17,000 pa, the method DOC uses to establish a rental is to apply a fee of 7.5% of the gross annual revenue.

In this instance an independent valuation is required. The grazing activity fees for the second and third year(s) of your concession will be increased by 2% annually.

Where the total grazing activity fee is expected to be between \$8,500 - \$17,000, there are a few options on which the fee may be based including;

- The value of the land
- Anticipated value of the crops being planted
- Number of stock/value of stock being grazed.

Rural Grazing Land will generally obtain a lesser rental than DOC land however a similar method would be suitable to apply to Rural Grazing Land.

### **New Zealand Transport Agency**

Stephen Cottrell of the New Zealand Transport Agency (NZTA) informed that while they do not have a formal policy in relation to leasing out NZTA land, they have robust agreement templates. The short form template, as attached as Appendix 3, has been adopted for analysis as it is comparative to Councils requirements.

It incorporates a stringent clause in relation to the Health and Safety at Work Act 2015 as well as prescriptive clauses to be inserted specifically for rural land uses including grazing/pastoral and horticultural attached as Appendix 4.

## **4. Underlying Land Tenure of Rural Grazing Land**

Council holds rural property under various forms of tenure, and these may have a bearing on specific clauses within each lease/licence. In all cases the provisions of legislation and associated regulations shall take precedence over specific provisions of the policy where appropriate.

It is vitally important that Council understands the status of the land in its portfolio, as this will have a bearing of the restraints and legislative requirements for leasing/licencing

The main types of land status include;

- Freehold, this can include;
  - General Land held for no specific purpose
  - Freehold land held for a specific purpose (e.g. Public Works)
- Land held under the Reserves Act 1977, this can include;
  - Reserves Vested in Council
  - Crown derived Reserves Vested in Council in Trust for specified purposes
  - Crown derived Reserves with Council appointed to control and manage.
  - Unformed Legal Road

Refer Appendix 5 for a full description of Reserve Types.

Council may need to develop variants of the standard template to cater for specific legislative requirements arising from the land status of each parcel.

Reserves are particularly important to consider, as decision making powers for Crown derived Reserves rest with the Minister of Conservation. The Minister has delegated the certain powers to the Local Authority as authorised by the Instrument of Delegation dated June 2013.

When making decisions for Crown derived Reserves under delegation, Council must be mindful that they are acting in the Ministers capacity rather than its capacity as the Local Authority. This may require two separate resolutions in some instances;

- The first as the Local Authority
- The second as the Ministers delegate.

The line between two processes often gets confused by Councils around New Zealand.

An important distinction of Crown derived Reserves which were owned by the Crown as at 21 November 1997, is that they are subject to the Ngai Tahu Claims Settlement Act. The provisions of Part 9 “Right of First Refusal” will need to be considered in respect of any long-term leases and or disposal of Crown derived Reserve.

### **The Treaty of Waitangi as it Applies to Reserve Administration**

The Department of Conservation Reserves Act Guide notes that;

*Administering bodies under the Reserves Act derive their authority over reserves from the Act. Accordingly, in performing functions and duties under the Act, the administering body has a duty similar to the Crown’s to interpret and administer the Act to give effect to the principles of the Treaty of Waitangi. As the obligation relates to the administration of the Act, all reserves administered under the Reserves Act – whether they derive from the Crown or otherwise – are subject to the s.4 of the Conservation Act obligation.*

*An administering body must consult with and have regard to the views of iwi or hapu before undertaking action and making decisions about reserves for which it is the administering body. In some cases, the administering body may be able to make an informed decision without consultation. It should ensure that it gives proper consideration to all relevant information within its possession. Care is also needed in identifying whether there are gaps in information. If so, it should consider whether it could arrive at a better decision by undertaking consultation first.*

Given this obligation Council may wish to consider the merits of consulting with iwi on the draft policy. The policy should also consider situations where the requirements of the Ngai Tahu Claims Settlement Act may apply.

### **Unformed Legal Road**

Auckland Transport (AT) has a well-documented guide for the management of unformed roads.

#### [Auckland Transport Management of Unformed Road Policy.](#)

It is important to note that unformed legal roads have the same status as any other legal road. Road rules apply, the public has the same right to use them, and the adjoining landowners are obliged to respect public use.

Utility service providers have the same rights to use unformed legal roads for their infrastructure that they have regarding formed roads. Therefore, the leasing or licencing of unformed roads need to reflect these inherent rights.

The AT provisions for issuing licenced is embedded in the section relating to encroachments, and summarised as follows;

In terms of specific licence Encroachments will be considered on a case by case basis.

### **Lease/ Licence Terms and Transfer for Legal Road**

The term of the lease will not normally exceed Twenty (20) years however longer terms may be approved if the specific circumstances warrant a longer term. The lease shall include a condition allowing AT to terminate the lease and require removal of the foundations or structure if required for public purposes, upon 6 months' notice.

The term of the licence should not exceed Five (5) years and shall include a condition allowing AT terminating the licence and requiring removal of the foundations or structure if required for public purposes. AT must provide 6 months' notice of the termination and all costs are to be borne by the licence holder.

Licences and leases will not automatically transfer to a new adjoining landowner; they cannot be sold or traded. A replacement encroachment licence/lease in the new adjoining landowner's name may be granted when AT is notified about the change of ownership.

### **Lease/Licence Fees and Charges**

A non-refundable application fee which is payable to AT for the purpose of assessing the encroachment and, where appropriate issuing a lease/licence and/or preparing and registering an encumbrance (where required).

An encroachment administration fee which is charged for any changes to existing leases/licences.

An annual lease fee for the use of the airspace or subsoil. For surface a per square metre rate is chargeable on the rural road encroachments. This is calculated on the adjoining lands rateable land value and divided by the land area to obtain a per square metre rate which is applied to the adjoining encroachment area.

Market rental will be charged for commercial and residential encroachments. The market rental will be determined by an independent valuer appointed by AT. The fee associated with the valuation will be paid by the lease applicant/holder. In the case of airspace and subsoil leases, land value per square

metre of the road will be assumed to be the same as the land value per square metre (highest and best use) on each side or an average if two different uses or values.

## 5. Recommendations

### Rural Grazing Land Management

The need to adopt a proactive, streamlined approach to managing Rural Grazing Land has been identified. The recommendations to achieve this are as follows:

#### Application Form

Develop a user-friendly, informative application form to provide to the prospective Lessee/Licensee when applying for a lease/licence with a one-off administrative fee. This will streamline the process of entering into a new lease or licence and ensures all relevant detail captured.

A draft application form is attached as Appendix 6.

#### Division of Portfolio

Group the portfolio into four logical blocks and undertake a rolling annual assessment of successive blocks with CPI adjustments to the balance of the blocks where required.

As new leases and licences are entered into it would be beneficial to set critical dates such as rent reviews to coincide with the block valuation dates.

#### Steps to transition and divide:

1. Identify and schedule all parcels of Rural Grazing Land. Consider using GIS as a platform to assist with management.
2. Classify Rural Grazing Land as to purpose and quality to provide a benchmark against the baseline valuations.
3. Group into logical blocks for annual valuation purposes

#### Lease / Licence Agreement Specifications

The current agreements form a solid base, however, to avoid any loopholes or any ambiguity regarding roles and responsibilities of each party, it is recommended that the agreements be reviewed and restructured.

A SWOT analysis of a gross lease and net lease has been undertaken to determine which lease type should be adopted.

**Gross Lease**

*A gross lease is where a flat rental is determined to encompass rent and all costs associated with ownership, such as taxes, insurance, rates and utilities.*

<i>Strengths</i>	<ul style="list-style-type: none"> <li>- Provides the ability to capture all expenses up front.</li> <li>- Minimises administration time and costs as it is one set fee meaning one collective payment.</li> <li>- It's easier for Lessee's/Licensee's</li> <li>- Theoretically should be minimal OPEX as it is bare land.</li> </ul>
<i>Weaknesses</i>	<ul style="list-style-type: none"> <li>- The estimated gross rental may be less than the actual expenses resulting in a loss for Council. However, the risk is minimal as the leases/licenses are typically for vacant rural land.</li> </ul>
<i>Opportunities</i>	<ul style="list-style-type: none"> <li>- Minimize administration time and costs for Council.</li> </ul>
<i>Threats</i>	<ul style="list-style-type: none"> <li>- Inaccurately forecasting the OPEX and setting the gross rent lower than the outgoings.</li> <li>- Inaccurately forecasting the OPEX and setting the gross rent lower than the outgoings for a long-term lease/licence.</li> </ul>

**Net Lease**

*A net lease is where a lessee pays a portion or all the taxes, insurance fees and maintenance costs for a property in addition to rent.*

<i>Strengths</i>	<ul style="list-style-type: none"> <li>- The ability to recover 100% of outgoings as the Lessee/Licensee pays directly.</li> </ul>
<i>Weaknesses</i>	<ul style="list-style-type: none"> <li>- Higher administration costs as separate billing must occur and increases double handling.</li> </ul>
<i>Opportunities</i>	<ul style="list-style-type: none"> <li>- Net leases are typically drafted in the format to favour the landlord.</li> </ul>
<i>Threats</i>	<ul style="list-style-type: none"> <li>- Potential that there are additional administration costs that are not recovered in the base rent.</li> <li>- Potential that additional administration costs exceed OPEX recovered.</li> </ul>

**Recommendation:**

That Council adopts a gross lease policy for leases and licenses of Rural Grazing Land. Overall a gross lease is considered to be the most efficient as it will minimise administration time and costs. The level of risk in relation to not recovering the actual operating expenses is anticipated to be minimal. The rationale being that typically there are no significant operating expenses associated with bare land blocks used for grazing.

**Recommended Lease / Licence Provisions**

A baseline of recommended lease/licence provisions are set out in Appendix 7. These have been determined through the investigation in Section 3 (Comparative Assessment of Other Local Authority and Government Agency Policies/Guidelines) and consultation with the Property Manager and the Property Assets Advisor – Leasing and Facilities from Council.

**6. Establishing Rent****Strategy**

Standard practice would be to obtain a market valuation however it is not feasible to undertake a market valuation for each individual parcel of Rural Grazing Land. The cost of the valuation would likely be greater than what could be recovered in the rental.

An efficient and effective method would be to assess the value of the Rural Grazing Land against a set of variables and classify the reserves into qualitative categories i.e. poor, average, good.

Rent will be established by an annual District rental valuation for various rural grazing land classes, provided by 1 November each year and approved by the Community Board in December each year.

These classifications may include the following;

- Marginal Grazing Land (e.g. contour, bush/weed cover, poor or no soil cover or other noted impediments to the use of grazing)
- Hill country reasonable pasture
- Hill country poor pasture
- Fattening land reasonable pasture
- Fattening land poor pasture
- Land capable of use for dairy farming as a run-off or from adjacent reasonable pasture
- Land capable of use for dairy farming as a run-off or from adjacent good pasture
- Land within, or in close proximity to urban areas.

- Variables to consider may include but are not limited to the following;
- Area
- Shape (uniform, irregular)
- Location
- Soil type/crop growth
- Existing fencing
- Shelter
- Accessibility to water for irrigation and/or stock water
- Carrying capacity of stock/ stock units per hectare
- Accessibility
- Number of owners it would benefit i.e. does it adjoin multiple properties or is it land locked and only useful to one adjoining owner (ability to tender)

### **Benefits**

- Establishment of process to set rental
- Easy to keep a schedule of rural grazing land classifications
- Distribute cost of valuation over three years
- Establish a per hectare rate that is simple to apply over a range of scenarios and property types.

### **Improvements in Lieu of Rental**

Historically, many Lessee's/Licensees have elected to undertake improvements on the Rural Grazing Land in exchange for a discounted or nil rental fee. Improvements include but are not limited to maintaining hedge rows, fixing and replacing fences and general upkeep and maintenance. In theory this can be beneficial to both parties. This is in the sense that the Lessee/Licensee obtains the use of the land effectively for little or no rental, and Council saves on maintenance outgoings, fire risk is minimised through grazing long grass and various other benefits directly related to the negotiation.

While the intent of the agreement is beneficial to both parties, the issue lies in whether or not each party fulfils their obligations. This is particularly in relation to whether the Lessee/Licensee has completed the improvements as agreed. Historic files show that in many cases where negotiations for improvements in lieu of rental have been agreed the agreed improvements either haven't been completed or haven't been recorded as being completed. The agreements then roll over or are renewed for a number of years on the same nominal rental even though the benefit to Council has long since passed.

As this can be beneficial to both parties it is essential to develop a process that allows for the flexibility and differing nature of what 'improvements' entail. A method to ensure that improvements are completed, and a mechanism to ensure that Council can recover any losses if the improvements aren't completed needs to be established.



An effective way to achieve this would be to append a Schedule of Improvements to the lease /licence that prescribes the expectations the Council has of the Lessee/Licensee and provides a mechanism to recover any losses if the Lessee/Licensee does not fulfil their obligations.

### **Schedule of Improvements**

The benefit of providing non-standard items in a schedule means that the standard licence template can be used in the majority of cases, rather than having to create bespoke licences. This is considered a more costs effective option than the alternative process of drafting bespoke licences.

Various issues which could be considered in the schedule;

- Agreed specific details of improvements to be undertaken and obligations of both parties prior to entering the agreement.
- Set a date for completion of improvements.
- Set up an alert system on TechnologyOne (Council's existing software used to manage leases and licences) to ensure that an inspection of the works is undertaken and where appropriate, signed off.
- Insert a clause that provides for Council to recover the rent that would've been charged if improvements were not planned to be undertaken. This would provide a mechanism that if the improvements are not completed by the due date the Lessee/Licensee will pay the rental for the whole term retrospectively.
- To further ensure works are completed the term may be renewed only if the works have been completed on or before the completion date.

### **Assignment**

Where leases / licences have been granted to adjoining owners, or the lessee/licensee circumstances change (e.g. sale of the property) it may be in the parties' interest to assign the lease / licence to the new adjoining owner.

The assignment, transfer or sub-lease of a lease or licence would only be permitted at the Council's sole discretion (subject to compliance with legislation, regulation, any other relevant approval process and Councils requirements).

Costs associated with assignment are to be borne by the incumbent lessee/licensee.

Where Council declines to approve an assignment of lease, Council should consider aligning any new leases with the expiry date of the previous lease to that it aligns with the other leases in the relevant block of properties.

## **Construction/ Improvements**

In general, rural grazing land leases and licences will prohibit construction of structures such as buildings. Where buildings have at some time in the past been constructed on the land (or part of the land) Council will actively pursue the removal of these structures. Where an exception to this is considered, approval of the construction of any buildings on the land will be at Council's sole discretion.

Other non-structural improvements constructed by the lessee or licensee such as fencing, tracks and water supply will generally be permitted at Councils sole discretion (subject to compliance with legislation, regulation, any other relevant approval process and Councils requirements) but with no compensation payable on the expiry or early termination of the lease or licence.

Other improvements made by the lessee/ licensee such as soil fertility, weed management, pasture quality, land drainage or other similar improvements will generally be permitted at the Councils sole discretion (subject to compliance with legislation, regulation, any other relevant approval process and Councils requirements ) but with no compensation payable on expiry or early termination of the lease or licence.

Any proposed improvements or program of improvements will be detailed in writing and formally approved by Council in writing, in advance of any work commencing, and attached as a schedule to the lease/licence document.

## **7. Risk Identification and Mitigation**

### **Identification of Risk Categories Health & Safety**

Health and safety is a risk paramount to any organisation and WDC has responsibilities as a property owner, landlord, employer and tenant. New Zealand's key work health and safety legislation is the Health and Safety at Work Act 2015 and regulation made under that Act.

To ensure that Council minimises risks under the Health and Safety at Work Act 2015 in relation to the letting of Rural Grazing Land it is paramount that an all-encompassing clause is included in the policy and lease documents to ensure all parties are aware of their responsibilities, and mitigate liability where possible under the Health and Safety at Work Act 2015.

### **Environmental**

This can be defined as the 'actual or potential threat of adverse effects on living organisms and the environment by effluents, emissions, wastes and resource depletion'.

As the Rural Grazing Land is primarily used for grazing stock and/or cropping land contamination, contamination of waterways, over stocking and poor pasture management resulting in depletion of

soil quality become prominent risks. Inappropriate handling and disposal of hazardous materials that are used as part of agricultural systems i.e. sprays and pesticides are key causes of environmental risks.

### **Contractual**

Contractual risk focuses on the scope of work that is agreed and the delivery of these key areas and functions.

Active management and regular review of leases and licenses is encouraged to ensure contractual obligations are met, particularly where works are being completed by the Lessee/Licensee in lieu of rental and any prescribed legislative or regulatory obligations.

### **Financial**

This relates to any of the various types of risk associated with finance such as inappropriate use of delegations, unforeseen financial cost implications, not realising true rental potential etc.

While there is risk in not achieving market rent, there is also potential risk in introducing a market-based rental for Rural Grazing Land due to perceived unaffordability of rent potentially resulting in vacancies which results in an increase of maintenance costs.

### **Operational**

Operational risk is the prospect of loss resulting from inadequate procedures, systems and policies that disrupt business processes.

Council is governed by procedures, systems and policies as a means of leading and guiding employees through day to day practices. Effective use, knowledge of the TechnologyOne's capabilities and regular reviews of the systems in place.

### **Compliance**

Compliance risk involves risk of potential losses and legal penalties due to failure to comply with laws and regulations.

Having standard, relevant clauses within agreements will ensure compliance with current legislative and regulatory requirements and minimise risk to Council.

### **Reputational Risks**

Reputational risk is the risk of loss resulting in damages to an organisations reputation.

Local Government Authorities are often under public scrutiny. Specifically, to Rural Grazing Land there is potential adverse public reaction from historic lease/licence holders that have had nominal rentals for a period of time and are required to pay market rent upon rent review.

## Monitor and Mitigate

Implementation of a robust leasing policy will assist in mitigating the risks above.

To further mitigate risk, the risk to each individual parcel of Rural Grazing Land could be assessed using a likelihood versus consequence risk matrix and evaluated against legislative and regulatory requirements to determine whether the inherent risk is at acceptable levels. Establishing, monitoring and maintaining a site-specific risk register containing all of the Rural Grazing Land contained in Council's portfolio would enhance the effective mitigation of risks. This could be captured by using a GIS portal.

Understanding the Land Status is a key input to ensuring compliance with legislative requirements and mitigating risk arising from inappropriate use of delegations.

## 8. Further Recommendations

### GIS Property Management Tool

Consider benefits of GIS Property Management Tool to efficiently manage leases and licences. Benefits include but are not limited to:

- Can sit as a layer within Council's existing GIS so would require minimal investment.
- The establishment of a single source of truth for property, lease and asset management systems that enables a complete overview of all operational requirements and stakeholders
- The provision of automated dashboard reporting on a regular or ad-hoc basis. Various built in tools to support workflows (including remote access), ability to review, edit, maintain and export data from within this application
- Automatic alerts for rent reviews, renewals, expiry dates, inspection dates etc.
- Simplifying the annual valuation review process against the updated benchmark properties
- Simple identification and classification of various classes of properties noted above

### Identify Disposal Potential

Identify opportunities to consolidate or dispose of any underutilised assets i.e. stop road & sell to adjoining owner – eliminates maintenance obligations from the Council. This will maximise efficiency and productivity of portfolio.



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Date: 16 January 2020

Date: 16 January 2020

## 9. Appendices

### Appendix 1 – Examples of Existing Lease/Licence Provisions

<b>Selwyn District Council</b> <b>Operational Policy Manual - L2 Leasing &amp; Licensing</b> Reviewed by Council – 22 May 2019	
<b>Term</b>	<ol style="list-style-type: none"> <li>1. The terms of lease for all Council land held as freehold shall be for a period appropriate to the site use as agreed between the land and the lessee</li> <li>2. Determination of the appropriate terms of lease shall take into account any future uses proposed for the property.</li> <li>3. The terms of lease/licences for Council land held as reserve under the Reserve Act 1977 shall be consistent with the leasing provisions pertained in Schedule 1 of the licence provisions under Section 74.</li> <li>4. For grazing of land held under the Reserves Act 1977 the stated agreement will be a licence to occupy reserves temporarily issued in accordance with Section 74 of the Reserves Act 1977 for a period not exceeding 5 years.</li> </ol>
<b>Renewal</b>	<ol style="list-style-type: none"> <li>1. At the expiry of the 'term' of the lease, the Council may offer, in the first instance, the right of renewal to the existing lessee. Lease/licence renewal shall only be considered where the conditions and terms of the lease/licence have been complied with the lease or licence for the parcel of land that they have previously occupied, at whatever 'revalued rental' the Council feels is appropriate. Such revaluation shall be completed by a registered valuer for leases/licences with an annual rental of \$1,000 or greater. For annual rentals below \$1,000 a CPI based adjustment will apply.</li> <li>2.             <ol style="list-style-type: none"> <li>a) Where a new lease or licence is to be prepared, terms and conditions may be negotiated with the prospective tenant where it is agreed that improvements such as fencing, tree removal, or levelling are required to enable the property to be occupied.</li> <li>b) The negotiation can include providing rental holidays in lieu of works being complete by the Lessee.</li> </ol> </li> </ol>
<b>Review</b>	<ol style="list-style-type: none"> <li>1.             <ol style="list-style-type: none"> <li>a) For lease/licences with a term not exceeding 5 years the rental shall be reviewed at the time of renewal in accordance with the Leases and Licences Rental Review Policy (L208).</li> </ol> </li> </ol>

	<p>b) Rental shall be revalued through a market valuation process</p> <p>c) Rental holidays can be provided in accordance with the Leasing Policy – Renewal of Leases and Licence L202</p> <p>2.</p> <p>a) For lease/licences with a term exceeding 5 years the rental shall be reviewed at periods not exceeding 3 years or as otherwise specified in the lease agreement. Such reviews of rental shall be carried out at the Council’s discretion.</p> <p>b) Rental revaluation should be completed by a registered valuer where CPI based adjustment is not specified in the lease or licence.</p> <p>c) Rental holidays can be provided in accordance with the Leasing Policy – Renewal of Leases and Licence L202</p>
<b>Expiry</b>	Not specified
<b>Termination</b>	<p>1. Should Council seek to terminate or 'call in' a lease or licence during the currency of its term for any reason other than failure to comply with the terms of the lease or licence, it should do so in writing stating the reason for termination and giving the current lessee the right of appeal within 60 days of receipt of that letter. Such appeals shall be considered by the Council.</p>
<p><b>Hurunui District Council</b>  <b>Leasing of Property Policy</b>  <b>Adopted: 17 August 2017</b></p>	
<b>Term</b>	<p>1. The standard term for land rental shall be three years with a right of renewal.</p>
<b>Setting Rent</b>	<p>1. Land rental for council property shall be based on market valuations with the following exemptions:</p> <p>a) The land is subject to tender.</p> <p>b) The Council, or their delegate, reduce the land rental on application.</p> <p>c) The occupiers are non-profit community groups who meet all outgoings associated with their activities on application to the Council or their delegate.</p> <p>2. With the exception of licences to occupy and licences to graze, a professional valuation is obtained prior to reaching an agreement with a prospective tenant. This also applies in respect of rent reviews and renewals.</p>
<b>Renewal</b>	<p>1. With the exception of licences to occupy and licences to graze, a professional valuation is obtained prior to reaching an agreement with a prospective tenant. This also applies in respect of rent reviews and renewals.</p>

Review	<p>1. A rent review shall be conducted either at the end of each term or at a lessor period as stipulated in the lease agreement.</p> <p>No right of renewals. See 'expiry' below</p>
Expiry	<p>1. In general, existing leases and licences may be renegotiated on expiry. Exceptions to this may occur where:</p> <p>a) Council is dissatisfied with a lessee's performance, or for any reasons does not consider a new lease to be appropriate.</p> <p>b) The lessee does not wish to renew the lease.</p> <p>c) The lease area is subject to redevelopment.</p> <p>d) The lease is for grazing purposes, in which case it may be tendered upon expiry. Where a lessee wishes to surrender a lease or does not renew it, and intends to sell the improvements e.g. building, to a prospective new lessee, each party to the transfer must have Council approval to prevent the sale of buildings on Council-owned land to unsuitable tenants. If approval is not sought or given, Council is under no obligation to grant a lease.</p>
Termination	Not specified

<p><b>Ashburton District Council</b>  <b>Council Owned or Managed Rural Reserves</b>  <b>Adopted 14 December 2017</b></p>	
Term	Not specified
Fees	An establishment fee will be charged when the Licence to Occupy is granted, as well as an annual fee for the use of the reserve. Where a licence is sought the applicable fee will be set based on the current or intended usage of the small rural reserve [or other small parcels of land located within rural areas].
Renewal	Not specified
Review	Not specified
Expiry	Not specified
Termination	<p>Council reserves the right to terminate a Licence to Occupy if resource consent conditions are breached. Council may revoke a Licence to Occupy if the use of the reserve is required.</p> <p>The notice period required will be specified in each individual licence document at the discretion of the Commercial Manage</p>



**Appendix 2 - LINZ Rental Assessment Guideline**

## Appendix B - updated April 2012

Type of land	Rental range																	
	Southland		Otago		Canterbury		Westland		Tasman		Manawatu/Southern NI		Central NI		East Coast NI		Northland	
	\$ Per ha	\$ Per S.U	\$ Per ha	\$ Per S.U	\$ Per ha	\$ Per S.U	\$ Per ha	\$ Per S.U	\$ Per ha	\$ Per S.U	\$ Per ha	\$ Per S.U	\$ Per ha	\$ Per S.U	\$ Per ha	\$ Per S.U	\$ Per ha	\$ Per S.U
Grazing - dry stock	100-300	10-25	20-150	5-15	150-250	13-15	50-200		200-300	15-17	100-225	15-25	100-225	15-25	80-200	15-25		
Grazing - finishing	350-500	25-35	150-250	15-20	250-350	20-24	100-300		300-350	22-27	175-300	18-30	175-300	18-30	180-350	20-30		
Normal rotation arable/sheep dry land	500-650	35-45	250-400	20-25	350-450	22-26	n/a								300-700			
Normal rotation arable/sheep irrigated	500-650	35-45	400-620	25-30	700-900		n/a								300-700			
Dairy support irrigated or high natural rain	700-900	45-60	620-740		1000-1200		500-800		800-1100		650-1300		500-1300		600-750			
Dairy milking irrigated or high natural rain	1050-1250	70-85	900-1250		1250-1600		800-1000		1200-1450		750-1500		800-1500		700-1000			
Horticultural (unirrigated but water available - irrigated)									1500-3000						700-1200			
Short term irrigated/high natural rain - high value crops	1500-2000	100-140	1100-1500		1500-2500		n/a		1750-3500		900-2000		900-1800		800-1600			

## Rental percentages

3 - 4%  
These rural rental rates are based on 3 to 5 year rent review periods

2.5 - 3.5%

1.5 - 3%

4.5 - 5%

4.5 - 5%

2.5 - 3.5%

1.5 - 3.5%

2 - 4%

Type of land - descriptions

## Grazing - dry stock

These units are generally on very light land\* or hard steep hill country. They are lower producing in terms of lambing/calving % (than finishing) and only produce weaner cattle and store lambs which finishing units buy and finish to killing/export weights for the works. These units are often at the mercy of finishing buyers, low schedule rate and drought effects.

## Grazing - finishing

These units are on much better country and/or are irrigated. They have their own breeding ewes and cows and finish all surplus stock to prime/killing weights and may also or exclusively buy store stock from the above to finish. Their profitability is generally significantly better.

## Normal rotation arable/sheep dry land

Typical 'mixed cropping' units. Have breeding ewes and sometimes cows which they run utilising crop stubble/residues etc in an integrated way. In good years will finish and sometimes buy in extra stock to finish. Their crops are usually cereal ones and are often a small % of area but can do better and achieve better yields in notably good years.

## Normal rotation arable/sheep irrigated

Often on same country as above, but irrigation (border dyke or spray) significantly improves capability of soils especially lighter ones. Allows more flexibility, more intensive cropping, more oil, small seed and higher value crops as well as finishing own stock and buying in extra (for finishing).

## Dairy support irrigated or high natural rain

These units are a recent development and usually occur around dairy areas. This has become its own bonafide system of farming, allowing good profit margins but still relying on good farm management. They are generally contracted by closeby dairy farmers to raise their heifer calves, winter dry cows and/or grow and provide supplementary feed. The dairy support farmer can sell his own stock and most of his plant, and gets paid regularly on a contract, weight gain or dry matter of feed provided basis.

## Dairy milking irrigated or high natural rain

Has been the traditional farming unit on heavier soils, better rainfall areas; however has now become much bigger (many are 350 ha and 1000 cows plus), and have shifted on to light (and cheaper) land where larger areas are available under irrigation where the lighter soil produces well without winter pugging problems. They have tended to use dairy support blocks with their own land used only as a milking platform.

## Horticultural (unirrigated but water available - irrigated)

Traditional areas needing climate, shelter, soils etc. Scale now important and including new crops indoors. Mostly citrus, pip and stone fruit. Other fruits, berries etc.

## Short term irrigated/high natural rain - high value crops

Emerged on good land (high quality free draining soils) almost always under irrigation. Grow a mix of cereal, small seeds (grasses and clovers), vegetable seed and oil crops, through to potatoes and other vegetables for processing - canning, freeze dry or freezing a la Watties, McCains, Talleys etc. Finishing stock are worked into the rotation depending on opportunity. Replaced small growers selling direct at roadside and market direct to supermarket chains and export fresh, making scale essential.

\* Light land is generally of lower fertility, dries off quickly (drought prone) is often stony and or shallow. It can perform well under irrigation.

Indicative rental parameters for urban land

Land suitable for a residence 3.5 - 6%

Land suitable for commercial or industrial use 5.5 - 7%

These urban rental rates are based on 5 to 7 year rent review periods

<b>NZTA – Short Form Licence to Occupy</b>	
<b>Term</b>	Not specified
<b>Renewal</b>	Not specified
<b>Review</b>	<p>The Transport Agency may review the Licence Fee on [<i>review dates</i>], and give you notice of the new Licence Fee. If you do not accept the Transport Agency’s proposed new Licence Fee, you may terminate this Licence by giving [<i>period</i>] months’ notice in writing.</p> <p>Note: Notice period is not specified.</p>
<b>Expiry</b>	Not specified
<b>Termination</b>	Due to its overriding statutory obligations, the Transport Agency may terminate this Licence at any time by giving you not less than one (1) months’ notice in writing. You are not entitled to any compensation for any such early termination.
<b>H&amp;S at Work</b>	<p>1 You must comply with all relevant legislation, regulations and bylaws affecting the Land and your use of it and must not cause or allow any act on the Land that would cause nuisance or annoyance to any neighbouring property, or any contamination of the Land. You must, at your own cost, obtain and comply with all resource consents, permits and other planning approvals required for the use of the Land described in clause 6.</p> <p>Without limiting your obligations under this clause 8, you must do all things necessary as the occupier of the Land to comply with the Health and Safety at Work Act 2015 (<i>HSW Act</i>) including:</p> <ul style="list-style-type: none"> <li>(i) ensuring, so far as is reasonably practicable, that the Land and anything arising from the Land are without risks to the health and safety of any person;</li> <li>(ii) notifying the Transport Agency immediately if you become aware of any hazard or risk on the Land, or in the vicinity of the Land, which might, or may have the potential to, harm any person and for which the Transport Agency would be liable to remedy;</li> <li>(iii) developing, implementing and at all times during the term of this Licence maintaining a programme promoting the health and safety of people on the Land and a system of auditing such programme, and upon receiving a written request by the Transport Agency you will provide reasonable details of the programme implemented by you and access to that system; and</li> <li>(iv) complying with any notices issued by the regulator unless the work required by a notice would otherwise be work required to be undertaken by the Transport Agency under this Licence.</li> </ul> <p>1.2 You must, no later than 14 days after the termination or expiry of this Licence, leave the Land in the same condition it was in at the commencement of this Licence</p>

### Appendix 3 – NZTA Short Form Licence to Occupy

	<p>2     <i>You must, at your own cost and to the Transport Agency's satisfaction by <b>[date]</b>, <b>[describe any safety-related works required by the Transport Agency]</b>. If the Transport Agency requires you during the term of this Licence to take further action to prevent any adverse impact of your use of the Land on users of the State Highway, you will promptly comply with that requirement at your own cost and to the Transport Agency's satisfaction.</i></p>
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## Appendix 4 – NZTA Specific Clauses for Rural Occupation

### HORTICULTURAL USE

9 You agree that:

- (a) *you will repair, maintain and keep in the same good order, condition and repair as they were at the commencement date of this Licence:*
  - (i) *the Land and any buildings;*
  - (ii) *all fences, ditches, bridges, stockyards, gates; and*
  - (iii) *all water reticulation and/or irrigation systems, pumps, and other plant, equipment fittings and fixtures on the Land.*
- (b) *you will at your own cost:*
  - (i) *provide and maintain a proper method of disposal of all effluent.*
  - (ii) *control all weeds, pests and vermin on the Land and apply fertiliser to the Land;*
  - (iii) *keep the orchard areas free and clear of all noxious weeds and comply with the provisions and requirements of the Biosecurity Act 1993, provided that you shall only use recognised sprays for weeds;*
  - (iv) *undertake a maintenance weed control programme in respect of the remainder of the Land and ensure that there is no increase in the incidence of noxious weeds on that part of the Land;*
  - (v) *comply with all notices and do all things necessary or properly required for the keeping down or destruction of rabbits and any other noxious pests on the Land including (without limitation) comply with the provisions of the Biosecurity Act 1993;*
  - (vi) *cultivate and manage the whole of the Land in a good and husband like manner, according to the most approved methods of horticulture followed in the district, and keep the whole of the Land in good condition;*
  - (vii) *at least annually open all ditches, drains and water courses on the Land and ensure they remain clear and unobstructed;*

- (viii) *keep all hedges on the Land (if any, but not including shelter belts) in the same order and condition as at the commencement date of this Licence;*
- (ix) *except where such action forms part of your orchard management or maintenance programme, not cut down or damage any trees or shrubs growing on the Land without the Transport Agency's prior written consent;*
- (x) *keep the orchards and nurseries on the Land properly cultivated, planted, stocked and in neat order, and preserve and keep well  
pruned, trained and fertilised all plants, trees, bushes, vines and shrubs. In the case of kiwifruit, you must ensure that the proportion of male vines remains at an optimum level, and that there is no increase of male vine growth allowed in the final year of the term as a result of inadequate pruning;*
- (xi) *properly trim, maintain and care for all shelter belts;*
- (xii) *at the end or prior determination of the period of this Licence leave the entire Land, and any improvements on the Land, in as good a condition as it was at the commencement date of this Licence, less any proper allowance for:*
  - *fair wear and tear in respect of improvements;*
  - *the ageing of the plants, trees, bushes, vines and shrubs; and;*
  - *damage to the plants, trees, bushes, vines and shrubs, and/or to the Land, by natural disaster or events beyond your control.*
- (c) *the Transport Agency shall be entitled to engage an appropriate horticulture and/or agriculture consultant to carry out periodic inspections of your operations on the Land to confirm compliance with the terms of this Licence. The Transport Agency will be entitled to recover the consultant's fees from you and will issue a tax invoice for the amount due for this purpose under clause 5 of this Licence.*

#### GRAZING/PASTORAL USE

9 You agree that:

- (a) *you will, at your own expense and in a proper and workmanlike manner and to the  
Transport Agency's reasonable requirements:*

- (i) *stock the pasture on the Land in accordance with the rules of good husbandry generally recognised in the area, without overstocking the Land or de-pasturing more stock than the Land will reasonably carry.*
  - (ii) *provide and maintain a proper method of disposal of all effluent;*
  - (iii) *control all weeds, pests and vermin on the Land and apply fertiliser to the Land;*
  - (iv) *at least annually open all ditches, drains and water courses on the Land and ensure they remain clear and unobstructed;*
  - (v) *keep all hedges, shelter belts, gardens, plant beds, nurseries, orchards and shrubberies properly cultivated, planted, stocked, manured, trimmed and in neat and tidy condition, and replant with equivalent stock any such vegetation that dies;*
  - (vi) *keep, maintain and repair all fences, tracks, ditches, bridges, stockyards, gates, effluent system, water reticulation and/or irrigation systems, races, crossings, culverts, gateways and trough surrounds on the Land;*
  - (vii) *take all reasonable steps to protect the Land and all improvements or other property of the Transport Agency from any damage by you, your employees or agents, or your livestock or machinery; and*
  - (viii) *regularly remove all rubbish (including any dead animals) from the Land and maintain and farm the Land in a good husband like manner.*
- (b) *you will not:*
- (i) *store fertiliser on the Land;*
  - (ii) *cause or bring about any contamination of the Land;*
  - (iii) *light any fires on the Land without the prior consent of the Transport Agency, which it may, in its discretion, withhold, and where consent is given you will comply with all applicable bylaws, regulations and statutes;*
  - (iv) *plough, crop, cultivate, dig, make hay or otherwise disturb the pasture of the Land, cut shelter belts or otherwise create or bring about the cause of any waste of the Land;*
  - (v) *cut down or damage any trees or shrubs growing on the Land without the Transport Agency's prior written consent;*
  - (vi) *bring dogs (other than working dogs) or firearms onto the Land; or*
  - (vii) *call on the Transport Agency to meet or contribute to the cost of providing water to the Land.*
- (c) *you are solely responsible for maintaining the welfare of any livestock, and will, at your sole expense, take all reasonable steps to ensure that:*
- (i) *the livestock are at all times in a fit and healthy condition;*

- (ii) *the condition of the livestock is inspected by a competent agency at intervals of no more than 6 months, and a copy of the resulting inspection report is made available to the Transport Agency upon request; and*
  - (iii) *the livestock are provided with adequate feed and water at all times.*
- (d) *you are solely responsible for ensuring that, at all times:*
  - (i) *the fencing is adequate to keep the livestock within the Land; and*
  - (ii) *the livestock do not breach the fencing or stray from the Land.*
- (e) *your obligations under clause 9(d) include obligations to regularly inspect and at your sole cost to promptly maintain and repair and if necessary, replace all or part or parts of the fencing. You acknowledge and agree that the Transport Agency shall have no liability for the fencing under the Fencing Act 1978 or under any other legislation or byelaw and agree that you will not directly or indirectly require (or take any steps that would impose such a requirement) the Transport Agency to replace or contribute towards the cost of the replacement or repair of any part of the fencing.*
- (f) *you will erect a sign, the content and location of which is to be agreed with the Transport Agency in advance, stating your name and contact telephone number.*



## Appendix 5 – Summary of Reserve Types

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### Reserves Act 1977

The Reserves Act 1977 provides a statutory framework for the management and preservation of areas of public land for the benefit of the public. The Act also provides for the classification of reserves, relative to their purpose.

The Reserves Act 1977 has three main functions

1. To provide for the preservation and management, for the benefit and enjoyment of the public, areas possessing some special feature or values such as recreational use, wildlife, landscape amenity or scenic value. For example, the reserve may have value for recreation, education, as wildlife habitat or as an interesting landscape.
2. To ensure, as far as practicable, the preservation of representative natural ecosystems or landscapes and the survival of indigenous species of flora and fauna, both rare and commonplace.
3. To ensure, as far as practicable, the preservation of access for the public to the coastline, islands, lakeshore and riverbanks and to encourage the protection and preservation of the natural character of these areas.

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### Reserve Classifications

*Reserve  
Classifications*

<b>Recreation (s17)</b>	Includes sports fields and land used for passive recreation for the physical welfare and enjoyment of the public and the protection of the natural environment.
<b>Historic (s18)</b>	Includes historic buildings, archaeological, cultural, educational or other special interests.

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<b>Scenic (s19)</b>	Established to protect and preserve in perpetuity for their intrinsic worth and for the public benefit, enjoyment and use, such qualities of scenic reserve
<b>Nature (s20)</b>	Includes the protection and preservation of indigenous flora, fauna or natural features.
<b>Scientific (s21)</b>	The principal purpose of these reserves is the protection and preservation in perpetuity of areas for scientific study, research, education and the benefit of the country.
<b>Government Purpose (s22)</b>	A mixed category providing and retaining areas for such government purposes as specified
<b>Local Purpose (s23)</b>	Includes land held for education, social, community purposes, halls, esplanade, Plunket rooms, drainage, segregation strips, road and other miscellaneous purposes.

#### **Delegations of Minister's Powers Under Reserves Act**

The Reserves Act Guidelines list the various powers delegated to councils who administer reserves. The online version of the delegation has been superseded by instrument of delegation dated 12 June 2013.

The delegations in the Instrument of Delegations apply only where Council is the administering body of the relevant reserve by virtue of a vesting or an appointment to control and manage.

#### **Summary of Relevant Powers**

**s48A (1)** Consent or refuse consent to administering body granting a licence over a vested reserve to any person or department of State –

- (a) To erect, maintain and use buildings, dwellings, masts and other structures, and plant and machinery; and

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(b) To construct, maintain, and use tracks and engage in other works

For any of the purposes specified in section 48A (1).

**s48A (3)** Approve terms and conditions determined by the administering body.

**s54(1)** Give or decline to give prior consent to administering body, in the case of a recreation reserve vested in it, to grant leases for any of the purposes specified in paragraphs (a), (b), (c) and to grant a lease or licence for any of the purposes specified in paragraph (d) and to exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s 54(1)(a),(b),(c) and (d).

**s72(1)** To enter into and agree the terms of a lease or other agreement for the farming of a recreation or local purpose reserve.

**s73(1)** Consent or decline prior consent to an administering body granting a lease of a recreation reserve in the circumstances specified in s73(1), where the reserve is vested in the administering body, and consent or decline prior consent to an administering body granting a lease in the circumstances specified in section 73(1) in all other cases.

Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s73(1).

**s73(3)** Form opinion as to whether recreation reserve is not likely to be used for purpose of a recreational reserve

Consent or decline consent to administering body granting leases of whole or part of reserve vested in administering body.

Grant or decline to grant leases of whole or part of reserve held under an appointment of control and manage.

Exercise all powers of the Minister referred to in the First Schedule that pertain to leases under s 73(3).

**s73(5).** Consent or decline consent in writing to a member of an administering body becoming the lessee of any land under the control of that body

**s73(6)** Consent or decline consent to granting of a licence to occupy a historic, scenic or scientific reserve.

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## Iwi Consultation

Any administering body of any reserve, including DOC and any council, when undertaking any statutory action on any reserve must consult with the local Iwi as well as public advertising as set down in the Reserves Act. This is because the Reserves Act is subject to the requirements of s4 of the Conservation Act 1987, which states: “This Act shall be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi”.

The Conservation Act is the “umbrella” Act for the Reserves Act, National Parks Act 1980 and many other statutes that MoC hold powers under. s4 extends Treaty principles to all of these other Acts.

### Leasing Implications

- If a new lease over a council owned recreation reserve under s54(1) of the Reserves Act is to be publicly advertised, then local Iwi consultation must also be completed
- All proposed leases require public notification as set out in s119 of the Act unless the lease is in conformity with and contemplated by an approved management plan or a resource consent has been granted for the activity following public notification
- The lease/licence must be advertised once in a newspaper circulating the area in which the reserve is situated and in such other newspapers (if any) as the administering body decide
- s119(1)(b) requirements apply in all cases except national reserve where s119(1)(a) applies.

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## Reserve Types Covered by the Report

The Reserve types covered by the report include the following:

### Recreation Reserves (s17)

Includes sports fields and land used for passive recreation for the physical welfare and enjoyment of the public and the protection of the natural environment.

### Leasing of Recreation Reserves for farming, grazing, afforestation, or other purposes (s73)

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A recreation reserve that is not currently used for the recreational purposes that it is classified for as set out in s17 may be able to be leased for the use of farming, grazing, afforestation or other purposes. The recreation reserves may be granted by the administering body with the prior consent from the Minister.

**Implied Terms Lease of Recreation Reserves (use aligns to purpose)**

- Term no more than 33 years but may be renewed
- Improvements must revert to Lessor at end of term
- There are restrictions in the Ngai Tahu Claims Settlement Act for Crown derived reserves that provide for a maximum term of 35 years with no right of renewal.

**Implied Terms for Lease of Recreation Reserves for farming, grazing and afforestation (s73)**

- This section is used when the recreation reserve is not being used for the purpose for which it was classified i.e. awaiting development for recreational purposes so leased out for grazing to maintain the area in the interim.
- This still requires public notification under s119 & 120 and the lease will still be subject to the provisions as set out in Schedule 1

**Terms for Licences to Occupy reserves temporarily pursuant to s74 allows:**

- Administering body can grant a licence to occupy for the effective management of the reserve for grazing, gardening, cutting, felling or removing timber or other similar purposes on recreation, historic, scenic or local purpose reserve.

- 
- Requires public notification, however this does not apply to government purpose or local purpose reserves.
  - This section allows for short term licences on local purpose reserve without public notification. The term cannot exceed 10 years.

### **Local Purpose Reserves (s23)**

Includes land held for education, social, community purposes, halls, esplanade, Plunket rooms, drainage, segregation strips, road and other miscellaneous purposes.

### **Leasing of Local Purpose Reserves (s61)**

The administering body in case of local purpose reserves is a leasing authority of that reserve for the purposes of the Public Bodies Leases Act 1969 (PBLA)

### **Public Bodies Leasing Act 1969**

- s6 of the PBLA does not apply to leases of farmland
- Under s8 PBLA leases are required to be sold by public auction or public tender, however leasing authority may offer land for lease at a rent determined by the leasing authority under s9 of the PBLA after calling for public applications

#### S11 PBLA

(a) a tenancy for farming purposes for any term not exceeding 5 years, without right of renewal, in accordance with the provisions of s12:

(b) a lease for a term of 21 years or 33 years, as the leasing authority decides, with a perpetual right of renewal for the same term as that of the original lease, at a rent to be determined by valuation in accordance with the provisions of Schedule 1.

#### s12 PBLA Short Tenancies for Farming Purposes

- tenancy can be granted with or without public consultation/tender.

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**Definitions**

For the avoidance of doubt the terminology stated throughout the policy is defined as per the below;

Rural Grazing Land: Any land administered by Council that has a Reserve Status.

Gross Lease: A gross lease is where a flat rental is determined to encompass rent and all costs associated with ownership, such as taxes, insurance, rates and utilities.

Instrument of Delegation: Legislation which confers an express power of delegation on a person usually requires that power to be exercised in writing, that is, by making a written instrument

Lease: Provides exclusive possession of a defined area of land, for a fixed period (or series of periods) of time, usually (but not necessarily) for rent. The lessee is responsible for maintenance and insurance of the defined area of land for the duration of the lease.

Licence to Occupy (Licence): A licence provides permission to use land for an agreed purpose. A licence does not usually confer a right of exclusive possession of the land. Responsibility for maintenance and insurance is to be negotiated.

Minister: Minister of Conservation

Net Lease: A net lease is where a lessee pays a portion or all of the taxes, insurance fees and maintenance costs for a property in addition to rent.

Stock Grazing Right: Leases/Licences for grazing purposes only unless otherwise specified in the terms and conditions.

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**Appendix 6 – Draft Application Form for Licence to Occupy - Rural  
Grazing/Horticulture**

**Application for Licence to Occupy - Rural  
Grazing/Horticulture**

Applicants Contact  
details: (Please Print)

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_ Cell \_\_\_\_\_

Email: \_\_\_\_\_

Purpose for Licence to  
Occupy (please tick where  
applicable)

1	Grazing - Cattle		5	Grazing - Other Please specify	
2	Grazing - Sheep		6	Horticulture	
3	Grazing – Horses		7	Erect Cattle stop on Road Reserve	
4.	Other Please specify				

Location of Property



Reserve Number (if applicable)	Road name	Area	Legal Description
Attach relevant Google aerial imagery here.			

Applicants signature

Date

Print full name

**Note:**

- A \$xxx.xx fee is payable for the licence application
- Please attach a detailed sketch of the area concerned including distances in metres from a known point, e.g. boundary fences, intersections etc. if the whole parcel is not required.
- Fencing and other improvements may be negotiable in lieu of rental (at Council's discretion).

<b>For office use</b>	Tech 1 Reference:	
Requires council Resolution (circle: Y / N)	CPR Reference:	
Date inspected:		
Debtor Number:		\$TBC
Comment:		
Signed:	Council Officer:	

## Appendix 7 – Recommended Lease/Licence Provisions

<b>Recommended Licence Provisions</b>	
<p>Agreements will be on a fixed term Gross lease/licence basis which will include:</p> <ul style="list-style-type: none"> <li>a) Benchmarked per ha market rent (based on land classifications)</li> <li>b) Additional annual charges i.e. rates (a forecast average over the term of the lease/licence)</li> <li>c) Allowance for property specific issues (if any) by negotiation at the discretion of the Property Manager.</li> </ul>	
Term	<p>The standard term for Rural Grazing Land shall be five years with no rights of renewal.</p> <p>Shorter or longer terms may be granted by Community Board recommendation or Council Resolution.</p>
Setting Rent	Rent will be set in writing prior to the 5-year lease term commencing.
Payment of Rent	Rent will be paid annually in advance on the 1 <sup>st</sup> July (once transitioned).
Renewal	No rights of renewals provided for grazing leases or licences, unless otherwise granted by Council Resolution.
Review	Block market valuation or CPI adjusted every year.
Expiry	In general, existing leases and licences for rural grazing land may be renegotiated with the exiting Lessee/Licensee on expiry.

	<p>A formal inspection will be scheduled during the 4<sup>th</sup> year of the lease term and agreement to a new lease be approved by the end of the 4<sup>th</sup> year (12 months prior to expiry).</p> <p>Exceptions to this may occur where:</p> <ul style="list-style-type: none"> <li>a) Council is dissatisfied with a lessee's performance, or for any reasons does not consider a new lease to be appropriate.</li> <li>b) The lessee does not wish to renew the lease.</li> <li>c) The lease area is subject to redevelopment or a change of use</li> <li>d) There is known interest from other parties in leasing the land, in particular from adjoining property Owners.</li> <li>e) The land classification requires the land to be tendered.</li> </ul>
Termination	<p>Council reserves the right to terminate the agreement at its sole discretion in line with lease provisions. In addition, Council can terminate the agreement if there are breaches of the lease terms by the lessee/licensee.</p> <p>The termination notice shall be supplied in writing (including by email or other telegraphic communication) with a one-month period to vacate the land and remove any improvements rightly belonging to the lessee/licensee.</p> <p>Where a breach results in a serious H &amp; S breach the notice period can be reduced to one day.</p> <p>Note: Some land tenure types and/or circumstances will need to allow for shorter or longer termination arrangements to enable Council to retain occupation should the land be required for a work and to ensure Council is meeting the requirements of relevant legislation and regulation.</p>



## 10. References

### Websites

- **Ashburton District Council**

<https://www.ashburtondc.govt.nz/SiteCollectionDocuments/Policies/Council%20Owned%20or%20Managed%20Rural%20Reserves.pdf>

- **Auckland Transport**

<https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/unformed-legal-roads-paper-roads/>

- **Department of Conservation**

<https://www.doc.govt.nz/about-us/our-role/legislation/reserves-act/>

<https://www.doc.govt.nz/get-involved/apply-for-permits/managing-your-concession/ongoing-concession-fees/#grazing>

- **Hurunui District Council**

[https://www.hurunui.govt.nz/repository/libraries/id:23wyoavbi17q9ssstcjd/hierarchy/Support\\_Services/Policies/Council%20land%20and%20property/Leasing-Council-Property-Policy-FINAL-17.08.2017.pdf](https://www.hurunui.govt.nz/repository/libraries/id:23wyoavbi17q9ssstcjd/hierarchy/Support_Services/Policies/Council%20land%20and%20property/Leasing-Council-Property-Policy-FINAL-17.08.2017.pdf)

- **Local Authority Property Association**

<https://www.lapa.co.nz/wp-content/uploads/2016/07/0945-wood-LAPA-reserves-presentation-2012-22773460-v-1.pdf>

- **Selwyn District Council**

[https://www.selwyn.govt.nz/\\_data/assets/pdf\\_file/0013/13261/Policy-Manual-2019.pdf](https://www.selwyn.govt.nz/_data/assets/pdf_file/0013/13261/Policy-Manual-2019.pdf)

## Personal

- **Company: Colliers International**  
Employee: Rose Quirk  
Role: Corporate Solutions
- **Company: Land Information New Zealand**  
Employee: April Hussey  
Role: Manager, Land and Property
- **Company: New Zealand Transport Agency**  
Employee: Stephen Cottrell  
Role: Property Manager
- **Company: DOC**  
Employee: Deirdre Ewart  
Role: Business Support Manager
- **Company: Waimakariri District Council**  
Employee: Rob Hawthorne  
Role: Property Manager
- **Company: Waimakariri District Council**  
Employee: David Rowland  
Role: Property Assets Advisor - Leasing & Facilities

# Rural Land Lease & Licence Policy

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## 1. Introduction

This Policy provides certainty around occupation arrangements and use across Waimakariri District Council's (Council) extensive rural land holdings, to ensure consistency, transparency and equity is applied when granting a lease of licensing agreement.

These are primarily rural occupational licences and leases of low monetary value. Currently each application is considered on its merits and granted approval 'as required' and on an *ad hoc* basis.

There has been no previous established policy or consistent guidelines around the administration and management of any of the Council's rural property holdings, road crossing and legal paper road leases and licences.

## 2. Policy context

Rural lease and licence agreements need to be updated to reflect modern leasing and licencing practices as they more effectively limit the risk exposure that Council has under many of the older licences that are in place. These will be applied on lease or licence expiry or earlier by negotiation.

In particular, the new agreements more appropriately deal with the requirements under new Health and Safety legislation. However, many current and active agreements lack appropriate legal rigour.

Current management practice has been to administer each rural lease or licence on an ad-hoc individual one off basis, be that for initial establishment, rent view and other documented reviews.

The rental values are generally of low monetary value and the existing process to administer is not effective and is a very time consuming process.

Over half of the Council's lease and licence agreements are solely for rural land holdings, road crossings and occupation of paper roads. The remainder are reserves, commercial or community-based leases and licences.

### 3. *Defintions*

**Lease** means to provide exclusive possession of a defined area of land, for a fixed period (or series of periods) of time, usually (but not necessarily) for rent. The lessee is responsible for maintenance and insurance of the defined area of land for the duration of the lease.

**Licence to Occupy (Licence)** means a licence which provides permission to use land for an agreed purpose. A licence does not usually confer a right to exclusive possession of the land. Responsibility for maintenance and insurance is negotiated. Licences are always issued for occupation for whatever purpose of legal road as the public have a right at all times to pass and repass over the road.

**Gross lease/licence** means where a flat dollar rental is determined to include not only rent but associated cost of occupation, such as rates, taxes, insurance and utilities as appropriate

### 4. *Policy objective*

Council needs policy in this area to guide how to cost effectively manage rural land owned or managed by Council for the current and future benefit of the Council and the community.

The Policy **aims** to **improve and promote** transparency, fairness & equity and to mitigate risks in the management of Council landholdings.

The Polciy also **supports** Council **in meeting** its legislative and regulatory requirements.

### 5. *Policy statement*

#### 5.1. *Lease Provisions*

Each standardised lease or licence document will have a five year term and 1 July start date. Documents **will be** processed on a rolling basis across the five years.

#### 5.2. *Term of lease / licence*

The standard term for rural land shall be five years, with **no** right of renewal.

Where current lease commitments exist, transitional arrangements may be required to migrate existing leases / licences to the new agreements and a spread of commencement dates - so that roughly 20 per cent expire each year on a rolling basis.

Some land tenure types and/or circumstances (such as paper roads or road crossing arrangements) will need to allow for shorter or longer termination arrangements e.g. one month for paper roads.

Shorter or longer lease periods may also be granted by Community Board recommendation and **on** Council resolution as needed.

### 5.3. *Renewal*

No Right of Renewals are provided for leases or licences, unless specifically granted by Community Board recommendation with Council resolution as needed.

### 5.4. *Expiry*

In general, existing leases and licences for rural land may be renegotiated with the existing party on expiry. A formal inspection / onsite meeting will be scheduled during the fourth year of the lease term and agreement to a new lease approved by the end of the fourth year (12 months prior to expiry).

Exceptions to this may occur where:

- Council is dissatisfied for whatever reason with a lessee's performance, or for any reasons does not consider a new lease to be appropriate
- The lessee does not wish to renew the lease
- There is known interest from other parties in leasing the land, in particular from adjoining property owners, if so a contestable process **may be applied**
- The lease area is subject to redevelopment or a change of use
- **The site has been reviewed under the Property Acquisition and Disposal Policy and is considered appropriate for disposal**

### 5.5. *Termination*

Council reserves the right to terminate the agreement at its sole discretion in line with lease provisions. In addition Council can terminate the agreement if there are breaches of the lease terms by the lessee / licensee.

The termination notice shall be supplied in writing (including by email or other telegraphic communication if known) with a one month period to vacate the land and remove any improvements rightly belonging to the lessee / licensee.

Where an **intentional or repeated** breach results in a serious Health and Safety breach the notice period can be reduced to one day.

### 5.6. *Rent setting period*

Rents will be set in writing prior to the five year lease term commencing, with rent paid on an annual basis in advance, from 1 July (once transitioned).

### 5.7. *Gross lease*

Agreements will be on a fixed-term Gross Lease / Licence basis. This will include

- A benchmarked, market rent per hectare (based on land classifications - see below) with consideration to the economic assessment of the property.
- Additional annual charges **or other outgoings** such as Rates (**based on** a forecast



average over the lease / licence term)

- An allowance for property specific issues (if any) by negotiation, which may include allowances for productivity and costs, lessee improvements and constraints associated with the specific property.

#### 5.8. *Rental classifications*

Rental levels will be established by an annual District rental valuation for various rural land classes. This will be provided by 1 November in each year and advised to Community Board in December of each year. These classifications may include land types such as the following:

Land type
1. Ineffective Land
2. Steep Hill
3. Medium Hill
4. Downs
5. Pastoral
6. Arable
7. Other – rural land used for other purposes or located within or in close proximity to urban areas that give rise to non-agricultural use.

#### 5.9. *Fees*

The WDC will apply an initial application fee for new Licence applications that will be in addition to the minimum annual rental as determined under Clause 5.7 of this Policy for all new Leases/Licences.

Rentals for existing Lease/Licence holders will only apply at the rotational review of each Community Board area.

## 6. *Links to legislation, other policies and community outcomes*

- *Local Government Act 2002*
- *Reserves Act 1977*
- *Ngai Tahu Claims Settlement Act 1998*
- Responsibilities under various Health & Safety related legislation and regulation, along with all other legislation and regulations pertinent to rural land

#### Community Outcomes

- The Council in partnership with Te Ngāi Tūāhuriri Rūnanga, continue to build our relationship through mutual understanding and shared responsibilities
- The impacts from land use activities are usually only short term and/or seasonal

- Our rural areas retain their amenity and character

## 7. *Adopted by*

Council on ....

## 8. *Review*

This Policy is to be reviewed every six years or sooner on request.

### *Schedule*

#### Note 1

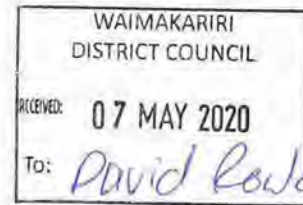
- *Council holds rural property under various forms of tenure and these may have a bearing on specific clauses within each lease or licence*
- *In all cases the provisions of legislation and associated regulations shall take precedence over specific provisions of the policy or Community requests*

#### Note 2

- *In general rural land leases or licences will prohibit the construction of structures such as buildings*
- *Where buildings have at some time in the past been constructed on the land (or part of the land) Council will actively pursue the removal of these structures*
- *Where an exception to this is considered, approval of the construction of any buildings on the land will be subject to Council approval and specific removal conditions, as well as undertakings such as Bank / Insurance Bonds*

#### Note 3

- *Other constructed improvements made by the lessee or licensee such as fencing, tracks and water supply will generally be permitted at Council's sole discretion (subject to compliance with legislation, regulation, any other relevant approval process and Council's requirements) but with no compensation payable on the expiry or early termination of the lease or licence*
- *The proposed improvements or program of improvements will be detailed in writing, as necessary and form part of the lease/licence agreement \* approval will be required in writing, in advance of any works commencing*



Attention: 30/4/20

The Property Unit Your Reference CPR-06-0390-05 / 2004 16045326

Waimakariri District council Richard & Sue Deacon 03 312 8443

Private Bag 1005 21 Browns Rd, Okuku

Rangiora 7440 RD3 Rangiora

Dear Sir/Madam (s), 7473

I am writing with reference to the licence to occupy the gravel reserve land at 744 Birch hill Rd. My wife and I presently hold that licence till 19/6/21. You recently invited submissions from holders; I'm of the opinion that if I don't make a submission regarding any issue then it **may** be concluded that I **don't care**. With that in mind I am presenting this submission.

There certainly is nothing about your communication that I object to. Paragraphs 2, 3 & 4 of your letter are most reasonable propositions in this age of dotting the i's and crossing the t's.

We took over the Licence, Ref: cpr-06-0029/ 140626068134, 26/6/14 shortly after we came to Okuku, June 2014, to live at our property, 21 Browns Rd, that we had just purchased.

The Gravel Reserve showed signs of neglect. It was in one block, i.e.: not subdivided, and it was covered in old man broom and some gorse. I cut/sawed the gorse & broom, low to the ground and "Weed Weaponed" the protruding stumps. I subdivided The Reserve into 8 subdivisions, with water, by one wire electric fences which are suitable for our few cattle. I do follow up each year on the weed seedlings but this has become minimal, we now being in our 6<sup>th</sup> year here.

I have added an offset electric wire right around, inside the fence, including a separate short strand across all 3 gates, to prevent damage by cattle rubbing etc.

I have spun pasture seed throughout the reserve and grass is growing on what was bare and stony land; I have applied Agrisea fertiliser + lime also, good + responsible management practice for the land.

There are also stones that were strewn all over the place that I have picked and put in piles.

The boundary trees/shelter belt has been maintained regularly by local hedge contractors.

I hope that I've persuaded you that we're responsible Licence Holders who are fit to continue doing same, and that you'll keep this submission on record.

Yours faithfully,

Richard & Sue Deacon

richard.deacon@hotmail.co.nz

R. G. Deacon

## Submission for Rural Land Policy.

The following points will not necessarily follow the Council draft paper.

- 1/ Notification of any work required, portion of property required etc should come from the Property Unit in the first instance, not from greenspace or forestry (1 days notice) as has happened with me.
- 2/ Occupiers of Council land should be part of the day to day management of said land.
- 3/ A copy of the Council Health and Safety Plan as it affects rural land holders should be provided to each Occupier of Council land.
- 4/ I have paid rent 6 monthly and rates 6 monthly. This would be preferable to annually in advance (1 payment every 3 months)
- 5/ Rentals are currently tendered by intending occupiers. Classifications should be assessed by qualified people, especially in regard to soil type, vegetation cover, irrigation availability, and presence of walkways.
- 6/ Internal fences and gates that are replaced due to disrepair should remain the property of the occupier who shall be reimbursed their value or be able to remove said improvements on termination.
- 7/ Existing buildings eg. haybarns or implement sheds on larger blocks should remain and form part of the value of the lease.
- 8/ Damage to fences or buildings by the occupier should be made good by them.
- 9/ Signage that is weather damaged should be repaired/ replaced promptly (not left for over 4 years)
- 10/ Directions for walkway routes to be entered correctly on internet.
- 11/ Fees to be limited to those required for preparation and registration of leases/licenses.
- 12/ Communications from Property Unit to have senders name and contact details eg. phone extension. Permission for regrassing etc should not need written permission.

Yours Faithfully,  
W H Pown (W H Bowis)

111355

WAIMAKARIRI  
 DISTRICT COUNCIL  
 RECEIVED: 19 MAY 2020  
 To: Rob H

cc David R

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR INFORMATION**

**FILE NO and TRIM NO:** 220216020603

**REPORT TO:** COUNCIL

**DATE OF MEETING:** 1 March 2022

**AUTHOR(S):** Jim Harland – Chief Executive

**SUBJECT:** Health, Safety & Wellbeing Report – March 2022

**ENDORSED BY:**  
(for Reports to Council,  
Committees or Boards)

\_\_\_\_\_

Department Manager

\_\_\_\_\_

Chief Executive

**1. SUMMARY**

- 1.1. This report provides an update to the Council on Health, Safety & Wellbeing matters for February 2022. The dashboard reporting in this report is trending from January 2021 to mid-February 2022.
- 1.2. There were 5 incidents which occurred during January 2022 which resulted in no lost time to the organisation.
- 1.3. The Safety and Risk team have partnered with the Human resources team to provide ongoing support of the organisations response to Covid-19. This included changes to mask wearing and the identification of roles requiring N95 masks; investigation of rapid antigen testing and how it may be used in the organisation and a review of our current Covid-19 Management Policy.
- 1.4. This additional work has meant that the health and safety annual plan requires re-prioritisation and will be reported to the Council in April 2022.
- 1.5. Operational costs associated with the Covid-19 response will now be monitored monthly and an allocation of \$50,000 has been transferred from the current Covid loan for this event.

**Attachments:**

- i. Appendix A: January - February Incidents, Accidents, Near-misses reporting
- ii. Appendix B: Contractor Health and Safety Capability Pre-qualification Assessment (drawn from the Site Wise database)
- iii. Appendix C: Health, Safety & Wellbeing Dashboard Reports

**2. RECOMMENDATION**

**THAT** the Council

- (a) **Receives** Report No. 220216020603
- (b) **Notes** that there were no notifiable incidents this month. The organisation is, so far as is reasonably practicable, compliant with the duties of a person conducting a business or undertaking (PCBU) as required by the Health and Safety at work Act 2015.
- (c) **Notes** that the Safety & Risk team have continued to support the organisation in its response to Covid-19 and that some activities identified on the annual plan will be re-prioritised as a result.

- (d) **Notes** that \$50,000 will be used from the Covid loan to recover operational costs associated with this event.
- (e) **Circulates** this information to Community Boards for their information.

### 3. **BACKGROUND**

- 3.1. The Health and Safety at Work Act 2015 requires that Officers must exercise due diligence to make sure that the organisation complies with its health and safety duties.
- 3.2. An officer under the Health and Safety at Work Act 2015 is a person who occupies a specified position or who occupies a position that allows them to exercise a significant influence over the management of the business or undertaking. Councillors and the Chief Executive are considered to be the Officers of the Waimakariri District Council.
- 3.3. The World Health Organisation has declared a pandemic as a result of the transmission of the COVID-19 virus across the world. This report continues to provide the Council with a summary of activities which are underway to support our organisations response to the pandemic.

### 4. **ISSUES AND OPTIONS**

#### 4.1. Incidents and accidents

- 4.1.1. The trending data for accidents and hazards shows a reduced number occurring in the organisation. Whilst this may appear to be a positive indicator of health and safety management, it may also be linked to people not reporting as much as they used to.
- 4.1.2. For the past 6 months there is a significant reduction in reporting and this does not support the observations of the Health and Safety Advisor or other leaders across the business.
- 4.1.3. Management Team, Unit Managers and Health and Safety reps continue to remind people of the importance of reporting issues so that mitigations can be put in place.

#### 4.2. Covid-19 Response

- 4.2.1. The organisation continues to prioritise the response to covid-19 to support the wellbeing of its staff and customers.
- 4.2.2. Since the implementation of vaccine passes across the aquatics facilities and libraries the organisation has received a mixed response from the community.
- 4.2.3. After an initial period of feedback, and using our social media channels to provide clear messaging, the majority of the public entering facilities are polite and understanding of our approach. Those people who were now unable to access the facility and held funds with us had them returned, no questions asked which resolved a lot of frustration.
- 4.2.4. The aquatics team received some feedback from the public who did not feel that we were viewing passes appropriately due to regular customers having their details held on our system and not required a check on every visit. The team launched the "be proud of your pass" initiative which reminded all customers of the need to have their pass sighted or scanned when visiting facilities. This approach was celebrated by Worksafe for the initiative which was taken to address the issue.

- 4.2.5. The library team have been making some creative changes to their services to support those who no longer access the facility or those wanting a more remote service. This includes providing personal librarians, fee waivers, virtual book services and coordinated book bags. These have all been well received.
- 4.2.6. Some library staff have been the target of abuse from people not happy with our decision. Safety measures adopted have included rostering additional staff in remote facilities and providing buddies to staff serving on the floor.
- 4.2.7. Managers of both facilities are working well with their teams to keep morale high and support those who need a break from customer interactions after difficult situations, however this additional stress is likely to continue while the current covid response is in place.
- 4.2.8. It is also important to note that the community tension and unrest associated with covid and proposed government reforms is generating a higher level of abuse towards Council staff. Teams are actively working to reduce the contact with the public where possible and provide support for those who are targeted by aggression. This is impacting on wellbeing, safety and productivity.
- 4.2.9. The government announced changes to mask wearing as part of their Covid protection Framework (CPF) in January 2022. Facemasks must now be worn in the following situations when at RED:
- On domestic flights
  - On public transport, this includes Cook Strait Ferries but does not include passengers within their allocated carriage on specified Kiwirail services
  - At arrival and departure points for domestic flights and public transport
  - If you are aged 8 years or over or are a student who is in Year 4 or above on public transport and Ministry of Education funded school transport
  - In taxis or ride share vehicles
  - Inside a retail business, for example supermarkets, shopping malls, pharmacies, petrol stations, and takeaway food stores
  - Inside public venues or facilities, such as museums and libraries, but not at swimming pools
  - At a vet clinic
  - In an indoor setting at schools, for example classrooms and assemblies. This includes visitors, workers, and students and teachers in Years 4 to 13
  - Inside at tertiary education facilities
  - When visiting a licensed early childhood service
  - At food and drink businesses, for example cafes, bars and restaurants. You can take your mask off when seated and to eat and drink
  - At close-proximity businesses, for example hairdressers, barbers, beauty salons
  - When you are at a gathering, except when you have exclusive use of the venue or defined space
  - **In the public areas within courts, tribunals, local and central government agencies, social service providers, and NZ Police**
  - In the public area of premises operated by NZ Post Limited
  - When visiting a health care service, for example a healthcare or aged care facility.
- 4.2.10. The government have stated that you do not need to wear a face mask in non-public facing workplaces however we have chosen to adopt a pragmatic approach and encourage people to wear them when circulating the buildings and when people are away from their desks in addition to public facing interactions.
- 4.2.11. The organisation is currently applying to the government for an allocation of Rapid Antigen (RAT) tests for critical workers. All teams have reviewed the requirements for critical workers and a list has been submitted for tests to be allocated to us. These tests will be used to allow people to attend work during a period of isolation



should they be a close contact of a positive Covid-19 case and maintain our business continuity.

#### 4.3. Team Capacity and workload planning

4.3.1. The Covid-19 response has required a significant amount of time from the Safety & Risk Manager and the Health & Safety Advisor. This has meant that many activities which were scheduled to occur during the 2021/2022 health and safety plan will need to be re-prioritised. This work is currently underway and the Council will receive a new health and safety annual plan as part of the April 2022 report.

4.3.2. The Safety & Risk Manager resigned from her role at the end of January 2022. This is the second person appointed to this role in the last 18 months. The Manager People & Engagement will be spending time with the Safety & Risk team over the next few months to understand the challenges being faced by the team in order to make the appropriate decision for any future recruitment. Until a new manager is appointed the Manager People & Engagement will assume responsibility for the Safety & Risk team directly.

#### **Implications for Community Wellbeing**

There are implications for community wellbeing by the issues and options that are the subject matter of this report.

4.4. The Management Team has reviewed this report and support the recommendations.

### 5. **COMMUNITY VIEWS**

#### 5.1. **Mana whenua**

Te Ngāi Tūāhuriri hapū are not likely to be affected by, or have an interest in the subject matter of this report.

#### 5.2. **Groups and Organisations**

There are no external groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

#### 5.3. **Wider Community**

The wider community is likely to be affected by, or to have an interest in the subject matter of this report.

### 6. **OTHER IMPLICATIONS AND RISK MANAGEMENT**

#### 6.1. **Financial Implications**

There are financial implications of the decisions sought by this report.

6.1.1. The response to Covid -19 has started to accumulate costs associated with following operational expectations by the governments Covid Protection Framework (CPF)

6.1.2. These include the following unbudgeted costs:

Purchase and issue of surgical and N95 masks to high risk and front facing roles	\$4,600 for 3 months' supply
Purchase of Rapid Antigen Tests (RAT) for EOC Operations	circa\$10,000 one off cost (1000 tests)
Additional Daytime BAU cleaning	\$600 per week
Weekly office campus sanitisation	\$1830 per week

Deep cleaning – can be floor, zone or whole building as required	Rangiora Service Centre incl. Portacom \$3600 plus gst per week Ashley Buildings GF FF \$1200 plus gst per week Farmers Building \$1440 plus gst per week 138 Percival Street \$540 plus gst per week 6 Durham Street \$360 plus gst per week Oxford Service Centre & Library \$540 plus gst per week
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6.1.3. This budget is included in the Annual Plan as part of the Covid-19 loan and \$50,000 will be allocated to operational costs.

## 6.2. **Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

## 6.3 **Risk Management**

There are no new risks arising from the adoption/implementation of the recommendations in this report.

## 6.3 **Health and Safety**

There are health and safety risks arising from the adoption/implementation of the recommendations in this report. Continuous improvement, monitoring, and reporting of Health and Safety activities are a key focus of the health and safety management system.

## 7. **CONTEXT**

### 7.1. **Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### 7.2. **Authorising Legislation**

The key legislation is the Health and Safety at Work Act 2015.

The Council has a number of Human Resources policies, including those related to Health and Safety at Work.

The Council has an obligation under the Local Government Act to be a good employer.

### 7.3. **Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report.

- There is a safe environment for all.
- Harm to people from natural and man-made hazards is minimised.
- Our District has the capacity and resilience to quickly recover from natural disasters and adapt to the effects of climate change.

The Health, Safety and Wellbeing of the organisation, its employees and volunteers ensures that Community Outcomes are delivered in a manner which is legislatively compliant and culturally aligned to our organisational principles

#### 7.4. **Authorising Delegations**

An officer under the Health and Safety at Work Act 2015 is a person who occupies a specified position or who occupies a position that allows them to exercise a significant influence over the management of the business or undertaking. Councillors and Chief Executive are considered to be the Officers of WDC.

## Appendix A

Date	Person type	Occurrence	Event description	Response
18/01/2022	Employee/Volunteer	Averse interaction	A staff member was locked in between the gates at the Water Unit Plant and the Dog Pound when carrying out IT work.	Staff member did not inform the water Unit that they were still working at the Dog Pound at close of business. A Water Unit staff member was contacted to come and unlock the gates. Staff spoken to and asked to communicate with the Water Unit/Dog Pound in future if working in there.
1/02/2022	Employee/Volunteer	Property and Vehicle Damage	A staff member was digging out under a kerb to install a new water main, when an unmarked telecom cable was hit with the digger. The digger cut through the cable.	No injuries occurred. Called Chorus to come and fix it immediately. The cable was unmarked and the ground-penetrating radar did not detect the cable as it was not live. The cable was not on the Chorus plans.
5/02/2022	Employee/Volunteer	Averse interaction	An Aquatics Lifeguard was working his shift when a Birthday party group turned up. 7 kids started doing flips and Manus which is against pool rules. Lifeguard warned the party group about this behaviour 5 times before finally asking the group to leave, at which time the parents of the group became abusive towards the Lifeguard, swearing and verbally abusing him	Staff member is ok and this incident is still under investigation.
9/02/2022	Non-Employee	Medical	Library customer appeared to be fainting in Kaiapoi Library. Ambulance was called. Ambulance staff assessed the customer over the phone and deemed as not in danger, so did not send an ambulance. The customer left the library appearing to be recovered.	No further investigation required.
10/02/2022	Employee/Volunteer	Near miss	A staff member left the library via the Williams Street entrance, slipped on the wet tiles right outside the door and nearly fell over.	Staff member was not harmed. No further investigation required.

<b>Lost Time Injuries - Aquatics</b>	2019 to current	<p><b>Injury one:</b> Currently on RTW plan – 7.75hrs x 3 days per week (23.25) Date of injury - 29th Nov 2020 Weekly contracted hours = 38 1673 hrs lost to date</p> <p><b>Injury two:</b> Currently fully unfit Date of injury 28 June 2019 Weekly contracted hours = 30 3230 hrs lost to date</p> <p><b>Injury three:</b> Currently fully unfit Date of injury 24 Jan 2022 Weekly contracted hours = 35 133 hrs lost to date</p>
<b>Lost Time Injuries - Water Unit</b>	2021 to current	<p><b>Injury one:</b> Date of injury – 27 April 2021 (RTW hrs 24hrs/wk. currently) Weekly contracted hours = 40 844 hrs lost to date</p>

**Lead Indicators**

<b>Safety Inspections Completed (Workplace Walkarounds)</b>	2022	Workplace Walkarounds being restructured per team.
<b>Training Delivered</b>	2021/2022	People Trained: 34 Situational Safety 17 <sup>th</sup> December 2021

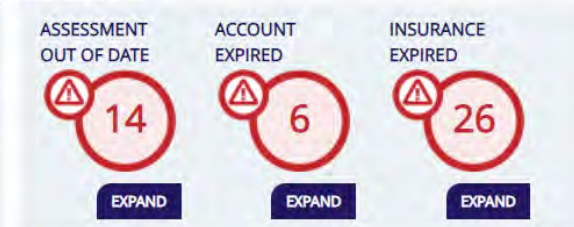
Appendix B

CONTRACTOR PIPELINE

Health and Safety ▾



ALERTS



CONTRACTOR ASSESSMENT SCORES

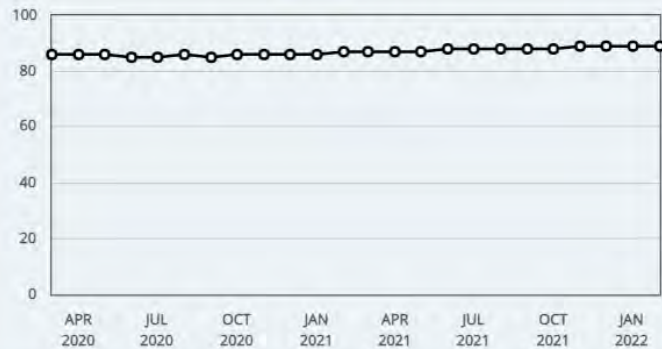
YOUR CONTRACTORS

NUMBER OF YOUR PREFERRED CONTRACTORS AT EACH STAGE



YOUR PREFERRED CONTRACTORS AVG. SCORE

89%



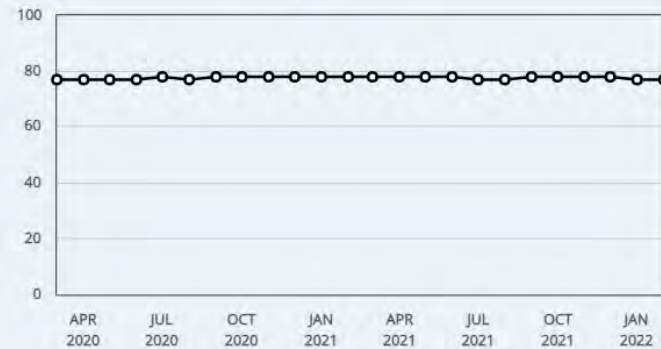
ALL CONTRACTORS

NUMBER OF CONTRACTORS AT EACH STAGE IN SITEWISE

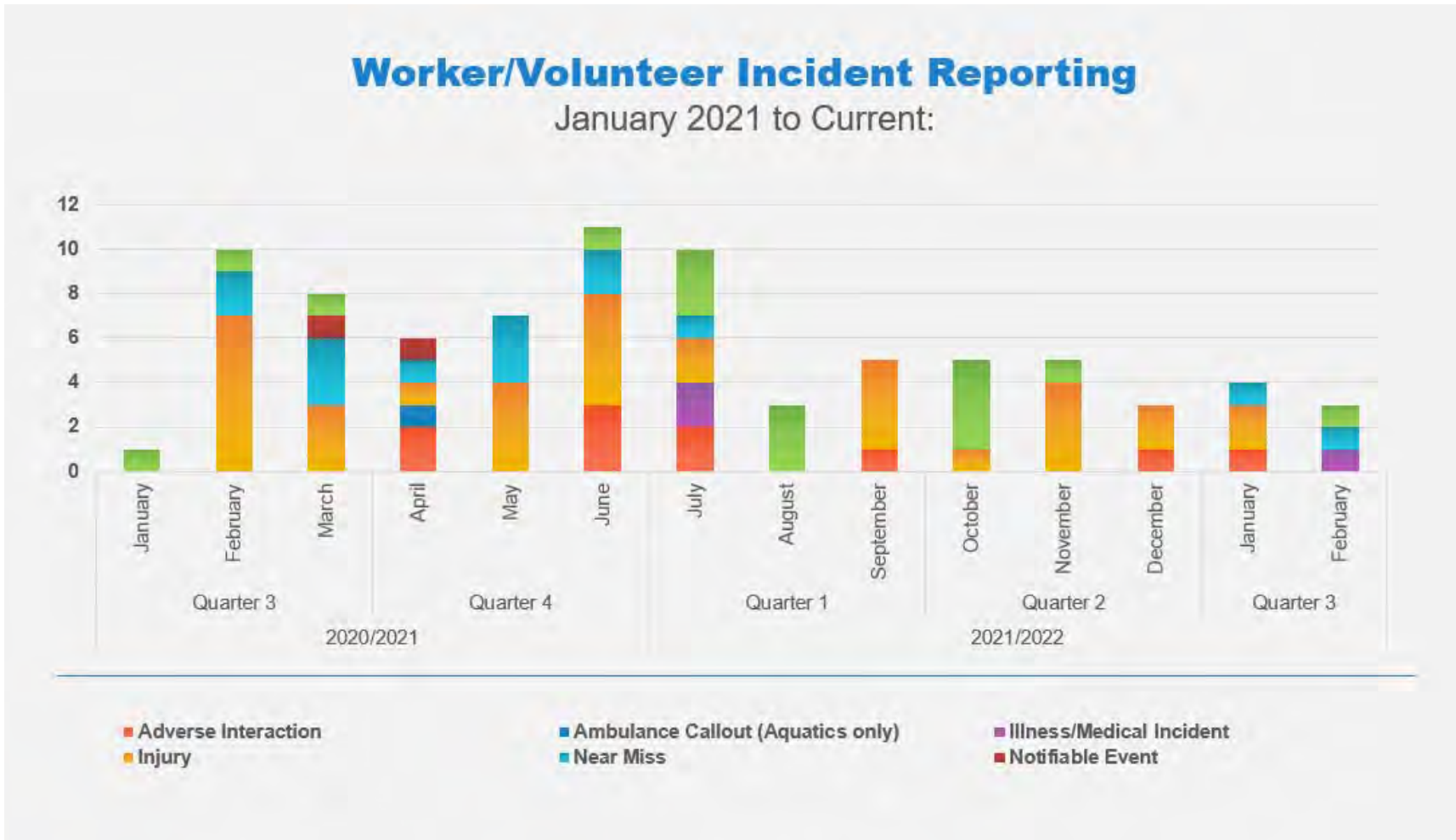


ALL CONTRACTORS AVG. SCORE

77%

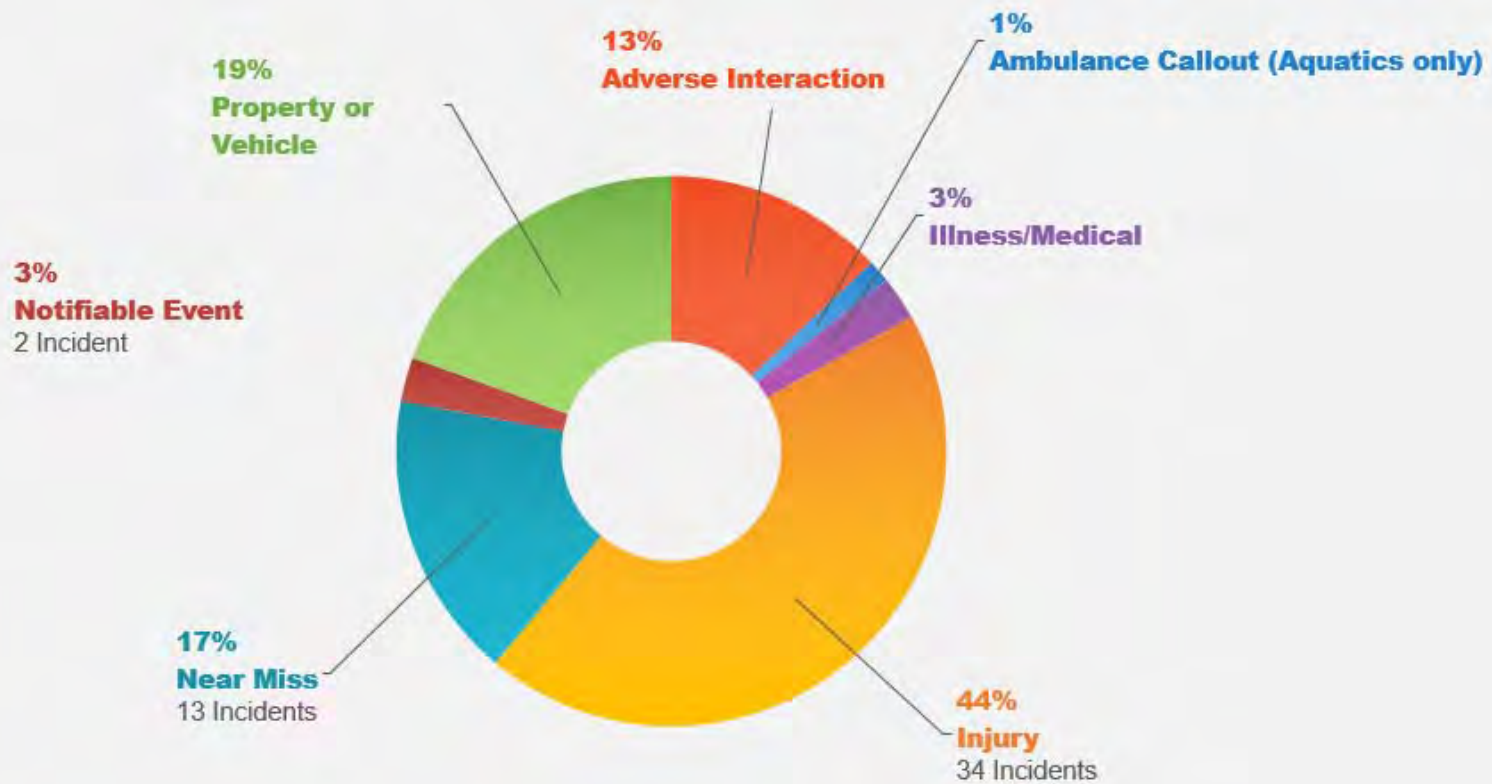


Appendix C

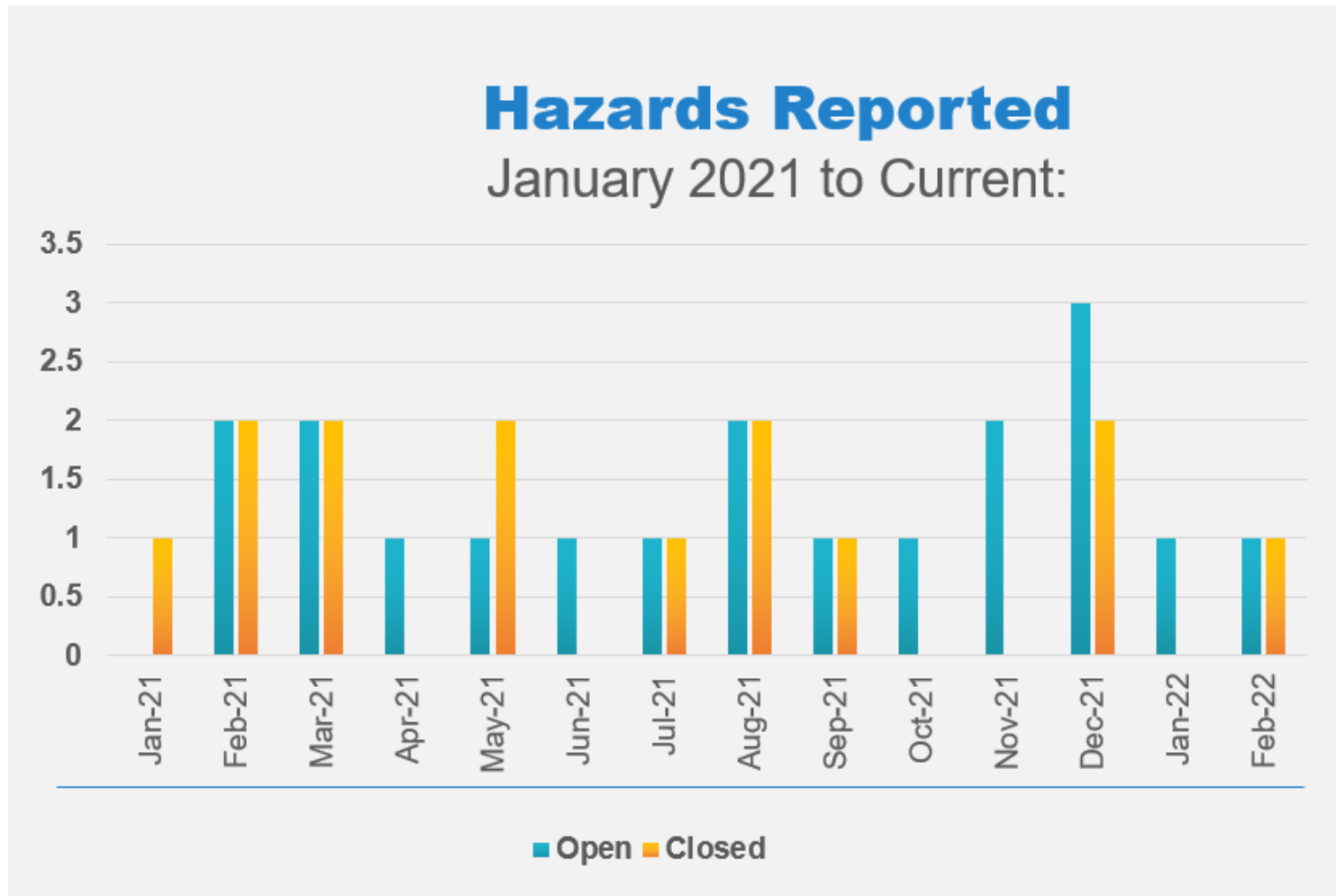


## Worker/Volunteer Incident Reporting

January 2021 to Current:







**WAIMAKARIRI DISTRICT COUNCIL****MINUTES OF A MEETING OF THE AUDIT AND RISK COMMITTEE HELD IN THE COUNCIL CHAMBERS, RANGIORA CIVIC BUILDING, 215 HIGH STREET, RANGIORA ON TUESDAY 15 FEBRUARY 2022 AT 9.00AM.****PRESENT**

Councillors J Ward (Chairperson), N Atkinson, S Stewart and P Williams and Mayor D Gordon (from 9.10am).

**IN ATTENDANCE**

Councillors A Blackie and P Redmond.

J Harland (Chief Executive), J Millward (Manager Finance and Business Support), G Cleary (Manager Utilities and Rooding), C Brown (Manager Community and Recreation), P Christensen (Finance Manager), D Young (Senior Engineering Advisor), H Street (Corporate Planner) and E Stubbs (Governance Support Officer).

Y Yang (Appointed Auditor, Audit New Zealand)

**1 APOLOGIES**

An apology was received and sustained from Councillor K Barnett.

**2 CONFLICTS OF INTEREST**

No conflicts of interest were declared.

**3 CONFIRMATION OF MINUTES****3.1 Minutes of a meeting of the Audit and Risk Committee held on Tuesday 16 November 2022**

Moved: Councillor Atkinson

Seconded: Councillor Williams

**THAT** the Audit and Risk Committee:

- (a) **Confirms** the circulated Minutes of the meeting of the Audit and Risk Committee, held on 16 November 2022, as a true and accurate record.

**CARRIED**

**3.2 Matters Arising**

There were no matters arising.

**4 PRESENTATION/DEPUTATION**

Nil.

## 5 REPORTS

### 5.1 Audit New Zealand Management Report for the year ended 30 June 2021 – J Millward (Manager, Finance and Business)

Y Yang introduced herself to the Committee noting that this was her first year as auditor to the Waimakariri District Council. She advised that due to significant resourcing issues at Audit New Zealand (ANZ), the Council's audit had only been completed in December 2021 which was later than the usual adoption date. It was hoped that in future the audits would be brought more in line with previous timeframes and the ANZ would continue to communicate with staff regarding future timelines. She thanked all the staff involved in the audit for their assistance and support.

Y Yang explained that an unmodified audit report had been issued and that the financial statements were fairly presented. She highlighted the uncertainty around the proposed Three Waters reform, noting that there had been no adjustment in the Council's financial statements to reflect potential future changes. However, the reform would impact the Council if it went ahead. It was further noted that it had been assessed that there was no significant impact on Council from Covid-19 in the financial year.

Y Yang noted that asset valuation was a significant area of risk for the Council. ANZ had found no material issues in the matters of fair value assessment of assets or revaluation of roading assets.

Councillor Atkinson thanked Y Yang for the report, and questioned the availability of ANZ to review the Council's financial management of the major transitions required for the potential Three 3 Waters reform. Y Yang did not believe the process would be held up by ANZ, however, more detailed guidance on the transfer of assets would be provided in future. It should be noted that the timeframe for this was still unknown and ANZ had not yet considered resourcing.

Councillor Atkinson further enquired how ANZ would ensure that auditing was not delayed in the future, considering the large volume of work involved in the proposed Three Waters reform. Y Yang advised that ANZ was currently dealing with the delays in the ANZ pipeline. J Millward added that the future audit process would be similar to the current process. The Council would continue to be audited by ANZ, however on a lesser scope.

Y Yang commented that overall ANZ was of the opinion that a culture of honesty and ethical behaviour had been created at the Council, which provided a good foundation for internal control systems. There were no significant internal control deficiencies, however, there were six new recommendations for the year. While two were urgent, none were considered as significant control deficiencies. The first recommendation was to mandate the use of purchase orders for all expenditure transactions to ensure one up review, and to investigate all self-approved transactions for the June 2021 financial year. The second recommendation was to align all delegations with the Council's Delegation Policy and to implement an appropriate process for a transaction exceeding the Chief Executive's delegation limit. It was also recommended that an independent review of all performance measures be implemented to address the current lack of oversight. Y Yang noted that the Council already had a recommendation action plan in place, and ANZ would carry out a review in the future to ensure the action plan was followed.

In conclusion, Y Yang provided an update on the status of previous recommendations, she highlighted that there were six open recommendations, one of which had been addressed by management since the report. Three past recommendations had been implemented and two recommendations would be followed up during the next audit.

Moved: Mayor Gordon

Seconded: Councillor Williams

**THAT** the Audit and Risk Committee:

- (a) **Receives** report No. 211223205816.
- (b) **Receives** Audit New Zealand's Management Report for the year ending 30 June 2021.
- (c) **Notes** there were no significant matters arising from the management letter and that Audit New Zealand have made a number of recommendations where systems could be improved. These improvements have been made or are programmed to be completed.

**CARRIED**

Mayor Gordon thanked Y Yang for the opportunity to meet and thoroughness of the audit and highlighted the importance of an independent audit opinion.

**5.2 Capital Works Programme Quarterly Report December 2021 – G Cleary (Manager Utilities and Roading), C Brown (Manager, Community and Recreation) and D Young (Senior Engineering Advisor)**

D Young, C Brown and G Cleary presented the report. D Young advised that the Capital Works Program delivery was significantly behind schedule in a number of areas and highlighted that the predominant cause for the program disruption was resourcing issues. Staff were therefore recommending the spreading and prioritising of the program. At this stage, staff acknowledged the predictions were well below where they would like them to be. This had been partially addressed through the 2022/23 Annual Plan process by moving work to the next financial year and considering the prioritisation of work. In the next few weeks staff would begin the planning process for the 2022-23 Capital Works Programme.

G Cleary noted that the Council had been provided a copy of the Capital Works Programme spreadsheet, that would be used to guide the program prior to the final adoption of the 2022/23 Annual Plan. This would ensure progress of the current year's program and take into account any works that would be carried over. Staff wished to be very careful not to overcommit for the following financial year, especially considering the possible impact that the proposed Three Waters reform. He noted the disappointment felt by staff regarding the program delivery especially considering the improvements made in previous years.

In response to a question from Councillor Williams, G Cleary commented that in terms of internal resourcing, the Council had a good graduate level program, however, attracting and retaining senior engineers in the current employment climate was very difficult. The biggest risk to the Capital Works Program was the availability of contractors. The industry was very busy, so when the Council went to the open market there were only few interested tenders and prices had increased. An important step was having good open communication with contractors. He noted that the Council was respected by contractors as a good organisation to work for. While staff were doing all they could to engage with contractors it was an acknowledged risk to the Capital Works Program.

Councillor Stewart questioned how she and fellow Councillors could be assured that the Council would deliver 90% of its capital works. She noted that when the Shovel Ready projects had been programmed staff had been confident that business as usual could be delivered and now this did not seem to be possible. She asked in this climate of high uncertainty what processes were in place to ensure better delivery. J Harland referred to preparation for the 2022/23 Annual Plan in which a prioritised list of projects and staff resourcing had been brought to the Council. That system would continue to be used internally and in addition, there was also the potential to create an internal oversight board. He again reiterated the uncertainty of the current climate. G Cleary

highlighted that an additional step that would be taken prior to the adoption of the 2022/23 Annual Plan was to review estimates on all projects due to the current inflationary environment.

Councillor Ward commented on the difficult times that everyone was working in with many factors outside of staff control, she asked if there was an extension for shovel ready projects that could not be completed on time. G Cleary advised a paper had gone to Ōtākaro regarding timeframes. The final project, McIntoshs, had an extension. It was a tight timeframe but it was projected to be completed within the required time.

Moved: Councillor Atkinson

Seconded: Mayor Gordon

**THAT** the Audit and Risk Committee:

- (a) **Receives** Report No. 220201012142.
- (b) **Notes** the predicted achievement across all tracked capital expenditure.
- (c) **Notes** that of the \$73.06 million total capital spend, \$57.53 million (79%) was predicted for completion, however an additional \$9.43 million (13%) was at risk of not being delivered.
- (d) **Notes** that any decisions to amend, increase or re-allocate budgets that had been recently made by the Council as part of the Annual Plan deliberations, or other Council reports were not captured in this report, however would be included in the next quarterly report.

**CARRIED**

Councillor Atkinson explained that in the past he had shared the view of Councillor Stewart regarding program delivery, however, he no longer did due to the current environment staff were working in. The delays in program delivery were not the staff's fault, as there were so many factors that were out of their control. He commented on the detailed reporting staff were doing to keep Councillors informed noting with quarterly reporting, and programing and resourcing updates, checks and measures were already in place. He commended staff for presenting what the Council had asked for, and the Chief Executive for adding further oversight.

Mayor Gordon endorsed the remarks of Councillor Atkinson and thanked staff for the work they were doing. The ambition for project delivery was the Councillors' own and the staff ensured that their level of ambition was put forward in the budget. It was up to the Council to set a realistic program considering the range of challenges that had been outlined. The information staff provided allowed Councillors to be more realistic to ensure more realistic programing.

Councillor Stewart accepted the circumstances that were out of the Council's control. With the current level of uncertainty the Council would not be doing ratepayers any service with ambitious programming. Councillor Stewart therefore urged conservatism in the program as she wished to see 90% delivery and did not want any surprises. She was not certain the draft 2022/23 Annual Plan fully reflected that conservatism and with tender prices increases the program needed to be tailored to that.

Councillor Redmond commented on the uncertainty of the times. He believed that the Council was doing well in the current climate.

Councillor Atkinson noted that from his understanding of the Capital Works Program had already been reduced by \$5 million. As Councillors it was their responsibility to be conservative with the Council's the Capital Works Program.

**5.3 Non-Financial Performance Measures Second Quarter Results as at 31 December 2021 – H Street (Corporate Planner)**

H Street commented that performance measures were down if compared to the same period last year. Staff were making refinements to the new reporting software to add in the previous quarter result. She was aware more detailed commentary on targets that were not being met would be useful and was looking to remedy that.

Councillor Atkinson sought clarity as to the reasons for the large drop in performance and the proposed remedy for improvement. H Street noted that some delays resulted due to a lack of resources, in other cases for example the response to rural drainage, there was a delay due to flooding.

J Millward explained that in areas, such as Building Control, it was pressure on staff as the Council had received a record number of building consent applications. For others such as official information requests it was a 100% measure, so if one deadline was missed it could not be recovered before the end of the financial year. J Harland reiterated the impact of Covid-19. He added that for the next quarterly report the Managers would sign off on commentary, in particular the action required in order to perform at the required level.

Moved: Councillor Williams                      Seconded: Councillor Atkinson

**THAT** the Audit and Risk Committee:

- (a) **Receives** report No. 220201012080.
- (b) **Notes** 68% of performance measures were achieved, 25% were not achieved and 7% were not yet due.
- (c) **Notes** 16 of the 28 measures that did not meet target were within 5% of being achieved.
- (d) **Notes** all measures have been reviewed and incorporated in the 2021-2031 Long Term Plan.

**CARRIED**

**5.4 Financial Report for the period ended 31 December 2021 – P Christensen (Finance Manager)**

P Christenson spoke briefly to the report highlighting that the surplus for the period ended 31 December 2021 was \$7.1 million. Debt was \$170,000 and there would be no change until the end of the March 2022 quarter.

Moved: Councillor Ward                      Seconded: Councillor Atkinson

**THAT** the Audit and Risk Committee:

- (a) **Receives** Report No.220124008233.
- (b) **Notes** the surplus for the period ended 31 December 2021 was \$7.1 million. This was \$1.5 million over budget.

**CARRIED**

Councillor Ward thanked the Finance Team, commenting that the Council was in good hands with prudent managers. She noted that the rate rise had been kept to 4.3%.

Councillor Atkinson noted the lack of questioning was due to the good clarity provided in the report.

**5.5 Debenture Trust Deed Assurance Report for the year ended 2021 – P Christensen (Finance Manager)**

P Christenson spoke briefly to the report noting that it was an annual requirement due to the Council borrowing from a non-bank financial institution. .

Moved: Councillor Williams                      Seconded: Councillor Ward

**THAT** the Audit and Risk Committee:

- (a) **Receives** Report No. 220125008540.
- (b) **Notes** the Council was complying with the full requirements of the Trust Deed, including the continuing covenants and reporting requirements.

**CARRIED**

**6 PORTFOLIO UPDATES**

**6.1 Audit, Risk, Long Term Plan and Excellence Programme – Councillor Joan Ward**

The 2022/23 Annual Plan had been drafted with no significant changes from the 2021/31 Long Term Plan. The actual rate rise was 4.3% up slightly from the forecast of 4.2%. Consultation would begin on the 4 March2022.

**6.2 Customer Service – Councillor Kirstyn Barnett**

Not discussion emanated from this point.

**6.3 Communications – Councillor Neville Atkinson**

Not discussion emanated from this point.

**7 QUESTIONS**

Nil.

**8 URGENT GENERAL BUSINESS**

Nil.

THERE BEING NO FURTHER BUSINESS THE MEETING CONCLUDED AT 10.00AM.

**CONFIRMED:**

J Ward, Chairperson

2022

**MINUTES FOR THE MEETING OF THE OXFORD-OHOKA COMMUNITY BOARD HELD AT THE WEST EYRETON HALL, 2 EARLYS ROAD, WEST EYRETON ON WEDNSDAY 2 FEBRUARY 2022 AT 7PM.**

**PRESENT**

D Nicholl (Chairperson), T Robson (Deputy Chairperson), S Barkle, S Farrell, R Harpur and N Mealings.

**IN ATTENDANCE**

T Tierney (Manager Planning and Regulation), T Kunkel (Governance Team Leader) and C Fowler-Jenkins (Governance Support Officer)

**1. APOLOGIES**

Moved: T Robson                      Seconded: S Barkle

**THAT** apologies for absence be received and sustained from W Doody and M Brown.

**CARRIED**

**2. PUBLIC FORUM**

There were no members of the public present for the public forum.

**3. CONFLICTS OF INTEREST**

There were no conflicts of interest declared.

**4. CONFIRMATION OF MINUTES**

**4.1. Minutes of the Oxford-Ohoka Community Board – 9 December 2021**

Moved: T Robson                      Seconded: S Farrell

**THAT** the Oxford-Ohoka Community Board:

- (a) **Confirms** the circulated Minutes of the Oxford-Ohoka Community Board meeting, held on 9 December 2021, as a true and accurate record.

**CARRIED**

**4.2. Matters Arising**

S Farrell enquired if the Mayor had responded to the Board's letter regarding its disappointment at the Council's decision to retain a 50km/h speed limit on Main Street, in Oxford. The Board were still waiting for a breakdown of the proposed work and the estimated cost for each element. T Kunkel noted that no response had been received to date, and she endeavoured to follow up with the Mayor's office and the Roading Team.

**5. DEPUTATIONS AND PRESENTATIONS**

Nil.



## 6. ADJOURNED BUSINESS

Nil.

## 7. REPORTS

### 7.1. Potential EV fast charger installation at Pearson Park Carpark – V Thompson (Business and Centres Advisor)

T Tierney extended the Council's Business and Centres Advisor, V Thompson's, apologies for not being able to attend, where after she took the report as read.

S Farrell enquired what the Oxford Farmers Market's response was to the proposed installation of EV car parks at the Pearson Park carpark. T Tierney understood that there had been no concerns or objection to the location of the EV car parks from the Oxford Farmers Market.

S Farrell advised she had spoken to the Chairperson of the Oxford Farmers Market and they had no objection with the EV car parks being available seven days a week. T Tierney explained that the Oxford Farmers Market, retained the right to use the Pearson Park carpark on Sundays as part of their Licence to Occupy. Even if the Oxford Farmers Market had no objection to the EV car parks being used on Sundays it may have an impact on their Licence to Occupy.

T Robson sought clarity on the EV car parks having to be mixed use on Sundays and asked what that entailed. T Tierney noted that it was recommended that signage should be used to indicate the appropriate use of the EV car parks during the allotted days/times.

Moved: S Farrell                      Seconded: T Robson

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report no. 211119185279.
- (b) **Approves** the installation of a fast charger (1 x a 50kw or 75kw DC charger) at Pearson Park carpark in Oxford (in addition to the pre-approved 22kw AC charger) noting that the fast charger installation was subject to additional Energy Efficiency and Conservation Authority EECA funding for Meridian.
- (c) **Approves** two car parks to sole EV charging and parking six days a week, and one to mixed use parking six days a week. Or three car parks to sole EV charging and parking seven days a week subject to consultation with the Oxford Farmers Market. This means that three car parks will support EV charging and parking which was the preferred community use/access arrangements for the assigned EV charger car parks at Pearson Park carpark.
- (d) **Notes** that the AC and DC EV chargers would require the full/or partial repurposing of three of the fourteen available car parks at the Pearson Park carpark site.
- (e) **Notes** that the Oxford-Ohoka Community Board have already signalled approval for the installation of one 22kw AC charger at the Pearson Park carpark on 6 October 2021.
- (f) **Notes** that the Oxford Farmers Market, as part of their regular Licence to Occupy with the Council, **if required**, retained the right to use the Pearson Park carpark on Sundays to support the delivery of the Sunday market.

- (g) **Notes** that Meridian Energy as part of their land Access Licence Agreement, **if required**, would accept any condition which grants the Oxford Farmer's Market full access to the Pearson Park carpark on Sundays.

**CARRIED**

S Farrell requested that the Board be provided with an update on the consultation with the Oxford Farmers Market about the use of the EV carparks on Sundays.

**7.2. Review of the Conflict of Interests Register – T Kunkel (Governance Team Leader)**

T Kunkel spoke to the report noting this was the annual report the Board received to request members to update the Board's register of interest if required.

Moved: N Mealings      Seconded: T Robson

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** report No. 211223205594.
- (b) **Notes** a Register of Interests would be republished in the Oxford-Ohoka Community Board's March 2022 agenda and on the Council website.
- (c) **Notes** amendments can be made at any time by notification to the Governance Manager.
- (d) **Notes** the Register would be next reviewed when legislation changes occur or in November 2022 (whichever is soonest).

**CARRIED**

**8. CORRESPONDENCE**

**8.1. Update on the Walking and Cycling Network Plan**

Moved: T Robson      Seconded: S Farrell

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** the information on the update on the Cycling and Walking Plan (Trim 211125188612).

**CARRIED**

**9. CHAIRPERSON'S REPORT**

**9.1. Chairpersons Report for January/February 2022**

- Attended a Council Briefing on the Council's Covid 19 Protection Framework.

Moved: S Barkle      Seconded: T Robson

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** the verbal report from the Oxford-Ohoka Community Board Chairperson for January/February 2022.

**CARRIED**

## 10. MATTERS FOR INFORMATION

- 10.1. Woodend-Sefton Community Board Meeting Minutes 13 December 2021 (Trim 211214199680)
- 10.2. Rangiora-Ashley Community Board Meeting Minutes 8 December 2021 (Trim 211207195208)
- 10.3. Kaiapoi-Tuahiwi Community Board Meeting Minutes 13 December 2021 (Trim 211214199976)
- 10.4. Elected Member Expense Policy Update – Report to Council Meeting 7 December 2021 (Trim 211126189433) – Circulates to all Boards
- 10.5. Annual Development Activity Score Card 1 July 2020 – 30 June 2021 – Report to District Planning and Regulation Committee 14 December 2021 (Trim 211019168698) – Circulates to all Boards
- 10.6. Library Update to 2 December 2021 – Report to Community and Recreation Committee 14 December 2021 (Trim 211202193317) – Circulates to all Boards
- 10.7. Te Kōhaka Trust 2021/22 Promotions Business Plan – Report to Audit and Risk Committee 16 November 2021 (Trim 211109180060) – Circulates to all Boards
- 10.8. Promotion of Waimakariri District Business Plan Report, Draft Annual Report and unaudited accounts for Enterprise North Canterbury for the Year Ended 30 June 2021 – Report to Audit and Risk Committee 16 November 2021 (Trim 211110180379) – Circulates to all Boards
- 10.9. Submission to Waste Strategy and Legislation Consultation: Closing 26 November 2021 – Report to Utilities and Rooding Committee 16 November 2021 (Trim 211019168795) – Circulates to all Boards

Moved: S Farrell

Seconded: R Harpur

**THAT** the Oxford-Ohoka Community Board:

- (a) **Receives** the information in Items.10.1 to 10.9.

**CARRIED**

## 11. MEMBERS' INFORMATION EXCHANGE

### S Barkle

- In December 2021 attended two Waimakariri Health Advisory Group meetings
  - Spoke about peer support and Covid arrangements if there was an outbreak over the festive season which fortunately did not originate.
- Attended another meeting of the Waimakariri Health Advisory Group in February 2022
  - Received information about procedures if there was an Omicron breakout in the Waimakariri community.

### R Harpur

- Attended
  - North Canterbury Grey Power meeting
    - Number of attendees were down and they were unsure if meetings would be held in future given the current environment. They were not in a very strong financial position and were looking at making quite a considerable loss this year.
    - The contract to demolish the Rangiora Hospital had been awarded, there was going to be a day where people could visit the hospital for the last time.
    - There was a lot of talk about the e-scooter trial it was mostly negative.

- Mandeville Sports Centre Delegates meeting
  - The new building that they were hoping to redevelop was going back to the drawing board, and there was a possibility now of having the changing area separate to the meeting area.

#### S Farrell

- Attended the December 2021 and January 2022 Historical Society meetings and they were happy with the visitor's stats.
- The security camera was stolen from the Oxford Community Gardens and the vandalism there was continuing.
- Received many complaints about the traffic counters around the school in Oxford which had been installed during the school holidays.
- Received a few complaints about the vaccine pass requirement at the Oxford Service Centre and Library. Staff were adamant they had to scan each person's pass who entered the library, which was different to what the Government's mandate stated. She requested that the Board be provided with a copy of the Council's policy.
- Met with the Mayor in regards to the speed limits in Oxford, because many residents were upset, after they received their letters regarding the outcome of the speed limit report to Council in December.

#### T Robson

- Last week the Council put out "no parking cones" along the whole length of Main Street, on both sides, for two days prior to commencing road works. This meant that there was no parking left along the street for businesses. He spoke to the Council's Roading and Transport Manager, J McBride, who resolved the issue very promptly.
- Attended a meeting of the Ashley Gorge Advisory Group
  - Two new signatories to the bank account were appointed, and a workshop was held on work to be done over the next few months.

#### N Mealings

- Attended
  - Council meeting.
    - There were some amendments to the variable speed zones.
  - Council's draft 2022/23 Annual Plan Budget meeting.
    - Council staff had circulated the budget documents to Councillors early and Councillors were therefore able to ask questions prior to the meeting which made the process more streamlined.
    - It was highlighted that to achieve a 40km/h speed limit on Main Street in Oxford, it was recommended that the lanes be narrowed which could be achieved by installing cycle lanes on the road, however this had not been included in the budgets.
  - Waimakariri Youth Council meeting
    - The Youth Council was recruiting new members.
- Amuri Net had announced that they were coming to the Ohoka/Mandeville area.
- 14 December 2021 flooding event seemed to have been fairly quiet.
- Vandalism and theft was a problem at the Ohoka Domain, with gates, tapware and some heritage door knobs being stolen. The Council was discussing the option of installing a camera network.

## 12. CONSULTATION PROJECTS

### 12.1. Gambling Policy

<https://letstalk.waimakariri.govt.nz/let-s-talk-about-gambling>

Consultation closes Monday 21 February 2022.

### 12.2. E-Scooters

<https://letstalk.waimakariri.govt.nz/e-scooter-trial>

Consultation runs throughout trial and closes April 2022.

The Board noted the consultation projects.

## 13. BOARD FUNDING UPDATE

### 13.1. Board Discretionary Grant

Balance as at 26 January 2022: \$4,887.

### 13.2. General Landscaping Fund

Balance as at 26 January 2022: \$12,710.

The Board noted the funding update.

## 14. MEDIA ITEMS

Nil.

## 15. QUESTIONS UNDER STANDING ORDERS

Nil.

## 16. URGENT GENERAL BUSINESS UNDER STANDING ORDERS

Nil.

## NEXT MEETING

The next meeting of the Oxford-Ohoka Community Board will be held at the Ohoka Community Hall on Monday 2 March 2022 at 7pm.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS CLOSED AT 7.53pm.

### **Workshop (7:53pm to 8:17pm)**

- **Members Forum** – the Board discussed the Plan Change to the Ohoka Outline Development Plan for the expansion of Ohoka received by the Council in December 2021. The area covered approximately 156 hectares extending in a southwest direction from Mill Road and bounded on either side by Bradley's Road and Whites Road.

CONFIRMED

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Chairperson

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Date

Unconfirmed

**MINUTES OF THE MEETING OF THE RANGIORA-ASHLEY COMMUNITY BOARD HELD IN THE COUNCIL CHAMBER, 215 HIGH STREET, RANGIORA ON WEDNESDAY 9 FEBRUARY 2022 AT 7PM.**

**PRESENT:**

J Gerard (Chairperson), D Lundy (Deputy Chairperson), K Barnett, R Brine, M Clarke, M Fleming, J Goldsworthy, M Harris, S Lewis, J Ward, A Wells and P Williams.

**IN ATTENDANCE**

Mayor D Gordon.

L Smith (Manager People and Engagement), S Hart (Strategy and Business Manager), K Rabe (Governance Advisor) and E Stubbs (Governance Support Officer).

There was member of the public in attendance.

**1. APOLOGIES**

Apologies for early departure were accepted from R Brien for a departure at 8.30pm and J Ward left the meeting at 7.56pm.

**2. CONFLICTS OF INTEREST**

There were no conflicts of interest declared.

**3. ACKNOWLEDGMENTS**

**3.1. Obituaries**

- **Warwick Rathgen** – Former member of the Rangiora Advisory Board 2004 – 2010.
- **Ian Reid** – Former member of the Ashley Eyre and Cust Water Advisory Groups.
- **Giles Beaglehole** – Chairperson of the Northbrook Wetland Advisory Group, Rangiora Museum Committee, the Keep Rangiora Beautiful Group member of the Rangiora Advisory Group (2004 – 2007) and many other organisations in Rangiora.

The Chairman requested a moments silence to acknowledge the men who served their communities.

**4. CONFIRMATION OF MINUTES**

**4.1. Minutes of the Rangiora-Ashley Community Board – 8 December 2021**

Moved: D Lundy                      Seconded: J Goldsworthy

**THAT** the Rangiora-Ashley Community Board:

- (a) **Confirms**, as a true and accurate record, the circulated Minutes of the Rangiora-Ashley Community Board meeting, held on 8 December 2021.

**CARRIED**

#### 4.2. **Matters Arising**

Nil.

### 5. **DEPUTATIONS AND PRESENTATIONS**

*(The scheduled deputations were not held.)*

#### 5.1. **Rangiora Town Centre Parking – Simon Hart (Strategy and Business Manager)**

S Hart spoke to a PowerPoint presentation regarding parking in Rangiora. He outlined the current parking environment which was shorter time restrictions in the core of the town centre (P60, P30), longer (P120) time restrictions further from the town centre, and all day parking for town centre workers event further away. The aim of the strategy was to free up parking in the town centre for business customers. Currently there were nearly 4,000 carparks available in the Rangiora town centre, off which just under half were privately owned off street carparks and 600 were public off street carparks.

S Hart commented on the predicted growth of Rangiora and the Waimakariri district over the next 30 years. Based on that estimated growth, the Rangiora Town Centre Plan forecasted an additional six to eight hectares of commercial floor area being developed over the next 30 years, which would require an additional 800 carparks over the same timeframe. It was predicted that for the 2021-31 timeframe an additional 370 carparks were required. S Hart outlined the challenges and risks which included loss of current temporary carparks, the removal of the requirement for developers to provide car parking in the new National Policy Statement on Urban Development, and the fragmentation of land ownership in the Rangiora town centre which made it difficult to negotiate a suitable site for car parking.

S Hart noted that building at grade carparks to the volume required was potentially no longer the cheapest option due to the cost of acquiring land. He therefore highlighted the potential for the development of multi-level car parking in Rangiora. He also provided an update on future parking opportunities and strategies and 2021/31 Long Term Plan provisions. These included extensions to existing carparks and the implementation of smart parking to provide better use of existing parking spaces. Staff hoped to have a District Transport Strategy drafted by the 2022/23 financial year for the Councils consideration.

The Chairperson thanked S Hart for the information provided to the Board

### 6. **ADJOURNED BUSINESS**

Nil.

### 7. **REPORTS**

#### 7.1. **Request for Loading Zone on Railway Road – S Binder (Transportation Engineer)**

K Rabe briefly introduced the report on behalf of the Council's Transport Engineer, S Binder.

Councillor Williams noted that New World Supermarket had contributed financially towards the changes to parking outside their building and enquired if Pak n Save would be expected to do the same. K Rabe explained that the report was for changes to on street parking, she would however follow-up with S Binder about the



possibility of Pak n Save making a financial contribution. Financial implications were noted as minor costs for signage and markings, and it was indicated that there was sufficient in the maintenance budget for that work.

Moved: P Williams                      Seconded: R Brine

**THAT** the Rangiora-Ashley Community Board:

(a) **Receives** Report No. 211102176150.

**THAT** the District Planning and Regulation Committee:

(b) **Approves** establishment of a 24-hour loading zone on the west side of Railway Road north of Marsh Road for a length of 35 metres.

(c) **Circulates** this report to Utilities and Roothing Committee for information.

**CARRIED**

P Williams noted the improvement in safety that would result from the proposal. However, he believed that as the proposed changes were beneficial to Pak n Save they should be happy to contribute to the work.

M Fleming also acknowledged the safety improvements, however raised a concern regarding the impact of the loss of five carparks for the staff who worked in that area.

7.2. **Application to the Rangiora-Ashley Community Board's Discretionary Grant Fund 2021/22 – K Rabe (Governance Advisor)**

K Rabe advised that she had unsuccessfully attempted several times to contact North Canterbury Pride to confirm if the event would proceed given the current Covid-19 Level Red provisions.

P Williams enquired if the Kaiapoi-Tuahiwi Community Board had granted funding towards the event, and K Rabe replied that the Kaiapoi-Tuahiwi Community Board would only be considering the application 21 February 2022.

M Fleming questioned if the previous event had been cancelled due to Covid-19. K Rabe advised that the event had been held in March 2021, however, the application for funding for the March 2020 event had been withdrawn. M Fleming asked if it was possible to approve funding on the proviso that the event went ahead.

Moved: S Lewis                      Seconded: J Ward

**THAT** the Rangiora-Ashley Community Board:

(a) **Receives** Report No. 220112002544.

(b) **Declines** the application from North Canterbury Pride.

**CARRIED**

S Lewis believed the event was unlikely to process due to the current Covid-19 Level Red restrictions. She noted that the Board had been happy to support the Picnic in the Park in the past when the Covid-19 circumstances had been different.

J Ward supported the motion noting that a large number of other events had already been cancelled as they would not be viable with only 100 attendees. In the current climate the Board had a health and safety responsibility to the community.

K Barnett commented that while she was normally in favour of the event and supporting a sector of the community that did not receive much funding, she would support the motion. She commented that it was unfortunate that staff had not been able to contact event organisers before the report came to the Board.

J Gerard stated that it was a difficult decision for the Board not to support the event, however, he believed it would be irresponsible to condone an event which would gather people together under the current Covid-19 Level Red regulations.

P Williams raised a concern that North Canterbury Pride was annually applying to the Board for funding for this event. He noted that community organisations should apply for funding as part of the Council's Long Term Plan process, rather than from the Community Board Discretionary Grant Fund.

### 7.3. **Review of the Conflict of Interests Register – Kay Rabe (Governance Advisor)**

K Rabe advised that members had an opportunity to review the Board's Conflict of Interest Register and forward any changes to her prior to the March 2022 meeting. The updated register would be uploaded to the Council website.

Moved: M Fleming

Seconded: D Lundy

**THAT** the Rangiora-Ashley Community Board:

- (a) **Receives** report No. 220117004137.
- (b) **Notes** a Register of Interests would be republished in the Rangiora-Ashley Community Board's March 2022 agenda and on the Council website.
- (c) **Notes** amendments could be made at any time by notification to the Governance Manager.
- (d) **Notes** the Register would be next reviewed when legislation changes occur or in November 2022 (whichever was soonest).

**CARRIED**

## 8. **CORRESPONDENCE**

Moved: J Goldsworthy

Seconded: P Williams

**THAT** the Rangiora-Ashley Community Board:

- (a) **Receives** the thank you letter from the Rangiora Community Patrol (Trim.220113003359).
- (b) **Receives** the memorandum regarding forestry work at the Cust Domain (Trim. 220127009910).

**CARRIED**

## 9. CHAIRPERSON'S REPORT

### 9.1. Chair's Diary for November/ December 2021

Moved: J Gerard                      Seconded: D Lundy

**THAT** the Rangiora-Ashley Community Board:

- (a) **Receives** report No. 220131011098.

**CARRIED**

## 10. MATTERS FOR INFORMATION

- 10.1. Woodend-Sefton Community Board Meeting Minutes 13 December 2021 (Trim 211214199680).
- 10.2. Oxford-Ohoka Community Board Meeting Minutes 9 December 2021 (Trim 211210198331).
- 10.3. Kaipoi-Tuahivi Community Board Meeting Minutes 13 December 2021 (Trim 211214199976).
- 10.4. Elected Member Expense Policy Update – Report to Council Meeting 7 December 2021 (Trim 211126189433) – Circulates to all Boards.
- 10.5. Annual Development Activity Score Card 1 July 2020 – 30 June 2021 – Report to District Planning and Regulation Committee 14 December 2021 (Trim 211019168698) – Circulates to all Boards.
- 10.6. Library Update to 2 December 2021 – Report to Community and Recreation Committee 14 December 2021 (Trim 211202193317) – Circulates to all Boards.
- 10.7. Te Kōhaka Trust 2021/22 Promotions Business Plan – Report to Audit and Risk Committee 16 November 2021 (Trim 211109180060) – Circulates to all Boards.
- 10.8. Promotion of Waimakariri District Business Plan Report, Draft Annual Report and unaudited accounts for Enterprise North Canterbury for the Year Ended 30 June 2021 – Report to Audit and Risk Committee 16 November 2021 (Trim 211110180379) – Circulates to all Boards.
- 10.9. Submission to Waste Strategy and Legislation Consultation: Closing 26 November 2021 – Report to Utilities and Roading Committee 16 November 2021 (Trim 211019168795) – Circulates to all Boards.

Moved: R Brine                      Seconded: J Goldsworthy

**THAT** the Rangiora-Ashley Community Board:

- (a) **Receives** the information in Items 10.1 to 10.9.

**CARRIED**

## 11. MEMBERS' INFORMATION EXCHANGE

J Ward

- Attended a number of Council briefings.
- Attended Local Government New Zealand (LGNZ) workshops to discuss future direction of LGNZ.
- Attended Christchurch International Airport Limited workshop.
- Attended a number of tender openings.
- Noted the Council had approved the draft 2022/23 Annual Plan. District growth had assisted with keeping the rates rise within limits.

- Commented on developments with Three Waters reform.

#### R Brine

- Commented that the rate increase for the 2022/23 Annual Plan had been kept to 4.3%. Staff reports had been of high quality and the meeting well chaired.

#### D Lundy

- Asked Councillors if the 2022/23 Annual Plan had included sufficient budget provision for the maintenance of shingle roads in the district. P Williams advised that he had asked that question of staff who had assured the Council there was enough budget
- Commented the service request response process appeared to have improved.

#### P Williams

- Commented on the large number of concerns raised by the community regarding gravel and shingle roads. He and A Wells had a scheduled site visit with the Roding Operations Team Leader to view issues around the district.
- Had raised concerns regarding the maintenance of drains and culverts in the district which were heavily overgrown and contributed to flooding during weather events. Staff had provided assurance this would be dealt with in the coming year.
- An investigation was being carried out at the wastewater treatment plant on a new type of algae which had a pungent smell and was thought to be the result of the recent hot weather.
- Commended the Mayor on his handling of the Three Waters reform.

#### S Lewis

- Noted the number of events that had been cancelled due to Covid-19 restrictions.
- Commented on the vandalism to some street trees in Rangiora.

#### K Barnett

- Council had been busy with Three Waters Reform, Covid-19 planning and the 2022/23 Annual Plan.
- Noted there had been a record number of building consents received, which were stretching staff capacity.
- The Youth Council's Dudley Park project was underway with a community group contracted to carry out some of the work, and the Youth Council was currently undergoing a refresh. J Gerard invited the Youth Council to provide an update to the Board.

#### M Harris

- Commented there was a substantial amount of crime occurring in the district.

#### M Clarke

- Attended a Greypower meeting.
- Canterbury Health had advised that the demolition of the old Rangiora hospital would begin soon.
- Had forwarded photos regarding issues with a road culvert in Ashley to the Council's Utilities and Roding Manager.

*J Ward left the meeting at 7.56pm.*

## 12. **CONSULTATION PROJECTS**

### 12.1. **Gambling**

<https://letstalk.waimakariri.govt.nz/let-s-talk-about-gambling>  
 Consultation closes Monday 21 February 2022

### 12.2. **E-Scooters Trial**

<https://letstalk.waimakariri.govt.nz/e-scooter-trial>  
 Consultation runs throughout trial and closes April 2022.

The Board noted the consultation projects.

## 13. **BOARD FUNDING UPDATE**

### 13.1. **Board Discretionary Grant**

Balance as at 10 January 2022: \$12,220.

### 13.2. **General Landscaping Fund**

Carryover from 2020/21: \$1,580.  
 Allocation for 2021/22: \$25,430.  
 Balance as at 10 January 2022: \$27,010.

The Board noted that G Stephens (Design and Planning Team Leader) would speak to the Board regarding the General Landscaping Fund in March 2022.

## 14. **MEDIA ITEMS**

Nil.

## 15. **QUESTIONS UNDER STANDING ORDERS**

Nil.

## 16. **URGENT GENERAL BUSINESS UNDER STANDING ORDERS**

Nil.

<p><b>Workshop</b> (8.10 – 8.15pm)</p> <ul style="list-style-type: none"> <li>• <i>Members Forum</i> <i>Recycling for north of the Ashley River.</i></li> </ul>
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## **NEXT MEETING**

The next meeting of the Rangiora-Ashley Community Board is scheduled for 7pm, Wednesday 9 March 2022 in the Council Chamber.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 8.15PM.

CONFIRMED

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Chairperson

9 February 2022

Unconfirmed

**AGENDA FOR THE MEETING OF THE WOODEND-SEFTON COMMUNITY BOARD TO BE HELD AT SEFTON PUBLIC HALL, 591 UPPER SEFTON ROAD, SEFTON ON TUESDAY 15 FEBRUARY AT 6.00PM.**

**PRESENT**

S Powell (Chairperson), A Thompson (Deputy Chairperson), J Archer, M Paterson and P Redmond.

**IN ATTENDANCE**

S Markham (Manager Strategic Projects), S Binder (Transport Engineer), T Kunkel (Governance Team Leader) and C Fowler-Jenkins (Governance Support Officer)

**1 APOLOGIES**

Moved: J Archer                      Seconded: P Redmond

THAT apologies for absence be received and sustained from S Stewart and A Allen.

**CARRIED**

**2 CONFLICTS OF INTEREST**

There were no conflicts of interest declared.

**3 ACKNOWLEDGEMENTS**

3.2 **New Year's Honour – Peter Simpson, resident of Woodend, awarded the NZ Order of Merit for services to education.**

**4 CONFIRMATION MINUTES**

4.1 **Minutes of the Woodend-Sefton Community Board – 13 December 2021**

Moved: M Paterson                      Seconded: J Archer

THAT the Woodend-Sefton Community Board:

- (a) **Confirms**, as a true and accurate record, the circulated Minutes of the Woodend-Sefton Community Board meeting, held on 13 December 2021.

**CARRIED**

4.2 **Matters Arising**

Nil.

**5 DEPUTATIONS AND PRESENTATIONS FROM THE COMMUNITY**

Nil.

**6 ADJOURNED BUSINESS**

Nil.

## 7 REPORTS

### 7.1 Vaughan Street, Sefton – Approval of No-Stopping Restriction – Shane Binder (Transport Engineer)

S Binder spoke to the report noting the Vaughan Street had recently been through some urbanisation with the development on the west side, the sealed carriage way was four metres between the new kerb and channel and the hedge which was tight to be allowing both travelling and on street parking so staff were looking for a recommendation to restrict parking on the new sealed road.

J Archer asked what the condition of the road reserve was like and on the kerb side how much room was there. S Binder noted that it was somewhere in the vicinity of four to five metres. J Archer asked why a drop kerb was not installed to allow for parking as there was enough room. S Binder explained that the history of the development was before his time at the Council. He noted that there was space behind the kerb to put in parking however there would be a substantial cost to taking out the kerb and putting in a new kerb and parking.

P Redmond noted he had driven along the street and staff were right, it was not wide enough. He wondered in recommendation (c) it noted that staff had not consulted the property owners but they would give them a notice after the no parking was approved. He asked if staff would normally talk to the property owners first. S Binder noted that typically staff would like to give as much notice as possible however because they were constrained with space on the street so there were not a lot of options that did not have a large time commitment or fiscal cost and there was concern because of the narrow carriage way that staff should be implementing something sooner rather than later.

M Paterson noted that in the summary of the report it noted that concerns were raised by the residents of Vaughan Street. He asked how many residents raised it. S Binder noted the request came from a service request. M Paterson noted the matter had been raised by some residents.

A Thompson noted that in a practical sense there was only one option, it was a nuisance but there was just no room on the street to put anything more than having cars go one way. He thought it would be good if it were possible to let the four residents know given the concerns raised this seemed to be the only option.

Moved: S Powell                      Seconded: M Paterson

**THAT** the Woodend-Sefton Community Board:

(a) **Receives** Report No. 220201012278.

**And**

**Recommends** that the Utilities and Roading Committee:

(b) **Approves** in principle installation of the following no-stopping restriction on Vaughan Street subject to engagement with the residents of Vaughan Street:

- i. For 120m length north of Cross Street on the west side.
- ii. For 105m length north of Cross Street on the east side.

(c) **Notes** that staff have not consulted with property owners, but an information notice explaining the need for parking restrictions will be distributed to all residences prior to any works being undertaken.

**CARRIED**



S Powell commented that she had also driven down the street and there was a ute parked two wheels up on the kerb which was ok but if it had been properly parked it would block the road.

## 7.2 Pembertons Road Speed Review, Shane Binder – Transportation Engineer

S Binder spoke to the report it was in response from a request by the Board to look at speed limits and existing speeds on both Upper Sefton Road and Pembertons Road and also at the infrastructure around the speed limit change down from 100km/h to 70km/h at the north end of Pembertons Road as it came into Sefton. He noted along Pembertons Road the speeds it was unfortunate the speed limit change was downgraded which was not topographically helping people slow down but there was not a lot of wiggle room as to where they could change the thresholds within the regulatory framework for speed limits. It was therefore staff's recommendation based on the speed limits they saw on Pembertons Road further down in Sefton to meet that speed limit threshold where it was and by association leave the 100km/h speed zone north and the 70km/h speed zone to the south. Upper Sefton Road was included in the last round of speed limit consultation and had been through the Board and approved by Council, the physical changing of signs was a very slow process so it would be sometime before they were changed, on Upper Sefton Road the change to 60km/h, the regulatory hoops had been jumped through so it was in progress.

J Archer asked what the speed limit was going to be outside Sefton School. S Binder noted that it would be 60km/h, however there was an initiative from Central Government that should take place at the end of 2022 in revisions of the setting of speed limits rule that would be requiring Council to look at 40km/h to 60km/h speed limits outside of schools.

S Powell noted the Board had asked about a variable speed sign outside Sefton School during school drop off and pick up times. Because there was a lack of footpath and was very close to that end of town where the speed limit changed to 100km/h. S Binder noted the other major part of the change of the setting of speed limit rule was going to be this paradigm shift, essentially staff would be charged with creating a speed management plan for every road in the district instead of the previous notion that it was a de facto 100km/h speed limit in rural settings and a 50km/h speed limit in urban settings and you had to come up with a case to change the speed limit. Going forward the speed management plan would look at every road and adjusting it based on the well thought out process in place for a number of years. The outcomes of this was a massive effort the Councils roading team had to uptake to be looking at a lot of roads and changing speed limits and also looking at the infrastructure.

S Powell noted that a resident had raised on Pembertons Road around moving the 50km/h speed sign and if it would be possible to paint a 50km/h speed limit sign on the road because there were a lot of children that crossed the road there and perhaps some signage around children crossing, she asked if that had been looked at by staff. S Binder noted that staff had received the service request and as a result staff ended up putting two larger speed limit signs for the transition at the top of the township.

P Redmond asked under the minor safety improvements programme would variable speed signs outside the school be a possibility because the Council did expect funding would be available in the next financial year for minor safety including school safety projects. S Binder noted he would have to confirm with K Graham (Journey Planner/Road Safety Coordinator).

Moved: P Redmond

Seconded: A Thompson

**THAT** the Woodend-Sefton Community Board:

- (a) **Receives** Report No. 220110001886.

- (b) **Notes** that speed data in Sefton Township was collected in early 2021, followed by minor infrastructure changes carried out shortly thereafter, and speed limit changes on Upper Sefton Road were consulted upon and approved later in 2021. Speed data will continue to be regularly collected by the Council and used for periodic speed reviews.
- (c) **Notes** that the existing speed data and speed limit have been reviewed and are considered to be safe and appropriate as currently set.

**CARRIED**

A Thompson commented it was good to have the numbers and the surveys that had been done. He imagined staff did not know what the installation of the bigger 50km/h speed signs had done but they were certainly clear.

S Powell thought the bigger speed signs were good but she had concerns around where the children were crossing the road, it was unfortunate that the speed limit change was downhill but the Board knew from other towns in their ward area that it was the locals that were speeding.

### 7.3 **Conflict of Interest Register – Kay Rabe (Governance Advisor)**

T Kunkel spoke to the report noting it was the annual report the Board received to request members to update the conflicts of interest register.

A Thompson asked if anything had changed in terms of the rules. T Kunkel noted there was a new bill out, the Pecuniary Interests Bill where members would be expected to declare everything and if they did not there would be a fine. The purpose was to streamline Local Government to be more like Central Government. S Markham noted some of the issues around the bill were how much should apply to Community Board Members and how much should apply to partners.

Moved: M Paterson

Seconded: A Thompson

**THAT** the Woodend-Sefton Community Board:

- (a) **Receives** report No. 211220203040.
- (b) **Notes** a Register of Interests will be republished in the Woodend-Sefton Community Board's March 2022 agenda and on the Council website.
- (c) **Notes** amendments can be made at any time by notification to the Governance Manager.
- (d) **Notes** the Register will be next reviewed when legislation changes occur or in November 2022 (whichever is soonest).

**CARRIED**

## 8 **CORRESPONDENCE**

### 8.1 **J Rosewarne - Petries Road Speed Limit Signage**

### 8.2 **J Corr - Sefton Speed Limits**

Moved: A Thompson

Seconded: M Paterson

**THAT** the Woodend-Sefton Community Board:

- (a) **Receives** the letter from J Rosewarne regarding speed limit signage on Petries Road (Trim 211214199505).
- (b) **Receives** the letter from J Corr regarding speed limits in Sefton (Trim 220131011097).

**CARRIED**

## 9 CHAIRPERSON'S REPORT

### 9.1 Chairperson's Report for December 2021 and January 2022

- Had a catch-up with Chris Simpson from Templeton Group talking about the Pegasus Lake trial update. Trial should be starting winter 2022.
- Had a catch-up with G MacLeod (Community Greenspace manager) around the year ahead and the upcoming projects.
- Had two interviews with the North Canterbury News.
- Received a few minor complaints from Pegasus residents around street tree maintenance.
- There had been quite a lot of vandalism over the Christmas break, particularly around Pegasus. The toilets at Pegasus Beach had to be closed for two days because some of the toilet fittings had been stolen. The gate down to the beach had been taken off and had to be replaced, the shade sails at the beach had been damaged. Council staff were very good with their response and getting them fixed.

Moved: S Powell

Seconded: J Archer

**THAT** the Woodend-Sefton Community Board:

- (a) **Receives** the verbal report from the Woodend-Sefton Community Board Chairperson.

**CARRIED**

## 10 MATTERS FOR INFORMATION

- 10.1 Oxford-Ohoka Community Board Meeting Minutes 9 December 2021 (Trim 211210198331)
- 10.2 Rangiora-Ashley Community Board Meeting Minutes 8 December 2021 (Trim 211207195208)
- 10.3 Kaiapoi-Tuahiwi Community Board Meeting Minutes 13 December 2021 (Trim 211214199976)
- 10.4 Elected Member Expense Policy Update – Report to Council Meeting 7 December 2021 (Trim 211126189433) – Circulates to all Community Boards
- 10.5 Annual Development Activity Score Card 1 July 2020 – 30 June 2021 – Report to District Planning and Regulation Committee 14 December 2021 (Trim 211019168698) – Circulates to all Community Boards
- 10.6 Library Update to 2 December 2021 – Report to Community and Recreation Committee 14 December 2021 (Trim 211202193317) – Circulates to all Community Boards
- 10.7 Te Kōhaka Trust 2021/22 Promotions Business Plan – Report to Audit and Risk Committee 16 November 2021 (Trim 211109180060) – Circulates to all Community Boards
- 10.8 Promotion of Waimakariri District Business Plan Report, Draft Annual Report and unaudited accounts for Enterprise North Canterbury for the Year Ended 30 June 2021 – Report to Audit and Risk Committee 16 November 2021 (Trim 211110180379) – Circulates to all Community Boards.
- 10.9 Submission to Waste Strategy and Legislation Consultation: Closing 26 November 2021 – Report to Utilities and Roading Committee 16 November 2021 (Trim 211019168795) – Circulates to all Community Boards.
- 10.10 Library update to 2<sup>nd</sup> December 2021 – Report to Community and Recreation Committee 14 December 2021 (Trim 211202193317) – Circulates to all Community Boards.

Moved: P Redmond

Seconded: M Paterson

**THAT** the Woodend-Sefton Community Board:

- (a) **Receives** the information in Items 10.1 to 10.10

**CARRIED**

## **11 MEMBERS' INFORMATION EXCHANGE**

### **A Thompson**

- Slight unease but understanding of Greenspaces struggle to proceed with various things, in particular the Waikuku Beach master plan, which had come about because there had been various parties ask for space, the beach volleyball and the pump track. S Powell noted that the Greenspace team were down in staff numbers which had made it difficult to get the projects started.
- Exchange around the defibrillator at Waikuku Beach and the batteries needed replacing ever two years at a cost of \$250. They could apply for a Board grant for the cost of the batteries.

### **M Paterson**

- Thought that Snap, Send, Solve was particularly good. Did one for the Woodend Beach track as the undergrowth was getting unruly and there was gorse growing on both sides.

### **P Redmond**

- Annual Plan Budget Meeting – indicative rate increase of 4.3% and the Long Term Plan had indicated a 4.2% increase. The engineers were struggling to deliver the capital programme because of resourcing and covid.
- Three Waters – Mayor Gordon was the Deputy Chair of Communities for Local Democracy, a group currently of 27 Councils, they were now talking with the Government.
- Sefton Library – the proceedings had been drafted and were forwarded to Crown Law last year, nothing had happened since October because they had been inundated with Covid matters.

## **12 CONSULTATION PROJECTS**

### **12.1 Gambling**

<https://letstalk.waimakariri.govt.nz/let-s-talk-about-gambling>

Consultation closes Monday 21 February 2022.

### **12.2 E-Scooters**

<https://letstalk.waimakariri.govt.nz/e-scooter-trial>

Consultation will run throughout the trial and closes in April 2022.

The Board noted the consultation projects.

## **13 BOARD FUNDING UPDATE**

### **13.1 Board Discretionary Grant**

Balance as at 9 February 2022: \$5,480.

### **13.2 General Landscaping Fund**

Balance as at 9 February 2022: \$12,710.

The Board noted the funding update.

## **14 MEDIA ITEMS**

Nil.

15 **QUESTIONS UNDER STANDING ORDERS**

Nil.

16 **URGENT GENERAL BUSINESS UNDER STANDING ORDERS**

Nil.

**NEXT MEETING**

The next meeting of the Woodend-Sefton Community Board will be held at the Woodend Community Centre, School Road, Woodend on Monday 14 March 2022 at 6pm.

<b>Workshop</b>
<ul style="list-style-type: none"> <li>• <i>Members Forum</i></li> </ul>

THERE BEING NO FURTHER BUSINESS THE MEETING CONCLUDED AT 7.22pm.

CONFIRMED

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date